CODE OF ORDINANCES
City of
NEW BRITAIN, CONNECTICUT

Codified through
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(Supplement No. 28)

Preliminaries

CODE OF ORDINANCES
CITY OF
NEW BRITAIN, CONNECTICUT

GENERAL ORDINANCES

Published by Municipal Code Corporation

Tallahassee, Florida 1984

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of the
CITY OF
NEW BRITAIN, CONNECTICUT
AT THE TIME OF THIS CODIFICATION

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President Pro Tempore

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Majority Leader

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_____William J. McNamara
Mayor

_____

Richard T. Murphy
City Clerk

_____

Edward T. Lynch, Jr.
Corporation Counsel

PREFACE

This Code is a codification of the ordinances of New Britain of a general and permanent nature.

The chapters of the Code are arranged in alphabetical order and the sections within each chapter are catchlined to facilitate usage. The source of each section is included in the history note appearing in parentheses at the end thereof. The absence of such a note indicates that the section is new and was adopted for the first time with the adoption of the Code. By use of the Comparative Tables appearing in the back of the volume, any ordinance included herein can be readily found in the Code. Footnotes which tie related sections of the Code together and which refer to relevant provisions of the state law have been included. A table listing the state law citations and setting forth their location within the Code is included at the back of this volume.

Numbering System

The numbering system used in this Code is the same system used in many state and local government codes. Each section number consists of two (2) component parts separated by a dash, the figure before the dash representing the chapter number and the figure after the dash indicating the position of the section within the chapter. Thus, the first section of Chapter 1 is numbered 1-1 and the sixteenth section of Chapter 8 is 8-16. Under the system, each section is identified with its chapter, and, at the same time, new sections or even whole chapters can be inserted in their proper places, simply by using the decimal system for amendments. By way of illustration: If new material consisting of three (3) sections that would logically come between sections 8-2 and 8-3 is desired to be added, such new sections would be numbered 8-2.1, 8-2.2 and 8-2.3 respectively. New chapters may be included in the same manner. If the new material is to be included between Chapters 11 and 12 it will be designated as Chapter 11.5. Care should be taken that the alphabetical arrangement of chapters is maintained when including new chapters. New articles and new divisions may be included in

the same way or, in the case of articles, may be placed at the end of the chapter embracing the subject, and, in the case of divisions, may be placed at the end of the article embracing the subject, the next successive number being assigned to the article or division.

Index

The index of the Code has been prepared with the greatest of care. Each particular item has been placed under several headings, some of the headings being couched in lay phraseology, others in legal terminology, and still others in language generally used by municipal officials and employees. There are numerous cross references within the index itself which stand as guideposts to direct the user to the particular item in which he is interested.

Looseleaf Supplements

A special feature of this Code is the looseleaf system of binding and supplemental service, by which the Code will be kept up-to-date periodically. Upon the final passage of amendatory ordinances, they will be properly edited and the page or pages affected will be reprinted. These new pages will be distributed to holders of copies of the Code, with instructions for the manner of inserting the new pages and deleting the obsolete pages.

The successful maintenance of this Code up-to-date at all times will depend largely upon the holder of the volume. As revised sheets are received it will then become the responsibility of the holder to have the amendments inserted according to the attached instructions. It is strongly recommended by the publishers that all such amendments be inserted immediately upon receipt to avoid misplacing them and, in addition, that all deleted pages be saved and filed for historical reference purposes.

Acknowledgments

The publication of this Code was under direct supervision of George R. Langford, President, and James S. Vaught, Editor, of the Municipal Code Corporation, Tallahassee, Florida. Credit is gratefully given to the other members of the publisher's staff for their sincere interest and able assistance throughout the project.

The publishers are most grateful to Ms. Anita D. Cobb, Assistant Corporation Counsel, and Mr. John J. Grady, Clerk of Committees, for their cooperation and assistance during the progress of the work on this Code. It is hoped that their efforts and those of the publishers have resulted in a Code of Ordinances which will make the active law of the town readily accessible to all citizens and which will be a valuable tool in the day-to-day administration of the city's affairs.

TABLE INSET:

	MUNICIPAL CODE CORPORATION
	Tallahassee, Florida

ADOPTING ORDINANCE

Be It Ordained by the Common Council of the City of New Britain:

Section 1. The Code of Ordinances, consisting of Chapters 1 to 24, each inclusive, is hereby adopted and enacted as the "Code of Ordinances, City of New Britain," which Code shall supersede all general and permanent ordinances of the City adopted on or before September 21, 1983, to the extent provided in Section 2 hereof.

Section 2. All provisions of such Code shall be in full force and effect from and after October 1, 1984, and all conflicting provisions of ordinances of a general and permanent nature enacted on final passage on or before September 21, 1983, and not included in such Code or recognized and continued in force by reference therein are hereby repealed from after the effective date of such Code.

Section 3. Any person convicted of a violation of such Code shall be punished as prescribed in Section 1-15 thereof, or as provided in any other applicable section of such Code.

Section 4. Any and all additions and amendments to such Code, when passed in such form as t indicate the intention of the City to make the same a part of such Code, shall be deemed to be incorporated in such Code, so that reference to such Code shall be understood and intended to include such additions and amendments.

Section 5. In case of the amendment of any section of the Code for which a penalty is not provided, the general penalty as provided in Section 1-15 of such Code shall apply to the section as amended, or in case such amendment contains provisions for which a penalty, other than the aforementioned general penalty, is provided in another section in the same chapter, the penalty so provided in such other section shall be held to relate to the section so amended, unless such penalty is specifically repealed therein.

Section 6. Any ordinance adopted after September 21, 1983, which amends or refers to ordinances which have been codified in such Code, shall be construed as if they amend or refer to like provisions of such Code.

Section 7. All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

Section 8. This ordinance and the Code adopted hereby shall become effective October 1, 1984.

Richard T. Murphy

_____

City Clerk

William J. McNamara

_____

Mayor

September 21, 1984

CODE OF ORDINANCES

Chapter 1 GENERAL PROVISIONS*

_____

***State law references:** Municipal powers generally, G.S. § 7-148; powers of municipalities, G.S. § 7-194; municipal charters and special acts, G.S. §§ 7-187--7-201; municipal ordinances and regulations generally, G.S. §§ 7-148--7-186; scope of municipal ordinances, G.S. § 7-148.

Sec. 1-1. How Code designated and cited.

The ordinances embraced in the following chapters and sections shall constitute and be designated the "Code of Ordinances, City of New Britain, Connecticut," and may be so cited.

Sec. 1-2. Rules of construction and definitions.

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

Business. "Business" includes businesses, professions, trades and occupations, and all and every kind of calling.

City. "City" shall mean the City of New Britain or the area within the territorial city limits of the city and such territory outside of this city over which the city has jurisdiction or control by virtue of any constitutional or charter provisions, or any law.

Common council. The term "common council" or "the council" shall mean the common council of the City of New Britain.

County. The words "the county" or "this county" shall mean the County of Hartford, in the State of Connecticut.

Engage in. "Engage in" includes commence, engage in, carry on, conduct, maintain, manage and operate.

Gender. The use of any gender shall include the other genders.

Goods. "Goods" includes wares or merchandise.

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.

Keeper and proprietor. The words "keeper" and "proprietor" shall mean and include persons, firms, associations, corporations, clubs, copartnerships and joint venturers, whether acting by themselves or through a servant, agent or employee.

License fee. "License fee" shall include any charge imposed for a license, whether the object be regulation or revenue, or both regulation and revenue, but when applied to any business, profession, occupation, trade or calling regulated by the state as a matter of statewide concern the object shall be revenue only.

Number. The use of the singular shall include the plural and the use of the plural shall include the singular.

Oath. "Oath" includes an affirmation.

Office. "Office" shall mean the use of the title of any officer, employee or office of the city, unless otherwise specifically designated.

Officers, employees. The title of any officer or employee used herein shall be construed as if the words "of the city" followed it, and shall include his duly authorized representative.

Operate. "Operate" includes carry on, keep, conduct, maintain or manage.

Owner. "Owner," when applied to a building or land, shall include any part owner, joint owner, or owner of a community or partnership interest, life tenant, tenant in common, or joint tenant, of the whole or a part of such building or land.

Person. "Person" shall mean natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business trust, organization, or the manager, lessee, agent, servant, officer or employee of any of them, and shall include all political subdivisions and governmental agencies (except the United States of America and the state), and every department of such political subdivisions, together with every officer and employee thereof while working in the course of his employment.

Personal property shall include every species of property except real property as herein defined.

Property. The word "property" shall include real and personal property.

Public place. The term "public place" shall include any and all streets, highways and boulevards, alleys or other publicly owned or controlled ways and any and all publicly owned or controlled parks, squares, spaces, grounds and buildings.

Real property shall include lands, tenements and hereditaments.

Sale. "Sale" includes any sale, exchange, barter or offer for sale.

Shall, may, must. "Shall" and "must" are mandatory; "may" is permissive.

Sidewalk. The word "sidewalk" shall mean the paved portion of a street between the street right-of-way and the adjacent property line, intended for the use of pedestrians.

State. The words "the state" or "this state" shall mean the State of Connecticut.

State law, general law or *general statutes* shall refer to the General Statutes of Connecticut, Revision of 1958, as amended.

Street. "Street" shall mean the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular or pedestrian travel, including, but not limited to, alleys, lanes, courts, greens, public squares and places, and sidewalks.

Tenant, occupant. The word "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.

Tense. Words used in the past or present tense include the future as well as the past and present.

Vote, approval or consent. Except as may be otherwise provided in connection

therewith, the phrase "vote, approval or consent" of the council or other body shall mean the affirmative vote of a majority of those members present at a meeting having a quorum in attendance. Whenever such phrase refers to the members of the council or other body rather than to the council or body as such, the vote required shall be in relation to the total membership rather than to those present at the meeting.

Writing. "Writing" includes any form of recorded message capable of comprehension by ordinary visual means.

In the construction of this Code of Ordinances, except as otherwise provided in this Code of Ordinances, words and phrases shall be construed according to the common usage of the language and according to the general statutes; technical words and phrases, and such as have acquired a peculiar and appropriate meaning in the law, shall be construed and understood accordingly.

State law references: Rules of construction of terms used in the General Statutes 1-1.

Sec. 1-3. Effect of Code on prior actions and obligations.

Neither the adoption of this Code nor the repeal hereby of any ordinance of this city 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 such effective date due and 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 thereof appertaining shall continue in full force and effect.

(Code 1970, § 1-2)

Sec. 1-4. Interpretation of section numbers.

In reading a section number from left to right, the digit or digits to the left of the dash shall designate the chapter number of this Code. The digits to the right of the dash shall indicate the section number in such chapter. Figures to the right of a decimal point shall indicate new sections or chapters inserted between existing sections or chapters, as the case may be. The decimal system shall be used in maintaining the numerical order of such sections and chapters.

(Code 1970, § 1-28)

Sec. 1-5. Headings of sections.

The headings of the several sections of this Code printed in boldface type are intended to indicate the contents of the sections and shall not be deemed or taken to be titles of such sections, nor as any part of the sections, nor, unless expressly so provided, shall they be so deemed when any of such sections, including the headings, are amended or reenacted.

The headings of chapters, articles, divisions and sections contained in this Code shall

not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any chapter, article, division or section hereof.

(Code 1970, § 1-15)

Sec. 1-6. Effect of repeal of ordinances.

The repeal of an ordinance shall not revive any ordinances in force before or at the time the ordinance repealed took effect.

The repeal of an ordinance shall not affect any punishment or penalty incurred before the repeal took effect, nor any suit, prosecution or proceeding pending at the time of the repeal, for an offense committed under the ordinance repealed.

Sec. 1-7. Validity and severability.

If any section, subsection, sentence, clause or phrase of this Code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Code. The council hereby declares that it would have passed this Code, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases had been declared invalid or unconstitutional, and if for any reason this Code or any part thereof should be declared invalid or unconstitutional, then the original ordinance or ordinances which such Code or part thereof supersedes shall be in full force and effect.

(Code 1970, § 1-4)

Sec. 1-8. Altering Code.

It shall be unlawful for any person to change or amend by additions or deletions, any part of this Code of Ordinances or any ordinance of the city or to insert or delete pages or portions thereof, or to alter or tamper with such Code in any manner whatsoever with intent that any provision of this Code or other ordinance of the city shall be misrepresented or with intent to commit a fraud thereby.

Sec. 1-9. Referral of ordinances to corporation counsel for legal opinion.

No ordinance shall be approved or amended by the common council except after having been referred to the corporation counsel for an opinion as to its legality. The opinion of the corporation counsel of the proposed ordinance or amendment shall be advisory only.

(Code 1970, § 1-9)

Charter references: Corporation counsel, § 1501 et seq.

Sec. 1-10. Publication of ordinances.

No ordinance shall be operative until it has been published. Publication shall be sufficient if made pursuant to section 4-8 of the Charter.

(Code 1970, § 1-10; Ord. of 7-01)

Sec. 1-11. Preservation of ordinances.

Except as otherwise directed by the common council, the city clerk may publish ordinances in either of the methods set forth in section 1-10. One copy as published shall be deposited and thereafter kept in the office of the city clerk, who shall annex thereto a certificate under the city clerk's hand and seal of the city that the ordinances therein contained are the ordinances of the city, and such copy shall be preserved as an authentic record of such ordinances.

(Code 1970, § 1-11; Ord. of 7-01)

Sec. 1-12. Notices; service and proof.

Whenever a notice is required to be given under this Code, unless different provisions herein are otherwise specifically made, such notice may be given either by personal delivery thereof to the person to be notified or by deposit in the United States Mail in a sealed envelope, postage prepaid, addressed to such 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 to which such notice is directed. Service by mail shall be deemed to have been completed at the time of deposit in the post office, or any United States mailbox. Proof of giving any notice may be made by the certificate of any officer or employee of this city or by affidavit of any person over the age of eighteen (18) years, which shows service in conformity with this Code or other provisions of law applicable to the subject matter concerned.

(Code 1970, § 1-25)

Sec. 1-13. Supplementation of Code.

(a) By contract or by city personnel, supplements to this Code shall be prepared and printed whenever authorized or directed by the common council. A supplement to the Code shall include all substantive permanent and general parts of ordinances passed by the common council during the period covered by the supplement and all changes made thereby in the Code. The pages of a supplement shall be so numbered that they will fit properly into the Code and will, where necessary, replace pages which have become obsolete or partially obsolete, and the new pages shall be so prepared that, when they have been inserted, the Code will be current through the date of the adoption of the latest ordinance included in the supplement.

(b) In preparing a supplement to this Code, all portions of the Code which have been repealed shall be excluded from the Code by the omission thereof from reprinted pages.

(c) When preparing a supplement to this Code, the codifier (meaning the person, agency or organization authorized to prepare the supplement) may make formal, nonsubstantive changes in ordinances and parts of ordinances included in the supplement, insofar as it is necessary to do so to embody them into the unified Code. For example, the codifier may:

(1) Organize the ordinance material into appropriate subdivisions;

(2) Provide appropriate headings and titles for sections and other subdivisions of the Code printed in the supplement, and make changes in such headings and titles;

(3) Assign appropriate numbers to sections and other subdivisions to be inserted in the Code and, where necessary to accommodate new material, change existing or other subdivision numbers;

(4) Change the words "this ordinance" or words of the same meaning to "this chapter," "this article," "this division," etc., as the case may be, or to "sections _____ to _____" (inserting section numbers to indicate the sections of the Code which embody the substantive sections of the ordinance incorporated into the Code); and

(5) Make other nonsubstantive changes necessary to preserve the original meaning of ordinance sections inserted into the Code; but, in no case shall the codifier make any change in the meaning or effect of ordinance material included in the supplement or already embodied in the Code.

(d) The city clerk shall cause copies of each and every such reprint to be distributed to each distributee and to every purchaser of the Code who has ordered and paid for maintenance service.

(Code 1970, § 1-14)

Sec. 1-14. Reports, etc., required by Code to be in English.

All notices, reports, statements, applications or records required or authorized by this Code shall be made in writing in the American-English language.

(Ord. of 9-74)

Sec. 1-15. General penalty.

Whenever in this Code or any other ordinance of the city, or rule or regulation promulgated by any officer thereof under authority vested in him by law or ordinance, any act is prohibited or is declared to be unlawful or an offense, or 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, the violation of such ordinance, rule or regulation shall be punished by a fine not exceeding ninety dollars ($90.00). Each day any such violation shall continue shall constitute a separate offense.

The imposition of any punishment hereunder shall not prevent the enforced abatement of any unlawful condition by the city.

In all cases where the same offense is made punishable or is created by different clauses or sections of this Code, the corporation counsel may elect under which to proceed; but not more than one (1) recovery shall be had against the same person for the same offense.

Any condition caused or permitted to exist in violation of any of the provisions of this Code, officially designated as such and each day that such condition continues shall be regarded as a new and separate offense.

(Code 1970, §§ 1--7, 1-8; Ord. of 5-86; Ord. No. 28269-2, 11-18-04)

Cross references: Offenses and miscellaneous provisions, Ch. 16; police, Ch. 20.

State law references: Penalty limitations, G.S. 7-148.

Sec. 1-16. Certain ordinances not affected by Code.

Nothing in this Code or the ordinance adopting this Code shall be construed to repeal or otherwise affect the validity of any of the following:

(1) Any ordinance promising or guaranteeing the payment of money for the city, or any evidence of the city's indebtedness;

(2) Any appropriation ordinance or ordinance providing for the levy of taxes or for an annual budget;

(3) Any ordinance annexing territory to the city or excluding territory as a part of the city;

(4) Any ordinance granting any franchise, permit or other right;

(5) Any zoning ordinance;

(6) Any subdivision ordinance;

(7) Any ordinance creating a special services district;

(8) Any ordinance approving, authorizing or otherwise relating to any contract, agreement, lease, deed or other instrument;

(9) Any ordinance adopting a preliminary plan or development plan;

(10) Any temporary or special ordinance;

(11) Any ordinance enacted after September 21, 1983;

and all such ordinances are hereby recognized as continuing in full force and effect to the same extent as if set out at length herein.

Sec. 1-17. Procedure for enforcement of municipal ordinances.

(a) *Appointment of hearing officers.* In accordance with section 7-152c of the General Statutes, the following procedure is established for the enforcement of citations for violation of the ordinances of the City of New Britain. This section shall not apply to existing sections of the Code of Ordinances which already have an appeal or hearing procedure contained therein. The mayor as the chief executive officer of the city is hereby authorized to appoint a committee of no less than three (3) hearing officers to conduct hearings as authorized by this article. No such hearing officer shall be a police officer, or employees or persons who issue citations. No such hearing officer or person

working under the direction of such hearing officer may otherwise directly or indirectly engage in the private business of collecting the fines, assessments or judgments imposed hereunder. All such citation hearing officers shall serve for a term of two (2) years.

(b) *Notice to persons issued citations.* Within twelve (12) months from the expiration of the final period for the uncontested payment of fines, penalties, costs or fees for any citation issued under any ordinance adopted pursuant to section 7-148 of the General Statutes, the finance director shall send notice to inform the person cited by first class mail at his address according to the registration records of the State of Connecticut Department of Motor Vehicles. Such notice shall inform the person cited:

(1) Of the allegation against him and the amount of the fines, penalties, and costs of fees due;

(2) That he/she may contest his/her liability before a citation hearing officer by delivering in person or by mail written notice within ten (10) days of the date thereof;

(3) That if he/she does not demand such a hearing, an assessment and judgment shall enter against him/her; and

(4) That such judgment may issue without further notice.

(c) *Admission of citation violation.* If the person receiving the notice required pursuant to subsection 1-17(b) hereof does not either (a) pay the full amount of the fines, penalties, costs or fees without requesting a hearing, or (b) request a hearing as provided herein, within ten (10) days after the date of such notice, such person shall be deemed to have admitted liability and the finance director 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 ordinance and shall follow the procedures set forth herein. If the person who is sent notice pursuant to subsection 1-17(b) wishes to admit liability for any alleged violation, he/she may, without requesting a hearing, pay the full amount of the fines, penalties, costs or fees admitted to in person or by mail to the finance director. Such payment shall be inadmissible in any proceeding, civil or criminal, to establish the conduct of such person or other person making the payment.

(d) *Appeal process.* Any person receiving a notice pursuant to subsection 1-17(b) of this article may request a hearing by mailing or delivering such request in writing to the hearing officer at the place designated within ten (10) days after the date of such notice. The chair of the hearing committee shall promptly schedule a hearing and give notice of the date, time and place of such hearing to the person requesting it. Such hearing shall be held not less than fifteen (15) nor more than thirty (30) days from the date of the mailing of notice, provided the chair of the hearing committee shall grant any reasonable request by any interested party for postponement or continuance upon good cause shown. An original certified copy of the initial notice of citation issued by the police officer or other issuing officer or employee shall be filed and retained by the city, and shall be deemed to be a business record within the scope of section 52-180 [of the General Statutes] and evidence of the facts contained therein. The presence of the policeman or issuing officer or employee shall be required at the hearing if the

person requesting the hearing so requests. A designated city official or employee, other than a hearing officer, may present evidence on behalf of the city. If such person fails to appear at a hearing, the presiding hearing officer may enter an assessment of default against him/her, in the amount of the fines, penalties, costs or fees provided for by the applicable ordinance. The hearing committee may accept from such person copies of police reports, investigatory and citation reports, and other official documents by mail and may determine thereby that the appearance of such person is unnecessary. The hearing officer shall conduct the hearing in the order and form and with such methods of proof as he/she deems fair and appropriate. The rules regarding the admissibility of evidence shall not be strictly applied, but all testimony shall be given under oath or affirmation.

(e) *Decision of hearing officer; failure to pay assessment.* The hearing committee presiding at any hearing convened in accordance with the provisions of this article shall announce his/her decision at the end of the hearing. If the hearing committee determines the person is not liable, they shall dismiss the matter and enter their determination in writing accordingly provided however, that any decision may not provide a waiver of compliance with any municipal ordinance. If the hearing committee determines the person is liable for the violation, they shall forthwith enter and assess the fines, penalties, costs or fees against such person as provided by the applicable ordinance.

If such assessment is not paid on the date of its entry, the chair of the hearing committee shall send by first class mail a notice of assessment to the person found liable and shall file, not less than thirty (30) days nor more than twelve (12) months after such mailing, a certified copy of the notice or assessment with the clerk of a superior court facility designated by the chief court administrator, together with an entry fee of eight dollars ($8.00), or such other amount as may from time to time be required by law, and request that said clerk enter judgment against such person in favor of the City of New Britain as provided in this article. The certified copy of the notice of assessment shall constitute a record of assessment. Within such twelve-month 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 of eight dollars ($8.00), against such person in favor of the municipality. Notwithstanding any provision of the general statutes, the hearing committee 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.

(f) *Right to judicial review.* The person against whom an assessment has been entered in accordance with this article is entitled to judicial review by way of appeal. An appeal shall be instituted within thirty (30) days of the mailing of notice of such assessment by filing a petition to reopen assessment, together with an entry fee for a small claims case pursuant to section 52-259 [of the General Statutes], at the superior court facility designated by the chief court administrator, which shall entitle such person to a hearing in accordance with the rules of the judge of the superior court.

(Res. No. 29317-4, 11-8-06)

Chapter 2 ADMINISTRATION*

***Cross references:** Board of fire commissioners, § 8-16 et seq.; fire department, § 8-31 et seq.; flood and erosion control, § 9-21 et seq.; board of health, § 12-21 et seq.; administration and enforcement of housing code, § 13-36 et seq.; traffic committee, § 15-26 et seq.; board of park and recreation commission, § 17-16 et seq.; plan commission, § 19-16 et seq.; conservation commission, § 19-31 et seq.; police department, § 20-21 et seq.; collector of taxes, § 22-26 et seq.; board of water commissioners, § 23-131 et seq.

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ARTICLE I. IN GENERAL

Sec. 2-1. Interference with administrative officers and employees in line of duty.

No person shall disturb, resist, or interfere with any administrative officer or employee of the city in the performance of his duty.

(Code 1970, § 15-15)

Sec. 2-2. Removal or alteration of records; reward.

When any records, correspondence, documents or other data pertaining to municipal activities and affairs vital to the proper conduct of city business are illegally removed or tampered with, the mayor, with the approval of the council, may offer publicly, a reward not exceeding two hundred dollars ($200.00) to the person who gives information leading to the arrest and conviction of the guilty person, which reward shall be paid by the city.

(Code 1970, § 2-4)

State law references: Destruction of documents, G.S. § 7-109.

Sec. 2-3. Date of annual reports.

Whenever any department or agency is required under the provisions of this Code to file an annual report with the mayor and no date has been established as the filing date, such a report shall be filed prior to July first of each year.

(Code 1970, § 2-6)

State law references: Municipal uniform fiscal years, G.S. § 7-381 et seq.

Sec. 2-4. Reports to common council.

Each office, department, commission, board or other agency of the city government shall report, in writing, on all petitions and resolutions referred to it by the common council not later than the second regular monthly meeting of the common council after the date of such referral, unless otherwise specified in such petition or resolution. Such report shall indicate the name of the maker(s), the number, and the general subject of such petition or resolution and shall specify the type of action taken or the reasons, if any, for a delay in action. Any petition or resolution which is delayed, tabled, referred, or in any event not disposed of, shall continue to be reported on until such final disposition, such report to be submitted on a form other than common council printed agenda.

(Code 1970, § 2-7; Ord. of 2-70)

Sec. 2-5. Equipment, material and personnel to be used by city only; exceptions.

(a) *Generally prohibited; exceptions.* No city department shall permit the use of equipment or material owned or leased by the city or of personnel employed and paid by the city for any work or service other than municipal public business where the work or service to be performed is in excess of the value of twenty-five dollars ($25.00), except in cases where one or more of the following conditions exist:

(1) *State of emergency.* The city is in a state of emergency declared by the mayor or other competent authority, and the work or service is necessary to prevent or alleviate damage to persons or property caused by the emergency condition.

(2) *Loan to other governments.* The city is requested to furnish equipment, material or personnel by competent Federal or State government or civil preparedness authorities or by competent authorities of another municipality, for use outside of the city in meeting an emergency condition.

(3) *Only city is equipped.* No private source is available in the vicinity to furnish the needed equipment, material or personnel and the work or service can be performed by the city without substantial interference with or delay to municipal public business and will, if so performed, relieve a substantial hardship, and the city is compensated at a rate comparable to that charged by private sources for the same or similar work or service.

(4) *City's interest involved.* The city has an interest in having the work done in a particular way or by the use of particular equipment or methods and, in the opinion of the department head concerned, this can best be accomplished by the use of municipal equipment, material or labor to be paid for by the private party benefited.

(5) *Violation of standards.* A private party is in violation of some provision of the charter, statutes or ordinances in failing to perform some work or service and the city has a legal right or duty to perform the work or service at the expense of the private party guilty of the violation.

(6) *Incidental benefit.* The benefit to the private party is incidental to the removal of

gravel or other material for the use of the city or is incidental and necessary to the accomplishment of some municipal public purpose.

(b) *Approval of executive required.* The approval of the mayor, or of the executive head of the board, commission or department concerned, shall be required before any use described in paragraph (a) of this section may be made of city personnel or property.

(c) *Report to council.* The executive head of any board, department or commission whose employees or material are used as described in paragraph (a) of this section shall report the details of such use to the council, within two (2) months after the commencement of the work or of the making of an agreement to do it, whichever is earlier. Such report shall describe the work performed, or to be performed, the reason for it, the private party benefited, or to be benefited, and the compensation received, or to be received, by the city.

(Code 1970, § 2-8)

Sec. 2-6. Endorsements required on insurance and bonds.

All contracts of insurance and bonds shall include the following provisions or endorsements:

(1) Loss, if any, to be payable to _____ Treasurer, City of New Britain.

(2) Loss, if any, under this policy shall be adjusted with a committee consisting of: mayor; corporation counsel; and director of finance.

(Code 1970, § 2-303; No. 26768-1, 2-13-02)

Sec. 2-7. Bonds of officials and employees.

The purchasing agent shall procure bonds for all officials and employees who are required to be bonded under the provisions of the general statutes. Such bonds shall conform to the provisions of the general statutes and in the case of the city treasurer and the tax collector shall be in an amount of at least one hundred thousand dollars ($100,000.00).

(Code 1970, § 2-304; Ord. of 7-01)

Sec. 2-8. Smoking policy.

(a) *General policy.*

(1) It is the policy of the city to respect the preferences of both smokers and nonsmokers in the work environment.

(2) When these preferences conflict, the city will try to find a reasonable accommodation such as determining if a ventilation problem exists and correcting it if it does, or by relocating the smoker or nonsmoker as is appropriate and convenient.

(3) When such an accommodation is not possible, smoking will be prohibited in the area where it adversely impacts others.

(b) *Prohibited common areas.*

(1) Smoking is not permitted in unvented confined areas of general access, such as meeting or classrooms, rest rooms, auditoriums, designated conference rooms, library areas, health facilities, public service areas, elevators, hallways, stairwells, and employee lounges.

(2) Smoking is not permitted in areas with sensitive equipment, or where records and supplies would be exposed to hazard from fire, ashes, or smoke.

(3) Smoking is also prohibited where combustible fumes can collect, such as in garage and storage areas, chemical laboratories, and all other areas where occupational safety or health hazards might exist.

(4) At the recommendation of the smoking policy committee and with the approval of the mayor or his designee, other locations where smoking is prohibited may also be designated.

(c) *Smoking restrictions.*

(1) Where work area space is shared by two (2) or more employees, accommodations to individual preference will be made when possible. For example, department heads, when asked, will try to separate smokers and nonsmokers. If accommodations cannot be reached by moving either, or other alternatives are not available, then smoking in the surrounding area will be prohibited. If necessary, the matter may be referred to the personnel director for final decision.

(2) In city vehicles, smoking will be permitted only as long as there is no objection from one or more of the occupants.

(d) *Optional areas.* Employees who have private offices may designate their office as "nonsmoking" or smoking" areas and post them as such with an appropriate sign.

(e) *Visitors.* Visitors will be encouraged to abide by the same smoking rules as employees.

(f) *Conflicts; enforcement.* No one can guarantee that these efforts [these guidelines] will satisfy every person. The city asks both nonsmokers and smokers to be flexible, to respect each other's needs, and to cooperate to resolve conflicts. The department head is responsible for the enforcement of this policy.

(g) *Smoking in City Hall.* Notwithstanding the provisions of subsections (a) through (f), smoking shall be prohibited at all times in all areas of City Hall, 27 West Main Street.

(h) *Penalties* for violation of subsection (g):

(1) Any employee who violates the provisions of subsection (g) shall be subject to disciplinary action as follows:

a. First offense--A verbal warning;

b. Second offense--A written warning;

c. Third offense--Two (2) weeks suspension without pay;

d. Habitual offender--Termination.

(2) Any person who is not an employee and who violates the provision of subsection (g) shall be subject to a fine as provided in section 1-15 for each offense.

(Res. of 2-87; Ord. of 9-92)

Editor's note: Codification of a nonamendatory resolution of February, 1987, as § 2-8 has been at the editor's discretion. The italicized subcatchlines were added by the editor for clarity and to facilitate indexing.

Sec. 2-9. Gender equity.

(a) *Statement of purpose.* The City of New Britain is committed to take all necessary action to foster and support the concept of gender equity and to eradicate the vestiges of customary practices which have failed to give due recognition to the participation of women in public service. It is the intention of the city and the purpose of this section to mandate that gender equity be and is the policy of the City of New Britain.

(b) *Required action.*

(1) All printed material utilized and drafted by the city shall recognize the concept of gender equity by using masculine or feminine gender designations as appropriate.

(2) In addressing female members of the common council, boards, commissions and agencies the appropriate feminine gender title is preferred.

(3) Wherever and whenever appropriate and in all dealing with public officials, employees and members of the public, it shall be the policy and practice of the city to act in accordance with the principles espoused by the concept of gender equity.

(Ord. of 9-93)

Sec. 2-10. Freedom of information.

(a) *Definitions.* As used in this section, the following words and phrases shall have the following meanings, except where such terms are used in a context which clearly indicates the contrary:

(1) *Public agency* or *agency* means:

(A) Any department, board, commission, or official of the City of New Britain, including any committee of, or created by, any such department, board, commission, or official;

(B) The common council or any of its committees; or

(C) Any person to the extent such person is deemed to be the functional equivalent of a public agency pursuant to law.

(2) *Meeting* means any hearing or other proceeding of a public agency, any convening or assembly of a quorum of a multimember public agency, and any communication by or to a quorum of a multimember public agency, whether in person or by means of electronic equipment, to discuss or act upon a matter over which the public agency has supervision, control, jurisdiction or advisory power. "Meeting" does not include: Any meeting of a personnel search committee for executive level employment candidates; any chance meeting, or a social meeting neither planned nor intended for the purpose of discussing matters relating to official business; strategy or negotiations with respect to collective bargaining; a caucus of members of a single political party notwithstanding that such members also constitute a quorum of a public agency; an administrative or staff meeting of a single-member public agency; and communication limited to notice of meetings of any public agency or the agendas thereof. A quorum of the members of a public agency who are present at any event which has been noticed and conducted as a meeting of another public agency under the provisions of the Freedom of Information Act shall not be deemed to be holding a meeting of the public agency of which they are members as a result of their presence at such event.

(3) *Caucus* means:

(A) A convening or assembly of the enrolled members of a single political party who are members of a public agency within the state or a political subdivision, or

(B) The members of a multimember public agency, which members constitute a majority of the membership of the agency, or the other members of the agency who constitute a minority of the membership of the agency, who register their intention to be considered a majority caucus or minority caucus, as the case may be, for the purposes of the Freedom of Information Act, provided:

(i) The registration is made with the office of the town and city clerk;

(ii) No member is registered in more than one (1) caucus at any one (1) time;

(iii) No such member's registration is rescinded during the member's remaining term of office; and

(iv) A member may remain a registered member of the majority caucus or minority caucus regardless of whether the member changes his or her party affiliation.

(4) *Person* means natural person, partnership, corporation, limited liability company, association or society.

(5) *Public records or files* means any recorded data or information relating to the conduct of the public's business prepared, owned, used, received or retained by a public agency, or to which a public agency is entitled to receive a copy by law or contract, whether such data or information be handwritten, typed,

tape-recorded, printed, photostated, photographed or recorded by any other method.

(6) *Executive sessions* means a meeting of a public agency at which the public is excluded for one (1) or more of the following purposes:

(A) Discussion concerning the appointment, employment, performance, evaluation, health or dismissal of a public officer or employee, provided that such individual may require that discussion be held at an open meeting;

(B) Strategy and negotiations with respect to pending claims or pending litigation to which the public agency or a member thereof, because of the member's conduct as a member of such agency, is a party until such litigation or claim has been finally adjudicated or otherwise settled;

(C) Matters concerning security strategy or the deployment of security personnel, or devices affecting public security;

(D) Discussion of the selection of a site or the lease, sale or purchase of real estate by the city when publicity regarding such site, lease, sale, purchase or construction would cause a likelihood of increased price until such time as all of the property has been acquired or all proceedings or transactions concerning same have been terminated or abandoned; and

(E) Discussion of any matter which would result in the disclosure of public records or the information contained therein described in subsection (d)(2) herein.

(7) *Personnel search committee* means a body appointed by a public agency, whose sole purpose is to recommend to the appointing agency a candidate or candidates for an executive-level employment position. Members of a "personnel search committee" shall not be considered in determining whether there is a quorum of the appointing or any other public agency.

(8) *Pending claim* means a written notice to an agency which sets forth a demand for legal relief or which asserts a legal right stating the intention to institute an action in an appropriate forum if such relief or right is not granted.

(9) *Pending litigation* means:

(A) A written notice to an agency which sets forth a demand for legal relief or which asserts a legal right stating the intention to institute an action before a court if such relief or right is not granted by the agency;

(B) The service of a complaint against an agency returnable to a court which seeks to enforce or implement legal relief or a legal right; or

(C) The agency's consideration of action to enforce or implement legal relief or a legal right.

(10) *Governmental function* means the administration or management of a program of a public agency, which program has been authorized by law to be

administered or managed by a person, where:

(A) The person receives funding from the public agency for administering or managing the program;

(B) The public agency is involved in or regulates to a significant extent such person's administration or management of the program, whether or not such involvement or regulation is direct, pervasive, continuous or day-to-day; and

(C) The person participates in the formulation of governmental policies or decisions in connection with the administration or management of the program and such policies or decisions bind the public agency. "Governmental function" shall not include the mere provision of goods or services to a public agency without the delegated responsibility to administer or manage a program of a public agency.

(b) *General.*

(1) It is hereby declared that it is the policy of the City of New Britain:

(A) To fully comply with the requirements of the State of Connecticut Freedom of Information Act as set forth in sections 1-200 through 1-242 of the Connecticut General Statutes, and

(B) That the public and each member of the public shall have the right to access to public records, documents, meetings and public notice of meetings in accordance with this section and the State of Connecticut Freedom of Information Act as set forth in sections 1-200 through 1-242 of the Connecticut General Statutes.

(2) Every public agency of the City of New Britain, including every department, board, commission, or official of the City of New Britain and the common council and all of its committees shall faithfully comply with this section and the State of Connecticut Freedom of Information Act as set forth in sections 1-200 through 1-242 of the Connecticut General Statutes.

(3) To the extent that any provision of this article conflicts with sections 1-200 through 1-242 of the Connecticut General Statutes, the Connecticut General Statutes shall prevail. However, to the extent that any provision of this article provides greater access but does not conflict with the Connecticut General Statutes, this section shall prevail.

(c) *Access to meetings.*

(1) The meetings of all public agencies, except executive sessions as defined herein, shall be open to the public. The votes of each member of any public agency upon any issue before such public agency shall be reduced to writing and made available for public inspection within forty-eight (48) hours and shall also be recorded in the minutes of the session at which taken, which minutes shall be available for public inspection within seven (7) days of the session to which they refer.

(2) The chairperson or secretary of any such public agency shall file, not later than January 31 of each year, with the town and city clerk the schedule of regular meetings of such public agency for the ensuing year, and no such meeting of any such public agency shall be held sooner than thirty (30) days after such schedule has been filed.

(3) The agenda of the regular meetings of every public agency shall be available to the public and shall be filed, not less than forty-eight (48) hours before the meetings to which they refer, in such agency's regular office or place of business, if there is such an office or place of business, and in the office of the town and city clerk. Upon the affirmative vote of two-thirds (2/3) of the members of a public agency present and voting, any subsequent business not included in such filed agendas may be considered and acted upon at such meetings.

(4) Notice of each special meeting of every public agency shall be given not less than twenty-four (24) hours' prior to the time of such meeting by filing a notice of the time and place thereof in the office of the town and city clerk. The clerk shall cause any notice received under this section to be posted in such clerk's office. Such notice shall be given not less than twenty-four (24) hours' prior to the time of the special meeting; provided in the case of emergency, any special meeting may be held without complying with the foregoing requirement for the filing of notice but a copy of the minutes of every such emergency special meeting adequately setting forth the nature of the emergency and the proceedings occurring at such meeting shall be filed with the town clerk not later than seventy-two (72) hours following the holding of said meeting. The notice shall specify the time and place of the special meeting and the business to be transacted. No other business shall be considered at such special meetings.

(5) No member of the public shall be required, as a condition to attendance at a meeting of any such body, to register the member's name, or furnish other information, or complete a questionnaire or otherwise fulfill any condition precedent to the member's attendance. However, any member of the public wishing to speak during public participation shall provide his/her name and address.

(6) A public agency may hold an executive session, as defined in (a)(3) of this section, only upon an affirmative vote of two-thirds (2/3) of the members of such body present and voting, taken at a public meeting and stating the reasons for such executive session, as defined in (a)(3) of this section.

(7) In determining the time within which or by when a notice, agenda, record of votes or minutes of a special meeting or an emergency special meeting are required to be filed under this section, Saturdays, Sundays, legal holidays and any day on which the office of the agency or the town and city clerk, as the case may be, is closed, shall be excluded.

(d) *Access to public records--Exempt records.*

(1) Except as otherwise provided by any federal law or state statute, all records maintained or kept on file by any public agency, whether or not such records are

required by any law or by any rule or regulation, shall be public records and every person shall have the right to:

(A) Inspect such records promptly during regular office or business hours;

(B) Copy such records; or

(C) Receive a copy of such records.

Any agency rule or regulation, or part thereof, that conflicts with the provisions of this subsection or diminishes or curtails in any way the rights granted by this subsection shall be void. Each such agency shall keep and maintain all public records in its custody at its regular office or place of business in an accessible place and, if there is no such office or place of business, the public records pertaining to such agency shall be kept in the office of the town and city clerk. Any certified record hereunder attested as a true copy by the clerk, chief or deputy of such agency or by such other person designated or empowered by law to so act, shall be competent evidence in any court of this state of the facts contained therein. Each such agency shall make, keep and maintain a record of the proceedings of its meetings.

(2) Nothing in this section shall be construed to require disclosure of:

(A) Preliminary drafts or notes provided the public agency has determined that the public interest in withholding such documents clearly outweighs the public interest in disclosure;

(B) Personnel or medical files and similar files the disclosure of which would constitute an invasion of personal privacy;

(C) Records of law enforcement agencies not otherwise available to the public which records were compiled in connection with the detection or investigation of crime, if the disclosure of said records would not be in the public interest because it would result in the disclosure of:

1. The identity of informants not otherwise known or the identity of witnesses not otherwise known whose safety would be endangered or who would be subject to threat or intimidation if their identity was made known;

2. Signed statements of witnesses;

3. Information to be used in a prospective law enforcement action if prejudicial to such action;

4. Investigatory techniques not otherwise known to the general public;

5. Arrest records of a juvenile, which shall also include any investigatory files, concerning the arrest of such juvenile, compiled for law enforcement purposes;

6. The name and address of the victim of a sexual assault under sections 53a-70, 53a-70a, 53a-71, 53a-72a, 53a-72b or 53a-73a of the Connecticut General Statutes, or injury or risk of injury, or

impairing of morals under section 53-21 of the Connecticut General Statutes, or of an attempt thereof, or (G) uncorroborated allegations subject to destruction pursuant to section 1-216 of the Connecticut General Statutes;

(D) Records pertaining to strategy and negotiations with respect to pending claims or pending litigation to which the public agency is a party until such litigation or claim has been finally adjudicated or otherwise settled;

(E) 1. Trade secrets, which for purposes of the Freedom of Information Act, are defined as information, including formulas, patterns, compilations, programs, devices, methods, techniques, processes, drawings, cost data, customer lists, film or television scripts or detailed production budgets that (i) derive independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from their disclosure or use, and (ii) are the subject of efforts that are reasonable under the circumstances to maintain secrecy; and

2. Commercial or financial information given in confidence, not required by statute;

(F) Test questions, scoring keys and other examination data used to administer a licensing examination, examination for employment or academic examinations;

(G) The contents of real estate appraisals, engineering or feasibility estimates and evaluations made for or by an agency relative to the acquisition of property or to prospective public supply and construction contracts, until such time as all of the property has been acquired or all proceedings or transactions have been terminated or abandoned, provided the law of eminent domain shall not be affected by this provision;

(H) Statements of personal worth or personal financial data required by a licensing agency and filed by an applicant with such licensing agency to establish the applicant's personal qualification for the license, certificate or permit applied for;

(I) Records, reports and statements of strategy or negotiations with respect to collective bargaining;

(J) Records, tax returns, reports and statements exempted by federal law or state statutes or communications privileged by the attorney-client relationship;

(K) Names or addresses of students enrolled in any public school or college without the consent of each student whose name or address is to be disclosed who is eighteen (18) years of age or older and a parent or guardian of each such student who is younger than eighteen (18) years of age, provided this subdivision shall not be construed as prohibiting the

disclosure of the names or addresses of students enrolled in any public school in a regional school district to the board of selectmen or town board of finance, as the case may be, of the town wherein the student resides for the purpose of verifying tuition payments made to such school;

(L) Any information obtained by the use of illegal means;

(M) Records of an investigation or the name of an employee providing information under the provisions of section 4-61dd of the Connecticut General Statutes;

(N) Adoption records and information provided for in sections 45a-746, 45a-750 and 45a-751 of the Connecticut General Statutes;

(O) Any page of a primary petition, nominating petition, referendum petition or petition for a town meeting submitted under any provision of the general statutes or of any special act, municipal charter or ordinance, until the required processing and certification of such page has been completed by the official or officials charged with such duty after which time disclosure of such page shall be required;

(P) Records of complaints, including information compiled in the investigation thereof, brought to a municipal health authority pursuant to chapter 368e of the Connecticut General Statutes or a district department of health pursuant to chapter 368f of the Connecticut General Statutes, until such time as the investigation is concluded or thirty (30) days from the date of receipt of the complaint, whichever occurs first;

(Q) Educational records which are not subject to disclosure under the Family Educational Rights and Privacy Act, 20 USC 1232g;

(R) Records of standards, procedures, processes, software and codes, not otherwise available to the public, the disclosure of which would compromise the security or integrity of an information technology system;

(S) The residential, work or school address of any participant in the address confidentiality program established pursuant to sections 54-240 to 54-240o of the Connecticut General Statutes, inclusive;

(T) The name or address of any minor enrolled in any parks and recreation program administered or sponsored by any public agency;

(U) Responses to any request for proposals or bid solicitation issued by a public agency or any record or file made by a public agency in connection with the contract award process, until such contract is executed or negotiations for the award of such contract have ended, whichever occurs earlier, provided the chief executive officer of such public agency certifies that the public interest in the disclosure of such responses, record or file is outweighed by the public interest in the

confidentiality of such responses, record or file.

(3) Notwithstanding the provisions of subdivisions (A) and (P) of subsection (2) of this section, disclosure shall be required of:

(A) Interagency or intra-agency memoranda or letters, advisory opinions, recommendations or any report comprising part of the process by which governmental decisions and policies are formulated, except disclosure shall not be required of a preliminary draft of a memorandum, prepared by a member of the staff of a public agency, which is subject to revision prior to submission to or discussion among the members of such agency;

(B) All records of investigation conducted with respect to any tenement house, lodging house or boarding house as defined in section 19a-355 of the Connecticut General Statutes, or any nursing home, residential care home or rest home, as defined in section 19a-490 of the Connecticut General Statutes, by any municipal building department or housing code inspection department, any local or district health department, or any other department charged with the enforcement of ordinances or laws regulating the erection, construction, alteration, maintenance, sanitation, ventilation or occupancy of such buildings; and

(C) The names of firms obtaining bid documents from any state agency.

(e) *Copying and scanning of public records--Fees.*

(1) Any person applying in writing shall receive, promptly upon request, a plain or certified copy of any public record. The public agency providing any such public record may charge a fee in accordance with section 1-212 of the Connecticut General Statutes, provided that the following exceptions shall apply:

(A) Except as otherwise provided by federal or state law, any member of the public shall not be required to pay a fee for copies of any public records or files up to twenty dollars ($20.00) at a rate of fifty cents (.50) per page. Said member of the public shall be required to pay any fee over twenty dollars ($20.00). For the purposes of this subdivision "request" shall be the copies of public records or files requested in a single day.

Notwithstanding this section, if a particular type of public record is requested and copies provided by a city department to the public at a volume which exceeds a total of four hundred (400) pages within any thirty-day calendar period, then, that particular type of public record shall be deemed exempt and the city department shall then charge the rate of fifty cents (.50) per page for the production of any more copies of said type of public record at any time thereafter. In the event the above exemption procedure is implemented, the department head shall file a report at the next regular council meeting identifying the type of public record and a statement as to the volume of pages provided which invoked the exemption.

(B) No person shall be charged a fee for receiving a single copy of the

agenda of meeting of any public agency.

(Res. No. 30057-2, 5-28-08; Res. No. 30282-4, 12-10-08)

Secs. 2-11--2-20. Reserved.

ARTICLE II. COMMON COUNCIL*

***Charter references:** Common council, § 501 et seq.

State law references: Definition of "legislative body," G.S. § 1-1(m); town and other community meetings, G.S. §§ 7-1--7-9a; appropriations of council, G.S. § 7-121; requirement that increase in compensation of legislative body be subject to referendum, G.S. § 7-460.

DIVISION 1. GENERALLY

Sec. 2-21. Common council meetings.

(a) Regular meetings of the common council for the transaction of all legal business shall be held on the second and fourth Wednesday of each month, except in the months of July, August, November and December there shall be only one meeting held on the second Wednesday of the month. All stated regular meetings of the common council shall commence at 7:30 p.m.

(b) Notwithstanding subsection (a). In odd numbered years, the regular meeting of the common council for the month of November shall be held on the first Wednesday following the date on which newly elected officials take office. At such meeting, before any other business is considered, the common council shall elect a president pro tempore (who shall be sworn-in accordingly), announce the persons selected by each political caucus to be such caucus' leaders, appoint a clerk of committees (who shall be sworn-in accordingly), adopt the standing rules of the common council, appoint common council committees, and appoint common council liaisions.

(Code 1970, § 2-9; Ord. of 11-75; Ord. of 11-84; Ord. of 4-96; Ord. of 6-98; Ord. of 5-00; No. 26679-1, 10-24-01)

Charter references: Meetings, § 502.

Sec. 2-22. Public participation sessions.

There shall be public participation sessions held prior to each regularly scheduled common council meeting from 7:00 p.m. to 7:30 p.m., at which time members of the public shall be afforded the opportunity to address the members of the common council on any matters concerning the operations of city government as well as on matters on the agenda of the meeting. Such sessions must be attended by the respective department heads, or their designee, who will respond to any questions concerning the operation of their respective

department. Individuals who insist on making slanderous remarks, in engaging in or behaving in a disruptive, disorderly or discourteous manner will not be allowed to continue in attendance at such a meeting. If such behavior cannot be contained, the meeting for that date will be terminated. No placards, slogans or banners shall be allowed into the council chambers at such a meeting.

(Code 1970, § 2-9(a); Ord. of 4-82; Ord. of 5-96; Ord. of 5-98; Ord. of 5-00)

Sec. 2-23. Special meetings--Authority to call.

(a) *Mayor or president pro tem.* The mayor, or in case of his disability or absence from the city, the president pro tempore of the common council, may at any time call a special meeting of the council.

(b) *Request of aldermen.* Upon written request of five (5) aldermen, the mayor, or in case of his disability or absence from the city, the president pro tempore of the common council, shall call a special meeting of the common council, which meeting shall be called within five (5) business days after receipt of such request.

(Code 1970, § 2-10; Ord. of 12-73)

Sec. 2-24. Same--Procedure for calling; notice to members.

(a) *Warrant.* Special meetings of the council shall be called by issuing a warrant to the clerk requiring him to notify all members of the council that a special meeting will be held at the time and place designated in the warrant.

(b) *Notice of members.* Notice of special meetings of the council shall be given by mailing to their last known place of abode or having delivered by police messenger to each member of the council, at least twenty-four (24) hours prior to the meeting, true copies of the warrant endorsed by the clerk along with copies or adequate summaries of the business matters proposed to be acted upon at such meeting.

(Code 1970, § 2-11)

Sec. 2-25. Attendance of alderpersons at meetings of boards, commissions and agencies; location of meetings; notice; schedule of meetings.

(a) *Alderpersons may attend any meetings.* The members of the council, or any of them, may attend the regular, special, or other meetings of all boards, commissions, and agencies when, in their discretion, their presence would best serve the interests of the city. All alderpersons shall be ex officio members of any committee or subcommittee of the common council and in that capacity shall have the right to attend executive sessions. Said ex officio members shall not count as members for purposes of determining a quorum. Alderpersons shall have access to any public record in city hall and may call upon any department head to produce, upon request, any public record or produce reports for said alderperson(s) within an amicable and agreed upon time period between said alderperson and any department head. No approval or referral by any other authority shall be needed for said request.

(b) *Chair to recognize.* The chair shall recognize and permit any question propounded by any council member in attendance.

(c) *Location; notice.* Effective immediately, all meetings of municipal board and commissions must be held in public buildings owned or leased by the city, unless notice of meetings outside of city property have been given, in writing, to the mayor, members of the common council and the town clerk, at least seven (7) days in advance of said meetings. No meetings of any board or commission of the city shall be held unless twenty-four (24) hours' notice has previously been given to the mayor; members of the common council and the town clerk, to be properly publicized.

(d) *Time of meetings.* No regular meeting of any city board, commission, agency or committee of the common council, except for the commissions on aging, persons with disabilities, youth services and board of assessment appeals shall be scheduled or held earlier than 6:00 p.m.

(e) *Location of meetings of committees appointed by the common council.* All meetings of committees or subcommittees of the common council shall be held in city hall, provided that school building committees may meet in the administrative offices of the board of education and may hold meetings in schools when deemed appropriate by a majority of the members of the school building committee.

(f) *Scheduling of meetings.* No regular or special meeting of any board, commission, committee or agency, including the board of education, shall be scheduled so as to conflict with any regularly scheduled meeting of the common council.

(Code 1970, § 2-12; Ord. of 4-74; Ord. of 2-90; Ord. of 11-95; Ord. of 2-7-96; No. 26891-1, 3-27-02; No. 27370-1, 2-26-03; Res. No. 29772-2, 9-12-07; Res. No. 29943-2, 1-9-08; Res. No. 29983-2, 2-13-08)

Cross references: Attendance at public hearing conducted by zoning committee, § 2-101.

Sec. 2-26. Badges of aldermen.

After taking the oath of office, each alderman shall have a badge of office issued to him by the clerk for which a receipt shall be signed. Upon termination of his term of office, he shall either return or purchase the badge from the clerk. When this is done, the clerk shall cancel the receipt.

(Code 1970, § 2-13)

Sec. 2-27. Council powers in removal of officials.

Whenever by the Charter or ordinances, the council is granted the power to remove any city officer or official, such power shall not be exercised, except upon written charges made by the mayor or by three (3) members of the council presented in writing to the council. The council shall thereupon by a majority vote determine whether such charges shall be presented and tried, and if it shall be affirmatively determined, to present and to try such charges. A special meeting of the council shall be called, which shall give a hearing to such official, or officer, who shall have the right to be present, to be represented by counsel and to

have witnesses summoned to appear before the council and to be confronted with the witnesses against him. At such hearing the council shall not be bound by the rules, of evidence, but the council shall not remove any such official, unless due and sufficient cause exists and shall be proved at such hearing.

(Code 1970, § 2-15; Ord. of 7-01; Ord. No. 27783-1, 1-21-04)

Charter references: Power to remove officers, § 135; removal under civil service, § 392; removal by mayor, § 2344.

State law references: Failure of elected official to perform the duties of office, G.S. § 7-104; resignation of municipal officers, G.S. § 7-103; refusal of elected official to accept office, G.S. § 7-104.

Sec. 2-27.1. Council investigatory powers.

Pursuant to section 4-2(k) of the Charter, any person who refuses to obey a subpoena of the common council or its authorized investigative committee shall be fined not more than one hundred dollars ($100.00) upon a finding that the person has refused to obey a subpoena except that said fine shall not exceed that which is permitted by the Connecticut General Statutes.

(Ord. of 7-01)

Sec. 2-28. Referral to corporation counsel of ordinance changes.

No ordinance shall be approved or amended by the council except after having been referred to the corporation counsel for an opinion as to its legality. The opinion of the corporation counsel of the proposed ordinance or amendment shall be advisory only.

(Code 1970, § 2-16)

Charter references: Corporation counsel, §§ 1501--1505.

Sec. 2-29. Waiver of building permit fees for non-profit organizations.

Waivers of building permit fees shall be limited to non-profit organizations providing health, educational, or religious services to citizens of the city; provided that, such organization has submitted evidence that such waiver will accrue benefit solely to the non-profit organization requesting such waiver and that such waiver shall require a two-thirds (2/3) vote of the common council and that non-profit organizations not offering health, educational, or religious services shall require the unanimous approval of the common council for waiver of building permit fees, and only upon submission of evidence that such waiver will accrue solely to the nonprofit organization requesting such waiver.

(Code 1970, § 2-17; Ord. of 11-74)

Sec. 2-30. Waiver of building permit fees for municipal projects.

Building permit fees shall be waived for all public projects subsidized by the City of New Britain and executed by any department or agency of the city excluding all projects for the

consolidated school district and projects executed by city departments but not subsidized by the City of New Britain.

(Ord. of 10-90; Ord. of 4-97; No. 26986-1, 6-12-02)

Sec. 2-31. Official presentation of amendments.

(a) In each resolution or other item presented before the common council proposing amendments to the Code of Ordinances, the full text of sections of said Code in which text is proposed to be inserted and/or deleted shall be included in such resolution, including both the text to be inserted and the text to be deleted; except as provided in subsection (b) of this section, all text proposed to be inserted into said Code shall be underlined and all text proposed to be deleted shall be presented in strikethrough text (examples: underline, ~~strikethrough~~).

(b) Whole sections proposed to be inserted into the Code of Ordinances by such a resolution or other item need not be underlined, but the word "(new)" shall be written between the proposed section number and the text of said proposed section.

(c) Each resolution or other item presented before the common council proposing changes to the Code of Ordinances shall include a brief, prose description of the effect(s) that the proposal would have if adopted as part of said Code.

(d) Any proposed substitute report or resolution submitted to the common council shall comply with the requirements set forth in subsections (a), (b), and (c) herein. Any proposed substitute report or resolution which is not in compliance with these requirements will not be allowed on the agenda unless approved by the affirmative vote of two-thirds (2/3) of the entire membership of the common council.

(Ord. of 5-00; Res. No. 30543-2, 5-13-09)

Sec. 2-32. Acceptance of gifts.

Pursuant to section 4-2(e) of the Charter, gifts of money or property in excess of five hundred dollars ($500.00) value may be approved for acceptance in the name of the city by a resolution of the common council. All gifts of a value less than five hundred dollars ($500.00) may be received in the name of the city by the mayor or by persons the mayor may designate.

(Ord. of 7-01)

Sec. 2-33. Adoption of fees charged by city departments.

Pursuant to section 4-2(d) of the Charter, all fees charged by city departments may be subject to approval by the common council through either resolution or ordinance.

(Ord. of 7-01)

Secs. 2-34--2-40. Reserved.

DIVISION 2. COUNCIL SUBJECT MATTER COMMITTEES*

***Editor's note:** Ord. No. 27765-1, § I, adopted Jan. 28, 2004, repealed the former Divs. 2--8, §§ 2-41--2-118, and enacted a new Div. 2, §§ 2-41--2-52 as set out herein. The former divisions pertained to similar subject matter. For complete derivation, see the Code Comparative Table at the end of this volume.

Sec. 2-41. Council subject matter committees established.

The following subject matter committees of the council shall be appointed biennially by the council at the regular meeting in November of odd numbered years. There shall be three (3) subject matter committees of the common council with legislative cognizance and jurisdiction over all matter related to certain specified boards, commissions, departments, agencies, authorities, functions of the city and such other functions as may be identified in this section. Each such committee shall have up to nine (9) members selected by the common council and each member of the common council shall be a member of at least two (2) of such committees, excluding the zoning subcommittee. The common council shall select the chairperson of each such committee. Each such committee shall set and announce the dates and times of its regular meetings. No member of the common council shall be the chair of more than one (1) subject matter committee. The majority party leader, minority party leader and president pro tempore shall not be a chair of any subject matter committee. Any member of the council may attend and participate in any committee meeting but shall not have the right to vote unless a member of such committee.

(Ord. No. 27765-1, § I, 1-28-04; Res. No. 28854-2, 2-22-06; Res. No. 28878-2, 6-14-06)

Sec. 2-42. Committees.

The three (3) committees and their respective areas of cognizance and jurisdiction shall be as follows:

(1) The committee on administration, finance and law, with cognizance and jurisdiction over all matters related to and the budgets of the mayor's office, the common council office, the office of the corporation counsel, the office of the assessor, the board of assessment appeals, the office of the finance director, the office of the personnel director, the town and city clerk, the office of the registrars of voters, the office of the tax collector, affirmative action, human rights and opportunities, auditing, bonding, claims against the city and compensation of elected officials;

(2) The committee on public works and infrastructure, education, human services, parks and recreation, health and public safety, with cognizance and jurisdiction over all matters related to and the budgets of the department of public works, capital equipment, the city capital improvement budget, water department, human services, education, the board of education, the public library, veterans' services, youth services, persons with disabilities and the department of parks and recreation, police department, the fire department (except fire code enforcement), civil preparedness, telecommunications, emergency medical

services, emergency dispatch and public health services;

(3) (a) The committee on planning, zoning and housing, with cognizance and jurisdiction over all matters related to and the budgets of the department of municipal development, the office of the city department of property management; the commission on community and neighborhood development, city planning and zoning, the city plan commission, neighborhood quality of life, the municipal economic development authority, economic development, overseeing the purchase, sale and lease of all city owned real estate property; and overseeing the legislation of fire, building and housing zoning code, the city's anti-blight and environmental health ordinances.

(b) The common council may refer matters of property disposition to the committee on planning, zoning and housing. The chairperson of the committee on planning, zoning and housing has the discretion and authority to schedule a public hearing on the disposition of city owned real estate if he/she deems it to be appropriate. After meeting and consideration, the committee on planning, zoning and housing will present a recommendation to the council regarding the disposition of the property.

(Ord. No. 27765-1, § I, 1-28-04; Res. No. 28878-2, 6-14-06)

Sec. 2-43. Clerk of committees.

(a) The clerk of committees of the common council shall:

(1) Assist the members of the council in matters pertaining to the business of the city and do related work as required;

(2) Work directly under the supervision of the council;

(3) Compile and maintain a register or registers in the office of the corporation counsel of the receipt, referral, and final disposition of all petitions and resolutions coming before the council at all meetings;

(4) Assist members of the council in matters pertaining to city business, and attend all meetings of the council committees and the preparation, when requested by the committees, of typewritten minutes of such meetings;

(5) Maintain in up-to-date manner such number of copies of the Charter and ordinances as shall be necessary;

(6) Maintain in an up-to-date manner an index of the proceedings of the council on an annual basis;

(7) Maintain an up-to-date context and index of changes in the zoning ordinance;

(8) Maintain an up-to-date listing of all special exceptions to the zoning ordinance;

(9) Do related work as required;

(10) Have thorough knowledge of the principles, methods, and techniques of state and municipal government; considerable knowledge of parliamentary procedure

as defined in Robert's Rules of Order, The Revised Edition; considerable ability to deal effectively with city officials and the public.

(b) Compensation for the clerk shall be as set by the common council.

(Ord. No. 27765-1, § I, 1-28-04)

Sec. 2-44. Standing claims subcommittee.

(a) There is hereby created a standing claims subcommittee of the committee on administration, finance and law to be designated the standing claims subcommittee, consisting of at least five (5) alderpersons and, ex-officio, the corporation counsel. In addition, all alderpersons not appointed to the standing claims subcommittee shall be designated as alternate members. In the absence of a member of the standing claims subcommittee, an alternate shall be selected by the chairperson of the committee to sit as a member. When seated, such alternate shall have all the powers and duties of members.

(b) Meetings of the claims subcommittee shall be called by the chairperson or clerk of the subcommittee by mailing a notice in writing to each member of the subcommittee through the post office in the city at least twenty-four (24) hours in advance of the time proposed for the meeting.

(c) Subject to subsection (c) of this section, all claims for damages to persons or property in excess of twenty-five hundred dollars ($2,500.00) presented against the city shall be presented to the claims subcommittee for appropriate action.

(d) No claim shall be referred to or be considered by the claims subcommittee unless it appears, by the certificate of the clerk endorsed on the face of the paper or petition whereby the claim is presented to the council, that due notice of the claim was reasonably given as required by the laws of this state.

(e) Upon the receipt of a claim as provided in subsection (c) of this section, the claims subcommittee shall inquire into, make a finding of facts and report its recommendations on such matter to the committee on administration, finance and law. If the claims subcommittee recommends an adjustment of any claim against the city, it shall, if possible, designate the department considered responsible for such damages, and may further recommend that payment of such claim be made from the funds of the designated department. Upon approval of the aforementioned recommendation by the council, the director of finance shall draw his order for the payment of the claim upon the funds of such department.

(f) The corporation counsel shall have the authority to compromise or settle any claim for personal injury or property damage presented against the city for an amount which does not exceed twenty-five hundred dollars ($2,500.00). The corporation counsel shall provide a monthly report to the common council of those claims which have been settled within the twenty-five hundred dollar ($2,500.00) authority limit during the previous month.

(Ord. No. 27929-1, 4-14-04)

Sec. 2-44.1 Standing bonding subcommittee.

(a) *Establishment; composition; chairperson.* There is hereby created a standing bonding subcommittee of the committee on administration, finance and law. Such standing bonding subcommittee shall consist of all members of the committee on administration, finance and law and the common council shall appoint these members. The committee shall also contain two (2) members of the board of finance and taxation who shall be appointed by the mayor with the consent of the common council. The chairperson of the standing bonding subcommittee shall be the same as the chairperson of the committee on administration, finance and law. The mayor or the chair of the committee on administration, finance and law shall have the authority to call meetings of the standing bonding subcommittee.

(b) *Duties.* The bonding committee shall examine all public works projects, capital improvement projects, school building projects, accrued liabilities and all other projects in the city for which bonding has been proposed and referred by the mayor. The committee shall report its recommendations concerning such projects to the common council and the mayor within sixty (60) days of the referral of those projects to the bonding committee.

(c) *Bond authorization and adoption.* The bonding committee shall present a report regarding its bond appropriation recommendation to the common council at a special meeting called specifically to act upon such recommendation and bond resolution.

(d) *Public notice.* Publication of a notice in a newspaper circulated in the city as well as being posted on the City of New Britain website, shall be made at least forty-eight (48) hours prior to the special meeting of the common council, which notice shall contain the date, time and location and the proposed recommendation and bond resolution.

(e) *Sale of notes and bonds.* The mayor and treasurer shall have the authority to borrow in the name of the city, by obligations signed by the mayor and countersigned by the treasurer, such sums of as in their opinion may be needed to defray bond appropriations which have been authorized. Such borrowings in the form of bond anticipation notes, revenue or general obligation bonds may at the discretion of the mayor be sold through on a negotiated sale basis or through competitive bid, whichever is deemed to be in the best interest of the city.

(Ord. No. 27929-1, 4-14-04; Ord. No. 28482-2, 5-5-05; Res. No. 29812-2, 10-10-07)

Sec. 2-45. Zoning authority and public hearing.

(a) Pursuant to the City of New Britain Charter section 4-3, the Common Council, consisting of the fifteen (15) members, is hereby designated as the Zoning Authority of the City of New Britain.

(b) The planning, zoning and housing committee shall conduct all zoning public hearings, as required by section 4-3 of the Charter, on all matters referred to it by the council for the purpose of amending, supplementing, changing modifying or repealing any of the zoning regulations restriction and boundaries when the committee meets to hold a

public hearing on a zoning matter, such public hearing shall be first on the committee agenda. All members of the common council shall be notified and be permitted to participate in such hearings.

(c) No petitioner having a petition pending before the committee on planning, zoning and housing or the zoning board of appeals, or the city plan commission shall be given leave to withdraw his petition, or to postpone action on the same, where a date for a hearing upon the same has been set and legally advertised; provided, however, that, a request for leave to withdraw or postponement may be heard by the body concerned where the petitioner has notified the chairperson of the hearing body in writing of his intention to seek such leave to withdraw or postponement of action and had, thereafter at his own expense by legal advertisement in a local newspaper, notified the public not less than five (5) days before the date set for the hearing of his intention to seek such leave to withdraw his petition or to seek postponement of action thereon.

(d) The committee on planning, zoning and housing shall make a report to the council each month following its meeting on every matter referred to it.

(e) The failure of the committee on planning, zoning and housing to report to the council within sixty (60) days after a matter has been referred to it shall be taken as approval by the committee and the council may thereafter take action on such matter.

(f) No member of the common council shall vote on a proposed amendment to the zoning ordinances unless such member was present at the public hearing conducted by the committee on planning, zoning and housing or unless such member shall have listened to the tape recording of the proceedings of the public hearing. Prior to voting on an amendment to the zoning ordinances a member of the common council who may not have been in attendance at the public hearing shall cause to be placed on the record of the proceedings of the common council that he/she has fully complied with the requirement of listening to the tape of the public hearing.

(Ord. No. 27765-1, § I, 1-28-04)

Sec. 2-46. Purchase of capital equipment.

(a) The committee on public works and infrastructure, education, human services, parks and recreation, health and public safety shall consider requests for purchases of capital equipment with the proceeds of the capital equipment reserve fund, and shall report its recommendations to the common council and the board of finance and taxation. Approval of the common council and board of finance and taxation shall be required to authorize the proposed expenditure.

(b) On all issues involving the purchase of capital equipment, the chairperson of the board of finance shall appoint two (2) members from the board of finance and taxation who shall serve on said committee as voting members. These two (2) members will be notified prior to any meeting in which the committee on public works and infrastructure, education, human services, parks and recreation, health and public safety meets to discuss the purchase of capital equipment and these issues shall take priority over other matters on the agenda.

(c) The committee on public works and infrastructure, education, human services, parks

and recreation, health and public safety will, upon submission to it of the compilation of needs requested by the finance officer pursuant to section 2-513 of this Code meet no later than February 1 of each year to formulate its recommendations to the board of finance and taxation for a sum of money to be appropriated for the ensuing fiscal year's budget. The two (2) appointed members of the board of finance and taxation, referred to in subsection (b) above, shall be included in the annual meeting regarding capital equipment.

(d) The committee on public works and infrastructure, education, human services, parks and recreation, health and public safety shall meet and recommend to the common council and the board of finance and taxation specific expenditures from the capital equipment reserve fund.

(Ord. No. 27765-1, § I, 1-28-04; Res. No. 28878-2, 6-14-06)

Sec. 2-47. Amendment of ordinance.

Each proposed ordinance shall be referred by the common council to whichever council subject matter committee has the most logical cognizance and jurisdiction. A public hearing shall be held on each such proposed ordinance prior to any final action thereon. Such committee may report said proposed ordinance to the full common council unchanged with a favorable recommendation, amended with a favorable recommendation, unchanged with a neutral recommendation, amended with a neutral recommendation or with an unfavorable recommendation. If such a committee fails to submit a report to the full common council on a proposed ordinance within three (3) months of the date it was referred to it, a petition signed by at least six (6) members of the common council shall cause the proposed ordinance to be again before the full common council as if it had been reported by said committee with a neutral recommendation. Otherwise, the full common council shall not act on said proposed ordinance.

(Ord. No. 27765-1, § I, 1-28-04)

Sec. 2-48. Budget estimates.

Each council subject matter committee shall receive a copy of the budget estimates submitted to the mayor and the board of finance and taxation pursuant to subdivision (1) of subsection (a) of section 10-3 of the City Charter concerning the boards, commissions, departments, agencies and authorities of the city within its cognizance. Such committee shall review these estimates.

(Ord. No. 27765-1, § I, 1-28-04)

Sec. 2-49. Annual budget preparation.

(a) Members of the board of finance and taxation shall meet in joint session with each council subject matter committee on the matters within such committees cognizance after completing its work in composing its recommendation to the mayor pursuant to subdivision (1) of subsection (b) of section 10-3 of the City Charter, reviews the boards, commissions, departments, agencies and authorities of the city within the cognizance of such committee. Such meeting shall take place at the call of the subject matter

committee chairpersons.

(b) When the common council receives the mayor's proposed budget pursuant to subdivision (2) of subsection (b) of section 10-3 of the City Charter, the common council shall refer, to each council subject matter committee, the portions of said budget pertaining to the boards, commissions, departments, agencies and authorities of the city within the cognizance of such committee. Such committee shall review its assigned portion of the mayor's proposed budget and shall report it back to the full council, together with its proposed amendments, within forty-five (45) days of the date that the mayor presents the mayor's proposed budget to the common council.

(Ord. No. 27765-1, § I, 1-28-04)

Sec. 2-50. Oversight of boards and departments.

Each council subject matter committee may require the attendance at any or all of its meetings upon the giving of at least forty-eight (48) hours' notice of key persons from any of the boards, commissions, departments, agencies and authorities of the city within the cognizance of such committee. Each such committee shall keep informed as to the activities and performance of each of the boards, commissions, departments, agencies and authorities of the city within the cognizance of such committee. Members of each committee may be assigned as liaisons to boards, commissions, departments, agencies and authorities of the city within the cognizance of such committee. Each such committee shall submit such reports and resolutions to the common council as it shall deem appropriate. Each such committee shall propose such ordinances as it shall deem appropriate to the boards, commissions, departments, agencies, authorities and functions of the city within the cognizance of such committee. These proposed ordinances shall be presented as the committee's proposal pursuant to section 2-47.

(Ord. No. 27765-1, § I, 1-28-04)

Sec. 2-51. Report to council.

Any other matter before the common council not requiring immediate attention of the common council shall be referred to whichever council subject matter committee has the most logical cognizance and jurisdiction. Such committee may report said proposal to the full common council unchanged with a favorable recommendation, amended with a favorable recommendation, unchanged with a neutral recommendation, amended with a neutral recommendation or with an unfavorable recommendation. If such a committee fails to submit a report to the full common council on such proposal within one (1) month of the date it was referred to it, a petition signed by at least six (6) members of the common council shall cause the proposed ordinance to be again before the full common council as if it had been reported by said committee with a neutral recommendation.

(Ord. No. 27765-1, § I, 1-28-04)

Sec. 2-52. Notice of public hearing.

(a) Except as otherwise provided herein, no public hearing required pursuant to this chapter shall be conducted unless notice of the time and place of such hearing shall be

filed in the office of the town and city clerk at least seven (7) calendar days prior to said hearing. The clerk of committees shall, with the assistance of common council staff, compile a weekly list of public hearings that have been noticed in the office of the town and city clerk. On the Sunday prior to any proposed public hearing, notice shall be given in the form of a legal advertisement in a newspaper having a general circulation in the City of New Britain of all public hearings for the upcoming week. Said notice(s) shall be combined as possible.

(b) Should there be a week when no public hearings occur, no public notice shall be required in a newspaper.

(c) For any public hearing pertaining to a zoning ordinance, regulation or boundary, notice of the time and place of such hearing shall be published in the form of a legal advertisement appearing in a newspaper having a general circulation in the City of New Britain at least twice at intervals of not less than two (2) days, the first not more than fifteen (15) days nor less than (10) days, and the last not less than two (2) days, before such hearing, and a copy of such proposed regulation or boundary shall be filed in the office of the town and city clerk for public inspection at least ten (10) days before such hearing.

(d) All public hearings for proposed ordinance changes may be conducted by either a majority of the membership of the common council or by a legally constituted quorum of a subcommittee thereof if the proposed matter is before a common council subcommittee. This subsection does not apply to public hearings on zoning matters and/or public hearings as required under sections 7-29, 13-38, 17-2, 14-112, 14-123, 19-53, and 19-54, nor any public hearing required and governed by the Connecticut General Statutes.

(e) Whenever possible the city will also place public hearings on the city's website.

(Ord. No. 27765-1, § I, 1-28-04; Ord. No. 27953-2, 9-14-04)

Secs. 2-53--2-125. Reserved.

ARTICLE III. BOARDS, COMMISSIONS, COMMITTEES AND AUTHORITIES*

***Charter references:** Board and commission members required to be electors of city, § 137.

Cross references: Board of ethics, § 2-461 et seq.; bureau of fire prevention, § 8-33 et seq.

DIVISION 1. GENERALLY

Sec. 2-126. Holding multiple offices prohibited.

No person shall be a member of more than one board, commission, committee or authority at the same time, except as provided by the Charter.

(Code 1970, § 2-193; Ord. of 7-01)

Sec. 2-127. Residence requirements.

All commissioners and appointees of any board, commission, committee or authority shall be residents and electors of the city.

(Code 1970, § 2-194; Ord. of 5-74; Ord. of 7-01)

Sec. 2-128. Rules of procedure in meetings.

(a) *Parliamentary procedure.* The chairperson of all boards, commissions, committees and authorities shall observe parliamentary procedure using Roberts' Rules of Order as a guide when conducting meetings.

(b) *Record of moving parties.* An accurate record shall be made of the wording of each motion and names of persons making and seconding the motions.

(c) *Record of votes on roll call.* Whenever a roll call vote is taken, the names of those voting pro and con shall be recorded.

(d) Each member of a board or commission shall vote yes or no on every question put to vote by the chair unless such member has a personal or pecuniary interest in the matter so as to constitute a conflict of interest or the appearances of a conflict of interest. If a member must abstain based on a conflict of interest or the appearances of a conflict, he/she shall state his/her reasons for abstaining and shall not participate in any discussion concerning the matter. No member may be excused from voting on a matter for any other reason.

(e) *Public participation session.* There shall be a public participation session at the beginning of the regular monthly meeting of every board and commission at which time members of the public shall be afforded the opportunity to comment on matters relevant to that particular board or commission.

(Code 1970, § 2-195; Ord. of 9-77; Ord. of 9-86; No. 27351-1 2-26-03)

Editor's note: An ordinance of Sept., 1986, purported to amend § 2-128(c) hereof; however, inasmuch as the amendatory provisions addressed subject matter contained in § 2-128(d), abstentions from voting, said provisions have been codified herein as superseding § 2-128(d).

Sec. 2-129. Certain boards, etc., to keep records of minutes.

(a) All city boards, commissions, committees and authorities shall maintain a record of minutes of its meetings.

(b) In the case of the following boards and commissions a person other than the department head, board or commission member, or active participant in the discussions shall be designated as clerk or recording secretary and shall take minutes of the meeting for subsequent transcription and publication:

(1) Building commission;

(2) City plan commission;

(3) Civil service commission;

(4) Board of finance and taxation;

(5) Board of fire commissioners;

(6) Board of police commissioners;

(7) Board of public works;

(8) Board of water commissioners;

(9) Zoning board of appeals.

(Code 1970, § 2-196)

Sec. 2-130. Recording secretary to receive manual.

The persons designated to serve as clerk or recording secretary pursuant to section 2-129 shall receive a manual of procedure and a period of instruction, on the proper method of recording minutes of meetings, using standardized format, by the personnel director.

(Code 1970, § 2-197)

Sec. 2-131. Distribution of minutes of meetings.

Minutes of board, commission, committee and authority meetings shall be distributed within seven (7) days of the date of the meeting as follows:

(1) The original copy of the minutes shall be filed in the appropriate departmental, board, commission, committee or authority office with proper security provided against fire, theft or access by unauthorized personnel.

(2) A copy mailed to each commission, board, committee or authority member.

(3) A copy sent to the mayor's office.

(4) A copy sent to the clerk's office where it shall be filed in a place secure against fire, theft or access by unauthorized personnel.

(5) Fifteen (15) copies be sent to the common council office for distribution to the aldermen.

(Code 1970, § 2-198; Ord. of 11-88)

Sec. 2-132. Approval of council required for all rentals.

No department, board, commission, committee or authority shall hire or rent equipment, material, or supplies on a rental or lease purchase plan or agreement, without the approval of the council.

(Code 1970, § 2-199; No. 26768-1, 2-13-02)

Sec. 2-133. City to participate in regional planning agency.

(a) *Adoption of ordinance.* Pursuant to the provisions, sections 8-31a through 8-37a of the General Statutes, as amended, the city hereby adopts the provisions of chapter 127 of the General Statutes and elects to participate in the regional planning agency now or henceforth existing under authority of such chapter in the New Britain-Bristol Planning Region as defined by the Connecticut Development Commission pursuant to the provisions of such chapter.

(b) *Four (4) representatives in agency.* The city, having a population of eighty-two thousand, two hundred one (82,201), according to the federal census of 1960, shall have four (4) representatives in the agency.

(c) *Appointment of members.* The mayor shall appoint to the agency three (3) electors of the city.

(d) *Terms of office.* The city planning commission, duly constituted, shall appoint one elector to the agency for a term of three (3) years.

(e) *Successors.* Appointees shall serve for the term of their office and until their successors have been appointed. Appointees may be reappointed.

(f) *Commencement of term.* Terms of office shall commence when the appointment is made or from the first organization meeting of the agency whichever is later.

(g) *Resignation of member.* Vacancies created by resignation or inability to serve shall be filled by the mayor for the remainder of the unexpired term. Any representatives who are absent from three (3) consecutive regular meetings thereof, shall be considered to have resigned from such body except that the requirements of this section may be waived by the mayor for good cause.

(Code 1970, § 2-201)

State law references: Formation and representation of regional planning agencies, G.S. § 8-31a; jurisdiction of regional planning agency, § 8-32a.

Sec. 2-134. Terms of office.

(a) Unless otherwise provided by state law or city ordinance, the term of office for members of all boards and commissions shall be two (2) years from each January 1 immediately following the mayoral election.

(b) Notwithstanding any provisions in the code of ordinances to the contrary, the terms of the present members of all boards and commissions, unless otherwise provided by state law, shall expire on December 31, 2003.

(c) The political party affiliation of all boards and commissions shall comply with section 9-167a of the Connecticut General Statutes entitled "minority representation".

(No. 26897-1, 12-11-02)

Secs. 2-135--2-140. Reserved.

DIVISION 2. BOARD OF ASSESSMENT APPEALS*

***Editor's note:** An ordinance adopted Feb. 26, 2003, amended §§ 2-141--2-143 in its entirety to read as herein set out. Former §§ 2-141--2-143 pertained to the board of compensation and assessment. For complete derivation see the Code Comparative Table at the end of this volume.

Sec. 2-141. Composition.

The board of assessment appeals shall consist of three (3) members.

(No. 27370-1, 2-26-03)

Sec. 2-142. Additional members.

For any assessment year in which a revaluation becomes effective or for any assessment year immediately prior to or subsequent to the revaluation year, the majority leader and the minority leader will recommend additional members which will be subject to council approval. These appointments will automatically expire on the first day of June in the year of appointment. In the absence of a minority party on the common council, the common council shall, by majority vote, recommend and approve the appointment of said additional members which was designated as that of the minority leader.

(No. 27370-1, 2-26-03; Ord. No. 27825-1, 1-28-04)

Sec. 2-143. Time of meetings.

The board of assessment appeals is authorized to meet on any business day, including Saturday, and the meetings may be held during the day or evening.

(No. 27370-1, 2-26-03)

Secs. 2-144--2-150. Reserved.

DIVISION 3. BOARD OF PUBLIC WELFARE*

***Charter references:** Board of public welfare, § 2171.

State law references: Delegation of powers to municipal welfare department, G.S. § 17-9; public assistance generally, G.S. §§ 17-82--17-134l; child welfare generally, G.S. §§ 17-32--17-81i.

Sec. 2-151. Election of chairman.

The board of public welfare shall elect one of its members to the position of chairman.

(Code 1970, § 2-245)

Sec. 2-152. Meetings.

Regular meetings of the board of public welfare shall be held at least once a month. The chairman of the board of public welfare may call such additional meetings as in his opinion are necessary.

(Code 1970, § 2-246)

Sec. 2-153. Clerk to keep record of meetings.

The superintendent of public welfare shall be the clerk of the board of public welfare and shall keep a record of all meetings of such board in a book provided for that purpose.

(Code 1970, § 2-247)

Sec. 2-154. Board to regulate welfare department; reports of the board; budget.

(a) *Rules.* All rules and regulations concerning the operation of the welfare department shall be made by the board of public welfare and shall comply with the requirements of the Charter, this Code, and the statutes of the state.

(b) *Reports.* The board shall make an annual report to the council concerning the preceding fiscal year, together with such additional reports as the council may require. Names of persons receiving relief from the city shall not be published in this annual report.

(c) *Budget.* The board shall submit annually, to the board of finance and taxation, a detailed estimate of the amount of money required for the following fiscal year, specifying the purpose for which each item is required.

(Code 1970, § 2-248)

Sec. 2-155. Board to record data on welfare recipients.

The board shall keep a record showing the age, sex, nationality, and probable cause of destitution of each person whom it assists, the time when public assistance was first given, the amount of assistance given to each person, the birthplace of each person, the number of applicants for assistance in each month, and the monthly expenditure for all assistance. This record shall be open to public inspection at all reasonable times.

(Code 1970, § 2-249)

Sec. 2-156. Reserved.

Editor's note: Item No. 26768-1, an ordinance adopted on Feb. 13, 2002, deleted § 2-156. Former § 2-156 pertained to the payment of bills and derived from the Code of 1970.

Sec. 2-157. Director to coordinate his activities with charitable institutions.

Whenever possible, the director of public welfare shall work with and accept assistance from charitable organizations and churches, so that by cooperating and coordinating their efforts, an intelligent relief program can be made available for the poor.

(Code 1970, § 2-251)

DIVISION 3A. DEPARTMENT OF SOCIAL SERVICES*

***Editor's note:** An ordinance adopted on July 2, 2001, designated the following provisions for use as Div. 3. For clarity, and since Art. III already contained a Div. 3, and at the editor's discretion, these provisions have been redesignated and included as Div. 3A.

Sec. 2-158. Powers and duties of the commission of social services.

The commission shall oversee departmental policies as they pertain to general assistance, evictions, public sale of abandoned property derived from evictions, summer food programs, relocation projects, community service programs and workfare.

(Ord. of 7-01)

Sec. 2-159. Department.

There shall be a department of social services.

(Ord. of 7-01)

Sec. 2-160. Department head.

The head of the department shall be the director of social services. The director shall be responsible for the efficiency, discipline and good conduct of the department.

(Ord. of 7-01)

Sec. 2-161. Duties of the department.

The department shall be responsible for general assistance, evictions, public sale of abandoned property derived from evictions, summer food programs, relocation projects, community service programs and workfare.

(Ord. of 7-01)

Secs. 2-162--2-165. Reserved.

DIVISION 4. BOARD OF PUBLIC WORKS*

***Charter references:** Board of public works, §§ 2501-2504.

Cross references: School building committee, § 2-306 et seq.; parks and recreation, Ch. 17; planning, Ch. 19; streets, sidewalks and public places, Ch. 21; utilities, Ch. 23.

Sec. 2-166. Board of public works.

There shall be a board of public works consisting of five (5) electors of the city, who shall be appointed as outlined in Sec. 7-1b in the City Charter. No more than three (3) members shall be from the same political party. The board shall elect a chair to preside over meetings and public hearings by the board.

(Code 1970, § 2-252; Ord. of 7-01; No. 26897-1, 12-11-02)

Sec. 2-167. Meetings.

The board of public works shall meet at least four (4) times annually. Special meetings of the board shall be held upon the call of the chair upon receipt by him/her of a written request for a special meeting. The board shall meet no later than seven (7) days after the request for a special meeting is received.

(Code 1970, § 2-253; No. 26824-1, 2-27-02)

Sec. 2-168. Record of taxes due the city.

The director of public works or his/her representative must determine the amounts due the city on all warrants for the collection of assessments on account of public improvements of all kinds and report the same to the council.

(Code 1970, § 2-254; No. 26824-1, 2-27-02)

Sec. 2-169. Reserved.

Editor's note: Item No. 26824-1, an ordinance adopted on Feb. 27, 2002, deleted § 2-169. Former § 2-169 pertained to the appointment of director and derived from the Code of 1970.

Sec. 2-170. Estimate of assessment.

An estimate of the probable amount of assessments to be collected shall accompany all recommendations for the construction of sewers made by the director of public works to the council.

(Code 1970, § 2-255; No. 26824-1, 2-27-02)

Sec. 2-171. Reserved.

Editor's note: Item No. 26824-1, an ordinance adopted on Feb. 27, 2002, deleted § 2-171. Former § 2-171 pertained to the record of actions and reports and derived from the Code of 1970.

Sec. 2-172. Report to council on completion of sewer construction.

Upon the completion of any sewer ordered by the council, the director of public works shall report this fact to the council, and the city engineer shall furnish all maps and plans necessary for determining the sewer assessments, and shall deliver them to the board of compensation and assessment, together with any other pertinent engineering information.

(Code 1970, § 2-257; No. 26824-1, 2-27-02)

Sec. 2-173. Duties.

The board of public works shall:

(a) Serve as the Water Pollution Control Authority (WPCA) and conduct public hearings and recommend a sewer use rate to the common council.

(b) Conduct public hearings and recommend a subway rental rate to the common council.

(c) Serve as flood and erosion control board per state statute and conduct appeals hearings as necessary.

(d) Conduct public hearings for any street or right-of-way abandonment by the city and recommend appropriate action to the common council.

(Code 1970, § 2-258; Ord. of 9-70; No. 26824-1, 2-27-02)

State law references: As to accounts and accounting of municipal waterworks, G.S. § 7-240.

Sec. 2-174. Reserved.

Editor's note: Item No. 26824-1, an ordinance adopted on Feb. 27, 2002, deleted § 2-174. Former § 2-174 pertained to the supervision of the sewage treatment plant and derived from the Code of 1970.

Sec. 2-175. Reserved.

Editor's note: Item No. 26824-1, an ordinance adopted on Feb. 27, 2002, deleted § 2-175. Former § 2-175 pertained to the supervision of waste collection and disposal and derived from the Code of 1970.

Sec. 2-176. Notice of layout, designation or alteration of certain public facilities

to interested parties required; hearing.

(a) Whenever the council refers to the director of public works any matter pertaining to the layout, alteration, extension, enlarging or changing of any highway, public walk, public avenue or sewer or designation of any building line in the city, the director of public works shall cause notice of the proposed layout, alteration or designation to issue to all parties whose land is proposed to be taken therefor and advising them that they shall have an opportunity to be heard on such matter.

(b) This notice shall:

(1) Be in writing and signed by the director of public works;

(2) Describe in general terms the proposed layout, alteration or designation;

(3) Be served by mail, postage paid, at least five (5) days before the time fixed in such notice for hearing, addressed to the last known place of residence of each interested party.

(Code 1970, § 2-262; No. 26824-1, 2-27-02)

Secs. 2-177--2-182. Reserved.

Editor's note: Item No. 26824-1, an ordinance adopted on Feb. 27, 2002, deleted §§ 2-177--2-182. Former §§ 2-177--2-182 pertained to various duties and aspects of the board of public works and derived from the Code of 1970.

Secs. 2-183--2-190. Reserved.

DIVISION 5. COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES*

***Editor's note:** An ordinance of July 1996, amended Div. 5 of Art. III to read as herein set out. Prior to said amendment, Div. 5 pertained to similar subject matter and was derived from an ordinance of Sept. 1983, §§ I--XI.

Cross references: Condominium conversions restricted, § 13-251 et seq.

Sec. 2-191. Establishment and composition.

There shall be and is hereby created a commission on human rights and opportunities in the city, which shall be composed of seven (7) electors appointed by the mayor with the approval of the common council of which no more than four (4) shall be members of the same political party.

(Ord. of 7-96)

Sec. 2-192. Qualifications of members.

The commission created by this division shall be comprised of electors who are committed to the concepts of human rights, affirmative action, equal employment and fair housing. Efforts shall be made to assure that the membership of the commission includes members of "protected classes" who have historically been underrepresented in the labor force or subject to discrimination based on religion, national origin, alienage, color, race, sex or physical disability.

(Ord. of 7-96)

Sec. 2-193. Term of office, vacancies, removal of member.

(a) All members of the commission shall be appointed by the mayor pursuant to section 5-2(e) of the Charter.

(b) Vacancies shall be filled by the mayor pursuant to section 5-2(e) of the Charter for the unexpired term of any member who resigns, is removed for just cause, or who is no longer qualified to serve.

(c) Members of the commission may be removed by the mayor for just cause at any time.

(Ord. of 7-96; Ord. of 7-01; No. 26897-1, 12-11-02)

Sec. 2-194. Compensation.

The members of the commission shall receive no compensation for their services but may be reimbursed for reasonable and necessary expenses.

(Ord. of 7-96)

Sec. 2-195. Budget.

The commission shall prepare and submit an annual budget estimate to cover the costs associated with its operations in the performance of its duties as established herein.

(Ord. of 7-96)

Sec. 2-196. Duties.

The duties of the commission shall include the following:

(1) Prepare an annual report to the mayor and the common council on the "state of the city" with regard to human rights and opportunities, affirmative action, equal employment opportunities and fair housing;

(2) Establish goals and programs designed to assure compliance by the city in the area of human rights and opportunities, affirmative action, equal employment opportunities, fair housing and to effect the removal of barriers to the realization of the full human potential of all residents of the city;

(3) Monitor and report to the mayor on compliance by the city in all aspects of the law related to human rights and opportunities;

(4) Oversee all programs in the city aimed at elimination of discrimination and poverty;

(5) Oversee the performance of all persons employed by the commission;

(6) Advise and assist the mayor in the development of an administrative/operational plan to implement the performance of the duties of the commission;

(7) Advise and assist the civil service commission in the establishment and implementation of an outreach and recruiting program designed to bring qualified minority individuals into the civil service system of the city;

(8) Monitor and report to the civil service commission on compliance by the civil service office and the personnel director with the mandates of federal, state and local law, rules, regulations and programs relating to human rights, affirmative action and equal employment opportunity;

(9) Process complaints relating to human rights issues and discrimination matters and make referrals to appropriate enforcement agencies;

(10) Interact with all monitoring and enforcement agencies of the federal and state governments with regard to human rights, affirmative action, equal employment and fair housing including preparation of annual statistical analyses of the city's work force and development of and response to any compliance audits and review;

(11) Assist in the production and analyses of census, population and work force data so as to assist in the identification of significant minority groups with in the city;

(12) Establish goals and programs designed to assure the development and implementation of fair housing and affirmative housing policies in the city.

(Ord. of 7-96)

Sec. 2-197. Powers.

The commission shall have the following powers:

(1) With the approval of the mayor, to utilize the resources of any department of the city in carrying out its duties as herein set forth;

(2) With the approval of the common council, to make application to federal, state or private funding sources to obtain funds for carrying out its duties as herein set forth.

(Ord. of 7-96; No. 26864-1, 3-13-02)

Sec. 2-198. Fair housing policy.

It is the policy of the City of New Britain that no person shall discriminate with respect to housing in the City of New Britain in violation of any federal, state or local law.

(No. 26864-1, 3-13-02)

Sec. 2-199. Discrimination prohibited.

It shall be unlawful:

(a) For any person to refuse to sell, rent, lease or otherwise make unavailable or deny housing to any person because of race, religion, color, national origin, ancestry, gender, marital status, age, lawful source of income, sexual orientation, familial status or mental or physical disability.

(b) For any person to discriminate against any person in the terms, conditions or privileges of sale, rental or leasing of housing accommodations or in the provisions of services or facilities in connection therewith because of race, religion, color, national origin, ancestry, gender, marital status, age, lawful source of income, sexual orientation, familial status or mental or physical disability.

(c) For any person, bank, building and loan association, insurance company or other corporation, association, firm or enterprise whose business consists in whole or in part in the making or real estate loans to deny a loan to a person applying therefor for the purpose of purchasing, constructing, improving or repairing housing or to discriminate against him in the fixing of the amount, interest rate, duration or other terms or conditions of such loan because of race, religion, color, national origin, ancestry, gender, marital status, age, lawful source of income, sexual orientation, familial status or mental or physical disability.

(No. 26864-1, 3-13-02)

Sec. 2-200. Exemptions.

The provisions of this article shall not apply to:

(a) The sale or rental of a single-family house by a private individual owner who does not own more than three (3) such single-family houses at any time if the house is sold without the use of a broker and without discriminatory advertising;

(b) The rental of a housing accommodation in a building which contains housing accommodation for not more than two (2) families living independently of each other, if the owner or members of his family reside in one of such accommodations;

(c) The sale or rental of dwellings owned or operated by a religious organization, for other than a commercial purpose, to persons of the same religion unless membership in such religion is restricted on account of race, color or national origin;

(d) A private club not open to the public and providing lodging which it owns or operates for other than commercial purposes, from limiting rental or occupancy to its members;

(e) The rental of a room in a rooming house, if such rental is by the occupant of the

housing accommodation, or by the owner of the housing accommodation and he or members of his immediate family reside in such accommodation;

(f) The rental of sleeping accommodations provided by associations and organizations which rent all such sleeping accommodations on a temporary or permanent basis for the exclusive use of persons of the same sex;

(g) The rental of a housing accommodation in a building designed specifically for occupancy by handicapped persons or the elderly.

(No. 26864-1, 3-13-02)

Sec. 2-201. Administration.

The commission on human rights and opportunities of the City of New Britain shall consider any and all complaints of violations of this article and shall refer the same to the State of Connecticut Commission of Human Rights and Opportunities and to the United States Department of Housing and Urban Development.

(No. 26864-1, 3-13-02)

Secs. 2-202--2-210. Reserved.

DIVISION 6. INSURANCE COMMISSION*

***Charter references:** Insurance commission, § 171.

Cross references: City treasurer to be sole custodian of insurance contracts affecting city, § 2-336; pensions, § 2-416 et seq.; municipal finances, § 2-476 et seq.

Sec. 2-211. To provide and procure insurance and bonds.

The purchasing agent shall provide and procure for the several departments, boards, committees, officials and employees of the city all contracts of insurance and bonds as directed by the common council that in its opinion may be required to adequately protect the city against loss and damage, and shall procure all other insurance for which the city pays part or all of the cost.

(Code 1970, § 2-300; Ord. of 7-01)

Sec. 2-212. To establish, approve, and accept insurance and bonds.

The common council shall prescribe the amount, level of coverage and type of insured and self-funded risk exposure of all insurance contracts and bonds required by the Charter, ordinances or several departments of the city and only the common council shall have the authority to establish, approve and accept such contracts or bonds.

(Code 1970, § 2-301; Ord. of 7-01)

Sec. 2-213. To establish standards and forms and sufficiency of insurance and bonds.

The common council shall establish the standards for all contracts of insurance and bonds and shall examine them as to their sufficiency in form and content at the request of the purchasing agent for city departments, boards, commissions, officials or employees and after consultation with the proper persons or city departments concerned. The common council shall make determinations concerning all procedural aspects of insurance policies and bonds and shall require appropriate renewal or cancellation provisions where necessary.

(Code 1970, § 2-302; Ord. of 7-01)

Sec. 2-214. Decisions final.

All decisions relating to contracts of insurance or bonds required by the city shall be made by the common council and its decisions shall be final.

(Code 1970, § 2-305; Ord. of 7-01)

Sec. 2-215. To file and catalog insurance and bonds.

All contracts of insurance and bonds shall be properly filed and catalogued by the purchasing agent for ready reference.

(Code 1970, § 2-306; Ord. of 7-01)

Sec. 2-216. Reserved.

Editor's note: Item No. 26768-1, an ordinance adopted on Feb. 13, 2002, deleted § 2-216. Former § 2-216 pertained to recommendations for rate reductions and derived from the Code of 1970.

Sec. 2-217. Notification required for changes in property status.

(a) *Change in status.* The city departments, boards, commissions, committees, officials or employees affected by this article shall notify the purchasing agent in writing of any change in the status of property under their management or control, including all purchases or sales of property.

(b) *Report of losses or accidents.* A report shall be made by the purchasing agent on behalf of city agencies mentioned in paragraph (a) of this section to the common council after any loss or accident affecting city property at the first regular meeting of the common council after such loss.

(Code 1970, § 2-309; Ord. of 7-01)

Sec. 2-218. Procedure for payment of insurance and bond premiums.

All bills for premiums for contracts of insurance and bonds shall be forwarded by the

insurer directly to the purchasing agent for approval, and upon approval may be paid. Orders drawn in payment of premiums shall be charged against the account in each respective fund of the city as appropriated by the common council.

(Code 1970, § 2-310; Ord. of 7-01)

Sec. 2-219. Official list of insurance and agents.

The common council may assign an insurer or agent for the purpose of soliciting proposals for insured risk coverages on the basis of receiving the lowest possible premium.

(Code 1970, § 2-315; Ord. of 7-01)

Secs. 2-220--2-230. Reserved.

DIVISION 7. COMMISSION ON AGING*

***Editor's note:** An ordinance of Sept. 1989 amended Art. III, Div. 7, to read as herein set out. Prior to amendment, Div. 7 contained §§ 2-231--2-233 which pertained to similar provisions and derived from Code 1970, §§ 2-316--2-318.

Sec. 2-231. Definitions.

As used in this division:

Commission shall mean the commission on aging.

Elderly person shall mean one who has attained the age of sixty (60) years, or one who has attained the age of fifty-five (55) years and been declared "disabled" under the Social Security Act. (Nonresidents who meet these eligibility requirements are entitled to full use of all services and programs of the New Britain Senior Center upon payment of a twenty-dollar-annual-user fee.)

(Ord. of 9-89; Ord. of 10-91; Ord. of 2-92; No. 26939-1, 5-8-02)

Sec. 2-232. Establishment; composition.

There shall be a commission on aging. The commission shall be composed of nine (9) members of whom not more than six (6) shall be members of the same political party and at least one of whom shall be an elderly person.

(Ord of 9-89; Ord of 10-91; No. 26939-1, 5-8-02)

Sec. 2-233. Reserved.

Editor's note: Ord. No. 26897-1, adopted Dec. 11, 2002, repealed § 2-233, which pertained to term and membership. For complete derivation see the Code Comparative Table at the end

of this volume.

Sec. 2-234. Compensation.

The members of the commission shall receive no compensation for their services.

(Ord. of 9-89)

Sec. 2-235. Meetings.

The commission shall hold regular meetings once a month except in the months of July and August. The chairperson may call special meetings as may be required.

(Ord. of 9-89)

Sec. 2-236. Powers and duties.

The commission shall have the following powers and duties:

(1) Shall advise and consult with the department head pertaining to the duties and conduct of the programs, services and facilities under the responsibility of the department. In general, the commission shall be responsible for policy making and evaluation with the advice of the department head. This shall include, but not be limited to, the adoption of such rules and regulations not inconsistent with the general statutes;

(2) Shall assist the department in evaluation of the varying and changing social, emotional, financial and physical needs of senior citizens residing in the community and assist with developing interventions and initiatives designed to correct deficits;

(3) Shall serve as a voice of advocacy on a local and state level for those elderly persons who have demonstrated needs for supportive programs and services in order to maintain their independency, self-esteem and dignity in the community; and

(4) Shall assist the department in special projects or undertakings that may be required.

(Ord. of 9-89; No. 26939-1, 5-8-02)

Sec. 2-237. Department of elderly resources.

There shall be a department of elderly resources.

(Ord. of 9-89; No. 26939-1, 5-8-02)

Sec. 2-238. Duties of department of elderly resources.

The department shall be responsible for determining:

(1) The conditions, needs and problems of the elderly persons in the community in

relation to transportation, housing, economic conditions, health, employment, socialization, nutrition and other matters.

(2) Shall be responsible for coordinating elderly services provided in the community, both by public and private agencies, and shall act as an advocacy and coordinating agency to develop and implement new and expanding services for the elderly;

(3) Shall make recommendations to the mayor who shall transmit those recommendations where necessary and appropriate to the common council. These recommendations shall include, but not be limited to, recommendations regarding the development and integration of public and private agencies in cooperation with state, federal and other agencies;

(4) Shall monitor and ensure compliance, enforcement and implementation of existing federal and state statutes pertaining to the elderly; and

(5) Shall manage and improve, subject to approval of the common council, the facilities used for programs and services provided under the auspices of the department.

(Ord. of 9-89; No. 26939-1, 5-8-02)

Sec. 2-239. Director of department of elderly resources.

The head of the department shall be the director. The director shall be responsible for the efficiency, discipline and good conduct of the department.

(No. 26939-1, 5-8-02)

Sec. 2-240. Reserved.

DIVISION 8. VETERANS' COMMISSION*

***Charter references:** Veterans' commission, § 151.

Sec. 2-241. Duties.

The veterans' commission shall carry on the functions of the former municipal home service bureau and the veterans' service center. Its duties shall be to maintain a complete list of residents who participated in conflicts of the United States, to direct the observance of all legal holidays pertaining to veterans, to assist veterans in connection with all matters pertaining to the exercise of the rights conferred upon them by law, and to aid in the rehabilitation and readjustment of veterans.

(Code 1970, § 2-323)

Sec. 2-242. Honored and/or wounded veterans and Gold Star Parents to be admitted free of charge Veterans Memorial Stadium at Willow Brook Park.

(a) Any veteran or a Gold Star Parent who is a resident of the city and who has received any of the military commendations for distinguished service in the armed forces of the United States hereinafter enumerated, or a Gold Star Parent, shall be admitted free of charge into Veterans Memorial Stadium, Willow Brook Park, New Britain, Connecticut, for any city-sponsored event of any nature conducted at the stadium, provided that such veteran shall possess and show at the gate a card issued by the veterans commission identifying him to be decorated veteran or a Gold Star Parent, together with some other form of identification, which contains a photograph, such as but not limited to a driver's license. A city-sponsored event shall include an event sponsored by the city or one of its agencies or departments, including the school department, but shall not include events sponsored by a private contractor.

(b) Awards entitling veteran to free admission:

(1) Congressional Medal of Honor.

(2) Distinguished Service Cross.

(3) Silver Star.

(4) Distinguished Flying Cross with "V" Device.

(5) Bronze Star with "V" Device.

(6) Air Medal with "V" Device.

(7) Army Commendation Medal with "V" Device.

(8) Navy Cross.

(9) Legion of Merit with "V" Device.

(10) Air Force Cross with "V" Device.

(11) Distinguished Service Medal with "V" Device.

(12) Airman's Medal with "V" Device.

(13) Marine Corps Medal with "V" Device.

(14) Purple Heart.

(c) The board of parks commissioners shall require in each contract or lease agreement with a city agency or department for Veterans Memorial Stadium that a provision be included in each contract or lease requiring that the contractor or lessee agreed that all decorated veterans and Gold Star Parents holding a validated card issued by the veterans commission and who establish their identity with some other photo identification will be admitted to any event held at the stadium free of charge.

(d) The veterans commission shall issue cards to veterans and Gold Star Parents after verifying that the applicant has in fact received one of the military awards enumerated

in subsection (b).

(Ord. of 3-84; Ord. of 10-84)

Cross references: Park use regulations, § 17-36 et seq.

Sec. 2-243. Establishment; composition.

There shall be a veterans commission. The commission shall consist of nine (9) members, all of whom shall be honorably discharged veterans from the armed forces of the United States.

(Ord. of 7-01)

Sec. 2-244. Reserved.

Editor's note: An ordinance adopted on July 2, 2001, set out provisions intended for use as § 2-243. For purposes of clarity, and as an earlier ordinance designated provisions to be set out as § 2-243, and at the editor's discretion, these provisions have been redesignated and included as § 2-244. Ord. No. 26897-1, adopted Dec. 11, 2002, repealed § 2-244, which pertained to term and membership, and derived from Ord. of 7-01.

Secs. 2-245--2-250. Reserved.

DIVISION 9. COMMISSION ON PERSONS WITH DISABILITIES*

***Editor's note:** The name of the commission for the handicapped was changed by an ordinance of Oct. 1991.

Cross references: Definitions and rules of construction generally, § 1-2.

Sec. 2-251. Definitions.

As used in this division:

Commission shall mean the commission on person with disabilities.

Handicapped person shall mean one who has a physical or mental impairment which substantially limits one or more of such person's major life activities (such as employability); has a record of such impairment; or is regarded as having such an impairment.

(Code 1970, § 2-323.1; Ord. of 4-77; Ord. of 10-91)

Sec. 2-252. Establishment; composition.

(a) There shall be a commission on persons with disabilities. The commission shall be

composed of seven (7) members, appointed by the mayor of whom not more than four (4) shall be members of the same political party, and no less than four (4) of whom shall be handicapped persons. The mayor shall designate one (1) member of the commission as chairperson. The chairperson shall serve for one (1) year beginning January first and until the mayor designates a successor.

(Code 1970, § 2-323.1; Ord. of 4-77; Ord. of 10-91; Ord. of 7-01)

Sec. 2-253. Vacancies; removal of members.

(a) *Vacancies.* The mayor shall appoint a citizen of his choice to fill the unexpired term of a vacating member.

(b) *Removal of members.* Any member of the commission may be removed by the mayor for cause at any time.

(Code 1970, § 2-323.1; Ord. of 4-77; Ord. of 10-91; No. 26897-1, 12-11-02)

Sec. 2-254. Compensation.

The members of the commission on persons with disabilities shall receive no compensation for their services.

(Code 1970, § 2-323.1; Ord. of 4-77; Ord. of 10-91)

Sec. 2-255. Powers and duties.

The commission on persons with disabilities shall have the following powers and duties:

(1) To initiate and/or conduct continuous studies and surveys to determine the conditions, needs and problems of the handicapped persons in the community in relation to architectural barriers, transportation, public education and publicity, housing, employment, recreation, health and other matters.

(2) To serve as a clearing house for information and to advertise, prepare, print and distribute publications designed to promote the official purposes of the commission.

(3) To monitor and ensure compliance, enforcement and implementation of existing federal and state statutes intended to aid the handicapped.

(4) To act as an advocacy and coordinating agency to bring about new and expanded programs and services for the handicapped.

(5) To make an annual report on or about April first of each year to the mayor and the common council of the commission's activities, together with its recommendations for administrative and legislative action by the city, in addition to any other period reports and recommendations the commission may choose to make.

(Ord. of 4-77; Ord. of 10-91)

Sec. 2-256. Fees for transportation services.

The Commission on Persons with Disabilities and Community Services is authorized to charge a fee of two dollars and fifty cents ($2.50) each way to each person for transportation services provided under the Handi-Van Program which transportation is to points outside of the City of New Britain. Said fee may be modified by resolution of the commission with the concurrence by resolution of the common council.

(Ord. of 12-91)

Secs. 2-257--2-265. Reserved.

DIVISION 10. OFFICE OF COMMUNITY AND NEIGHBORHOOD DEVELOPMENT

Sec. 2-266. Declaration of policy.

It is found and declared that the improvement of the conditions and quality of urban life is one of the most serious responsibilities facing this city. The persistence of blight; the critical need for additional and improved housing and community facilities and services; the persistence of poverty, unemployment, underemployment, educational deprivation, crime and delinquency, and physical and mental illness; the realization that the future welfare of the city and the well-being of its citizens depends on addressing critical social, economic and environmental problems require comprehensive intervention and direction. It is further found and declared that while various city agencies, boards and commissions have endeavored to develop and implement programs to improve the quality of life, the accomplishment of this goal requires effective concentration and coordination of efforts which can best be achieved by the creation of an office of community and neighborhood development which shall report directly to the mayor in his/her capacity as chief executive officer.

(Ord. of 12-90)

Sec. 2-267. Establishment and composition.

There shall be created a commission on community and neighborhood development in the city, which shall be composed of eleven (11) members appointed by the mayor and approved by the common council. The members shall serve without compensation but may be reimbursed for necessary expenses.

(Ord. of 12-90; No. 26897-1, 12-11-02; Res. No. 30854-2, 1-27-10)

Sec. 2-268. Designation.

The office of community and neighborhood development is hereby designated as:

(1) The redevelopment agency of the city, pursuant to section 8-126 of the Connecticut General Statutes;

(2) The economic development agency of the city, pursuant to section 7-136 of the

Connecticut General Statutes;

(3) The community development agency of the city, pursuant to Part VI of Chapter 30 of the Connecticut General Statutes;

(4) The housing site development agency of the city, pursuant to section 8-216b of the Connecticut General Statutes;

(5) The human resource development agency of the city, pursuant to section 8-221 of the Connecticut General Statutes; and

(6) The municipal development agency of the city, pursuant to section 8-188 of the Connecticut General Statutes.

(Ord. of 12-90)

Sec. 2-269. Power, duties and authority.

The office of community and neighborhood development shall have all power, duties and authority of redevelopment agencies, economic development agencies, community development agencies, housing site development agencies, economic development agencies, community development agencies, housing site development agencies and municipal development agencies as are set forth in the General Statutes of the State of Connecticut. In addition, the office of community neighborhood development shall have all power, duties and authority which may be delegated or assigned to it by the mayor relative to community, economic and neighborhood service functions. The office of community and neighborhood development shall be attached to the office of the mayor who shall have administrative supervision and control of all activities of such office of community and neighborhood development.

(Ord. of 12-90)

Sec. 2-270. Incorporation of executive order.

The provisions of Executive Order 90-1, promulgated on October 1, 1990, by Donald J. DeFronzo, Mayor are hereby incorporated into this division by reference as if fully set forth herein.

(Ord. of 12-90)

Secs. 2-271--2-280. Reserved.

DIVISION 11. AWARDS COMMITTEE

Sec. 2-281. Composition.

There shall be an awards committee consisting of one representative of industry, one representative of labor, one clergyman, one businessman, and one member-at-large, each of whom shall be an elector in the city at the time of his appointment and upon ceasing to be an elector his membership shall be deemed to have expired.

(Code 1970, § 2-324)

Sec. 2-282. Appointment of officers.

Election of such officers as such committee shall deem necessary shall be made by majority vote of the entire membership.

(Code 1970, § 2-325; No. 26897-1, 12-11-02)

Sec. 2-283. Removal of members.

The mayor shall have sole authority to remove any member of the awards committee for cause, of which the mayor shall be the sole judge, and his notice of removal shall state the cause.

(Code 1970, § 2-326)

Sec. 2-284. Duties.

The awards committee shall judge the performance of employees of the city on the basis of heroism, meritorious service, and commendatory acts, and the committee shall have authority to make appropriate awards whenever in the judgment of the committee recognition of this nature is merited.

(Code 1970, § 2-327)

Sec. 2-285. Majority rule.

All actions of the awards committee shall be accomplished by majority vote of the entire membership.

(Code 1970, § 2-328)

Sec. 2-286. Monetary awards to require council approval.

If an award, voted by the awards committee entails the expenditure of public funds of the city, such expenditure must receive prior approval of the council.

(Code 1970, § 2-329)

Sec. 2-287. Office costs.

The expenditures by the awards committee for printing and postage shall be limited to twenty-five dollars ($25.00) per fiscal year and shall not be made without prior approval of the director of finance.

(Code 1970, § 2-330)

Secs. 2-288--2-295. Reserved.

DIVISION 12. RESERVED*

***Editor's note:** Ord. No. 27929-1, § adopted Apr. 28, 2004, repealed division 12, §§ 2-296--2-300, which pertained to bonding committee. For complete derivation, see the Code Comparative Table at the end of this volume.

Secs. 2-296--2-305. Reserved.

DIVISION 13. SCHOOL BUILDING COMMITTEE

Sec. 2-306. Creation; compensation; composition; term; vacancies.

(a) *Membership.* There shall be one (1) school building committee with a membership composed of seven (7) electors of the city. They shall be appointed by the common council and no more than two (2) members shall be alderpersons. They shall serve without compensation.

(b) *Term*. The term of office shall be two (2) years from each January 1 immediately following the mayoral election. The term of office for all members of the current school building committees shall expire on January 1, 2008.

(c) *Vacancies.* Vacancies occurring in the membership of the school building committee shall be filled in the same manner described in subsection (a) above for the unexpired portion of the term.

(d) *Ex officio member.* The superintendent of schools or his/her designee shall be an ex officio member of the school building committee without vote.

(e) *Removal.* A member of the committee may be removed for cause or by a two-thirds (2/3) vote of the entire membership of the common council.

(Code 1970, § 2-331; Ord. of 8-94, § 1; Ord. of 2-99; Ord. No. 27849-1, 7-22-04; Res. No. 29740-2, 8-8-07)

Sec. 2-307. Reports on work progress required.

The school building committee shall report at least once a month on the progress of its work to the board of education, the board of finance and taxation, the mayor and the council.

(Code 1970, § 2-332)

Sec. 2-308. Development of preliminary plans and cost estimates.

The school building committee shall develop and forward to the mayor, the common council and the board of education preliminary plans and cost estimates for each school to be constructed, substantially altered, or renovated in accordance with the education requirements

and specifications submitted to the committee by the board. These plans and estimates shall include such matters as site improvements, and all other necessary appurtenances, as well as the equipment and furnishings for the schools.

(Code 1970, § 2-333; Ord. of 8-94, § 2)

Sec. 2-309. Plans and cost estimates as basis for school construction appropriations.

Upon approval by the board of education, the preliminary plans and cost estimates developed by a school building committee, in response to education specifications provided by the board of education, shall be transmitted to the mayor as the basis for his or her recommendations to the council on the matters of appropriations and the means of financing future schools.

(Code 1970, § 2-334; Ord. of 8-94, § 3; Ord. of 7-01)

Sec. 2-310. Board of education and common council to approve plans.

The board of education and common council shall, approve preliminary and final plans. The board of education shall also approve specifications.

(Code 1970, § 2-335; Ord. of 8-94, § 4)

Sec. 2-311. To advertise for bids; letting of contracts.

Upon final approval by the board of education and common council of any preliminary and final plans and by the board of education of the specifications, the school building committee shall advertise for bids for the construction of such schools and shall select and enter into contracts in the city's name with the lowest responsible and qualified bidder.

(Code 1970, § 2-336; Ord. of 8-94, § 5)

Sec. 2-312. Planning and supervision of school construction.

The school building committee, in accordance with the education requirements and specifications submitted to it by the board of education and as described by the plans approved by the common council, shall:

(1) Plan and supervise the construction of all proposed schools and school additions generally, and

(2) Review existing school construction plans and revise them when necessary and practicable, provided that they are within the scope of the project.

(Code 1970, § 2-337; Ord. of 8-94, § 6)

Sec. 2-313. Employment of architects, engineers and construction representatives.

Subject to the approval of the board of education and the common council, the school

building committee shall engage, select, and enter into or continue all necessary contracts with architects, landscape architects, or engineers, and within the limits of the appropriations made by the council, this committee shall engage and fix the salary of one or more construction representatives who shall be responsible to the school building committee.

(Code 1970, § 2-338; Ord. of 8-94, § 7)

Sec. 2-314. Clerical assistance; reimbursement.

(a) *Assignment of employees to committee.* At the direction of the common council, the board of education shall assign employees of the school department to advise and assist the school building committee upon request, and shall provide the school building committee with such clerical assistance as the committee may deem necessary.

(b) *Costs.* The school department shall be reimbursed for the cost of the clerical services supplied from the appropriate school construction account. This reimbursement shall be considered as general fund revenue credited to the board of education.

(Code 1970, § 2-339; Ord. of 8-94, § 8)

Sec. 2-315. Purchase of furniture and equipment for schools.

Furniture and equipment for each school construction project shall be purchased by the school building committee in accordance with the specific recommendations of the board of education as provided for in the approved plans and specifications and on approval of the common council.

(Code 1970, § 2-340; Ord. of 8-94, § 9)

DIVISION 14. CULTURAL AFFAIRS COMMISSION

Sec. 2-316. Creation; membership; term of office.

(a) *Membership.* There is hereby created a cultural affairs commission, which shall be composed of seven (7) electors from the City of New Britain. The membership should reflect a broad and diverse range of cultural interests. The mayor shall make all appointments to the commission.

(b) *Appointments.* All appointments shall conform to the minority representation requirements of the Connecticut General Statutes.

(c) *Chairperson.* The commission shall elect one of its members to serve as chairperson.

(Ord. of 6-90; Ord. of 3-93; No. 26897-1, 12-11-02)

Sec. 2-317. Powers and duties.

(a) The commission shall act in an advisory capacity to the mayor, common council and the board of finance and taxation and shall make recommendations to the mayor, the

council and board regarding appropriations to support cultural programs.

(b) The commission shall collect data on various cultural organizations in the city; shall review and make recommendations with respect to all requests for city funds; based on an assessment of the needs of such organizations requesting funds which assessment shall include a review of all funding sources of such organization, the specific purpose(s) for which the funds will be utilized, the benefits which will be derived by residents of the city and alternative funding sources available to the organization requesting city funds. All arts and cultural groups requesting appropriations from the city shall be subject to this review process. Organizations requesting financial assistance in connection with events held once a year and which are of an ethnic nature shall not be subject to such review procedure.

(Ord. of 6-90; Ord. of 7-01)

DIVISION 15. NEIGHBORHOOD REVITALIZATION ZONE COMMITTEES

Sec. 2-318. Creation; composition.

Neighborhood groups are hereby authorized to form neighborhood revitalization zone committees. The committee shall consist of no less than ten (10) and no more than forty (40) members. The membership of such committee shall reflect the composition of the neighborhood and include, but not be limited to, tenants and property owners, community organizations and representatives of businesses located in the neighborhood or which own property in the neighborhood. A majority of the members shall be residents of the neighborhood.

(Ord. of 12-96)

Sec. 2-319. Powers; purpose.

The neighborhood revitalization zone committees shall implement and oversee the strategic plan as previously developed by a neighborhood revitalization zone planning committee. The neighborhood revitalization zone committees shall serve in an advisory capacity to the city in an effort to revitalize deteriorated neighborhoods. The city's role in the neighborhood revitalization zone process may include, but not limited to, submission of waivers to state officials and approval of waivers of local codes and regulations, the taking of property and appointment of rent receivership, the modification of municipal procedures to assist neighborhood revitalization zones, and the establishment of multi-agency collaborative delivery teams.

(Ord. of 12-96)

Sec. 2-320. Reporting.

The neighborhood revitalization zone committees shall submit reports on implementation of the strategic plan to the mayor and common council at intervals of six (6) months in the first year after adoption by the common council and annually thereafter.

(Ord. of 12-96)

Sec. 2-321. Amendments to strategic plans.

Any and all amendments of strategic plans of neighborhood revitalization zone committees after initial approval by the common council shall be further approved by the common council and filed with the office of the commission on community and neighborhood development.

(Ord. of 12-96)

Sec. 2-322. Broad Street Neighborhood Revitalization Zone.

The Broad Street Neighborhood Revitalization Zone Committee is hereby recognized and its strategic plan approved as filed in the office of the commission on community and neighborhood development November 13, 1996. Its boundaries as described in the strategic plan are hereby approved.

(Ord. of 12-96)

Sec. 2-323. Arch Street Neighborhood Revitalization Zone.

The Arch Street Neighborhood Revitalization Zone Committee is hereby recognized and its strategic plan approved as filed in the office of municipal development. Its boundaries as described in the strategic plan are hereby approved.

(Ord. of 11-15-99)

Sec. 2-324. North-Oak Streets Neighborhood Revitalization Zone.

The North-Oak Neighborhood Revitalization Zone Planning Committee is hereby recognized and its strategic plan approved as filed in the office of municipal development. Its boundaries as described in the strategic plan are hereby approved.

(Ord. of 4-01)

Sec. 2-325. East side neighborhood revitalization zone.

The east side neighborhood revitalization zone is hereby recognized and its strategic plan approved as filed in the office of municipal development. Its boundaries as described in the strategic plan are hereby approved.

(Res. No. 29390-2, 12-13-06)

Secs. 2-326, 2-327. Reserved.

DIVISION 16. BOARD OF EDUCATION

Sec. 2-328. Composition.

Pursuant to section 3-2(b)(7) of the Charter, five (5) members of the board of education shall be elected every two (2) years beginning November, 2001, and shall serve the same four (4) year term of office.

(Ord. of 7-01)

Secs. 2-329, 2-330. Reserved.

ARTICLE IV. OFFICERS*

***Charter references:** Public officials, § 2301 et seq.

Cross references: Director of finance, § 2-501 et seq.; duties of police officers generally, § 20-31 et seq.; collector of taxes, 22-26 et seq.

DIVISION 1. GENERALLY

Sec. 2-331. Communications of corporation counsel.

The corporation counsel shall index and record all opinions construing statutes or ordinance or charter provisions of the city.

(Code 1970, § 2-179)

Sec. 2-332. Registrar of voters--Payment of election workers; procedure.

The registrar of voters shall prepare and submit to the director of finance a payroll listing the names, addresses, and amounts due, of all persons employed by the city solely for the purpose of assisting in the conduct of elections. The director of finance thereupon shall prepare individual checks and forward them by person or through the United States mail in accordance with the payroll listings. Payment of election workers in any other manner is prohibited.

(Code 1970, § 2-182)

Sec. 2-333. Same--Designation of party affiliation of voters.

Pursuant to section 9-54 of the General Statutes, the registrars of voters shall designate the party affiliations, if any, of each elector on the registry list.

(Code 1970, § 2-182.3; Ord. of 4-73)

Sec. 2-334. Inspection of city buildings.

The building inspector shall inspect biennially all buildings owned by the city, except such buildings as are used or controlled by the consolidated school district, and shall report

his/her findings to the council and to the department or board having control of buildings, prioritizing and setting forth the necessary repairs, if any, the amount of insurance carried on such buildings, and his/her recommendations.

(Code 1970, § 2-183; Res. No. 28887-2, 1-30-06)

Cross references: Buildings and building regulations, Ch. 7.

Sec. 2-335. All city representatives to display insignia.

No representative or agent of any public utility or city department shall enter upon the premises of any private dwelling upon any official business unless he has displayed prominently upon his person a badge or other insignia displaying his picture, name, and official capacity. Such badge or insignia shall be easily seen and recognized by a person with normal vision at a distance of not less than six (6) feet, or it shall be permissible to use such other identification as may be acceptable to the chief of police.

(Code 1970, § 2-184)

Sec. 2-336. Custody of insurance and bonds.

The city treasurer shall be sole custodian of all contracts of insurance and bonds affecting the city.

(Code 1970, § 2-307)

Cross references: Insurance commission, § 2-211 et seq.; bonding committee, § 2-296 et seq.

Sec. 2-337. Required reports re federal funds and grants applications.

It shall be the duty of the mayor and/or any city official involved in the application for any federal funds or grants to first consult with the common council as to the purposes for which such funds or grants are applied for and the use for which they are planned.

(Code 1970, § 2-42; Ord. of 10-74)

Sec. 2-338. Compensation of elected and appointed officials.

The compensation of elected and appointed city officials shall be established and increased periodically as follows:

(1) In January of each odd-numbered year, the common council shall appoint a compensation committee consisting of three (3) members, two (2) of which shall be nominated by the majority leader of the common council, and one of which shall be nominated by the minority leader of the common council. The nominations shall be approved by a majority of the common council present and voting. In the absence of a minority party on the common council, the common council shall, by majority vote, nominate and approve the appointment of the committee member which was designated as that of the minority leader;

(2) The compensation committee shall undertake a study in order to make a recommendation with respect to a salary adjustment for elected and appointed officials whose salaries are to be established by ordinance, including, but not limited to the mayor, the town clerk, the tax collector, the treasurer, the registrars of voters, the corporation counsel, the clerk of committees and the deputy treasurer. The compensation committee shall take into consideration the salaries of comparable officials in other cities and towns and the adjustments in compensation granted to employees of the city. The committee may utilize, as necessary, appropriate city personnel to assist in its study committee shall report its recommendation to the full common council in a timely manner;

(3) The common council, upon receipt of the report of the compensation committee, shall refer the report including any resolution proposing an adjustment to compensation to the committee on ordinance and salaries for a public hearing;

(4) The compensation of elected or appointed officials shall not be adjusted unless modified by a resolution adopted by a majority vote of the common council following the process set forth in subsections (1), (2) and (3) of this section;

(5) The effective date of any adjustments to compensation of elected or appointed officials under this section shall be as follows:

a. For those officials who are elected or appointed for two-year terms, on the Tuesday following the mayoral elections, in each odd-numbered year;

b. For the town clerk, on the first day of the commencement of the term of office and on the first day following the completion of two (2) years of the term of office;

c. For the registrars of voters, on the first day of the commencement of the term of office and on the first day following the completion of two (2) years of the term of office, provided however, if such adjustments in compensation are enacted subsequent to the first day following the completion of two (2) years of this term of office, such adjustments shall be retroactive to the first day following the completion of two (2) years of the term of office.

(Ord. of 5-85; Ord. of 12-88; Ord. of 2-90; Ord. of 4-90; Ord. of 4-95; Ord. of 9-01; Ord. No. 27825-1, 1-28-04)

Cross references: Committee on ordinance and salaries, § 2-114 et seq.

Secs. 2-339--2-345. Reserved.

DIVISION 2. MAYOR*

***Cross references:** Power and/or duty to: Offer a reward for information about and the arrest of anyone tampering with or altering city records, § 2-2; approve the use of city equipment for

non-municipal business, § 2-5(b); call a special meeting of the common council, § 2-23; be an ex-officio member of the finance and supplies and printing committee, § 2-66; appoint members to the regional planning agency, § 2-133; appoint and remove members of the awards committee § 2-282; appoint members to the school building committee, 2-306; receive the resignations of city clerk, § 2-358; order the director of finance to examine and audit the accounts of any city department, § 2-477(b); sign notes of the city's obligations, § 2-489; appoint director of finance, § 2-501; approve the assignment or transfer of written contracts, § 2-534; authorize emergency purchases by the purchasing agent, § 2-606; approve the use of fire equipment beyond the city limits, § 8-4; appoint members of flood and erosion control board, § 9-24; appoint members to the traffic committee, § 15-26; appoint members to the parking authority, § 15-87; appoint alternate members of city plan commission, § 19-17; appoint members of conservation commission, § 19-32; call out the special guard and special police, § 20-56; issue a warrant for the collection of taxes, § 22-4; abate taxes of poor and owners of low and moderate income housing, §§ 22-8, 22-9; approve investigators or deputies for the collector of taxes, § 22-27.

Sec. 2-346. Emergency power to stop traffic.

Whenever in the opinion of the mayor, an emergency arises calling for the cessation of the running of cars and other vehicles through any of the streets of the city, the mayor may issue an order to all parties concerned, over his hand as mayor and the city seal ordering the cessation of such traffic during such period as he shall deem the emergency requires, and upon such notice as he may deem reasonable. It shall be the duty of all corporations and persons to strictly conform to and obey such order. It shall be the duty of the chief of police, upon being notified of the issuance of such order, to strictly enforce it.

(Code 1970, § 2-44)

Cross references: Motor vehicles and traffic generally, Ch. 15.

Sec. 2-347. Mayor's power of discipline.

Whenever by charter, the mayor is granted the power to remove and discipline any officer or employee appointed by the mayor, the mayor or designee, subject to the provisions of any applicable collective bargaining agreement, shall give written notice to the officer or employee stating the date of the notice; the position or office held by the officer or employee; the cause for the removal or discipline of the officer or employee; and the effective date of the removal or discipline by either of the following alternative methods of notice:

(1) By certified mail, postage prepaid, to the last known address of the officer or employee; or

(2) By hand delivery to the officer or the employee with a written notice of receipt signed by the officer or employee at the time of delivery.

(Ord. of 7-01)

Sec. 2-348. Appeal by mayor.

Any mayor removed in accordance with section 5-9 of the Charter may appeal to the superior court within forty-five (45) days of the date of removal in accordance with the provisions of the Uniform Administrative Procedures Act as if fully incorporated herein.

(Ord. of 7-01)

Secs. 2-349--2-355. Reserved.

DIVISION 3. CLERK*

***Charter references:** Town clerk, §§ 2301, 2302.

State law references: Town clerks generally, G.S. §§ 7-17--7-35; removal, G.S. § 7-22.

Sec. 2-356. Election; term.

Pursuant to section 3-2 of the Charter, the town and city clerk of the city, shall at regular municipal election, be elected for a term of four (4) years. The term of office shall commence at noon on the Tuesday following the election. In accordance with the provisions of section 9-187(a) of the Connecticut General Statutes, the term of the incumbent town and city clerk shall expire at noon on the Tuesday following the next election.

(Code 1970, § 2-50(c); Ord. of 3-73; Ord. of 7-01)

Sec. 2-357. To preserve minutes of all boards and commissions in his records.

(a) *Clerk to record minutes.* The town clerk shall be responsible for maintaining a record of the minutes of the following boards and commissions: Building commission, city plan commission, civil service commission, board of finance and taxation, board of fire commissioners, board of police commissioners, board of public works, board of water commissioners, and zoning board of appeals. If the records of such meetings are not received by the clerk within seven (7) days after the date on which such meetings were held, the clerk shall request the board or commission chairmen concerned to provide the minutes.

(b) *Notice to mayor of failure to comply.* The clerk shall notify the mayor's office for action whenever a board or commission does not adhere to the above procedure.

(Code 1970, § 2-50(a), (b))

Sec. 2-358. Resignation of officers submitted to clerk.

(a) *Resignation submitted to clerk.* Any officer of the city, appointed or elected, who wishes to resign his office, shall submit his resignation in writing to the clerk specifying the date on which the resignation is to be effective.

(b) *Clerk's resignation.* If the clerk wishes to resign his office he shall submit his resignation

to the mayor in the same manner as any other officer would submit his resignation to the clerk.

(Code 1970, § 2-52)

Sec. 2-359. Duty to furnish finance director with ordinances concerning financing.

The clerk shall furnish the director of finance with an attested copy of any new or amended ordinance relating to the finances of the city within one week after the adoption and publication of such an ordinance.

(Code 1970, § 2-53)

Sec. 2-360. Duties of clerk of the common council.

(a) The town and city clerk, as clerk of the common council, shall take all minutes (proceedings) of the common council and submit such minutes at the next month's meeting for approval.

(b) The clerk shall record and attest by signature the common council doings by sending immediately after enactment and approval in writing by the mayor, a copy of any ordinance, resolution, report or other order of the common council to each department or office affected thereby.

(Ord. of 7-01)

Secs. 2-361--2-370. Reserved.

DIVISION 4. CLAIMS INVESTIGATOR

Sec. 2-371. Appointment; term; compensation.

There shall be a claims investigator appointed pursuant to chapter 3 of the Charter who shall be a classified employee.

(Code 1970, § 2-23)

Sec. 2-372. Duties; oath of office.

The claims investigator shall be sworn to the faithful discharge of the duties of his office which shall include the investigation of any and all claims against the city and attendance at all hearings of the committee on claims. The claims investigator shall discharge the duties of his office under the direction of the corporation counsel.

(Code 1970, § 2-24)

Secs. 2-373--2-380. Reserved.

DIVISION 5. SEALER OF WEIGHTS AND MEASURES*

***Charter references:** Authority to prevent use of unlawful weights and measures, § 536; sealer of weights and measures, § 2151; powers and duties of sealer, § 2152; penalties for short weight, § 2153.

State law references: Municipal sealers of weights and measures, G.S. § 43-6.

Sec. 2-381. Definition.

As used in this division, "sealer" shall mean the sealer of weights and measures.

(Code 1970, § 2-170)

Cross references: Definitions and rules of construction generally, § 1-2.

Sec. 2-382. Office hours.

The sealer shall have office hours of at least two (2) hours each business day.

(Code 1970, § 2-171)

Sec. 2-383. To seek arrest of violators.

The sealer shall seek a warrant for the arrest of all persons who violate the provisions of this Code concerning accurate weights and measures. The police may seize any false scales, weights or measures, or false quantities of commodities found in the possession of those so arrested, and shall have these items delivered to the court before whom the arrested person is taken. In the event no arrest can be made under such circumstances, the sealer shall have the power to condemn and seize any false scale, weight or measure.

(Code 1970, § 2-172)

Sec. 2-384. Periodic inspection.

(a) *Sealer to inspect measuring and weighing devices.* The sealer shall periodically inspect, and, if found correct, seal all devices used for weighing or measuring by any person who, as a businessman, sells goods, wares or merchandise by weight or measure. All devices which meet with the standard of the state shall be marked or sealed with the letters N.B.S. and the month and year of inspection.

(b) *Sealer to visit places where measuring or weighing devices used.* The sealer shall inspect, at least once each year, all weighing or measuring devices used in buying or selling any articles of merchandise.

(Code 1970, § 2-173)

Sec. 2-385. Inspection by request.

If the sealer believes it necessary, he may, upon being requested, test any measuring or weighing device used in buying or selling goods, wares or merchandise in the city, by the standards of the state, and if found correct he shall mark or seal them with the letters N.B.S. and the month and year of inspection.

(Code 1970, § 2-174)

Sec. 2-386. Testing of platform scales; expense; refusal to pay.

(a) *Inspection.* The sealer shall inspect and test all platform scales at the owner's expense.

(b) *Report of owner's refusal to pay for inspection.* The sealer shall report to the council the name of any owner who refuses to pay for the inspection of platform scales and the facts connected with the refusal.

(Code 1970, § 2-175)

Sec. 2-387. Record of inspections.

(a) *To keep records.* The sealer shall keep a record of all measuring and weighing devices inspected by him, together with the names of the owners, the devices inspected, the date of inspection, whether the devices meet the state standards, and his disposition of the same.

(b) *Report to council.* The sealer shall annually report to the council the number of measuring and weighing devices inspected by him, together with their condition and his disposition of them.

(Code 1970, § 2-176)

Sec. 2-388. Owner not to use scale not approved by sealer.

(a) *Owner not to use unapproved scale.* No owner of any measuring device subject to the regulatory power of the sealer shall use the device until sealed by the sealer, nor shall he remove the indicia of approval at any time.

(b) *Sealer to have access.* The sealer shall have access during business hours to any weighing or measuring device regulated by him for inspection or testing.

(Code 1970, § 2-177)

Secs. 2-389--2-395. Reserved.

DIVISION 6. AUDITOR*

***Editor's note:** Res. No. 28130-2, adopted Oct. 27, 2004, set out provisions intended for use as § 2-34. For purposes of classification and at the editor's discretion, these provisions have

been included as § 2-396.

Sec. 2-396. Auditor.

(a) There shall be a city auditor, who shall be retained by the common council in accordance with section 4-9 of the City Charter.

(b) The city auditor shall audit, as frequently as the common council deems necessary, the books and accounts of each officer, department, commission, agency and board of the city government, and all institutions that are supported by the city. Each such audit shall include an examination of performance in order to determine effectiveness in achieving the terms of the Code of Ordinances and expressed legislative purposes of the common council. The general direction shall be provided by the committee on administration, finance and law. The auditor shall report his finding and recommendations to the common council.

(c) If the city auditor discovers, or if it should come to such auditor's knowledge, that any unauthorized, illegal, irregular or unsafe handling or expenditure of city funds or any breakdown in the safekeeping of any resources of the city has occurred or is contemplated, such auditor shall forthwith present the facts to the common council.

(d) The city auditor shall assist the common council and its committees in a research and advisory capacity as follows:

(1) Assisting the development of legislative programs and policies;

(2) Analyzing the long-range implications of alternative programs and policies;

(3) Being conversant in all matters coming before the common council and its committees, providing critique of executive branch opinions and analysis on such matters and answering questions on such matters posed by members of the common council;

(4) Maintaining familiarity with the actions and policies of each officer, department, commission, agency, and board of the city government, and all institutions that are supported by the city;

(5) Reporting to the common council any of the actions or policies referred to in subdivision (4) of this subsection that are, in the opinion of such auditor, of interest to the members of the common council or any committee thereof;

(6) Reviewing departmental budget requests and the proposed budget prepared by the board of finance and taxation and providing advice and critique as to their provisions to the members of the common council;

(7) Reviewing the mayor's proposed budget and providing advice and critique as to its provisions to the members of the common council;

(8) Providing assistance to committees of the common council in their review of the mayor's proposed budget and the preparation of such committees' recommendations;

(9) Providing assistance to the whole common council in their preparation of the city's approved budget;

(10) Checking executive branch expenditure and revenue estimates for accuracy;

(11) Preparing short analysis of the costs of executive branch programs and items being considered by the common council or any of its committees, upon request of any member of the common council;

(12) Recommending potential untapped sources of revenue;

(13) Assisting in the development of means by which budgeted programs can be periodically reviewed;

(14) Keeping track of state and federal aid programs to make sure that the city is taking full advantage of opportunities for assistance; and

(15) Performing such other research and analysis services as may be determined by the committee established pursuant to section 4-9 of the City Charter.

(e) Each officer, department, commission, agency, and board of the city government, and all institutions that are supported by the city shall keep their accounts and records in such form and by such methods as to exhibit the facts required by the city auditor and, the provisions of any other ordinance notwithstanding, shall make all records and accounts available to such auditor, upon demand.

(f) Where there are statutory or ordinance requirements of confidentiality with regard to records and accounts reviewed by the city auditor, such requirements of confidentiality and the penalties for the violation thereof shall apply to the city auditor.

(g) All reports issued or made pursuant to this section shall be retained in the offices of the common council for a period of not less than five (5) years. The city auditor shall file one (1) copy of each written report prepared by such auditor with the New Britain Public Library, except minor analysis such as those prepared pursuant to subdivision (11) of subsection (d) of this section.

(Res. No. 28130-2, 10-27-04)

Secs. 2-397--2-400. Reserved.

ARTICLE V. PERSONNEL*

***Charter references:** Civil service, §§ 301--453.

State law references: Municipal employees generally, G.S. §§ 7-460--7-479; municipal employees merit system, see G.S. § 7-407 et seq.; compensation of officers and employees, G.S. § 7-460.

DIVISION 1. GENERALLY

Sec. 2-401. Residence requirement of employees.

(a) *Employees to meet requirements.* No person shall be employed in the classified service of the city or an appointee of the mayor unless he is a resident of the city or becomes a resident within six (6) months of his appointment.

(b) *Dismissal on failure.* On failure of any employee in the classified service of the city or an appointee of the mayor, to become a resident within the six (6) month period required or on removal from the city, his employment shall be terminated and notice to that effect shall be forwarded to the director of finance who shall refuse to honor any payroll including the name of any such person.

(Code 1970, § 2-351)

Sec. 2-402. Reclassification or salary changes.

(a) Any request for a new job classification, promotion, or salary modification for a city employee which does not originate with the board or commission to which the city employee is assigned, shall be referred to the board or commission to which the city employee is assigned, and to the civil service commission for reports before it is referred to the committee on ordinances and salaries.

(b) The common council recommends that the following procedures be used in all reclassification requests:

(1) The request be initiated by the employee's commission, board or department head, as the case may be.

(2) The initial request be forwarded to the civil service commission for its recommendation and approval.

(3) The civil service commission refer all such requests for reclassification where approved by it to the common council together with a report and recommendation.

(c) The common council establishes the following procedural requirements prior to its acting upon a request for reclassification:

(1) The matter shall be referred to the ordinances and salaries committee, and in the event that it has not been acted upon by the civil service commission, to the civil service commission also for its report and recommendation.

(2) The ordinances and salaries committee will not act upon such request for reclassification until it receives the report and recommendation of the civil service commission.

(3) Upon receipt of the report and recommendation regarding the reclassification of any position from the civil service commission, the ordinances and salaries committee will schedule a public hearing on such request.

(4) No public hearing will be scheduled for any request for reclassification upon which it has not yet received a report and recommendation from the civil service commission.

(5) The present pay scale and the recommended pay scale shall be included in the report from the civil service commission in actual dollars as opposed to steps in salary grades.

(Code 1970, § 2-354; Ord. of 5-74)

Sec. 2-403. Reserved.

Editor's note: An ordinance adopted March 3, 1993, repealed § 2-403 which pertained to limitation on extensions of mandatory retirement and derived from Code 1970, § 2-355.1 and an ordinance of May, 1980.

Sec. 2-404. Pensioners--Not to hold certain positions.

No person receiving a pension from the city shall be employed full-time by the city or any of its agencies or departments.

(Code 1970, § 2-356; Ord. of 1-80)

Sec. 2-405. Same--When part-time employment permitted.

Any person receiving a pension from the city may be employed, on a part-time basis, by the city, or any of its agencies or departments. For the purpose of this section, "part-time" shall mean not more than twenty (20) hours in any one week or not more than five (5) months in any calendar year.

(Code 1970, § 2-356.1; Ord. of 6-70)

Sec. 2-406. Same--Periodic reexamination of disabled.

After June 1, 1973, all employees who shall retire on disability and receive disability payments from the city shall be required to take a physical examination annually by a doctor provided by the city in the month of June. The city shall bear the expense of such examination and the doctor performing such examination shall provide the city with a report of the examination. Such report shall be forwarded to the department from which the employee retired.

(Code 1970, § 2-356.2; Ord. of 4-73)

Sec. 2-407. Civil service commission; adoption of classification and compensation plans.

The civil service commission shall, in accordance with the provisions of section 351 of the Charter, and after a public hearing, adopt classification and compensation plans for employees, including employees in the unclassified service, together with rules for their

administration after thorough survey of the personnel and departmental organizations included in such plan or plans.

(Ord. of 9-89)

Secs. 2-408--2-415. Reserved.

DIVISION 2. PENSIONS*

***State law references:** Retirement of municipal employees, G.S. §§ 7-425--7-459a.

Sec. 2-416. Definitions.

As used in this division, the following terms shall have the meanings indicated in this section:

Committee shall mean the pension committee appointed by the mayor, with concurrence of the common council, in accordance with the terms of this division.

Normal retirement age shall mean age sixty (60).

Qualified disabled employee shall mean any retired non-elective official or employee of the city who becomes totally and permanently disabled prior to his normal retirement age and who is not the recipient of benefits from workman's compensation and who has furnished satisfactory proof of total and permanent disability to the committee.

Qualified employee shall mean any retired nonelective official or employee of the city.

Qualified surviving spouse shall mean the legal spouse, at the time of death, of a qualified employee or qualified disabled employee.

(Code 1970, § 2-357; Ord. of 5-74)

Cross references: Definitions and rules of construction generally, § 1-2.

Sec. 2-417. Purpose.

The purpose of this division is to provide an orderly method for determining eligibility of retired and disabled non-elective officials and employees for special pensions granted under authority of the common council. This division shall not be construed as abrogating the pension, legal or civil rights of any civil servant, employee or nonelective official of the city.

(Code 1970, § 2-357; Ord. of 5-74)

Sec. 2-418. Eligibility for participation.

(a) A qualified employee shall be eligible to receive benefits provided for in this division who, on its effective date, or on his normal retirement age, shall have had fifteen (15)

or more years of cumulative service with the city.

(b) A qualified disabled employee shall be eligible to receive benefits provided for in this division, who on its effective date or on his normal retirement shall have had ten (10) or more years of cumulative service with the city.

(Code 1970, § 2-357; Ord. of 5-74)

Sec. 2-419. Retirement benefits.

(a) Subject to the limitations set forth in this division, each qualified employee or qualified disabled employee shall be eligible, commencing at his normal retirement age, to a monthly retirement income for life; which when added to any social security benefits and/or benefits from any municipal employee retirement plan he is receiving, shall not exceed two hundred dollars ($200.00).

(b) Subject to the limitations hereinafter set forth, each qualified surviving spouse as long as such spouse shall live and remain unmarried, shall be eligible to receive a monthly retirement income; which, when added to any social security benefits and/or benefits from any municipal employee retirement plan he is receiving, shall not exceed two hundred dollars ($200.00).

(Code 1970, § 2-357; Ord. of 5-74)

Sec. 2-420. Committee.

(a) To guide and assist the common council in the interpretation of, and the administration of this division, the mayor, with the concurrence of the common council, shall appoint a pension committee of not less than four (4) members to serve without compensation for a period of two (2) years, or until their successors are appointed.

(b) The pension committee shall formulate its own rules and procedures and may construe this division and determine all questions of interpretation, policy or administration in a manner not inconsistent with this division. The committee's construction or determination, in good faith, shall be reported to the common council and the committee may reconcile any inconsistency in such manner and to such an extent as it shall deem necessary or advisable to carry out the purpose of this division.

(Code 1970, § 2-357; Ord. of 5-74)

Sec. 2-421. Common council action on committee report.

After receiving a favorable report from the pension committee, the common council may, by majority vote of its entire membership, grant a pension under the terms of this division. If such report is unfavorable, the common council may by three-quarters (3/4) vote of its entire membership grant a pension under the terms of this division.

(Code 1970, § 2-357; Ord. of 5-74)

Sec. 2-422. Effective date.

The effective date of this division shall be July 1, 1974. Any person receiving benefits from the city prior to such effective date and under the provisions of former section 2-357 of the city's 1970 Code shall continue to receive such benefits; however, said person may request the Pension Committee to determine their eligibility for benefits under the provisions of this ordinance.

(Code 1970, § 2-357; Ord. of 5-74)

Sec. 2-423. Annual income statement required.

Subject to the limitations set forth in this division, each qualified employee or qualified disabled employees or surviving spouse who has been granted a special pension by the city shall be required to furnish annually to the special pension committee, full and complete documentation of their income and benefits, pursuant to conditions set forth in this division, in order to determine continued eligibility for benefits under the provisions of this division.

(Code 1970, § 2-357.3; Ord. of 1-77)

DIVISION 2A. BUY-OUT OF POLICE AND FIRE PENSION ESCALATOR

Sec. 2-424. Definitions.

As used in this division, the following terms shall have the meanings indicated in this section:

Actuarially-determined value shall mean the value, established by an actuary chosen by the city by resolution of the common council, as of the first day of a qualified retiree's retirement.

Buy-out amount shall mean the pension escalator amount multiplied by the buy-out rate.

Buy-out rate shall mean forty (40) per cent. The buy-out rate may be amended by the retiree benefits reserve fund committee from time to time in its discretion, subject to approval by the common council.

Pension escalator amount shall mean the actuarially-determined value of a qualified retiree's pension benefit attributable solely to all future cost-of-living adjustments to said retiree's pension benefits.

Qualified retiree shall mean any member of the police department or fire department hired before July 1, 1990, who (i) was an active member of the respective department on or before June 30, 1999, and (ii) is a retired member on or after July 1, 1999.

(Ord. of 9-00)

Sec. 2-425. Purpose.

The purpose of this division is to provide an eligible retiree with a one-time option to receive current payment of the portion of his/her pension benefit relating to the pension

escalator amount. This division shall not be construed as abrogating the pension, legal or civil rights of any civil servant, employee or nonelective official of the city.

(Ord. of 9-00)

Sec. 2-426. Buy-out of pension escalator.

(a) A qualified retiree shall be eligible to elect to receive his/her buy-out amount after the retiree's retirement from active service with the police department or fire department, as provided herein.

(b) Within thirty (30) days after a qualified retiree's official retirement, the pension fund manager will provide the qualified retiree with a statement reflecting the buy-out amount. Within thirty (30) days of receipt of the statement, the qualified retiree may elect to receive his/her buy-out amount. The qualified retiree's election must be made in writing to the pension fund manager. No election may be made at any time after the thirty-day time period has expired.

(c) The qualified retiree shall receive payment of the buy-out amount within thirty (30) days after the qualified retiree's execution and delivery of all documentation required by the city. If the required documentation is not received by the city by the date specified by the city, the election will be deemed void.

(d) Further information regarding the buy-out of the police and fire escalator and the police benefit fund and firemen's pension fund generally, including the July 17, 2000, determination letters issued by the Internal Revenue Service confirming the tax-qualified nature of the plans, will be maintained in the office of the city and town clerk.

(Ord. of 9-00)

Sec. 2-427. Effective date.

The effective date of this division shall be July 1, 1999.

(Ord. of 9-00)

DIVISION 2B. OTHER POST-EMPLOYMENT BENEFITS TRUST

Sec. 2-428. Other Post-Employment Benefits Trust.

(a) *Authority; establishment of Other Post-Employment Benefits Trust.* Pursuant to the authority granted in section 4-2 of the Charter and section 7-450(b) of the Connecticut General Statutes, there is hereby created and established this Other Post-Employment Benefits Trust (the "OPEB Trust") to fund certain retiree benefits pursuant to the terms of previously established plans, as amended from time to time, for the benefit of certain employees and retirees, their spouses and dependents (the "OPEB System").

(b) *Establishment of Other Post-Employment Benefits Board.* Immediately upon the enactment of this division, the retiree benefits reserve fund committee shall also

constitute the other post-employment benefits board of trustees for the OPEB Trust, hereinafter referred to as the "OPEB board." The members of said OPEB board shall receive no compensation for serving as a member thereof and shall serve terms coextensive with their respective terms as members of the retiree benefits reserve fund committee.

(c) *Powers and duties of the OPEB board.* The OPEB board shall perform the duties set forth in the declaration of trust, as contained in its entirety in subsection (d) of this division, relating to the management of the assets held in the OPEB trust.

(d) *Declaration of trust.*

WHEREAS, pursuant to collective bargaining agreements and applicable personnel policies, as amended from time to time, the City and the Board of Education have established one or more plans that provide for certain post-employment benefits, including retiree medical benefits, but excluding pension benefits (collectively "OPEB Benefits") for certain groups of employees and retirees of the City and the Board of Education, their spouses and dependents (collectively "Retirees") which, as in effect as of the effective date of this ordinance, are named in Exhibit A (collectively the "Plan");

WHEREAS, the City has adopted this ordinance pursuant to the Connecticut General Statutes Section 7-450 to establish a trust to hold and invest Plan assets and an Other Post-Employment Benefits Board of Trustees (the "OPEB Board") to oversee the investment of such assets;

WHEREAS, the City desires to fund OPEB Benefits through the trust herein established (the "Trust");

WHEREAS, the provision of OPEB Benefits to Retirees is an essential governmental function and an integral part of the exempt activities of the City;

WHEREAS, the City calculates and records the expenses and liabilities of OPEB Benefits pursuant to Government Accounting Standards Board ("GASB") Statement 45 ("GASB 45");

WHEREAS, consistent with the provisions of GASB 45 and GASB Statement 43 ("GASB 43"), the funds which will be contributed to the Trust, as and when received by the Trustee, and earnings and losses thereon shall constitute a trust fund (the "Trust Fund") which shall be irrevocable and shall be held for the benefit of Retirees in accordance with the Plan;

WHEREAS, consistent with the provisions of GASB 45 and GASB 43, the Trust assets shall be legally protected from creditors of the City; and

WHEREAS, the City delegates its duties as trustee of the Trust to the City's Treasurer (the "Trustee") to hold and administer the Trust Fund pursuant to the terms of this Declaration of Trust.

NOW, THEREFORE:

ARTICLE I - CREATION OF TRUST

1.1 *Creation of Trust.* The City hereby creates with the Trustee a Trust consisting of such sums as shall be paid to the Trustee, and all amounts thereafter contributed under the Plan, and the earnings and appreciation thereon, less the losses and depreciation thereon and less payments made by the Trustee under the Plan and this Declaration of

Trust with respect to Retirees. The City hereby appoints the Trustee as Trustee hereunder.

1.2 *Exclusive Purpose of Trust.* The Trustee shall hold the assets of the Trust for the exclusive purpose of providing OPEB Benefits to Retirees and defraying reasonable expenses of administering the Plan and Trust. No part of the net earnings of the Trust shall inure to the benefit of the City or any other person, except through the payment of OPEB Benefits permitted under the Trust.

1.3 *Incorporation of Plan.* The provisions of the Plan shall be read as an integral part of this ordinance, and is specifically incorporated herein by reference.

1.4 *Protection of Trust Assets.* All assets of the Trust shall be legally protected from creditors of the City to the full extent of applicable law.

ARTICLE II -- CONTRIBUTIONS

2.1 *Receipt of Contributions.* The Trustee shall receive any contributions paid to it in cash or in the form of such other property as it may from time to time deem acceptable and which shall have been delivered to it. All contributions so received, together with the income therefrom and any other increment thereon, shall be held, invested, reinvested and administered by the Trustee pursuant to the terms of this ordinance without distinction between principal and income. The Trustee shall not be responsible for the calculation or collection of any contribution under the Plan, but shall be responsible only for property received by it pursuant to this ordinance.

2.2 *Compliance with Laws.* This ordinance and the Trust Fund created hereunder are intended to meet the requirements of Section 115 of the Internal Revenue Code of 1986, as amended (the "Code"), and Section 7-450 of the General Statutes of Connecticut, Revision of 1958, as amended.

ARTICLE III -- PAYMENTS FROM TRUST FUND

3.1 *Payments Directed by the City.* The Trustee shall from time to time at the direction of the City's Director of Finance make payments out of the Trust Fund to the persons or entities to whom such monies are to be paid in such amounts and for such purposes as may be specified in the directions of the Director of Finance. The Trustee shall be under no liability for any payment made pursuant to such direction. Any direction of the Director of Finance shall constitute a certification that the distribution or payment so directed is one which the Director of Finance is authorized to direct.

3.2 *Impossibility of Diversion.* It shall be impossible at any time for any part of the Trust Fund to be used for, or diverted to, purposes other than to provide the OPEB Benefits contemplated under the Plan for the exclusive benefit of Retirees, except that any taxes and administration expenses for which the Trust is liable may be made from the Trust Fund as provided for herein.

ARTICLE IV -- DUTIES OF THE CITY

4.1 *General.* The OPEB plans of the groups listed on Exhibit A, constitute the Plan, as of the effective date of this ordinance. The Director of Finance shall update Exhibit A of this subsection (d) if and when the information required to be contained therein changes. After the adoption of this ordinance, the Director of Finance shall promptly file

with the Trustee a certified list of the names and specimen signatures of any individual authorized to act for the City. The Director of Finance shall promptly notify the Trustee of the addition or deletion of any person's name from such list. Until receipt by the Trustee of notice that any person is no longer authorized to so act, the Trustee may continue to rely on the authority of the person. All certification, notices, and directions by any such person or persons to the Trustee shall be in writing signed by such person or persons. The Trustee may rely on any such certification, notices, and direction purporting to have been signed by or on behalf of such person or persons that the Trustee reasonably believes to have been signed thereby. The Trustee may rely on any such certification, notices, and direction purporting to have been signed by a duly authorized officer or agent of the City.

4.2 *Contributions.* The City shall make contributions to the Trust from time to time as the Common Council may, in its sole discretion, deem appropriate; provided, however, any required employee contributions shall be deposited to the Trust within a reasonable period of time. The Trustee shall have no duty or authority to ascertain whether contributions should be made by the City or to bring an action to require the City to make such contributions.

4.3 *Indemnification of Trustee.* The City shall indemnify and hold harmless the Trustee for any liability or expense, other than liability and expenses incurred as a result of the Trustee's negligence or willful misconduct, including without limitation reasonable attorney's fees, incurred by the Trustee with respect to holding, managing, investing, or otherwise administering the Trust Fund.

ARTICLE V -- INVESTMENTS

5.1 Responsibility for Investment. Except as provided in Section 5.2 of this Article, and upon receipt of direction from the OPEB Board, the Trustee shall have the power to invest and reinvest the Trust Fund.

5.2 *Appointment of Investment Manager.* Upon receipt of direction from the OPEB Board, the Trustee shall appoint an investment manager(s) to direct the investment and reinvestment of all or a part of the Trust Fund (the "Separate Account"). Each such investment manager shall, unless its appointment provides otherwise, have the power to direct the Trustee in the exercise of its investment powers with respect to the Separate Account and the Trustee shall exercise such powers as directed in writing by the investment manager. Except as otherwise provided by applicable law, the Trustee shall have no liability: (i) for the acts or omissions of an investment manager; (ii) for following the investment directions of an investment manager; (iii) for failing to act in the absence of investment manager direction; or (iv) for any diminution in the value of the Trust Fund as a result of following the direction of an investment manager. The Trustee shall take such actions and enter into such agreements as are necessary or appropriate to permit the investment manager to manage the Separate Account, including but not limited to establishing a brokerage account in the name of the Trustee and transferring to such brokerage account the Separate Account for which an investment manager has been appointed to enable the investment manager to make trades and otherwise exercise the powers granted to it, and entering into a custodial agreement with an institutional custodian with respect to the Separate Account for which an investment manager has been appointed to enable the investment manager

to exercise the powers granted to it.

5.3 *Investment Subject to Prudent Investor Rule.* The assets of the Trust Fund, whether invested by the Trustee or by an investment manager appointed by the Trustee, shall be invested and managed in compliance with the prudent investor rules set forth in the Connecticut General Statutes Sections 45a-541 to 45a-541l, inclusive, a copy of which as in effect on the effective date of this ordinance, is attached hereto as Exhibit B.

5.4 *Establishment of Investment Policy.* The OPEB Board shall establish, and from time to time amend, an investment policy consistent with the purposes of the Plan. As part of such policy, the OPEB Board shall from time to time direct the Trustee, and, if applicable, the Trustee shall direct the investment manager to exercise its investment discretion, so as to provide sufficient cash assets in an amount determined by the Director of Finance to meet the liquidity requirements for the administration of the Plan.

5.5 *Adherence to Funding Policy.* The discretion of the OPEB Board, or of the investment manager, if applicable, in investing and reinvesting the principal and income of the Trust Fund shall be subject to the investment policy and any changes thereto which the OPEB Board may adopt from time to time and communicate to the Trustee in writing. The Trustee and investment manager, if applicable, shall have the duty to act strictly in accordance with such policy, and any changes therein, as so communicated to the Trustee from time to time in writing.

ARTICLE VI--POWERS OF THE CITY

6.1 *General.* In order to carry out the provisions of this ordinance, the City has delegated duties in this Declaration of Trust to certain specified entities and officials. This Article sets forth the powers and duties delegated to the OPEB Board and the Trustee. In general, the City shall discharge its duties under this Declaration of Trust solely in the interest of the Retirees covered under the Plan and for the exclusive purpose of providing OPEB Benefits to such persons and defraying reasonable expenses of administering the Trust, with the care, skill, prudence and diligence under the circumstances then prevailing that a prudent man acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of a like character and with like aims, and by diversifying the investments of the Trust, unless under the circumstances it is clearly prudent not to do so, all in accordance with the provisions of this Declaration of Trust insofar as they are consistent with the provisions of the prudent investor rules set forth in Connecticut General Statutes sections 45a-541 to 45a-541l, inclusive, as this Declaration of Trust and the Connecticut General Statutes may be from time-to-time amended. The duties and obligations of the Trustee as such shall be limited to those expressly imposed upon it by this Declaration of Trust notwithstanding any reference herein to the Plan, or the provisions thereof, it being hereby expressly agreed that the Trustee is not a party to the Plan.

6.2 *Powers of the OPEB Board.* The OPEB Board shall:

(a) to the extent all or a portion of the Trust Fund is not managed by an investment manager, direct the Trustee with respect to the investment and reinvestment of such portion of the Trust Fund (See Section 5.1);

(b) establish an investment policy (See Section 5.4);

(c) select, retain and terminate, as necessary or desirable, custodian(s), investment manager(s) (See Section 5.2) and consultant(s);

(d) monitor and review the investment performance of the Trust Fund;

(e) prepare, or have prepared, and deliver to the Common Council not less frequently than quarterly, reports regarding said performance;

(f) monitor and evaluate the performance of third parties retained to provide services to the Trust Fund;

(g) establish a procedure for coordinating a search for custodians, investment managers and consultants; and

(h) conduct such searches, as necessary or desirable.

6.3 *Powers.* The Trustee, in addition to all powers and authorities under common law, statutory authority, and other provisions of this ordinance, shall have the following powers and authorities, to be exercised in the Trustee's sole discretion, provided that such exercise shall be limited by the terms of Article V and Section 6.1 above:

(a) to retain any property at any time received by the Trustee;

(b) to purchase, or subscribe for, any securities or other property and to retain the same in trust;

(c) to sell, exchange, convey, transfer, grant options to purchase, or otherwise dispose of any securities or other property held by the Trustee, by private contract or at public auction, and any such disposition may be made for cash or upon credit, or partly for cash and partly upon credit. No person dealing with the Trustee shall be bound to see to the application of the purchase money or to inquire into the validity, expediency, or propriety of any such sale or other disposition;

(d) Upon direction from the OPEB Board, to vote upon any stocks, bonds, or other securities; to give general or special proxies or powers of attorney with or without power of substitution; to exercise any conversion privileges, subscription rights, or other options, and to make any payments incidental thereto; to oppose, or to consent to, or otherwise participate in, corporate reorganizations or other changes affecting corporate securities, and to delegate discretionary powers, and to pay any assessments or charges in connection therewith; and generally to exercise any of the powers of an owner with respect to stock, bonds, securities or other property held as part of the Trust Fund;

(e) To cause any securities or other property held as part of the Trust Fund to be registered in the City's name, or in the name of one or more of the City's nominees, and to hold any investments in bearer form, but the books and records of the Trustee shall at all times show that all such investments are part of the Trust Fund;

(f) To keep such portion of the Trust Fund in cash or cash balances as the Trustee may, from time to time, deem to be in the best interests of the trust created hereby, without liability for interest thereon;

(g) To accept and retain for such time as it may deem advisable any securities or other property received or acquired by it as Trustee hereunder, whether or not such securities or other property would normally be purchased as investments hereunder;

(h) To make, execute, acknowledge, and deliver any and all documents of transfer and conveyance and any and all other instruments that may be necessary or appropriate to carry out the powers herein granted;

(i) To acquire real estate by purchase, exchange, or as the result of any foreclosure, liquidation, or other salvage of any investment previously made hereunder; to hold such real estate in such manner and upon such terms as the Trustee may deem advisable; and to manage, operate, repair, develop, improve, partition, mortgage, or lease for any term or terms of years any such real estate or any other real estate constituting a part of the Trust Fund, upon such terms and conditions as the Trustee deems proper, using other trust assets for any of such purposes if deemed advisable;

(j) To invest funds of the Trust Fund in night deposits or savings accounts bearing a reasonable rate of interest;

(k) To invest in Treasury Bills and other forms of United States government obligations;

(l) To deposit monies in federally insured savings accounts or certificates of deposit in banks or savings and loan associations;

(m) To do all such acts, take all such proceedings, and exercise all such rights and privileges, although not specifically mentioned herein, as the Trustee may deem necessary to administer the Trust Fund, and to carry out the purposes of this Trust.

6.4 *Fees and Expenses.* An individual serving as Trustee who already receives full-time pay from the City shall not receive compensation from this Trust except for reimbursement of expenses properly and actually incurred. Pursuant to Section 3.1, upon the direction of the Director of Finance the Trustee shall be reimbursed for any reasonable expenses, including reasonable counsel and accounting fees, incurred by the Trustee in the administration of the Trust Fund. Such compensation and expenses shall be paid from the Trust Fund unless sooner paid by the City in which event the City shall be reimbursed from the Trust Fund. All taxes of any kind and all kinds whatsoever that may be levied or assessed under existing or future laws upon, or in respect of, the Trust Fund or the income thereof shall be paid by the Trustee from the Trust Fund.

6.5 *Consultation and Indemnification.* The Trustee may consult with counsel and the Trustee shall not be deemed imprudent by reason of its taking or refraining from taking any action in accordance with the opinion of counsel.

6.6 *Accounts and Records.* The Trustee shall keep accurate and detailed accounts of all investments, receipts, disbursements, and other transactions hereunder, and all such accounts and other records relating thereto shall be open to inspection and audit at all reasonable times by any person designated by the City or the OPEB Board.

ARTICLE VII -- AMENDMENT AND TERMINATION OF DECLARATION OF TRUST

7.1 *Amendment.* Any or all of the provisions of this ordinance may be amended at any time and from time to time, in whole or in part. No such amendment shall authorize or permit any part of the Trust Fund (other than such part as is required to pay taxes and administration expenses) to be used for or diverted to purposes other than for the exclusive benefit of Retirees; and, except as provided in Section 7.2 below, no such amendment shall cause or permit any portion of the Trust Fund to revert to or become the property of the City.

7.2 *Repeal/Termination.* This ordinance may be repealed at any time by the City, and upon such repeal, the Trust shall terminate and the Trust Fund shall be paid out by the Trustee as and when directed by the City, in accordance with the provisions of Section 1.2 of Article I and Section 3.2 of Article III hereof and the terms of the Plan. Upon termination of the Trust, Trust Funds shall be applied to pay any remaining debts, liabilities and approved claims of the Plan. Any assets remaining in the Trust after meeting its obligations shall be distributed to the City.

ARTICLE VIII -- GENERAL

8.1 *Limited Effect of Plan and Trust.* Neither the establishment of the Plan nor the Trust nor any modification thereof, nor the creation of any fund or account, nor the payment of any OPEB Benefits, shall be construed as giving to any person covered under the Plan or other person any legal or equitable right against the Trustee, the City, or any officer or employee thereof, except as may otherwise be provided in the Plan or in the Trust. Under no circumstances shall the term of employment of any employee be modified or in any way affected by the Plan or this Trust.

8.2 *Protective Clause.* Neither the City nor the Trustee shall be responsible for the validity of any contract of insurance issued in connection with the Plan or Trust or for the failure on the part of the insurer to make payments provided by such contract, or for the action of any person which may delay payment or render a contract null and void or unenforceable in whole or in part.

8.3 *Construction of Trust.* This Trust shall be construed and enforced according to the laws of the State of Connecticut and the Code. If any provision of this Trust shall be held illegal or invalid for any reason, such determination shall not affect the remaining provisions of the Trust.

8.4 *Gender and Number.* Wherever any words are used herein in the masculine, feminine or neuter, they shall be construed as though they were also used in another gender in all cases where they would so apply, and whenever any words are used herein in the singular or plural form, they shall be construed as though they were also used in the other form in all cases where they would so apply.

8.5 *Headings.* The headings and sub-headings of this Trust have been inserted for convenience of reference and are to be ignored in any construction of the provisions hereof.

Groups covered by OPEB Plans

Police

- Police Department employees hired prior to April 1, 2000
- Police Department employees hired after April 1, 2000 who have retired under the Connecticut Municipal Employees' Retirement Fund B

Fire

- Fire Department employees hired prior to July 1, 1995
- Fire Department employees hired after July 1, 1995 who have retired under the Connecticut Municipal Employees' Retirement Fund B

City

- City employees who have retired under the Connecticut Municipal Employees' Retirement Fund B

[ ] AFSCME (Local 818)

[ ] AFSCME (Local 1303-332)

[ ] AFSCME (Local 1186)

[ ] MPA

[ ] CILU (Local 25)

[ ] Unaffiliated (Non-Union)

Board of Education

- Teachers
- Administrators (Local 51)
- Other Board of Education employees who are covered under the Connecticut Municipal Employees' Retirement Fund B

[ ] NBSSA/AFSA

[ ] AFSCME (Local 818)

[ ] AFSCME (Local 1186)

Note: OPEB Benefits vary by bargaining group, and are provided pursuant to each collective bargaining agreement.

Exhibit B
Connecticut General Statutes Sections 45a-541 to 45a-541l, inclusive (as in effect July 1, 2007)

Connecticut Uniform Prudent Investor Act

Sec. 45a-541. Short title: Connecticut Uniform Prudent Investor Act. Sections 45a-541 to

45a-541l, inclusive, may be cited as the "Connecticut Uniform Prudent Investor Act".

Sec. 45a-541a. Prudent investor rule.

(a) Except as provided in subsection (b) of this section, a trustee who invests and manages trust assets owes a duty to the beneficiaries of the trust to comply with the prudent investor rule, as set forth in sections 45a-541 to 45a-541l, inclusive.

(b) The prudent investor rule is a default rule that may be expanded, restricted, eliminated or otherwise altered by provisions of the trust. A trustee is not liable to a beneficiary to the extent that the trustee acted in reasonable reliance on provisions of the trust.

Sec. 45a-541b. Standard of care. Portfolio strategy. Risk and return objectives.

(a) A trustee shall invest and manage trust assets as a prudent investor would, by considering the purposes, terms, distribution requirements and other circumstances of the trust. In satisfying this standard, the trustee shall exercise reasonable care, skill and caution.

(b) A trustee's investment and management decisions respecting individual assets shall be evaluated not in isolation, but in the context of the trust portfolio as a whole and as a part of an overall investment strategy having risk and return objectives reasonably suited to the trust.

(c) Among circumstances that a trustee shall consider in investing and managing trust assets are such of the following as are relevant to the trust or its beneficiaries: (1) General economic conditions; (2) the possible effect of inflation or deflation; (3) the expected tax consequences of investment decisions, strategies and distributions; (4) the role that each investment or course of action plays within the overall trust portfolio, which may include financial assets, interests in closely held enterprises, tangible and intangible personal property and real property; (5) the expected total return from income and the appreciation of capital; (6) related trusts and other income and resources of the beneficiaries; (7) needs for liquidity, for regularity of income and for preservation or appreciation of capital; (8) an asset's special relationship or special value, if any, to the purposes of the trust or to one or more of the beneficiaries; (9) the size of the portfolio; and (10) the nature and estimated duration of the trust.

(d) A trustee shall take reasonable steps to verify facts relevant to the investment and management of trust assets.

(e) Subject to the standard of sections 45a-541 to 45a-541l, inclusive, a trustee may invest in any kind of property or type of investment.

(f) A trustee who has special skills or expertise, or is named trustee in reliance upon the trustee's representation that the trustee has special skills or expertise, has a duty to use those special skills or expertise.

Sec. 45a-541c. Diversification. A trustee shall diversify the investments of the trust unless the trustee reasonably determines that, because of special circumstances, the purposes of the trust are better served without diversifying.

Sec. 45a-541d. Duties at inception of trusteeship. Within a reasonable time after accepting a trusteeship or receiving trust assets, a trustee shall review the trust assets and make and implement decisions concerning the retention and disposition of assets, in order to bring the trust portfolio into compliance with the purposes, terms, distribution requirements and other circumstances of the trust, and with the requirements of sections 45a-541 to 45a-541l, inclusive.

Sec. 45a-541e. Loyalty. A trustee shall invest and manage the trust assets solely in the interest of the beneficiaries.

Sec. 45a-541f. Impartiality. If a trust has two or more beneficiaries, the trustee shall act impartially in investing and managing the trust assets, taking into account any differing interests of the beneficiaries.

Sec. 45a-541g. Investment costs. In investing and managing trust assets, a trustee may only incur costs that are appropriate and reasonable in relation to the assets, the purposes of the trust and the skills of the trustee.

Sec. 45a-541h. Reviewing compliance. The prudent investor rule expresses a standard of conduct, not outcome. Compliance with the prudent investor rule is determined in light of the facts and circumstances existing at the time of a trustee's decision or action.

Sec. 45a-541i. Delegation of investment and management functions.

(a) A trustee may delegate investment and management functions that a prudent trustee of comparable skills could properly delegate under the circumstances. The trustee shall exercise reasonable care, skill and caution in: (1) Selecting an agent; (2) establishing the scope and terms of the delegation, consistent with the purposes and terms of the trust; and (3) periodically reviewing the agent's actions in order to monitor the agent's performance and compliance with the scope and terms of the delegation.

(b) In performing a delegated function, an agent owes a duty to the trustee and to the trust to exercise reasonable care to comply with the scope and terms of the delegation and to exercise the delegated function with reasonable care, skill and caution. An attempted exoneration of the agent from liability for failure to meet such a duty is contrary to public policy and void.

(c) A trustee who complies with the requirements of subsection (a) of this section is not liable to the beneficiaries or to the trust for the decisions or actions of the agent to whom the function was delegated.

(d) By accepting the delegation of a trust function from the trustee of a trust that is subject to the law of this state, an agent submits to the jurisdiction of the courts of this state and can be held liable by the courts of this state for any breach of duty arising out of the delegation agreement or the terms of sections 45a-541 to 45a-541l, inclusive.

Sec. 45a-541j. Language invoking standards of act. The following terms or comparable language in a trust instrument, unless otherwise limited or modified by the instrument, authorizes any investment or strategy permitted under sections 45a-541 to 45a-541l, inclusive: "Investments permissible by law for investment of trust funds", "legal

investments", "authorized investments", "using the judgment and care under the circumstances then prevailing that persons of prudence, discretion, and intelligence exercise in the management of their own affairs, not in regard to speculation but in regard to the permanent disposition of their funds, considering the probable income as well as the probable safety of their capital", "prudent man rule", "prudent trustee rule", "prudent person rule", and "prudent investor rule".

Sec. 45a-541k. Uniformity of application and construction. Sections 45a-541 to 45a-541l, inclusive, shall be applied and construed to effectuate their general purpose to make uniform the law with respect to the subject of said sections among the states enacting them.

Sec. 45a-541l.Applicability. Section 45a-532 and sections 45a-541 to 45a-541l, inclusive, apply to trusts existing on and created after October 1, 1997. As applied to trusts existing on October 1, 1997, section 45a-532 and sections 45a-541 to 45a-541l, inclusive, govern only decisions or actions occurring after that date.

(Res. No. 29981-5, 9-10-08)

Secs. 2-429, 2-430. Reserved.

DIVISION 3. TRAVEL EXPENSES*

***Editor's note:** An ordinance of Feb., 1988, § 1, repealed Division 3, Travel Allowances, §§ 2-431--2-434, and added new provisions in lieu thereof, as herein set out. The former provisions were derived from Code 1970, §§ 2-361--2-364; and an ordinance of June, 1981.

Sec. 2-431. Use of personal automobile for intra-city or intra-state travel.

(a) Officers and employees of the city shall be reimbursed at the effective federal mileage rate per mile for intra-city use of a personal automobile on city business, provided, however, that there shall be no reimbursement for travel to and from the officer's or employee's home to his/her worksite and further provided that there shall be no reimbursement for use of a personal automobile if a city vehicle is available for such use.

(b) Use of a personal automobile for city business must be authorized in advance by the department head or no reimbursement will be allowed.

(c) Claims for reimbursement for use of a personal vehicle must be supported by an itemized statement which includes the mileage claimed, the destination, the date and the city business on which the employee was engaged.

(Ord. of 2-88, § 1; Ord. of 9-98, § 1; No. 26768-1, 2-13-02)

Sec. 2-432. Other travel expenses.

(a) *Travel authorization.* No travel costs in excess of fifty dollars ($50.00) shall be paid unless a request for travel authorization is submitted three (3) working days in advance of the date of departure to the finance director and approved by him/her before the time of departure, except where for a bona fide reason these requirements cannot be met. The finance director shall receive the request and expedite it to meet the other provisions and conditions of this division. The finance director shall review the request for travel authorization to ascertain the availability of funds.

(b) *Prior approval required.* No officer or employee shall be reimbursed for travel expenses or shall receive an advance for travel expenses unless such travel has been authorized in advance by the department head, in the case of a subordinate employee; by the mayor and board or commission in the case of a department head; or by the mayor in the case of a board or commission member or a department head of a department in which there is no board or commission. In addition, if more than two (2) officers, employees or board or commission members of a department will be traveling to the same place or if the total expense connected with such travel shall exceed three thousand dollars ($3,000.00) for all officers or employees traveling, such travel must be approved, in advance, by the common council, regardless of the source of funding for such travel.

(c) *Travel allowance.* Advances or reimbursements for travel expenses while upon official business of the city shall be computed in the following manner and shall not exceed the following amounts:

(1) *Transportation:* Actual cost of transportation not to exceed the lesser of the effective federal rate per mile or the actual cost of public transportation (rail, bus or air) coach class.

(2) *Meals:* Actual costs of meals, supported by receipts, up to a maximum of forty dollars ($40.00) per day, provided, however, the registration at a conference does not include meal(s).

(3) *Hotel:* Actual cost of single room not to exceed the room rate of the hotel which serves as a convention center, if applicable. Payment of hotel costs will be limited to the number of days the officer or employee is on official city business, provided, however, if the location is more than one hundred (100) miles from the city, payment will be allowed for the night prior to a conference or meeting scheduled to commence before noon and the night of a session ending after noon. Payment may be authorized at the discretion of the department head for additional weekend nights if a reduced air fare requiring a Saturday night stay-over results in an overall cost saving to the city.

(4) *Registration fees:* Actual costs of registration fees, supported by proof of payment.

(5) *Miscellaneous:* Actual costs of miscellaneous expenses, ground transportation, tolls, parking, etc.

(6) *Car rentals:* Actual costs supported by receipt, provided prior approval and authorization has been obtained.

(d) *Accounting after trip.* An officer or employee receiving an advance for travel shall submit an itemized account of expenses incurred and shall return any surplus to the finance department within five (5) days of return from such travel.

(Ord. of 2-88, § 1; Ord. of 10-90; Ord. of 9-98; No. 26768-1, 2-13-02)

Sec. 2-433. Noncompliance.

(a) Any officer, employee, board or commission member who shall fail to comply with the provisions of this division shall not be entitled to reimbursement or future advance payments and shall be liable for repayment of any advance made for travel expenses.

(b) The finance director shall be responsible for the recovery of any monies received by any officer, employee, board or commission member in violation of this division.

(Ord. of 2-88, § 1; Ord. of 9-98; No. 26768-1, 2-13-02)

Sec. 2-434. Reserved.

DIVISION 4. EMPLOYEE SUGGESTION AWARDS PROGRAM

Sec. 2-435. Purpose.

The purpose of the employee suggestion awards program is to provide for cash payments or honorary awards to employees who submit suggestions that are adopted and implemented, which suggestion will result in substantial monetary savings or improvement in city operations.

(Ord. of 9-85)

Sec. 2-436. Employee suggestions board.

(a) *Composition.* There shall be an employee suggestion awards board consisting of the finance director, the personnel director, a member of the staff of the office of the mayor; and

(1) Two (2) employees of the city appointed by the mayor with the approval of the common council. One such member shall be appointed for an initial term of one year and the other such member for a term of two (2) years; and

(2) One member appointed by the common council who shall serve a term of two (2) years.

(b) *Powers and duties of board.* The employee suggestion awards board shall:

(1) Elect a chairman and a secretary;

(2) Adopt rules governing its proceedings;

(3) Maintain permanent and accurate records of its proceedings and cause minutes thereof to be filed in the office of the town clerk in accordance with the

applicable provisions of the general statutes;

(4) Establish criteria for making awards not inconsistent with the provisions of this division;

(5) Adopt rules and regulations for the administering of the employee suggestion awards programs not inconsistent with this division; and

(6) Act on employee suggestions in accordance with the provisions of this division and any rules or regulations promulgated by the board.

(Ord. of 9-85)

Sec. 2-437. Department evaluation committee.

(a) *Composition.* For each city department there shall be a department evaluation committee appointed by the department head and consisting of not fewer than three (3) department employees, including the department head if he/she so elects.

(b) *Powers and duties.* The department evaluation committee shall:

(1) Evaluate all suggestions received from the employee suggestion awards board and estimate costs and savings resulting from implementation;

(2) Recommend the adoption or rejection of suggestions and the amount of any award to be granted, to the employee suggestion board.

(Ord. of 9-85)

Sec. 2-438. Eligibility of suggestions.

(a) *Definition.* "Suggestion" shall mean a proposal submitted on an official employee suggestion form which clearly identifies a specific means of improving city operations, productivity or efficiency.

(b) *Ineligible suggestions.* Suggestions shall be ineligible if they:

(1) Merely propose enforcement of existing policy and procedures;

(2) Are in conflict with the City Charter or collective bargaining agreements;

(3) Constitute personal grievances;

(4) Fall within the normal job responsibilities of the employee;

(5) Duplicate ideas already under consideration by the department or developed through consultants;

(6) Concern a policy or procedure in practice for less than six (6) months.

(c) *Duplicate suggestions.* In the case of duplicate suggestions, only the suggestion with the earliest date of receipt will be eligible for consideration.

(d) *Group suggestions.* Group suggestions will be received by the same criterion as those submitted by individual employees; and any award will be divided equally among the group.

(e) *Modification of suggestions.* Accepted suggestions which are adopted in a modified form will be eligible for awards.

(f) *Deceased employees.* Awards for accepted suggestions shall be made to the heirs or estate of employees who predecease receipt of such awards.

(Ord. of 9-85)

Sec. 2-439. Suggestion evaluation process.

(a) Completed employee suggestion forms shall be submitted through the personnel director to the employee suggestion awards board. Said board shall:

(1) Record the date of receipt and assign a number to each suggestion;

(2) Determine the eligibility of the employee and his/her suggestion;

(3) Refer eligible suggestions to the department evaluation committee of the department affected by the suggestion.

(b) Within thirty (30) days of a referral of a suggestion by the board, the department evaluation committee shall:

(1) Evaluate the suggestion; and,

(2) Where appropriate, estimate the projected cost and savings involved;

(3) Forward its evaluation and recommendation to the personnel director, who shall transmit said evaluation and recommendation to the employee suggestion board together with a recommended amount of award, if any.

(c) The civil service commission shall:

(1) Promote the employee suggestion awards program;

(2) Provide suggestion forms to employees and departments upon request.

(d) The employee suggestion awards board shall:

(1) Review award recommendations received from the evaluation committees through the personnel director;

(2) Affirm, modify or deny the award recommendation; and

(3) Notify the employee and his/her department of its decision.

(e) The suggestion evaluation process shall not exceed a maximum of sixty (60) days from submission to final determination unless a time extension is approved by the board.

(Ord. of 9-85)

Sec. 2-440. Determination of awards.

(a) *Tangible savings.* Accepted suggestions which result in measurable "before and after" costs savings may qualify for a cash award limited to ten (10) per cent of the first year's

estimated savings or two thousand dollars ($2,000.00), whichever is less. Cash awards approved by the employee suggestion awards board will be charged against the appropriation item or items to which the estimated savings apply.

(b) *Intangible benefits.* Accepted suggestions which result in benefits to the city which cannot be measured in dollars may qualify for a maximum award of one thousand dollars ($1,000.00), based on criteria established by the employee suggestion awards board.

(Ord. of 9-85)

Sec. 2-441. Review of unaccepted suggestions.

(a) Employees whose suggestions are not accepted by the department evaluation committee may request that the employee suggestion board review the evaluation. Such appeals shall:

(1) Be submitted in writing to the board within fifteen (15) days of notification of determination; and

(2) Include a statement of why the suggestion should be re-evaluated.

(b) If the board determines that the suggestion merits re-evaluation, the suggestion shall be referred to the appropriate department evaluation committee for reconsideration.

(c) The board shall consider the committee's re-evaluation decision prior to the board's final decision. The board's decision is not subject to further review.

(Ord. of 9-85)

Sec. 2-442. Waiver of claims.

All suggestions become the property of the City of New Britain; any employee submitting a suggestion shall thereby waive any and all rights and claims thereupon other than those enumerated herein.

(Ord. of 9-85)

DIVISION 5. MOTOR VEHICLE USE POLICY*

***Editor's note:** An ordinance adopted Mar. 7, 1990, amended Ch. 2, Art. V, by adding Div. 5, §§ 2-443--2-445h, thereto. The editor has changed the section designations to §§ 2-443--2-445.8 to conform to the style of this Code.

Sec. 2-443. General policy.

(a) It is the policy of the city to ensure that all city employees requiring transportation for the satisfactory completion of their assigned duties will either:

(1) Have a city vehicle available for their use as required by the nature of their work, or

(2) Be adequately reimbursed for the use of their own private vehicles when such is authorized.

(b) All city employees requiring use of transportation with their official duties are expected to conform to the condition set forth in this policy. It is each department director's responsibility to assure that employees under his/her control comply with this policy.

(Ord. of 3-90)

Sec. 2-444. Use of privately owned vehicles for city business.

The use of privately owned vehicles in connection with official city business for local travel during normal duty hours will be authorized when a city vehicle is not available.

(Ord. of 3-90)

Sec. 2-445. Vehicle assignments.

(a) No vehicle will be assigned to an employee of the city unless that employee is regularly on call for emergencies during nonbusiness hours or is regularly required to attend evening and weekend meetings. Further, no such assignments shall be made unless the employee involved has actually been called in for emergencies or has been required to attend such meetings.

(b) All other city vehicles will be issued to departments for department-wide use or the city car pool.

(c) City vehicles shall not be used on personal business. Should an employee use a city vehicle for a purpose other than providing an approved city service, that employee may be subject to disciplinary procedures.

(d) The city reserves the right to deny an employee the use of a city vehicle due to a poor driving record, vehicle abuse, or violation of city vehicle use policies. Vehicle use privileges require a valid state driver's license and such education in safety and fuel economy techniques and training in correct automobile operation as the city may require.

(e) City vehicles are to be driven by full-time city employees. Driving privileges for specially funded part-time contract and seasonal employees will require approval by the mayor or his designee.

(Ord. of 3-90)

Sec. 2-445.1. Driver's responsibility.

(a) It is every driver's responsibility to operate a city vehicle in a safe and fuel efficient manner.

(b) Drivers of city vehicles are required to log odometer readings and destinations of all

trips made. Upon the request of the mayor or his designee, drivers shall document miles concerning trip use of a city vehicle.

(c) Drivers operating a car pool vehicle whose fuel gauge registers one-half full or less are required to fill the fuel tank and check the engine oil level before returning the vehicle to the pool.

(d) Drivers are responsible for promptly reporting to their department head or the city property manager any mechanical trouble or damage found in a city vehicle.

(e) It is city policy and state law that seat belts must be worn when operating a city vehicle.

(f) In the event of an accident or mechanical breakdown, the driver will call the city property manager or the department director. Insurance, registration and accident procedure cards are located in the car pool vehicle glove compartment as an easy reference for the driver.

(g) Drivers who incur a parking ticket or other traffic violation while operating a city vehicle will be personally liable for all fees, fines and other liabilities incurred.

(h) Drivers are responsible for locking the doors and closing the windows whenever leaving city vehicles unattended or when the vehicle is returned to the car pool lot.

(i) Those employees with overnight and weekend assignments shall return the car pool vehicle to the pool lot at the beginning of each work day and whenever a vacation or other type of personal leave is scheduled.

(j) Official vehicles when kept overnight at an employee's place of residence will be parked off the street on the premises of the vehicle operator and in a driveway.

(Ord. of 3-90; No. 26824-1, 2-27-02)

Sec. 2-445.2. Required marking of city-owned vehicles.

(a) All city-owned vehicles, except those city-owned vehicles used by the mayor, chief of police, assistant chiefs of police and detectives, shall be marked on each side with a city seal and include the words "City of New Britain", and shall have municipal license plates.

(b) No private equipment, decorations, stickers or advertisements shall be affixed to a city vehicle without the written permission of the mayor.

(Ord. of 3-90; Ord. of 10-90; No. 26824-1, 2-27-02)

Sec. 2-445.3. Out-of-state and overnight travel.

(a) Travel by employees using a city vehicle will be limited to the state. Travel out of state with a city vehicle is prohibited without expressed prior authorization of the mayor.

(b) Overnight travel with a city-owned vehicle is prohibited without expressed prior authorization of the mayor.

(Ord. of 3-90)

Sec. 2-445.4. Complaints.

All complaints concerning city vehicles, drivers or passengers shall be immediately investigated by the appropriate department head. The results of the investigation shall be reported promptly in writing to the mayor. The report shall contain:

(1) Name, address and telephone number of the complainant, if known.

(2) Summary of the complaint.

(3) Investigation findings.

(4) Remedial action taken, if warranted.

(5) Name, address and operator's number of the driver.

(Ord. of 3-90)

Sec. 2-445.5. Reimbursement policy for use of private vehicle.

(a) Any employee of the city authorized to use his/her personal vehicle to accomplish city business will be reimbursed at the following federal rates as established by the general services administration:

(1) When a city pool vehicle is available, but a personal vehicle is still used, no reimbursement will be paid.

(2) When no pool vehicle is available, thereby necessitating the use of a personal vehicle the effective federal rate.

(b) Reimbursement will be on a monthly basis on forms prescribed by the department of finance and with proper approvals. All reimbursements will be at the "pool car available rate" unless otherwise documented by the employee submitting for reimbursement.

(Ord. of 3-90; No. 26768-1, 2-13-02)

Sec. 2-445.6. IRS regulations on employee withholdings.

The city will implement IRS regulations pertaining to employee withholdings for the use of city-owned vehicles as established and amended by the Internal Revenue Service.

(Ord. of 3-90)

Sec. 2-445.7. Financial responsibility.

(a) Employees operating city-owned automobiles are protected against claims for property damage and/or bodily injury arising out of the use of that vehicle when:

(1) The employee is acting in the performance of his/her duties and within the scope of his/her employment; and

(2) The damage is not the result of wilful, malicious or intentional act.

(b) Employees operating city-owned vehicles outside the performance of their duties and scope of employment and without the written permission of the mayor or department head, shall be held responsible for property damage, including the reasonable value of wear and tear on the car and/or personal injury arising out of such unauthorized use.

(c) Employees using privately owned vehicles on official city business are provided liability coverage by the city on an "excess basis," secondary to any other collectible insurance. This does not include physical damage coverage to the employee's vehicle (comprehensive and collision). Mileage reimbursement payments anticipate insurance costs borne by the owner of the vehicle, therefore, any privately owned vehicle used on city business must be covered by insurance with minimum limits as required by Connecticut State Statutes.

(Ord. of 3-90)

Sec. 2-445.8. Penalties and disciplinary action.

(a) Failure to comply with the provisions of this policy shall result in progressive disciplinary action.

(b) Progressive disciplinary action will be taken for engaging in unsafe practices with a motor vehicle.

(c) The wilful neglect or misuse of any city-owned vehicle is a cause for disciplinary action up to and including dismissal.

(Ord. of 3-90)

ARTICLE VI. CODE OF ETHICS*

***State law references:** Authority to adopt code of ethical conduct, G.S. § 7-148(c)(10)(B).

DIVISION 1. GENERALLY*

***Editor's note:** An ordinance adopted in December, 1995, amended former Div. 1, §§ 2-446--2-451, relative to general code of ethics provisions, in its entirety to read as herein set out. The provisions of former Div. 1 derived from Code 1970, § 2-1 and an ordinance adopted in April, 1983.

Sec. 2-446. Title and purpose.

This section shall be known and referred to as the "Code of Ethics of the City of New Britain."

The purpose of this Code of Ethics is to establish and maintain high standards of honesty, integrity, and impartiality for the mayor and for all elected and appointed officials in the City of New Britain.

(Ord. of 12-95)

Sec. 2-447. Definitions.

The following terms when used in this article, shall have the following meanings, unless the context otherwise requires.

Candidate for public office means any individual who has filed a declaration of candidacy or a petition to appear on the ballot for election as a public official of the city or who has raised or expended money in furtherance of such candidacy, or who has been nominated for appointment to serve as a public official of the city.

City agency means and includes the common council, the board of education and all other agencies, boards, committees, commissions, departments and offices of the city.

Business with which he is associated means any business in which the official or employee or member of his immediate family is a director, officer, owner, limited or general partner, or holder of stock constituting five (5) per cent or more of the total outstanding stock of any class. "Officer" refers only to the president, executive or senior vice-president, secretary or treasurer of such business.

Gift means a payment, subscription, advance, forbearance, rendering of services, deposit of money, or anything of value unless consideration of equal or greater value is received. "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, consumed on a single occasion, the cost of which is less than twenty-five dollars ($25.00) per person.

Immediate family means any spouse, dependent children, parent (birth or adoptive), or dependent relatives who reside in the individual's household.

Individual means a natural person.

Official or employee means any official, employee, agent, consultant or member, elected or appointed to, or retained by any city agency, whether paid or unpaid, whether permanent, temporary or provisional.

Person means a business, individual, corporation, union association, firm, partnership, committee, club or other organization or group of persons.

Political contribution has the same meaning as in general statutes section 9-333b.

(Ord. of 12-95)

Sec. 2-448. Purpose of the Code of Ethics.

(a) Every official and employee shall avoid the participation in a private interest or relationship, which conflicts with his/her public duty and shall avoid any conduct or actions in any matter in which his/her participation would tend to undermine public confidence.

(b) Only an action by an official or employee in violation of the provisions set forth in section 2-449 shall constitute a violation of the Code of Ethics.

(Ord. of 12-95; Res. No. 28442-3, 5-24-06)

Sec. 2-449. Prohibited activities.

(a) No official or employee shall have any interest, financial or nonfinancial, direct or indirect, or engage in any business, employment, transaction or professional activity, or incur any obligation of any nature, which is in substantial conflict with the proper discharge of his/her duties and responsibilities as prescribed in the charter and ordinances of the city or the laws of the state.

(b) No official or employee shall accept other employment that will affect his/her independence of judgment or cause him/her to disclose confidential information acquired in the course of and by reason of official duties.

(c) No official or employee shall willfully and knowingly disclose confidential information acquired in the course of and by reason of official duties. He/she shall not use any confidential information obtained from public office or employment to obtain financial gain for himself/herself, family member or a business with which he/she is associated.

(d) No official or employee shall agree to represent, appear for or take action on behalf of another person before any city agency for a fee or other consideration. This includes being a member or employee of a partnership, association or professional corporation that could represent another person.

(e) No person shall offer or give to an official or employee or his spouse, his parent, brother, sister or child or spouse of such child or a business with which he is associated, anything of value, including, but not limited to, a gift, loan, political contribution, reward or promise of future employment based on any understanding that the vote, official action or judgment of the official or employee would be or had been influenced thereby.

(f) No official or employee shall solicit or accept, and no person shall offer or give an official or employee or his/her relative, anything of value, including but not limited to, a gift, loan, political contribution, reward or promise of future employment based on any understanding that the vote, official action or judgment of the official or employee would be or had been influenced thereby.

(g) No official or employee or member of his immediate family or a business with which he/she is associated shall enter into any contract with any city agency unless the contract has been awarded through an open and public process. This process must include any prior public offer and subsequent public disclosure of all proposals considered and the contract awarded. Any contract made in violation of this paragraph of this paragraph shall be voidable by a court of competent jurisdiction provided the suit

is begun within ninety (90) days of the making of the contract.

(h) No official or employee shall grant or make available to any person any consideration, treatment, advantage or favor that it is not available to the general public.

(i) No official or employee shall request, use or permit the use of any publicly-owned or publicly-supported property, vehicle, equipment, labor or service for the personal use unless it is also made available to the general public. This rule shall not be deemed to prohibit uses that are provided as a matter of stated public policy and are for the use of officials and employees in the conduct of official business.

(j) No official or employee shall disclose any information concerning matters discussed in a duly convened executive session of a public agency.

(k) No official or employee who makes decisions on behalf of the public shall participate in matters in which he or his immediate family will gain financial advantage or suffer financial detriment as a result of the decision reached. In any situation in which a decision on any question can not be arrived at without the participation of a decision-maker who would otherwise be disqualified under this paragraph, such decision-maker may participate and act, but shall make his conflict of interest public.

(l) No official may appoint or hire any member of his/her immediate family to any paid position with the city.

(Ord. of 12-95; Ord. of 1-7-98; Res. No. 28442-3, 5-24-06)

Sec. 2-450. Interest in conflict with discharge of duties.

An official or employee has an interest which is in substantial conflict with the proper discharge of his duties and of his responsibilities as prescribed in the charter and ordinances of the city and the laws of the state if he has reason to believe or expect that he, any member of his immediate family or business with which he is associated will derive a direct monetary gain or suffer a direct monetary loss, as the case may be, by reason of his official activity. He does not have an interest which is in substantial conflict with the proper discharge of his duties and of his responsibilities, if any benefit or detriment accrues to him, any member of his immediate family or business with which he is associated as a member of a business, profession, occupation or group to no greater extent than any other member of such business, profession, occupation or group.

(Ord. of 12-95)

Sec. 2-451. Certain activities restricted after leaving public office or employment.

(a) No former city official or employee shall represent anyone other than the city concerning any particular matter (1) in which he participated personally and substantially while in city service and (2) in which the city has a substantial interest.

(b) No former city official or employee shall, for one year after leaving city service, represent anyone other than the city, for compensation before the department, agency, board, commission, council or office in which he served at the time of his termination of service, concerning any matter in which the city has a substantial interest.

(c) No former city official or employee who participated substantially in the negotiation or award of a city contract obligating the city to pay an amount of fifty thousand dollars ($50,000.00) or more, or who supervised the negotiation or award of such a contract, shall accept work of any kind including employment or any consulting arrangement, from a party to the contract other than the city for a period of one (1) year after his or her departure from the city office or position if his or her departure occurs less than one (1) year after the contract is signed.

(Ord. of 12-95; Ord. No. 27952-2, 7-22-04)

Sec. 2-452. Procedure when discharge of duty affects member's financial interest or may constitute impropriety or appearance of impropriety.

Any official or employee who, in the discharge of his official duties or responsibilities, would be required to take an action that would directly or indirectly affect a financial interest of himself, any member of his immediate family or business with which he is associated, other than an interest of a de minimis nature or an interest that is not distinct from that of a substantial segment of the general public, shall be excused from voting or deliberating or taking action on the matter if he so requests, but if he does not make such request he shall take the following action:

(1) Prepare a written statement signed under penalty of false statement describing the matter requiring action and the nature of the potential conflict; state why despite the potential conflict, he is able to vote and otherwise participate fairly, objectively and in the public interest; and

(2) Deliver a copy of the statement to the board of ethics and if he is a member of the common council or the board of education, he shall deliver a copy of the statement to be recorded in the minutes of the body; or

(3) If he is not a member of the common council or the board of education, he shall prepare a written statement signed under penalty of false statement describing the matter requiring action and the nature of the potential conflict and deliver a copy of the statement to his immediate superior, if any, who shall assign the matter to another employee or if he has no immediate superior, he shall take such steps as the commission shall prescribe or advise to remove himself from influence over actions and decisions on the matter; or

(4) If the individual in question is the mayor of the city, he shall recuse himself from deliberating or taking action on the matter immediately.

(Ord. of 12-95)

Sec. 2-453. Disclosure of financial interests; filing requirements.

(a) The mayor, members of the common council, city clerk, collector of taxes, treasurer, members of the board of assessment appeals, constables and registrars of voters, each department head including the purchasing agent and each attorney in the office of corporation counsel, subject to the applicability of any collective bargaining agreement, shall file, under penalty of false statement, a statement with the board of

ethics, town and city clerk, and office of corporation counsel within ninety (90) days of the effective date of this ordinance or within thirty (30) days of taking office or the date of appointment if applicable and on an annual basis thereafter which provides the following information:

(1) Real estate located in the City of New Britain, excluding the place of principal residence, which is owned or leased for a period exceeding two (2) years by such official, employee or spouse including any corporation, trust or partnership where either the official or spouse have at least five (5) percent of a legal or equitable interest;

(2) The name of any employer from which the official, employee or spouse is paid an annual income of at least ten thousand dollars ($10,000.00) and the name of any business entity owned by the official, employee or spouse, including any corporation, trust or partnership, where either the official, employee or spouse have at least five (5) percent of a legal or equitable interest;

(3) The name of any business entity identified under subsection (2) of this section which had a contract with the City of New Britain the preceding calendar year to provide either goods or services in the aggregate amount of at least ten thousand dollars ($10,000.00); and

(4) A certification that each official or employee has read and understands the City of New Britain Code of Ethics.

(b) Any person who fails to comply with the time limits set forth in subsection (a) shall be fined ten dollars ($10.00) per day for each day of violation until the date of compliance with the total fine not to exceed five thousand dollars ($5,000.00). Failure to disclose the information required by subsection (a) of this section with respect to an individual's spouse does not constitute a violation if the individual making the disclosure made a good faith effort to obtain the information which he or she then documents in said disclosure statement.

(Res. No. 30413-2, 3-11-09)

Sec. 2-454. Enforcement.

The board shall have the power to investigate any reported allegations, to hold hearings and to provide specific recommendations of disciplinary action in accordance with city procedures and policies. The board of ethics shall report its findings to the common council as to whether or not a violation of this article has occurred, together with recommended sanctions to be imposed by the common council, unless city procedures and policies require that the matter be addressed elsewhere. Such report shall be filed with the city clerk with copies to the mayor's office and common council no later than one hundred eighty (180) days from the date on which the board of ethics is notified of the matter in question. Sanctions may include but are not limited to fines, termination of employment, suspension without pay, censure and/or reprimand. If the board believes an activity to be illegal, it shall report its findings to the appropriate authority for investigation.

(Ord. of 12-95; Res. No. 28442-3, 5-24-06; Res. No. 30413-2, 3-11-09)

Editor's note: Res. No. 3413-2, adopted Mar. 11, 2009, renumbered § 2-453 as § 2-454.

Secs. 2-455--2-460. Reserved.

DIVISION 2. BOARD OF ETHICS*

***Cross references:** City boards, commissions, committees and authorities generally, § 2-126 et seq.

Sec. 2-461. Members; appointment; qualifications; vacancies; political activity.

(a) There shall be a board of ethics consisting of five (5) members. All members shall be appointed by the mayor in accordance with subsections 5-2(e) and 7-1(b) of the City Charter. The members shall be appointed for a term of three (3) years, provided that members may continue in office until a successor has been appointed. Appointments shall be subject to 9--167a of the Connecticut General Statutes.

(b) All members shall be residents of the city. No member shall:

(1) Hold or campaign for any public office;

(2) Have held public office or have been a candidate for public office for a one-year period prior to appointment;

(3) Hold office in any political party or political committee;

(4) Serve as a member of any other municipal agency;

(5) Be a public official or public employee of the municipality or an official or employee of a quasi-public agency of the municipality; or

(6) Any immediate family member of any official or employee.

(c) (1) Although any member of the board shall have an unrestricted right to vote, make political contributions, attend fundraising or other political events, no member or employee shall publicly support any candidate for any municipal office subject to the board's jurisdiction. An individual would be publicly supporting a candidate by, for example, volunteering as a campaign worker, giving a speech at a political event or formally endorsing a candidate.

(2) No candidate for political office may disseminate information which indicates that a board member supports his or her candidacy.

(Code 1970, § 2-1(E)(1)(a); Ord. of 4-83; Ord. of 12-95; Ord. of 7-01; No. 26897-1, 12-11-02; Ord. No. 27825-1, 1-28-04; Res. No. 28442-3, 5-24-06)

Sec. 2-462. Advisory opinions.

Upon the written request of the officer or employee concerned, the board shall render written advisory opinions based upon the provisions of this article. The board shall file its advisory opinions with the city clerk but may delete the name of the officer or employee involved.

(Code 1970, § 2-1(E)(1)(b); Ord. of 4-83)

Sec. 2-463. Complaints.

(a) Upon the complaint of any person, signed under penalty of false statement, or upon its own complaint, the board shall, after meeting and determining that there is sufficient evidence to warrant such inquiry, investigate any alleged violation of this article. The board shall not later than five (5) days after so meeting notify by registered or certified mail any respondent against whom such complaint is filed and a copy of such complaint shall accompany such notice. The board shall also notify the complainant of its receipt of such complaint not later than five (5) days thereafter. Upon receipt of notice, the respondent shall have the right to demand a hearing before the board within fifteen (15) days.

If the board determines that a verified complaint does not allege facts sufficient to constitute a violation of this article, it shall dismiss the complaint and notify the complainant and respondent.

(b) In the event the board decides that a hearing is required, or the respondent demands a hearing, such hearing shall afford the respondent the right to appear and be heard and to offer any information which may tend to clear him; to be represented by legal counsel; to examine and cross-examine witnesses; and to face the complainant. No hearing may be conducted with less than three (3) board members in attendance. The board shall make no finding that a violation of this article has occurred except upon the concurring vote of at least three (3) of its members who have heard all the evidence presented.

(Code 1970, § 2-1(E)(1)(c); Ord. of 4-83; Ord. of 6-92)

Sec. 2-464. Powers.

The board of ethics may issue subpoenas or subpoenas duces tecum, enforceable upon application to the superior court, to compel the attendance of persons at hearings and production of books, documents, records and papers, pursuant to section 7-148h of the General Statutes.

(Code 1970, § 2-1(E)(1)(d); Ord. of 4-83)

Sec. 2-465. Confidentiality of complaints, evaluations of possible violations and investigations.

Unless the board makes a finding of a violation of this article, a complaint alleging a violation of this article shall be confidential except upon the request of the respondent. A board evaluation of a possible violation of this article prior to the filing of a complaint by the board

shall be confidential except upon the request of the subject of the evaluation.

(Ord. of 6-92)

Secs. 2-466--2-475. Reserved.

ARTICLE VII. FINANCE*

***Cross references:** Capital equipment reserve committee, § 2-111 et seq.; board of compensation and assessment, § 2-141 et seq.; insurance commission, § 2-211 et seq.; bonding committee, § 2-296 et seq.; pensions, § 2-416 et seq.; purchasing regulations, § 2-531 et seq.; taxation, Ch. 22.

State law references: Town treasurers generally, G.S. §§ 7-80--7-85; authority to manage and control finances, G.S. 7-194.

DIVISION 1. GENERALLY

Sec. 2-476. Fiscal year.

Pursuant to section 7-381 et seq. of the General Statutes, the city hereby establishes a new fiscal year beginning July 1 and ending June 30, both dates inclusive, of the following year.

(Code 1970, § 2-63.1; Ord. of 7-72; Ord. of 7-01)

Sec. 2-477. Supervision of accounts.

(a) *Accounts on accrual basis; the finance director to prescribe forms and practices.* The director of finance shall cause all accounts of the city to be kept on the accrual basis. The director shall prescribe the forms and accounting practices to be used by all departments. The director of finance shall require that disbursements and expenditures be so controlled as to ensure that appropriations are not exceeded.

(b) *Audits and reports to mayor and board.* The director of finance shall examine and audit, at any time whenever directed by the mayor, the board of finance and taxation subject to approval of the common council, or the council, the accounts, books, bills and vouchers, and the methods of conducting business of any department of the city government, and of any officer of the city, and shall report thereon to the mayor, the board of finance and taxation and the council.

(Code 1970, § 2-64; Ord. of 7-01)

State law references: Uniform accounting system, G.S. § 7-399; municipal auditing act, G.S. §§ 7-391--7-397; requirement that audit be included in annual report of the city, G.S. § 7-394.

Sec. 2-478. Departments and officers' records; responsibility of director.

The director of finance shall keep accounts and records in ledgers established in the city's automated financial system(s) provided for that purpose with such city departments and with such city officers as may be designated by the council, as well as such other records as the ordinances may direct.

(Code 1970, § 2-65; No. 26768-1, 2-13-02)

Sec. 2-479. Record of taxes due the city.

The collector of taxes, shall do the following:

(1) Ascertain the amount of taxes uncollected and due to the city on each and every city rate bill;

(2) The collector of taxes shall prepare a statement of uncollected taxes setting forth each separate tax uncollected, together with the total amounts of the same.

(Code 1970, § 2-66; No. 26768-1, 2-13-02)

Sec. 2-480. Record of indebtedness of city.

The director of finance and the treasurer in the annual comprehensive financial report shall report the total indebtedness of the city as of June thirtieth of each year.

(Code 1970, § 2-67; No. 26768-1, 2-13-02)

State law references: Bonded indebtedness of cities, G.S. § 7-374; municipal bond issues, G.S. §§ 7-369--7-380a.

Sec. 2-481. Record of paid bills.

All bills which have been paid by the city shall be receipted, reviewed, recommended for payment and transmitted to the finance department who shall preserve the record of the department.

(Code 1970, § 2-68; No. 26768-1, 2-13-02)

Sec. 2-482. Council approved method required for all drafts.

The director of finance shall draw an order on the treasurer for payments of salaries, claims or accounts, and each such order shall specify the department under which such salary, claim or account is drawn, and no order shall be drawn without approval by the department incurring the liability and the director of finance as follows:

(1) Monies payable by the city treasurer from the city treasury, under the authority of the general statutes;

(2) Monies due from the city on claims evidenced by judgment of a competent court

and all other legal settlements approved in writing by the corporation counsel;

(3) Salaries of officers and employees, fixed by the council, and payrolls when properly approved;

(4) Monies payable for freight and stock purchased whereby the city secures a cash discount on time settlements, if the director of finance is satisfied as to the correctness of such bills; and

(5) Individual orders drawn for goods, services, utilities, refunds, debt service, rents and all other charges incurred by city departments.

(Code 1970, § 2-69; No. 26768-1, 2-13-02)

Sec. 2-483. Manner of disbursements for bills and payrolls.

The director of finance having drawn orders for bills and payrolls shall remit them to the appropriate vendor and/or department. The director of finance shall disburse all orders in payment of salaries of city officials.

(Code 1970, § 2-70; Ord. of 7-01)

Sec. 2-484. Written order of director of finance required for all payments from city treasury.

Unless specifically provided by the Charter or ordinances, no money shall be paid from the city treasury except upon the written order of the director of finance specifying the nature of the claim, and any payment otherwise made shall not be binding upon the city.

(Code 1970, § 2-71)

Sec. 2-485. Director may make payment where cash discounts concerned.

Whenever it may be advantageous to the city by reason of cash discounts or otherwise, bills or accounts properly contracted by any board, commission, agency, or public officer of the city and approved by the purchasing agent may be ordered paid by the director of finance.

(Code 1970, § 2-72; No. 26768-1, 2-13-02)

Sec. 2-486. Order of payment by treasurer and receipts for deposits.

Orders drawn by the director of finance upon the treasurer shall be paid by the latter in the order in which they are presented, and whenever any money is deposited with the treasurer, duplicate receipts thereof shall be executed by the treasurer, one of which shall be delivered to the party paying such money, and the other delivered immediately to the director of finance.

(Code 1970, § 2-73)

Sec. 2-487. Reserved.

Editor's note: Item No. 26768-1, an ordinance adopted on Feb. 13, 2002, deleted § 2-487. Former § 2-487 pertained to the procedure of payment of bills in case of insufficient funds and derived from the Code of 1970.

Sec. 2-488. Assessment of damages against the city for public improvements.

When any assessment of damages against the city for any public improvement is due and payable to any person or persons, a bill for the amount of damages assessed to each in excess of the benefits assessed to the same person for the public improvements, shall be by such person presented to the clerk, and having been compared with the order of assessment and certified to be correct, shall be passed in the same manner as other bills. In case any person in whose favor such bill for damages is passed shall refuse to accept the order drawn therefor, the director of finance shall forward such order to the treasurer, who shall thereafter pay the same on demand of the person in whose favor it was drawn.

(Code 1970, § 2-75)

Sec. 2-489. Reserved.

Editor's note: Item No. 26768-1, an ordinance adopted on Feb. 13, 2002, deleted § 2-489. Former § 2-489 pertained to the required signatures on notes of indebtedness and derived from the Code of 1970.

Sec. 2-490. Treasurer to deliver note and deposit funds.

The treasurer of the city shall take any note for the indebtedness of the city, approved, signed and countersigned and deliver it to the person loaning money to the city. He/she shall deposit the money so borrowed into the treasury of the city.

(Code 1970, § 9-2; No. 26768-1, 2-13-02)

Sec. 2-491. Exceeding budgeted line items restricted.

All department heads and all others charged with expenditures under any appropriation, except as otherwise provided by law and section 10-4(a) of the City Charter shall not exceed any budgeted line item without prior approval therefore by the common council except as outlined in section 2-494 of the Code.

(Code 1970, § 2-34; Ord. of 4-75; No. 26768-2, 11-13-02)

Sec. 2-492. Public hearing on annual estimates.

Prior to the special meeting called for the purpose of adoption of the annual budget estimates submitted to it by the mayor, the common council shall hold a public hearing on such budget estimates, the notice for such hearing shall be circulated not less than once in a daily newspaper circulated in the city at the time or times that it publishes the annual budget estimates and noticed for public inspection at the city clerk's office, as well as being posted on the City of New Britain website, as required by subsection 10-3(e) of the City Charter.

(Code 1970, § 2-34; Ord. of 7-74; Ord. of 7-01; 28482-2, 5-5-05)

Sec. 2-493. Payment of claim withheld where debt due city.

In the event of a person to whom a bill or claim is due and payable from the city also shall himself/herself be indebted to the city, the director of finance shall transmit the order for payment of such bill or claim, and shall deliver such order to the collector of taxes who shall credit such payment against any taxes or related delinquency charges.

(Code 1970, § 2-35; Ord. of 2-92; No. 26768-1, 2-13-02)

Sec. 2-494. Special and supplemental appropriations.

(a) General fund. If a special or supplemental appropriation in addition to or in excess of a departmental or individual budget made at the beginning or during the fiscal year is required, pursuant to City Charter section 10-4(c) the mayor shall submit a resolution to the common council identifying the need and source of monies necessary to meet such appropriation.

(1) A funding resolution requiring an increase in estimated income and expenditures in any fund shall be approved by two-thirds vote of the common council.

(2) A transfer of monies external to a departmental budget, supplementing a department budget, shall be authorized by majority vote of the common council.

(3) The mayor shall be authorized to transfer monies within a departmental budget, amongst individual line items, upon written request of the petitioning department. The limit for any individual line item transfer under this subsection shall be limited to the individual and aggregate amount as scheduled from the grouping of the "Statement of Expenditures and Encumbrances Compared with Appropriations" from the annual audit. Any departmental line item budget transfer greater than these individual or aggregate amounts shall be subject to common council approval. Aggregate as used in section 2-494 is defined as the cumulative sum of all approved budget transfers occurring within a given fiscal year under a common source of authority.

a. Intra-departmental transfers executed within the authority of section 2-294(c) shall be reported to the common council at the next regularly scheduled meeting. The approved transfer must specify the reason for increasing the budget line item and cite the source and basis of the surplus account monies.

TABLE INSET:

	General Gov't	Public Safety	Parks & Recreation	Public Works	Health & Human Services	Water Department	All Other
Individual	$10,000	25,000	25,000	25,000	10,000	25,000	-0
Aggregate	$15,000	50,000	50,000	50,000	15,000	50,000	-0

b. A budget line item previously identified as the source of surplus monies for transfer to a line item within a departmental budget may only be subsequently increased through resolution of the common council notwithstanding individual or aggregate limitations.

(b) Special revenue, capital equipment, capital nonrecurring and enterprise funds. If a special or supplemental appropriation in addition to or in excess of a departmental or individual budget made at the beginning or during the fiscal year is required, the mayor shall submit a resolution to the common council identifying the need and source of monies necessary to meet such appropriation.

(1) A funding resolution requiring an increase in estimated income and expenditures in any fund shall be approved by two-thirds vote of the common council.

(2) Transfer of monies for grant funded activities shall be in accordance with grant regulations with prior approval of the mayor excluding commission on community and neighborhood development (CCND) and board of education grant programs.

(3) The mayor shall be authorized to transfer monies within a departmental budget, amongst individual line items, upon written request of the petitioning department upon recommendation of the board or commission, if any, as scheduled in special revenue, capital equipment, capital nonrecurring and enterprise fund classification outlined herein. Any departmental line item budget transfer greater than these individual or aggregate amounts shall be subject to common council approval.

a. Intra-departmental transfers executed within the authority of section 2-494 shall be reported to the common council at the next regularly scheduled meeting. The approved transfer must specify the source of surplus monies increasing the budget line item and cite the basis of the surplus account monies.

TABLE INSET:

	City Special Revenue	Grants	Capital Equipment	Capital Nonrecurring	Enterprise
Individual	$25,000	25,000	-0-	-0-	25,000
Aggregate	$50,000	50,000	-0-	-0-	50,000

b. A budget line item previously identified as the source of surplus monies for transfer to a line item within a departmental budget may only be subsequently increased through resolution of the common council notwithstanding individual or aggregate limitations.

(Ord. of 7-01; No. 26868-1, 11-13-02; No. 27347-1, 2-26-03)

Secs. 2-495--2-500. Reserved.

DIVISION 2. DIRECTOR*

***Cross references:** City officers generally, § 2-231 et seq.

Sec. 2-501. Reserved.

Editor's note: Item No. 26822-1, an ordinance adopted on Feb. 13, 2002, deleted § 2-501. Former § 2-501 pertained to appointment; deputy; bond and derived from the Code of 1970 and an ordinance adopted in July of 2001.

Sec. 2-502. Reserved.

Editor's note: Item No. 26768-1, an ordinance adopted on Feb. 13, 2002, deleted § 2-502. Former § 2-502 pertained to qualifications and compensation and derived from the Code of 1970.

Sec. 2-503. Hiring of clerical help.

The director of finance may, with the prior approval of the council, employ such clerical assistance as he may require during each fiscal year.

(Code 1970, § 2-62)

Sec. 2-504. Duties.

In addition to the requirements that the director serves as secretary of the board of finance and taxation, the director shall have the following duties:

(a) Budget. The director shall, unless other wise determined by the mayor and subject to section 10-3 of the City Charter assist in the compilation of the annual budget and maintenance of the income and expenditures financial budgetary system excluding the water and education department budget.

(b) He/she shall have general supervision of the affairs of the purchasing department and of the purchasing agent and other employees of the purchasing department.

(Code 1970, § 2-63; Ord. of 9-93, §§ 3, 4; Ord. of 7-01)

State law references: Duties of treasurer, G.S. § 7-80; annual budget meetings as affected by uniform fiscal year requisite, G.S. § 7-388; creation of municipal reserve fund, G.S. § 7-360; investment of city funds, G.S. § 7-400; deposit of public funds, G.S. §§ 4-33; 7-401, 7-402.

Secs. 2-505--2-510. Reserved.

DIVISION 3. CAPITAL EQUIPMENT RESERVE PROGRAM

Sec. 2-511. Established.

A capital equipment reserve program is hereby established.

(Code 1970, § 2-350A; Ord. of 11-78)

Sec. 2-512. Annual needs requests--Submission by department heads, etc.

(a) Each December first any department head, board or commission or any other individual responsible for capital equipment needs shall submit a capital equipment needs request for a period of three (3) years commencing on the succeeding July first in a manner prescribed by the director of finance.

(b) During each fiscal year, requests for expenditures will be submitted to the director of finance in a manner and on forms designed by the director for presentation to the capital equipment reserve committee.

(Code 1970, § 2-350A(1), (6); Ord. of 11-78)

Sec. 2-513. Compilation by director of finance.

The director of finance shall be responsible for compiling the needs requests submitted pursuant to section 2-512 for presentation to the capital equipment reserve committee at a meeting called for such purpose.

(Code 1970, § 2-350A(2); Ord. of 11-78; No. 26768-1, 2-13-02)

Sec. 2-514. Reserved.

Editor's note: Item No. 26768-1, an ordinance adopted on Feb. 13, 2002, adopted new provisions which replaced those set out in § 2-514. Former § 2-514 pertained to action by board of finance and taxation and council on capital equipment reserve committee's recommendation and derived from the Code of 1970 and an ordinance adopted in Nov. of 1978.

Sec. 2-515. Annual appropriation.

Monies appropriated will be credited to a separate capital equipment reserve fund. Such fund shall be a permanent fund to be used for the purposes herein set forth and for no other, and shall continue from year to year. Earnings from investments of such fund shall accumulate and accrue to the credit of the fund. Such earnings on investments will be available for appropriation by the common council for capital equipment purposes.

(Code 1970, § 2-350A(5); Ord. of 11-78; No. 26768-1, 2-13-02)

Sec. 2-516. Recommendations for amendments to fund guidelines.

The director of finance will be responsible for recommending amendments to the guidelines and procedures for the capital equipment reserve fund.

(Code 1970, § 2-350A(8); Ord. of 11-78; No. 26768-1, 2-13-02)

Secs. 2-517--2-522. Reserved.

DIVISION 4. RESERVED

Secs. 2-523--2-526. Reserved.

Editor's note: Item No. 26768-1, an ordinance adopted on Feb. 13, 2002, deleted §§ 2-523--2-526. Former §§ 2-523--2-526 pertained to the budget monitoring committee and derived from ordinances adopted in May of 1988 and December of 1993.

Secs. 2-527--2-530. Reserved.

ARTICLE VIII. PURCHASING AND SALES*

***Charter references:** Purchasing power generally, § 101; authority to establish central purchasing system, § 2361; appointment of agent, § 2362; council to provide by ordinance regulations for central system, § 2363; competitive bids required for public works contracts, § 2364.

DIVISION 1. GENERALLY

Sec. 2-531. Definitions.

As used in this article:

Contractual services shall mean all telephone, gas, water, electric light and power services; towel and cleaning service; leases for all grounds, buildings, office or other space required by the using agencies; and the rental, repair or maintenance of equipment, machinery and other city-owned personal property. The term shall not include professional and other contractual services which are in their nature unique and not subject to competition. Nor shall contractual services include those circumstances where the city is engaged in contracting for services in conjunction with other units of government in furtherance of a cooperative venture, including inter-local agreements with those units of government provided that a report shall be approved by the common council.

Local bidder shall mean a bidder maintaining taxable business property in the form of real estate, personal property or combination thereof within the city.

Purchasing agent or agent shall mean the purchasing agent of the city.

Supplies shall mean all supplies, materials and equipment.

Using agency shall mean any department, agency, commission, bureau or other unit in the city government using supplies orprocuring contractual services as provided for in this article.

(Code 1970, § 2-125; Ord. of 8-85; No. 26768-1, 2-13-02; Res. No. 30170-2, 7-9-08)

Cross references: Definitions and rules of construction generally, § 1-2.

Sec. 2-532. Estimates of future departmental needs.

(a) *Using agencies to file requisitions.* All using agencies, either by or with the authorization of its head, shall file with the agent prior to purchase detailed requisitions or estimates of required supplies and contractual services in such a manner, as the agent shall prescribe.

(b) *Agent may revise.* The agent shall examine each requisition or estimate and shall have the authority after consulting with the requisitioning department to revise it as to quantity, quality, or estimated cost; but revision as to quality shall be in accordance with the standards and specifications established pursuant to this article.

(c) *Supplemental requests.* All using agencies may file supplemental requisitions or estimates for any additional supplies or contractual services with the agent, if such needs were not foreseen when the initial estimates were submitted.

(Code 1970, § 2-126; No. 26768-1, 2-13-02)

Sec. 2-533. Audit before purchase.

Except in case of emergency, the agent shall not issue any order for delivery on a contract or open market purchase until the director of finance shall have certified, after preaudit, that there is to the credit of the using agencies concerned a sufficient unencumbered appropriation balance, in excess of all unpaid obligations, to defray the amount of such order.

(Code 1970, § 2-127; No. 26768-1, 2-13-02)

Sec. 2-534. Approval required for assignment of contract.

No formal contracts as defined in section 2-553 shall be assigned or transferred without the written assent of the mayor, and the applicable department, board, commission, officer or officers in charge of the public improvement to which such contract relates.

(Code 1970, § 2-128; No. 26768-1, 2-13-02)

Sec. 2-535. Inspection and testing.

(a) *By agent.* The agent shall inspect, or supervise the inspection of, all deliveries of supplies or contractual services to determine their conformance with the specifications set forth in the order or contract.

(b) *By using agency.* The agent shall have the power to authorize using agencies, having the staff and facilities to conduct adequate inspections, to inspect all deliveries made to such using agencies under rules and regulations which the agent shall prescribe.

(Code 1970, § 2-134)

Sec. 2-536. Testing of samples submitted with bids.

The agent shall have the authority to require chemical and physical tests of samples submitted with bids and samples of deliveries which are necessary to determine their quality and conformance with the specifications. In the performance of such tests, the agent shall have the authority to make use of laboratory facilities of any agency of the city government or of any outside laboratory.

(Code 1970, § 2-136)

Sec. 2-537. Standard forms and nomenclature.

The purchasing agent shall prescribe and maintain such forms as he shall find reasonably necessary to the operation of this article and shall prepare and adopt a standard purchasing nomenclature for using agencies and suppliers.

(Code 1970, § 2-137)

Sec. 2-538. Cooperative purchasing.

(a) The agent shall have the authority, subject to the common council's approval of the purchasing agent's report to join with another unit of government in a cooperative purchasing plan when the best interests of the city would be served thereby.

(b) The agent shall evaluate and recommend a combined purchase that best promotes the economic interests of the city and shall provide sufficient documentation of the common council supporting such recommendation and the financial benefit thereof.

(Code 1970, § 2-138; Ord. of 12-74; Ord. of 7-01; Res. No. 30170-2, 7-9-08)

Sec. 2-539. Disqualification of certain bidders.

The purchasing agent shall have the authority to declare irresponsible any vendors who default on their quotations and to disqualify them from receiving any business from the city for a stated period of time.

(Code 1970, § 2-139)

Sec. 2-540. Petty expenditures revolving fund.

(a) *Establishment.* There shall be a petty expenditures revolving fund to be used by all agencies of the city under the supervision of the purchasing agent. The amount to be kept in such fund shall be determined by the resolution of the council from time to time.

(b) *Accounting.* The purchasing agent shall make a statement of all expenditures from this fund to the director of finance at the end of each month.

(c) *Reimbursement.* The city treasurer shall reimburse the revolving fund in the same manner as expenditures of the using agency would generally be reimbursed.

(d) *Rules and regulations.* The agent shall promulgate rules and regulations for the use of the petty expenditures revolving fund.

(Code 1970, § 2-140)

Sec. 2-541. Sole source, goods and services.

Competitive procurement may be suspended in the event the purchasing agent in consultation with the requisitioning department determines the goods or product is directly procured through the manufacturer with no intermediate vendors able to contract with the city. Circumstances precluding soliciting competitive pricing for services are limited by virtue of specialty and uniqueness demonstrated in writing satisfactory to the purchasing agent. Any such suspension along with the reasons, therefore shall be reported at the next regular meeting of the common council.

(No. 26768-1, 2-13-02)

Secs. 2-542--2-550. Reserved.

DIVISION 2. PURCHASING AGENT

Sec. 2-551. Position created; powers and duties generally.

Pursuant to the Charter of the City of New Britain, there shall be a city purchasing agent who shall have the powers and duties as are described in this article, and who, along with the staff of the purchasing department, shall be under the direct control and supervision of the director of finance.

(Code 1970, § 2-129; Ord. of 9-93, § 1; Ord. of 7-01)

Sec. 2-552. Appointment; qualifications.

(a) *Appointment.* The agent shall be appointed by the mayor in accordance with the civil service regulations.

(b) *Qualifications.* The agent shall have had prior to his appointment either:

(1) At least five (5) years experience in a purchasing office of a public or private corporation in an executive capacity, or,

(2) Graduated from a four-year college or university with a major in business administration and a minimum of two (2) years' experience as described in subparagraph (b)(1) of this section.

(Code 1970, § 2-130)

Sec. 2-553. To supervise all purchases.

(a) *Make all purchases.* The agent shall purchase or contract for all supplies and contractual services needed by any using agency of the city except the consolidated school district, in accordance with such purchasing procedures prescribed by this article, and such rules and regulations as the agent shall adopt for the internal management and operation of the department of purchases and such other rules and regulations as shall be prescribed by the mayor and the council.

(b) *Other purchases unauthorized.* The authority of the agent to negotiate all purchases for all using agencies shall not be abridged by any particular agency, with the exception of the consolidated school district.

(c) *City not liable for purchases not made through agent.* Any purchase ordered or contract made contrary to the provisions of this section shall not be approved by the city officials, and the city shall not be bound thereby.

(Code 1970, § 2-131; No. 26768-1, 2-13-02)

Sec. 2-554. Specific duties and responsibilities.

(a) *Make quality purchases.* The agent shall ensure that the highest quality of goods and services is achieved at the lowest possible cost to the city. To this end, the agent shall:

(1) *Foster competition.* Discourage uniform bidding and endeavor to obtain as full and open competition as possible on all purchases and sales.

(2) *Keep informed.* Keep abreast of current developments in purchasing, market conditions and new products and obtain for the benefit of the city the results of research relevant to his purchasing functions performed by other public or private agencies, societies, and trade associations.

(3) *Bulk rates.* Investigate thoroughly and secure the benefits of any discount available for bulk purchases where feasible.

(4) *Tax exemptions.* Cooperate with the departments and other agencies to secure for the city the maximum efficiency in budgeting and accounting, as well as obtaining for the city all federal tax exemptions to which it is entitled.

(b) *Emergency procedure.* The purchasing agent shall prescribe rules and regulations under which emergency purchases by heads of using agencies may be made.

(Code 1970, § 2-132; Ord. of 7-01)

Sec. 2-555. Reserved.

Editor's note: Item No. 26768-1, an ordinance adopted on Feb. 13, 2002, deleted § 2-555. Former § 2-555 pertained to annual reports and derived from the Code of 1970; and an ordinance adopted in September of 1993.

Secs. 2-556--2-565. Reserved.

DIVISION 3. PROCEDURE FOR FORMAL CONTRACT

Sec. 2-566. When contract required.

(a) *Purchases over three thousand dollars ($3,000.00).* All supplies and contractual services, except as otherwise provided in this article when the estimated cost thereof shall exceed three thousand dollars ($3,000.00), shall be purchased by formal, written contract from the lowest responsible bidder, after due notice inviting proposals.

(b) *Sale over five thousand dollars ($5,000.00).* All sales of personal property which has become obsolete or unusable when the estimated value shall exceed five thousand dollars ($5,000.00) shall be sold by formal, written contract to the highest responsible bidder, after due notice inviting proposals.

(Code 1970, § 2-141; No. 26768-1, 2-13-02)

Sec. 2-567. Notice inviting bids.

(a) *Newspapers.* Notice inviting bids shall be published once in at least one official newspaper in the city and at least five (5) days preceding the last day set for the receipt of proposals.

(b) *City of New Britain website.* Notice inviting bids shall be posted on the City of New Britain website.

(c) *Bidders' list.* The agent shall also solicit sealed bids from all responsible prospective suppliers who have requested their names to be added to a "bidders' list" which the agent shall maintain, by sending them a copy of such newspaper notice or such other notice as will acquaint them with the proposed purchase or sale. The agent may remove from the list any prospective supplier that has failed to send a bid in response to the last two (2) solicitations sent by the agent.

(d) *Other services.* Any other services deemed appropriate by the purchasing agent.

(e) *Approval of change orders.* No change order shall be approved without competitive bidding unless it is within the scope of the work of the original project and the total amount of such change order does not exceed twenty-five (25) per cent of the original price.

(Code 1970, § 2-142; Ord. of 2-72; No. 26768-1, 2-13-02; Ord. No. 28482-2, 5-5-05)

Sec. 2-568. Scope of notice.

(a) The notice required under the terms of this division shall include a general description of the articles to be purchased or sold, shall state where bid blanks and specifications may be secured, and the time and place for opening bids.

(b) Notice sent to the vendors on the bidders' list shall be limited to transactions for

commodities that are similar in character and ordinarily handled by the trade group to which the notices are sent.

(Code 1970, § 2-143)

Sec. 2-569. Reserved.

Editor's note: Item No. 26768-1, an ordinance adopted on Feb. 13, 2002, deleted § 2-569. Former § 2-569 pertained to bids over fifteen hundred dollars; affidavit required and derived from the Code of 1970.

Sec. 2-570. Bid deposits; discretionary with agent.

(a) *Agent's discretion.* The purchasing agent may require a bid deposit where it is necessary for the protection of the interest of the city.

(b) *Refund of deposit.* The agent shall return the security deposit of any unsuccessful bidder.

(c) *Forfeit of deposit.* The deposit of a successful bidder shall be forfeited if he fails to enter into a contract within ten (10) days after the award.

(Code 1970, § 2-145)

Sec. 2-571. Sealed bids.

All bids submitted pursuant to the terms of this article shall be sealed and identified on the envelope as bids.

(Code 1970, § 2-145)

Sec. 2-572. Bid opening procedure.

(a) *Opening.* Bids shall be opened in public at the time and place announced in the public notices required in this article.

(b) *[Postponment due to closing.]* If City Hall shall be closed for weather or any other conditions, bid opening date shall be postponed until the same hour on the next day that City Hall is officially open for business.

(Code 1970, § 2-147; No. 26768-1, 2-13-02)

Sec. 2-573. Tie bids.

(a) *Local vendors.* If all bids received are for the same total amount or unit price, quality and service being equal, the contract shall be awarded to a local bidder.

(b) *Foreign vendors.* Where all tie bidders or none of them are local bidders, the agent shall award the contract by drawing lots.

(Code 1970, § 2-148; No. 26768-1, 2-13-02)

Sec. 2-574. Rejection of bids when in public interest.

The agent shall have the authority to reject all bids, parts of all bids or all bids for any one or more supplies or contractual services included in the proposed contract, when the public interest will be served thereby.

(Code 1970, § 2-149)

Sec. 2-575. Rejection of bid where bidder is in default to city.

The agent shall not accept the bid of a contractor who is in default on the payment of taxes, licenses or other monies due the city, or of a contractor, a principal of which is in default on the payment of taxes, licenses or other monies due the city.

The agent shall include in the bid document a form to be executed by a bidder, certifying that said bidder is not in default on the payment of taxes, licenses or other monies due the city.

As used in this section, (1) a "principal" of a contractor shall mean an individual who is a director, an officer, an owner, a limited partner or a general partner; and, (2) "default in the payment of taxes" shall mean the failure to pay taxes by the date such taxes are due and payable or the failure to be current with respect to a delinquent taxes payment schedule as set forth in a written agreement with the tax collector.

(Code 1970, § 2-150; Ord. of 9-95; Ord. of 11-95)

Sec. 2-576. Award of contract.

The agent shall award contracts entered into under the terms of this division to the lowest responsible bidder.

(Code 1970, § 2-151)

Sec. 2-577. Award to other than lowest bidder; reasons must be stated.

When the award is not given to the lowest bidder, a full and complete statement of the reasons for placing the order elsewhere shall be prepared by the agent and filed in his records with the other documents relating to the award.

(Code 1970, § 2-152)

Sec. 2-578. Considerations used in determining lowest responsible bidder.

The purchasing agent shall consider the following in his determination of who is the lowest responsible bidder:

(1) The ability, capacity and skill of the bidder to perform the contract or provide the service required.

(2) Whether the bidder can perform the contract or provide the service promptly, or

within the time specified, without delay or interference.

(3) The character, integrity, reputation, judgment, experience and efficiency of the bidder.

(4) The quality of performance of previous contracts or services.

(5) The previous and existing compliance by the bidder with laws and ordinances relating to the contract or service, including, but not limited to, the provisions of subdivisions (4) or (5) of subsection (a) of section 2-580 of this Code of Ordinances.

(6) The sufficiency of the financial resources and ability of the bidder to perform the contract or provide the services.

(7) The quality, availability, and adaptability of the supplies, or contractual services to the particular use required.

(8) The ability of the bidder to provide future maintenance and service for the subject of the contract.

(9) On all new concrete sidewalk and curb installations the purchasing agent shall call for bids on a total job basis and not on a yearly or item by item basis and the lowest bidder for the total job shall be recommended to the common council for its approval.

(10) (a) For all purchases and contracts except construction and/or capital improvement projects the purchasing agent shall allow a ten (10) percent differential in favor of a city-based bidder and shall cause the bid document to specify the percentage of differential. Any city-based bidder which has submitted a bid shall be awarded the bid provided that such city-based bidder agrees to accept the award of the bid at the amount of the low bid. If more than one (1) city-based bidder submits a bid not more than ten (10) percent higher than the low bid and has agreed to accept the award of the bid at the amount of the low bid, the bidder who has submitted the lower/lowest bid shall be awarded the bid. For purposes of this subsection, a "city-based bidder" shall mean a business with a legal principal place of business located within the City of New Britain. A business shall not be considered a city-based bidder unless evidence satisfactory to the purchasing agent has been submitted with the bid to establish that said business has a bona fide principal place of business within the City of New Britain. Such evidence may include evidence of ownership of or a long-term lease of real estate within the city from which the principal place of business is legally operated or the payment of personal property taxes on the personal property of the business to the City of New Britain.

(b) For construction projects and capital improvement projects the lowest responsible bidder shall be determined in the following order; unless otherwise prohibited by applicable state or federal legislation:

1. For construction projects and capital improvement projects involving a total contract price of one million dollars ($1,000,000.00) or less: Any city-based bidder that submitted a

low bid not more than eight (8) percent higher than the lowest bid, provided such city-based bidder agrees to accept the award of the bid at the lowest bid amount. If more than one (1) city-based bidder has submitted bids not more than eight (8) percent higher than the lowest bid and has agreed to accept the award of the bid at the lowest bid amount, the lowest responsible bidder shall be the city-based bidder that submitted the lowest bid.

2. For construction projects and capital improvement projects involving a total contract price of more than one million dollars ($1,000,000.00) but less than five million dollars ($5,000,000.00): Any city-based bidder that submitted a low bid not more than four (4) percent higher than the lowest bid, provided such city-based bidder agrees to accept the award of the bid at the lowest bid amount. If more than one (1) city-based bidder has submitted bids not more than four (4) percent higher than the lowest bid and has agreed to accept the award of the bid at the lowest bid amount, the lowest responsible bidder shall be the city-based bidder that submitted the lowest bid.

3. For construction projects and capital improvement projects involving a total contract price of over five million dollars ($5,000,000.00): Any city-based bidder that submitted a low bid not more than two (2) percent higher than the lowest bid, provided such city-based bidder agrees to accept the award of the bid at the lowest bid amount. If more than one (1) city-based bidder has submitted bids not more than two (2) percent higher than the lowest bid and has agreed to accept the award of the bid at the lowest bid amount, the lowest responsible bidder shall be the city-based bidder that submitted the lowest bid.

(c) For all purchases and contracts except construction and/or capital improvement projects the following procedure shall apply in a situation where no city-based bidder submits a bid or where a city-based bidder does not come within the ten (10) percent or chooses not to meet the lowest bid, however, there are bids submitted by companies based in Connecticut and other companies based outside Connecticut. In that event, the purchasing agent shall allow a five (5) percent differential in favor of the Connecticut-based bidder and shall cause the bid document to specify the percentage of differential. If more than one (1) Connecticut-based bidder submits a bid of not more than five (5) percent higher than the low bid and has agreed to accept the award of the bid at the amount of the low bid, the bidder who has submitted the lower/lowest bid shall be awarded the bid. For purposes of this subsection, a "Connecticut-based bidder" shall mean a business with a legal principal place of business located within the State of Connecticut. A business shall not be considered a Connecticut-based bidder unless evidence satisfactory to the purchasing agent has been submitted with the bid to

establish that said business has a bona fide principal place of business within the State of Connecticut.

(11) Any person in the business of constructing or repairing sidewalks must be in possession of a current valid city license before the opening of bids on a given construction project. Failure to possess a current, valid license at the time of bid opening will disqualify any person from being considered a responsible bidder on such a project.

(12) The purchase agent shall be authorized in the purchase of firearms for public safety purposes to allow up to a six (6) per cent differential in favor of a bidder adopting the new gun safety and dealer responsibility standards provided that where application of such a differential to be allowed, the purchasing agent shall cause the bid document to specify the differential which will apply. On contracts for which such preferential is to apply in the purchase of firearms for public safety purposes, the company that has adopted the new gun safety and dealer responsibility standards which has submitted a bid shall be awarded the bid provided that such bidder agrees to accept the award of the bid at the amount of the low bid.

(Code 1970, § 2-153; Ord. of 7-75; Ord. of 9-80; Ord. of 12-81; Ord. of 4-91; Ord. of 5-93; Ord. of 7-00; Ord. of 3-01; Res. No. 29238-4, 10-11-06)

Sec. 2-579. Performance bond may be required.

The purchasing agent may require a performance bond as a condition before entering a contract in such amount as he shall find reasonably necessary to protect the city's interests.

(Code 1970, § 2-155)

Sec. 2-580. Contractual provisions concerning fair wages and employment of residents.

(a) *Contract provisions required pertaining to trades persons and laborers.* All contracts entered into between the city and contractors which utilize trades persons or laborers by the contractor in the performance of the contract shall incorporate the following provisions:

(1) The contractor shall hire residents of the city to perform the necessary labor where possible.

(2) In the event the contractor is restricted by labor contracts, or the required specific skills are not available in the city, the contractor may hire tradesmen and laborers who reside outside the city.

(3) In contracts for new construction of any public works project where the total cost of all work to be performed by all contractors and subcontractors exceeds four hundred thousand dollars ($400,000.00) and in contracts for remodeling, refinishing, refurbishing, rehabilitation, alteration or repair of any public works project where the total of all work to be performed by all contractors and subcontractors exceeds one hundred thousand dollars ($100,000.00), all

tradesmen and laborers hired to perform under the contract shall be paid at the prevailing rates for the same work in the same trade in the city and shall receive the fringe benefits normally offered at that time for the particular trade. "Prevailing rates" as used herein shall mean the latest rates published by the state labor department unless otherwise required to qualify for a federal grant pertaining to the contract.

As used herein, the term "contractor" shall include the general or prime contractor and shall include subcontractors performing work under the contract.

(4) All workers furnishing the goods and services in connection with the construction shall be properly classified as employees rather than independent contractors, causing them to be treated accordingly for the purposes of pay, benefits, worker's compensation, insurance coverage, unemployment compensation coverage, social security taxes and income tax withholding.

(5) In contracts where the total cost of all work to be performed exceeds one hundred thousand dollars ($100,000.00) and in all cases wherein one or more apprentices are employed, the employer shall be affiliated with a state-certified apprenticeship program.

(6) If a contractor signing a contract required under this subsection is found to have violated the provisions of this contract, it shall, if already paid by the city, reimburse to the city one per cent of the payment that would have otherwise been owed by the city for every count of violation found. If a contractor signing a contract required under this subsection is found to have violated the provisions of the contract and it has not already been paid by the city, the city shall withhold from payment one per cent of the payment that would have otherwise been owed by the city for every count of violation found. For these purposes, each day of violation and each worker affected shall be deemed a separate count. Each construction contract entered into by the city shall recite that the contractor understands and agrees to the terms of this section.

(7) As used herein, the term "contractor" shall include the general or prime contractor and shall include subcontractors performing work under the contract.

(b) *Contract compliance board; powers and duties.*

(1) There shall be a board known as the contract compliance board. The board shall consist of five (5) electors of the city who shall be appointed by the mayor with the consent of the common council. Two (2) shall be members of the common council and three (3) shall be public members who shall not be officers or employees of the city. Two (2) of the three (3) members shall be members of an organized trade labor group whose members are primarily residents of the city. One public member shall be a person who is not a member of a trade labor group. The council members shall serve during their term of three (3) years commencing on December first of the year of appointment. After the initial appointments one shall be appointed each year for a three-year term. Every two (2) years at the first meeting after appointment of the council members, the members shall chose a chairman and a secretary who shall serve for two (2) years.

(2) The board shall assure that the provisions of paragraph (1) of this section are complied with. Prior to commencement of performance, and at any time after commencement of performance of the contract by the contractor, the board may require submission of relevant documents and other relevant information related to the employment of tradesmen and laborers in performance of any specific contract with the city. The board shall submit to the mayor its requests for documents and other information and the mayor shall obtain such documents and other information from the contractor and transmit the same to the board. If the board determines that a contractor is not in compliance with paragraph (a) of this section it shall make a report of its findings to the mayor and common council with its recommendations as to whether corrective action should be required of the contractor, or whether the contract should be terminated.

(3) If called by the contract compliance board, there will be a prebid conference with the city purchasing agent and architect of the project and/or, if applicable, the project engineer, to ensure that the regulations of the compliance board are included in the bid document.

(4) Prior to the monthly meeting of contract compliance board, each contractor shall submit a copy of his monthly payroll and list of work force composition to the board and meet with the board, if called by the contract compliance board, for the purpose of checking that the payroll is in compliance with area prevailing wages or rates and that residents of the city are employed as tradesmen and laborers.

(5) If the contract compliance board so decides, the apparent successful bidder and his major subcontractors shall submit a list of key personnel prior to award of the contract and attend a preaward conference.

(6) If the contract compliance board so decides, the apparent successful bidder and his major subcontractors shall submit a list of key personnel prior to award of the contract and attend a preaward conference.

(7) The board shall hold a preconstruction conference with the designated contractor or subcontractor, at which time any contractor or subcontractor claiming to have key personnel must present a list of those key personnel.

(8) If during construction there is a dispute between the board and the contractor or the subcontractor as to key personnel, there shall be a meeting to resolve said dispute with the board and the contractor or subcontractor.

(9) It shall be the duty of the purchasing agent to report to the contract compliance board all contracts pertaining to tradesmen and laborers.

(Code 1970, § 2-156; Ord. of 4-78; Ord. of 1-79; Ord. of 4-79; Ord. of 6-95; Ord. of 3-01; No. 26768-1, 2-13-02)

Sec. 2-581. Subdivision of contract prohibited.

No contract or purchase shall be subdivided by the agent or any department head in order to circumvent or avoid the requirements of this division.

(Code 1970, § 2-157; No. 26768-1, 2-13-02)

Sec. 2-582. Nondiscrimination provisions.

Invitations to bid issued by the city, on behalf of boards and commissions seeking contractual services for the construction of capital improvements shall include provisions concerning the payment of prevailing wages, proper classification as employees rather than as independent contractors, participation in a state-certified apprenticeship program, non-discrimination, anti-kickback, and conflict of interest similar to the type found in federal invitations to bid.

(Code 1970, § 2-158; Ord. of 3-01)

Sec. 2-583. Legal review and approval of contracts.

No contract for goods or services to which the city or any of its boards, commissions, departments, agencies or officials is a party shall be executed until the same have been reviewed and approved by the corporation counsel with respect to form and legal substance. The city shall not be bound by any contract unless such contract has been reviewed and approved by the corporation counsel prior to its execution.

(Ord. of 11-94)

Sec. 2-584. Promotion of public arts.

(a) For purposes of this section, the following terms have the following meanings:

City building means any building or facility owned or leased by the City of New Britain and open to the public or intended for such use, exclusive of any shed, warehouse, garage or building of a temporary nature.

City street means any street owned or otherwise controlled by the city, including, adjacent to said street, all light posts, utility posts, traffic signs, traffic signal lights and associated equipment, street signs, etc.

Commission means the New Britain Commission on the Arts.

Construction project means any construction, reconstruction, renovation or alteration to any city building, city street or city park, the value of which construction, reconstruction, renovation or alteration is more than five hundred thousand dollars ($500,000.00).

Renovation does not include a project of which the principal purpose is the rehabilitation of:

(1) Plumbing, heating, ventilating, air-conditioning or electrical systems; or

(2) Light posts, utility posts, traffic signs, traffic signal lights and associated equipment, street signs, etc.

Work of art means art work created by a professional artist, artisan or craftsperson which is to be in, on or located in the immediate vicinity of such construction project, including, but not limited to:

(1) Paintings, including all media and both portable and permanently affixed works of art such as murals and frescoes;

(2) Sculpture, including bas-relief, high relief, mobile, fountain, kinetic, environmental, electronic, and in-the-round sculpture;

(3) Prints, calligraphy, clay, drawings, stained glass, mosaics, photographs, fiber and textiles, wood, metal, plastics and other materials or combinations of materials;

(4) Mixed media, including any combination of forms of media; or

(5) Architectural embellishment or functional art; provided that "work of art" as used in this section shall not include building architecture, landscape architecture or landscape gardening.

(b) The board of finance and taxation and the common council, in the allocation of monies for any construction project, shall allocate for works of art, with respect to each such project and for the purposes of subsection (d) of this section, an amount from such monies not less than one (1) per cent of the total estimated cost of such construction, reconstruction, repair or alteration; provided, that said required amount shall not be more than one hundred fifty thousand dollars ($150,000.00) and shall be calculated exclusive of:

(1) The cost of any land acquisition;

(2) Any nonconstruction costs;

(3) Any augmentations to such cost; and

(4) The amount of funding for such construction as is bound by rules or conditions that would preclude or prohibit the application of this section.

(c) The New Britain Commission on the Arts is hereby established. The commission shall consist of four (4) members to be appointed by the mayor with the advice and consent of the council and three (3) members named by the Greater New Britain Arts Alliance (provided that of the members named by the Greater New Britain Arts Alliance, no more than two (2) shall be members of the same political party). The term of each member shall be two (2) years. The commission shall, in addition to its duties and responsibilities under subsection (d) of this section:

(1) Make recommendations to the mayor and common council regarding any work of art which is in the custody or control of the city, including the public site for the display of such art;

(2) When requested and subject to the availability of funds, to make funding recommendations to the mayor and common council on funding for local arts organizations and programs;

(3) Advise the mayor and common council, with regard to a proposed removal, relocation or alteration of any public arts project or work of art in the possession of the city, to ensure proper preservation and display;

(4) Work to ensure that works of art are properly integrated into the city building

environments, especially in places open to the public; and

(5) Compile and update an inventory of valuable works of art in the possession of the city.

On an annual basis, conduct and catalog an inventory of valuable works of art, including all of the city's War Memorials. Working with the public works, park and recreation and the veteran's commission, provide a recommendation to the mayor and the city council on a maintenance schedule.

(d) The commission shall be responsible for the selection of a work or works of art to be placed in, on or located in the immediate vicinity of a construction project using monies allocated pursuant to subsection (b) of this section. The commission shall be responsible for selection of the artist, artisan or craftsperson, review of any design or plan and examination of the completion and proper placement of such work of art. The city purchasing agent, in consultation with the commission, shall be responsible for the contractual arrangements with any such artist, artisan or craftsperson. The selection of contractors and the award of contracts under this section may be conducted contrary to normal city bidding procedures, provided that:

The total amount that is to be paid for said contract is fixed prior to any request for proposals;

(1) The city purchasing agent, with the approval of the commission, shall establish selection procedures that protect the city's interests with respect to the durability, maintenance costs and aesthetic quality of works of art, and especially guaranteeing that the works of art be located in public places with public visibility and impact and will have a significant lifetime;

(2) Such selection procedures shall provide for opportunities for members of the public and city staff to comment on prospective works of art; and

(3) The final selection of an artist or work of art shall be contingent upon the approval of the common council.

Each request for proposal issued pursuant to this section shall specify the artistic genre and general characteristics the commission chooses.

(e) The common council or the commission, with the approval of the common council, shall have the power, should it determine that it is in the interest of the city, to:

(1) Place a work of art created with monies allocated pursuant to this section in a location other than the direct vicinity of the associated construction project; or

(2) To exempt a particular construction project from the terms of this section.

(Ord. of 1-01; Res. No. 29064-2, 5-24-06; Res. No. 29391-2, 9-12-07)

Secs. 2-585--2-590. Reserved.

DIVISION 4. SALE OR PURCHASE OF LOW VALUE AND OBSOLETE STOCKS

Sec. 2-591. Common sales and purchases--Dollar limitations.

All purchases of supplies and contractual services of less than an estimated value of three thousand dollars ($3,000.00) and all sales of personal property which has become obsolete or unusable, of less than an estimated value of five thousand dollars ($5,000.00) shall be made in open market, without newspaper advertisement and without following the procedure prescribed in sections 2-534 and 2-567 for the award of formal contracts.

(Code 1970, § 2-159; No. 26768-1, 2-13-02)

Sec. 2-592. Minimum number of bids.

All formal bids shall, wherever possible, be based on at least three (3) competitive bids, and shall be awarded to the lowest responsible bidder in accordance with the standards as set forth in section 2-534 and in sections 2-577 through 2-582.

(Code 1970, § 2-160; No. 26768-1, 2-13-02)

Sec. 2-593. Notice inviting bids.

For all formal bids the agent shall solicit bids:

(1) By direct mail request to prospective vendors;

(2) By newspaper advertisements;

(3) By posting bids on the City of New Britain website; and

(4) By any other source deemed appropriate by the purchasing agent.

(Code 1970, § 2-161; No. 26768-1, 2-13-02; Ord. No. 28482-2, 5-5-05)

Sec. 2-594. Same--Record of bids.

The agent shall keep a record of all open market purchases and sales and the bids submitted in competition thereon, and such records shall be open to public inspection.

(Code 1970, § 2-162)

Sec. 2-595. Competitive bidding required.

Unless otherwise specifically provided in this article, competitive bidding is required, whenever possible, in the following transactions:

(1) All purchases and contracts for supplies;

(2) All contracts for services; and,

(3) All sales of personal property which is declared obsolete and unusable.

(Code 1970, § 2-163)

Sec. 2-596. Surplus stock; disposition.

(a) *Report to agent.* All using agencies shall submit to the agent, at such times and in such form as he shall prescribe, reports showing stocks of all supplies which are no longer used or which have become obsolete, worn out or scrapped.

(1) *Transfer.* The agent shall have the authority to transfer surplus stock to other using agencies.

(2) *Sale.* The agent shall have the authority to sell all supplies which have become unsuitable for public use, or to exchange the same, or trade in the same, on new supplies.

(b) *Competitive bidding.* Sales under this section shall be made to the highest responsible bidder and according to the standards established in sections 2-534 and 2-567 through 2-582, or in sections 2-592 through 2-595. All sales under this section in the amount of three thousand five hundred dollars ($3,500.00) or more must be approved by the common council.

(Code 1970, § 2-164; Ord. of 5-81; No. 26768-1, 2-13-02)

Secs. 2-597--2-605. Reserved.

DIVISION 5. EMERGENCY PURCHASES

Sec. 2-606. By agent.

(a) *Mayor to authorize purchase.* In case of an apparent emergency which requires the immediate purchase of supplies or contractual services, the mayor shall be empowered to authorize the agent to secure by open market procedures as herein set forth, at the lowest obtainable price, any supplies or contractual services regardless of the amount of the expenditures.

(b) *Agent to make report to council.* A full report of the circumstances of an emergency purchase shall be filed by the agent with the council and shall be entered in the minutes of the council and shall be open to public inspection.

(Code 1970, § 2-165)

Sec. 2-607. By head of department.

(a) *Department head may purchase directly.* In case of actual emergency, and with the consent of the agent, and the approval of the mayor, the head of any using agency may purchase directly any supplies or contractual services whose immediate procurement is essential to prevent delays in the work of the using agency which may vitally affect the life, health, or convenience of citizens.

(b) *Department head to report to agent and council.* The head of such agency shall send to the agent a requisition and a copy of the delivery record together with a full written

report of the circumstances of the emergency. The report shall be filed with the council as provided in section 2-606(b) of this division.

(c) *Agent to prescribe emergency procedure.* The agent shall prescribe by rules and regulations the procedure under which emergency purchases by heads of using agencies shall be made.

(Code 1970, § 2-166)

Secs. 2-608--2-615. Reserved.

DIVISION 6. WAREHOUSING

Sec. 2-616. Agent responsible for centralized warehousing.

The agent shall establish a central warehouse and shall control and supervise all storerooms and warehouses under his jurisdiction.

(Code 1970, § 2-167)

Sec. 2-617. Agent's duty in central warehouse.

(a) *Generally.* The central warehouse shall stock items which are commonly used by two (2) or more departments when the using departments do not have adequate storage facilities.

(b) *Inventory records.* The agent shall maintain accurate and current inventory records of all materials, supplies or equipment located in storerooms and warehouses under his control.

(c) *Agent to check utility.* The agent shall check regularly with the using department to verify that the supplies purchased and stocked are being used.

(d) *Report of discontinuance.* If any department discontinues the use of any stock items the department head shall notify the agent immediately.

(e) *One year's supply.* The agent shall not contract for more than a year's supply of any one item and shall exercise good judgment in forward buying in accordance with standard purchasing procedures.

(Code 1970, § 2-168)

Sec. 2-618. Reserved.

Editor's note: Item No. 26768-1, an ordinance adopted on Feb. 13, 2002, deleted § 2-618. Former § 2-618 pertained to storerooms revolving fund and derived from the Code of 1970.

Sec. 2-619. Capital project.

Pursuant to section 1-4(b) of the Charter, "capital project" shall be further defined as follows:

(a) Under section 1-4(b)(3), the purchase or acquisition of equipment for any public betterment or improvement when first erected or acquired which cost exceeds seven thousand five hundred dollars ($7,500.00);

(b) Under section 1-4(b)(4), major alterations and repairs to existing buildings, structures or equipment which cost exceeds twenty-five thousand dollars ($25,000.00); and

(c) Under section 1-4(b)(5), any lease which commits the city to more than one year of aggregate payments in the amount of twenty-five thousand dollars ($25,000.00).

(Ord. of 7-01)

Secs. 2-620--2-624. Reserved.

DIVISION 7. LABOR STANDARDS IN CITY CONTRACTING AND PURCHASING

Sec. 2-625. Definitions.

For the purposes of this division, the following definitions shall apply:

(a) *Building, property, equipment or maintenance services* includes any janitorial, cleaning, maintenance or related service.

(b) *Contractor* means any provider of food, clerical, transportation, securing building, property, equipment or maintenance services whose rate of reimbursement or compensation is determined by a service contract with the city or any city agent, including:

(1) Building, property or equipment service companies;

(2) Management companies providing property management services;

(3) Companies providing food preparation or service, or both;

(4) Companies providing transportation services;

(5) Companies providing clerical services; and

(6) Companies providing security services.

(c) *Effective wage* means, for a worker not paid on an hourly basis, his/her income from the employer in question for the most recent full pay period divided by the number of hours he/she worked during that pay period.

(d) *Employer* means any person, organization or other entity that uses or receives money from or through the city, and shall include the city.

(e) *Food services* means the services of a contractor involving the regular provision of food at a city owned facility under a contract with the city. Only contracts of greater than twenty-five thousand dollars ($25,000.00) may be considered "food service".

(f) *Living wage* means the poverty guideline for a family of four most recently published by the U.S. Department of Health and Human Services, divided by one thousand seven hundred sixy-three (1,763). (This wage level allows a full-time worker to earn one hundred eighteen (118) per cent of the poverty guideline.)

(g) *Local job agency* means any nonprofit organization based in or with an office in the City of New Britain which maintains a list of residents of the City of New Britain, who, within the three (3) months previous, have declared their need for employment.

(h) *Lowest paid worker* means the employee of a contractor performing work under a service contract with the city who receives the lowest hourly pay of all the employees of said contractor doing work under said contract, considering both the wages of wage employees and the effective wages of nonwage employees.

(i) The *lowest pay* means the wage or effective wage of the contractor's lowest paid worker.

(j) *Pay period* means the period of time worked by an employee for which he/she is paid in a single paycheck.

(k) *Paycheck* shall mean any regular disbursement of funds to an employee by an employer for work performed.

(l) *Service contract* means a contract or agreement between a business and the city or any city agent for the provision of food, clerical, transportation, building, property, equipment or maintenance services by the business. Construction contracts shall not be deemed service contracts. Contracts for services to be performed for a duration of five (5) or fewer days or on an "as-needed" basis shall not be deemed service contracts.

(m) *Worker* or *employee* means a natural person who performs services for an employer for whom the employer is required to withhold income taxes pursuant to the federal Internal Revenue Code.

(No. 26702-1, 10-24-01)

Sec. 2-626. Applicability.

Notwithstanding any other provision of this Code of Ordinances and in addition to the requirements of section 2-569 of said Code, no bid for an amount in excess of twenty-five thousand dollars ($25,000.00) shall be accepted pursuant to division 3 of article VIII of chapter 2 of said Code without being accompanied by an affidavit, signed by the owner or an officer of the company under the pains and penalties of perjury, attesting that:

(a) The company agrees that, should need arise for the company to hire workers within three months of the purchase in question for work to be performed within ten miles of the boundaries of New Britain, the company shall mail to each local job agency a notice of the job opening(s) at least two (2) business days prior to the date that any final hiring decision is made. Each such notice shall include a description of the work to be performed, the pay and benefits to be paid for such work and the date(s), time(s), place(s) and manner by which one may

apply for such employment, including any application form(s) that may be used. The company shall also agree to give first preference to hiring any person referred by a local job agency whose qualifications are at least equal to those of all other applicants. This shall not apply when an employer is hiring someone from within their current organization.

(b) The contractor agrees to inform employees who might be eligible of their possible right to the federal Earned Income Credit ("EIC") under Section 32 of the Internal Revenue Code of 1954. 26 U.S.C. Section 32, and shall make available to employees forms informing them about the EIC and forms required to secure advance EIC payments from the employer.

(c) The contractor agrees to be bound by the terms and penalties of this division, including, but not limited to any requirement that monies otherwise to be paid to the contractor be withheld by or returned to the city in the event a violation is found.

(No. 26702-1, 10-24-01)

Sec. 2-627. Requirements.

Notwithstanding any other provisions of this Code of Ordinances, all service contracts in excess of twenty-five thousand dollars ($25,000.00) entered into by the city shall include:

(a) A requirement that the contractor maintain the wage level or effective wage level of its lowest paid worker at no lower than the living wage at all times during the effective period of the service contract.

(b) A requirement that the contractor agrees to inform employees who might be eligible of their possible right to the federal Earned Income Credit ("EIC") under Section 32 of the Internal Revenue Code of 1954, 26 U.S.C. Section 32, and shall make available to employees forms informing them about the EIC and forms required to secure advance EIC payments from the employer.

(c) A requirement that, should need arise for the contractor to hire workers to carry out the terms of the contract in question or for any other activities to occur or commence during the period of the contract in question within ten (10) miles of the boundaries of New Britain, the contractor shall mail to each local job agency a notice of the job opening(s) at least two (2) business days prior to the date that any final hiring decision is made. Each such notice shall include a description of the work to be performed, the pay and benefits to be paid for such work and the date(s), time(s), place(s) and manner by which one may apply for such employment, including any application form(s) that may be used. The contractor shall also agree to give first preference to hiring any person referred by a local job agency whose qualifications are at least equal to those of all other applicants. This shall not apply when an employer is hiring someone from within their current organization.

(d) A requirement that the contractor be bound by the terms and penalties of this division, including, but not limited to any requirement that monies otherwise to be paid to the contractor be withheld by or returned to the city in the event a

violation is found.

(No. 26702-1, 10-24-01)

Sec. 2-628. Keeping of records.

(a) Each local job agency shall maintain a list which shall include the names, addresses, telephone numbers and job skills of persons declaring their need for employment and shall also note the last date each such person declared to the local job agency his or her need for employment. No name shall be maintained on such list for more than three (3) months after the last date the person seeking employment declared his or her need for employment.

(b) The city purchasing agent shall keep an updated list of all nonprofit agencies opting to act as local job agencies, including their names, addresses and telephone numbers. This list shall be made available to any company required to utilize it to comply with the Code of Ordinances and to other business or organization seeking to hire workers.

(No. 26702-1, 10-24-01)

Secs. 2-629--2-699. Reserved.

ARTICLE IX. PERFORMANCE GUARANTEE

Sec. 2-700. Statement of purpose.

The purpose of this article is to establish a uniform policy and procedures to be used in connection with the providing of performance guarantees in all projects where such performance guarantees are required pursuant to ordinance or to regulations or where such performance guarantees are determined by the common council, the purchasing agent, or a city board or commission to be necessary in order to protect the interests of the city.

(Ord. of 8-94)

Sec. 2-701. Definitions.

The following definitions shall apply in the interpretation of this article.

Contractor shall mean any developer, permittee, vendor, whether an individual, partnership or corporation who undertakes any activity or project for which a performance guarantee is required by statute, ordinance, regulation or contract to secure performance of work in compliance with the standards, requirements or contract provisions applicable to such work.

Contractor bond fund shall mean a separate fund maintained by the city treasurer into which all cash, certified checks or bank checks delivered to the city to guarantee performance of work under a project are deposited.

Depositor shall mean any individual, partnership or corporation who has delivered cash, certified check or bank check to the city to guarantee performance of work under a project for

which a performance guarantee is required.

Performance guarantee shall mean cash, certified check, bank check, bank letter or credit or surety bond delivered to the city by a contractor to secure performance of work undertaken pursuant to a contract to which the city is a party, a permit issued by the city, or an approved plan for development or subdivision of property within the city.

Project shall mean any activity or work undertaken pursuant to a contract to which the city is a party, a permit issued by the city, or development or subdivision of property within the city.

(Ord. of 8-94)

Sec. 2-702. When performance guarantee required.

Performance guarantees shall be required in connection with all projects for which Code of Ordinances and/or any duly promulgated regulation requires the posting of a performance guarantee by the contractor, developer, or permittee, including but not limited to the following:

(1) *Private development, including subdivisions and site development.* The minimum amount of the performance guarantee shall be not less than the cost of constructing, installing, planting, etc. all improvements required in connection with an approved plan as determined by estimates prepared by the department(s) approving such plan with the assistance of the city engineer, or as established by statute, ordinance or regulation.

(2) *Street openings, driveways, curb and sidewalk construction and repair.* The minimum amount of the performance guarantee shall be established by the board of public works and shall not be less than the amount determined by said board to be sufficient to indemnify the city against any loss or expense for any claim arising or resulting from the work performed and against any loss or expense in repairing, correcting or replacing work not performed to acceptable city standards.

(3) *Drainage permits.* The minimum amount of the performance guarantee shall be in an amount deemed sufficient by the board of public works to indemnify the city against any claims which may arise out of or result from work performed.

(4) *Contracts for goods and services.* A performance guarantee shall be required for all contracts for goods or services entered into by the city where the contract price is fifty thousand dollars ($50,000.00) or more. The minimum performance guarantee shall be an amount determined by the purchasing agent on consultation to the procuring department to be sufficient to protect the interests of the city. A performance guarantee shall be required for contracts of less than fifty thousand dollars ($50,000.00) when the purchasing agent, in consultation with the procuring department head, deems in necessary in order to protect the interests of the city or as required by statute, ordinance or regulation.

(5) *Personal service contracts.* Performance guarantee for personal service contracts shall be determined on a case by case basis and shall be required

when the department securing such services deems it necessary in order to protect the interests of the city. When performance guarantees are required, the terms of such guarantees shall be incorporated in the contract document executed by the city.

(Ord. of 8-94)

Sec. 2-703. Acceptable form of performance guarantee; criteria for acceptance.

Where performance guarantees are required, only one of the following is acceptable:

(1) Cash or certified check or bank check payable to the order of the city.

(2) Irrevocable bank letter of credit. Letters of credit will be acceptable only if the contractor/developer has provided information acceptable to the city concerning the financial stability of the individual or company providing the letter of credit and the financial stability of the bank issuing the letter of credit. The city reserves the right to refuse to accept a letter of credit as a performance guarantee if, in its opinion, either the individual, company or bank does not demonstrate sufficient financial stability. Any letter of credit provided as performance guarantee shall include a provision that such letter of credit shall be automatically renewed by the issuing bank upon its expiration date.

(3) A surety bond issued by an insurance company licensed to do business in the State of Connecticut and which is covered by the Connecticut Insurance Guaranty Association. The company issuing the bond shall have a Best's rating of no less than A:VII or otherwise be deemed acceptable by the finance department of the city.

The corporation counsel of the city, or his/her designee, shall review all performance guarantee instruments for acceptability as to form and content. Copies of all performance guarantee instruments shall be retained by the purchasing agent. All originals of performance guarantee instruments shall be transmitted to the office of the city treasurer and maintained therein.

(Ord. of 8-94)

Sec. 2-704. Procedures for monitoring performance.

The department of the city responsible for administering the project shall monitor the work performed to determine if the performance guarantees shall be modified, called prior to expiration or released. Thorough documentation of work to be performed and work performed shall be maintained by the department administering the project. No performance guarantee shall be released until a determination has been made by the department administering the project that the work to be performed has been completed or partially completed so as to warrant a release or partial release of the performance guarantee and written authorization has been forwarded to the city treasurer for the release or partial release of the performance guarantee.

(Ord. of 8-94)

Sec. 2-705. Contractor bond fund.

All cash, certified or bank checks delivered to the city as performance guarantees shall be deposited by the city treasurer in a separate account designated as the contractor bond fund.

(Ord. of 8-94)

Sec. 2-706. Interest for cash performance guarantee.

The city shall pay interest with respect to cash deposits it holds for performance guarantee for a period of six (6) months or longer according to the following schedule:

TABLE INSET:

Amount of Deposit	Interest Income Participation
$ 0 to $ 5,000	None
$ 5,001 to $10,000	50% city/50% depositor
$10,001 to $50,000	40% city/60% depositor
$50,001 and over	30% city/70% depositor

The finance department shall be responsible for maintaining records of interests accrued on cash deposits and shall issue to the depositor a 1099-INT statement for all calendar years ending December 31.

(Ord. of 8-94)

Secs. 2-707--2-749. Reserved.

ARTICLE X. DEPARTMENT OF MUNICIPAL DEVELOPMENT

Sec. 2-750. Establishment; purpose.

There is hereby established a department of municipal development in the city.

The purpose and intent of this article is to effectuate the reorganization and consolidation of the department of municipal development and the office of community and neighborhood development in order to enable a comprehensive approach to municipal development in the city and to more effectively and efficiently utilize limited financial resources in order to achieve an improved level of service delivery.

(Ord. of 6-98; Ord. of 7-01)

Sec. 2-751. Director of municipal development.

There shall be a director of municipal development who shall not be a member of the classified service.

Said director of municipal development shall be the administrative head of the department, shall direct its affairs and shall be directly responsible to the mayor.

(Ord. of 6-98; Ord. of 7-01)

Sec. 2-752. Appointment of personnel.

The director of municipal development shall have the power to appoint employees, technical experts and such other officers and agents, permanent and temporary, as it requires, subject to the provisions of the Charter.

(Ord. of 6-98; Ord. of 7-01)

Sec. 2-753. Role of city plan commission.

Notwithstanding the provisions of this article, the city plan commission shall have all the powers and responsibilities currently vested in it under the charter except the power to appoint employees, technical experts and such other officers and agents, permanent and temporary.

(Ord. of 6-98)

Sec. 2-754. Role of the commission on community and neighborhood development.

Notwithstanding the provisions of this article, the commission on community and neighborhood development shall have all the powers and responsibilities currently vested in it under executive order 90-1 except the power to appoint employees, technical experts and such other officers and agents, permanent and temporary.

(Ord. of 6-98)

Sec. 2-755. Duties and responsibilities.

The department of municipal development shall have all duties and responsibilities as now constitute the duties and responsibilities of the city plan department and the office of community and neighborhood development. In addition, the department shall have responsibility for development and implementing an economic development strategy including, but not limited to, business retention, business recruitment, marketing and promotional activities.

(Ord. of 6-98)

Secs. 2-756--2-759. Reserved.

ARTICLE XI. DEPARTMENT OF PUBLIC WORKS: DIVISION OF PROJECT MANAGEMENT AND CONSTRUCTION

Sec. 2-760. Establishment; purpose.

There is hereby established a division of project management and construction within the department of public works.

The purpose and intent of this article is to effectuate the consolidation of the engineering function within the department of public works in order to improve accountability and coordination for construction inspection and management and to more effectively and efficiently utilize limited financial resources.

(Ord. of 6-98; Ord. of 7-01)

Sec. 2-761. Duties and responsibilities.

The division of project management and construction shall, under the general direction and supervision of the director of public works, carry out the engineering functions of the city, including but not limited to, surveying, mapping, design, inspection, project management, technical consulting, engineering review and maintenance of the city's mapping data base.

(Ord. of 6-98)

Sec. 2-762. Services provided to the board of water commissioners.

The division of project management and construction shall charge to the board of water commissioners the cost of all engineering and other services rendered to said board, including the costs of personnel services. Such charges shall be made quarterly by the director of finance in accordance with generally accepted accounting practices.

(Ord. of 6-98)

Secs. 2-763--2-765. Reserved.

Sec. 2-766. Parking authority.

The common council may, by ordinance, create and establish a parking authority and vest in such parking authority any or all of the powers of a municipal parking authority set forth in chapter 100 of the Connecticut General Statutes, or any amendments thereto. In addition, the common council may, by such ordinance, authorize said parking authority to collect and receive all or any part of the revenue from off-street parking lots, parking garages or other parking facilities in a segregated account separate from the general fund. The revenue from such lots, garages, facilities and fines for parking violations shall be used by the parking authority for the regulation and control of off-street parking facilities, for acquiring, operating and maintaining off-street parking facilities and to fulfill pledges made for the payment of bonds issued to finance off-street parking facilities.

(Ord. of 7-01)

ARTICLE XII. PARKING, GARAGES AND BUILDINGS

Sec. 2-767. Department of property management.

There shall be a department of property management with two (2) divisions:

(1) Facilities and outside grounds; and

(2) Parking division.

(Ord. of 7-01)

Sec. 2-768. Department head.

The head of the department shall be the facilities superintendent. The facilities superintendent shall be responsible for the efficiency, discipline and good conduct of the department.

(Ord. of 7-01)

Sec. 2-769. Duties of the facilities and outside grounds division.

The facilities and outside grounds division shall have the following duties and responsibilities:

(a) Control, development, security operation and management of properties owned by the City of New Britain including parking garages and off-street parking lots with the exception of properties under the control of the fire department, water department, public works department, parks and recreation department and Fairview Cemetery;

(b) Repairs, alterations and improvements of the properties described in subsection (a) above;

(c) Accounting to the city treasurer for all money received or disbursed by it in such manner as the ordinance of the city shall direct, until such properties, in the opinion of the mayor, shall be ready to be turned over to the board of finance and taxation of said city;

(d) Repair, alter and improve all public buildings as may be necessary and proper to make the same useful and convenient as city buildings and city purposes;

(e) Recommend to common council the sale of any portion of property, under its control, which shall not be required for public use, and the revenue arising from the sale or rent of any such property shall be collected and paid over to the city treasurer.

(Ord. of 7-01)

Sec. 2-770. Sale and purchase of property.

(a) The department of property management may recommend to the mayor, subject to approval by the common council, the sale of any portion of any city property which shall not be required for public use and the revenue arising from any such sale shall be collected and paid to the city treasurer.

(b) The mayor shall issue a status report on any purchase and sale agreements of city property within one hundred eighty (180) days of approval of the transaction by the common council. This report will be made at the first regularly scheduled council meeting for any agreement at the expiration of the one-hundred-eighty-day period and for every month thereafter where a closing has not taken place.

(Res. No. 30712-4, 10-28-09)

Editor's note: Res. No. 30712-4, adopted Oct. 28, 2009, amended § 2-770 in its entirety. The former § 2-770 pertained to similar subject matter and derived from an ordinance of July, 2001.

Sec. 2-771. Lease and rental of space in municipal buildings.

(a) The department of property management shall be responsible for leasing and rental of all tenant space in municipal buildings.

(b) The department of property management shall charge a rent on a square foot basis in accordance with the fair market value for equivalent rental property in the City of New Britain. All revenue from any such rental shall be collected and paid to the city treasurer.

(c) This section shall apply to all space in municipal buildings occupied by a noncity agency and/or department and to any agency and/or department receiving funding from an outside source, a component of which is applied to rent.

(d) This section shall be implemented on July 1, 2004.

(Ord. No. 27563-2, 10-22-03; Ord. No. 28623-2, 6-17-05)

Secs. 2-772--2-777. Reserved.

ARTICLE XIII. BUILDING COMMISSION AND DEPARTMENT OF LICENSES, PERMITS AND INSPECTIONS

Sec. 2-778. Building commission; membership.

There shall be in said city a board to be known as "building commission", composed of five (5) electors of said city. The mayor shall appoint all five (5) members. The commission shall select a chairperson from its membership by a majority vote. The commission shall have regularly scheduled meetings monthly. All members of the commission shall abide by and be appointed in accordance with the Code of Ethics as written in article VI of the Ordinances of the City of New Britain.

(Res. No. 30037-4, 8-13-08)

Sec. 2-779. General powers of commission.

(a) The building commission shall advise and consult with the head of the department of

licenses, permits and inspections pertaining to the duties and conduct of the department. In general, the commission shall be responsible for policy-making, evaluation of the performance of the department head and the department's employees and report said evaluations to the mayor in accordance with section 5-2 of the City Charter, and make recommendations to the department, the mayor and the common council as necessary to improve the performance of the department. This shall include, but not be limited to, the adoption of such rules and regulations not inconsistent with the General Statutes and the provisions of the Charter or Code of Ordinances pertaining to licenses, permits and inspections.

(b) The department shall provide quarterly reports to the building commission stating the total number of properties cited under the Antiblight Program (section 7-40 et seq.) for the previous quarter. The report shall include the property owner and address, nature of violation and remedial actions taken.

(Res. No. 30037-4, 8-13-08)

Sec. 2-780. Incorporation by reference.

In accordance with section 29-253 of the Connecticut General Statutes, the State Building Code including any amendments adopted by the state building inspector and codes and standards committee is the Building Code applicable to the City of New Britain.

(Res. No. 30037-4, 8-13-08)

Sec. 2-781. Department.

There shall be a department of licenses, permits and inspections. The department shall perform functions and have powers and duties as imposed by the General Statutes, Special Acts, the Charter and Ordinance to preserve and promote of the public and building safety of this municipality. The department shall consist of three (3) divisions:

(1) Building code enforcement division;

(2) Zoning enforcement division; and

(3) Housing code enforcement division.

(Ord. of 7-01; No. 26986-1, 6-12-02)

Sec. 2-782. Department head.

(a) The head of the department shall be the director of permits, licenses and inspections. The director shall be the chief building official for the city to administer the State Building Code and State Demolition Code and he, or his duly appointed deputy should be the zoning enforcement officer. The director shall be responsible for the efficiency, discipline and good conduct of the department.

(b) Qualifications of the director must be established pursuant to section 8-2(e) of the Charter.

(Ord. of 7-01)

Sec. 2-783. Duties of the department.

The department shall have the responsibility for the enforcement of all laws, codes, including the housing code, regulations and ordinances governing land use, the construction, alteration, or repair of, or the making of additions to buildings, or other structures including all electrical, mechanical, plumbing, heating, and air-conditioning installations therein.

(Ord. of 7-01)

Sec. 2-784. The building division.

The building code enforcement division shall have the responsibility for the administration of the State Building Code and State Demolition Code, enforcement of laws, regulations and ordinances governing any construction, alteration, additions or repair of the buildings, including all electrical, mechanical, plumbing, heating, sprinkler system and air-conditioning installations therein.

The building division shall be responsible for accepting building permits applications for any construction activity in a municipality that requires a building permit, performing plans review, issuing building permits, conducting related inspections and issuing certificates of occupancy for all work related to construction projects.

(No. 26986-1, 6-12-02)

Sec. 2-785. The zoning enforcement division.

The zoning enforcement division shall have the responsibility for the enforcement of laws, regulations and city ordinances governing land use to promote zoning compliance.

The zoning enforcement division shall be responsible for the application process including site plan review, monitoring zoning compliance as developments are constructed, respond effectively to violation complaints, issuing zoning permits/certificate of zoning compliance, providing information to the public and the zoning board of appeals.

(No. 26986-1, 6-12-02)

Sec. 2-786. The housing code enforcement division.

The housing enforcement division shall have the responsibility for the enforcement of state laws related to abatement of nuisance in tenement houses; administer city ordinance anti-blight and minimum housing code provisions, and any regulations related to purpose to protect, preserve and promote safety, health and social well-being of residents of this municipality.

The housing enforcement division shall respond effectively to violation complaints and apply provisions of those regulations uniformly to the new construction or existing building, maintenance, use and occupancy of every portion of the building or its premises to promote compliance.

(No. 26986-1, 6-12-02)

Secs. 2-787--2-800. Reserved.

ARTICLE XIV. CIVIL SERVICE COMMISSION*

*__Editor's note:__ An ordinance adopted July 2, 2001, enacted provisions designated §§ 2-774--2-807. For purposes of clarity and at the editor's discretion these provisions have been redesignated and included as §§ 2-801--2-880.

Sec. 2-801. Establishment; composition.

There shall be a civil service commission. The commission shall consist of five (5) members of whom not more than three (3) shall be members of the same political party. Any vacancy shall be filled by the mayor for the unexpired portion of the term. One (1) member of the commission shall be a member of the classified service of said city, but such member of the classified service of said city, but such member of the classified service who receives the largest number of votes by members of such service at an election held every two (2) years at a time fixed by the mayor shall be appointed to serve for two (2) years.

Each December, the commission shall choose its chairperson who shall serve for a term of one (1) calendar year.

Each December, the commission shall choose its chairperson who shall serve for a term of one (1) calendar year.

(Ord. of 7-01; No. 26897-1, 12-11-02)

Secs. 2-802--2-810. Reserved.

ARTICLE XV. PERSONNEL DEPARTMENT

DIVISION 1. IN GENERAL

Sec. 2-811. Department.

There shall be a personnel department.

(Ord. of 7-01)

Sec. 2-812. Department head.

The head of the personnel department shall be the personnel director. The personnel director shall be responsible for the efficiency, discipline and good conduct of the department.

(Ord. of 7-01)

Sec. 2-813. Salary of certain department heads.

The salary of the personnel director, fire chief, deputy or assistant fire chief, police chief, deputy or assistant police chief and the finance director shall be approved by the common council in each fiscal year's budget ordinance, as part of the non-union management pay plan.

(Ord. of 7-01)

Sec. 2-814. Classification.

Any office or position in the city service, full time or part-time, not otherwise exempted as "unclassified" shall be a position in the "classified" service and shall be subject to the merit system of appointment and promotion on the basis of merit and fitness as determined by an open competitive examination. The term "city service" as used herein includes employees not otherwise exempted from the classified service, as provided in section 2-815.

(Ord. of 7-01; No. 27356-2, 2-26-03)

Sec. 2-815. Offices and positions in the city service.

Offices and positions in the city service, full time or part-time, designated as "unclassified" positions and exempt from the classified service, are as follows:

(a) Office of mayor and elected officials;

(b) Offices held by appointed members of boards and commissions;

(c) Staff of the mayor;

(d) Corporation counsel, deputy registrars of voters;

(e) Positions of clerk or secretary engaged intermittently by a temporary board, commission, or committee;

(f) Such other positions, recommended by the mayor and/or common council and approved by the civil service commission, as being of a highly specialized, technical or professional nature, the length of employment or character of which service may not warrant the effort or expense of selection by competitive examination or be adaptable to a merit system.

(Ord. of 7-01)

Sec. 2-816. Contract positions and positions funded through grants.

Positions funded on a contractual basis, and positions created and funded under grants from the state or federal government, shall be designated by the civil service commission as "classified" or "unclassified" positions upon being established. The personnel director and the civil service commission shall be consulted for purposes of developing job specifications and titles.

(Ord. of 7-01)

Sec. 2-817. Recruitment.

Every reasonable effort shall be made to publicize employment opportunities within the service so that interested and qualified persons are attracted to compete. Announcements shall be posted in appropriate places throughout the city, including the department concerned, and copies shall be sent to the communications media and to such other organizations and individuals as the civil service commission may deem appropriate, in accordance with the established affirmative action plan. Examination announcements and notices shall contain all pertinent information about the positions to be filled.

(Ord. of 7-01)

Secs. 2-818--2-820. Reserved.

DIVISION 2. EXAMINATION, REJECTION OF CANDIDATES

Sec. 2-821. Administration of examinations.

The personnel director, by his/her own initiative, or upon request of the proper authority, may arrange to hold tests for various entry level positions in the classified service. Such tests shall be public, competitive, and open to all persons who may be lawfully appointed to any position within the class for which examinations are held, with qualifications specified in the rules of the commission as to residence, health, moral character, and prerequisite and other bona fide occupational qualifications as necessary to perform the essential duties and functions of such position. The examination shall be administered by the personnel director, may be purchased from an outside source, and shall be under the supervision of the personnel director.

(Ord. of 7-01)

Sec. 2-822. Veterans' preference.

Any war veteran, if he or she is not eligible for compensation or pension from the United States through its Veterans' Administration for a service-connected disability, and he or she has attained at least the minimum earned rating on an original entry examination held for the purpose of establishing an appointment list, shall have five (5) points added to his or her final grade.

Any veteran with service-connected disabilities, if he or she has attained at least the minimum earned rating on any such entry level examination, shall have ten (10) points added to his or her final grade.

(Ord. of 7-01)

Sec. 2-823. Examinations.

Open-competitive examinations shall be administered by the personnel director or by a competent outside agency.

All tests shall be practical and appropriate and shall consist only of subjects which will fairly determine the capacity of the persons examined to perform the essential duties of the position, and may include tests of physical and psychological fitness or of manual skill. Any oral portion of the test shall be conducted by persons qualified in the relevant field. Efficiency in service shall be considered in connection with tests for promotion. No credit shall be allowed for service rendered under a provisional or emergency appointment.

Failure of the candidate appointed to a department head position to take up permanent residence in New Britain within one (1) year after the conclusion of the probationary period, shall result in immediate termination of employment.

(Ord. of 7-01; No. 26704-1, 10-24-01; Ord. No. 27781-1, 1-14-04)

Sec. 2-824. Oral examinations.

All panels administering oral examinations under this chapter shall be composed of not less than three (3) persons who shall be chosen for their knowledge of an experience with the position or class of positions to be filled and such examinations shall relate to the job responsibility and the knowledge, skills and abilities related thereto. For purposes of grading the tests, a minimum of two (2) panel members will rate each candidate.

(Ord. of 7-01)

Sec. 2-825. Rejection of applicants to examinations.

The personnel director may reject an applicant for admission to a test for the purpose of establishing an employment list for competitive positions in the classified service, or refuse to certify the name of an eligible candidate for such service who has been found to lack any of the established qualifications for the position to which appointment is being sought; or who has been dismissed from public service for delinquency, incompetency, misconduct or neglect of duty; or who has made a false statement of any material fact or practiced or attempted to practice any deception or fraud in completing an application, test, or in securing eligibility for appointment.

The applicant shall be given written notice of such rejection by the personnel director which notice shall state the reason for rejection.

(Ord. of 7-01)

Secs. 2-826--2-830. Reserved.

DIVISION 3. CERTIFICATION, PROBATIONARY AND PROVISIONAL APPOINTMENTS AND APPOINTMENTS

Sec. 2-831. Certification.

When a position in the classified service is vacant, other than those positions referenced in sections 2-833 and 2-838, and is to be filled by a competitive examination, the appointing authority shall requisition from the civil service commission a list of persons eligible and willing to accept appointments thereto. The commission shall certify the five (5) highest names from the appropriate employment list and the next three (3) highest names of individuals who are domiciled in the city of New Britain, if such sufficient names exist.

"Domiciled" is defined to be "that place where an individual has his/her true, fixed and permanent home and which constitutes his/her primary residence and to which whenever the individual is absent he/she has the intention of returning". To be certified as an individual domiciled in the city of New Britain, an applicant shall have filed proof of domicile at the time of filing of his/her application for employment. If there is no complete list, then a list of the person(s) eligible shall be certified.

The appointing authority shall forthwith appoint one of those whose names have been certified.

(Ord. of 7-01; Ord. No. 27781-1, 1-14-04)

Sec. 2-832. Probationary appointments.

All persons appointed or promoted to positions in the classified service shall be required to serve a probationary period of not less than three (3) months nor more than fourteen (14) months, as stipulated in the job specifications, or by bargaining unit agreement with the city.

Unsatisfactory performance in initial employment positions shall be grounds for dismissal by the appointing authority during the probationary period.

(Ord. of 7-01)

Sec. 2-833. Rule of five plus three.

In the filling of a vacancy from an open competitive employment list which has not been excluded by the Civil Service Commission as re-employment, initial entry, noncompetitive, internal posting, rule of the list, or lay-off list, the names certified to the appointing authority shall be those of the five (5) persons standing highest on the certified employment list plus the next three (3) highest ranked names of individuals who are domiciled in the City of New Britain, if available.

If fewer than five (5) candidates pass an examination, an appointment may be made from the pool of those who have passed, or, at the discretion of the personnel director, the position may be readvertized.

(No. 26823-1, 2-23-02)

Sec. 2-834. Internal postings.

(a) When an existing job is posted internally, only permanent full-time employees may apply. This internal posting process does not preclude the City of New Britain from

simultaneously, or otherwise, allowing applicants from outside the City of New Britain's employ to apply utilizing the open competitive requirements/process.

(b) Any new job established by or for any city department shall utilize the open competitive requirement/process.

(No. 26823-1, 2-23-02)

Sec. 2-835. Re-employment lists.

The re-employment list will be composed of the names of individuals who voluntarily left City of New Britain service, or who elected a voluntary demotion, in good standing, having been formally appointed to a full-time position within the classified or unclassified service. Individuals may be appointed from this list to their formerly held position, or to a position for which they meet the minimum qualifications. Names remain on the list for a period not to exceed two (2) years from the date of resignation.

(No. 26823-1, 2-23-02)

Sec. 2-836. Lay off lists.

Formerly called "re-employment lists". These lists are composed of the names of individuals who have been laid off. The list is maintained by classification. An eligible individual would be removed from this list two (2) years after the date of lay-off.

(No. 26823-1, 2-23-02)

Sec. 2-837. Limitations.

The City of New Britain reserves the right to limit the number of qualified candidates invited to participate in any phase of the selection process. The number of candidates invited to any phase of the process is at the sole discretion of the personnel director.

(No. 26823-1, 2-23-02)

Sec. 2-838. Rule of the list.

The "rule of the list" will be applied to all entry level tests for the following positions: police officer, firefighter, groundskeeper, general laborer, cashier clerk, security guard, bus driver, maintainer (parks and cemetery), police matron, jailer, water utility worker, administrative clerk 1 and accounting clerk 1. Names of all eligible candidates on the open competitive employment list will be forwarded to the appointing authority for employment consideration. Test information will be one (1) component in the evaluation process, which may also include a review of the candidate's experience and training, personal interview, site visit, observation, references, and any other pertinent information.

(No. 27356-2, 2-26-03)

Secs. 2-839--2-840. Reserved.

DIVISION 4. TERMINATION OF SERVICE

Sec. 2-841. Discharge or removal; appeals.

No person holding, by final appointment, an office or position classified and graded under the provisions of this act shall be removed, discharged, or demoted, except for just cause; nor shall marriage or the greater financial need of others eligible for appointment or promotion be just cause for removal, discharge, or demotion in rank. A person removed, discharged, or demoted shall be furnished by the department head with written notice, by certified mail, with reasons in writing for such action.

Secs. 2-842--2-850. Reserved.

DIVISION 5. PROHIBITION AND PENALTIES

Sec. 2-851. Prohibited practices.

No person shall deceive or obstruct any applicant in respect to his or her right of test under the provisions of this chapter or falsely make, grade, or estimate or report upon the test or standing of any person tested hereunder, or aid in so doing, or furnish to any person, except in answer to inquiries of the commission, any special information for the purpose of either improving or injuring the rating of any such applicant for appointment, employment or for the purpose of improving his or her chances or prospect for appointment or promotion. No applicant shall make any misrepresentation or false statements whether under oath or not to the commission for purpose of improving his or her chances or prospect for appointment or promotion. No person shall solicit, orally or by letter, and no applicant or employee shall receive or solicit or be in any manner concerned in the receiving or soliciting of, any money or valuable thing from any official or any employee holding a position in the classified service for any political party or purpose. No person shall directly or indirectly give, render, pay, offer, solicit, or accept any money, service, or other valuable consideration for any appointment, promotion or proposed promotion, or any advantage in a position in the career service. No person shall use his or her official authority to directly or indirectly compel, order, or require a city employee to secure for any person, any appointment, to any position in the classified service or to act in violation of this chapter or regulations thereunder with respect to appointment and promotion. No person shall, by means of threats or coercion, induce or attempt to induce any person holding a position in the classified service to resign his position or to take a leave of absence from duty or to waive any of his or her rights under this chapter. A resignation executed previous to appointment shall be of no effect.

(Ord. of 7-01)

Sec. 2-852. Penalties.

Any person who shall, willfully, or through culpable negligence, violate any of the provisions of this chapter, or of the rules of the commission, shall be fined not less than two thousand dollars ($2,000.00) nor more than five thousand dollars ($5,000.00) and may for a

period of five (5) years be ineligible for appointment to or employment in a position in the service, and may be terminated from his or her office or position.

(Ord. of 7-01)

Secs. 2-853--2-860. Reserved.

DIVISION 6. REPORTS

Sec. 2-861. Report to mayor.

The personnel director shall report annually to the mayor concerning the administrative needs of the service, the personnel and positions in the service, and the compensation provided therefore, the examinations held, the appointments made, service ratings and removals in the civil service, the operation of the rules of the commission and its recommendations for promoting efficiency and economy in the service, with details of expenditure and progress of work. The mayor may require a report from the personnel director at any time respecting any matter within the scope of his/her duties hereunder.

(Ord. of 7-01)

Sec. 2-862. Collective bargaining agreement.

No provision of any collective bargaining agreement in effect at the time of adoption of this chapter shall be superseded by any provision herein.

(Ord. of 7-01)

Secs. 2-863--2-870. Reserved.

DIVISION 7. QUALIFICATIONS; DEPARTMENT HEADS

Sec. 2-871. Qualifications; fire chief.

The qualifications for the position of fire chief shall be the following.

(1) An associate's degree from an accredited institution in fire science or administration, public or business administration, or a related area and twelve (12) years of full-time, supervisory fire experience at the lieutenant level, or higher, including at least four (4) years as a platoon or shift supervisor, or higher; or

(2) A bachelor's degree from an accredited institution in fire science or administration, public or business administration, or a related area and twelve (12) years of full-time, supervisory fire experience at the lieutenant level, or higher, including at least four (4) years as a captain or house supervisor, or higher; or

(3) A master's degree from an accredited institution in fire science or administration,

public or business administration, or a related area and ten (10) years of full-time, supervisory fire experience at the lieutenant level, or higher, including at least four (4) years at the captain rank, or house supervisor.

(Ord. of 7-01; No. 27402-1, 3-12-03)

Sec. 2-872. Qualifications; salary; chief of police.

(a) The qualifications for the position of chief of police shall be the following: a bachelor's degree from an accredited institution in criminal justice, police science, public administration or a related academic field and ten (10) or more years of progressive, responsible law enforcement administration experience, preferably in a urban community, including at least five (5) as a police captain or above. A master's degree in a related field will substitute for one (1) year of experience.

(b) The salary for chief of police shall be according to the following compensation schedule:

Step 1 . . . $77,590.00

Step 2 . . . 80,694.00

Step 3 . . . 83,921.00

Step 4 . . . 87,278.00

Step 5 . . . 90,769.00

Step 6 . . . 94,400.00

Step 7 . . . 98,176.00

Step 8 . . . 102,103.00

An annual cost of living increase, if applicable, shall be adopted in the final, approved budget for a given fiscal year.

(Ord. of 7-01; Res. No. 28714-2, 9-30-05)

Sec. 2-873. Qualifications; salary; public works director.

(a) The qualifications for the position of director of public works shall be the following: a registered professional engineer whose primary area of competence is civil engineering and five (5) years supervisory experience in public or private sector civil engineering or public works at a responsible professional level;

(b) The salary for public works director shall be according to the following compensation schedule:

Step 1 . . . $83,967.00

Step 2 . . . 87,784.00

Step 3 . . . 91,600.00

Step 4 . . . 95,417.00

Step 5 . . . 99,235.00

Step 6 . . . 103,049.00

Step 7 . . . 107,171.00

Step 8 . . . 111,459.00

(Ord. of 7-01; Res. No. 29534-2, 5-9-07)

Sec. 2-874. Qualifications; director of parks and recreation.

The qualifications for the position of director of parks and recreation shall be the following: completion of a four-year college or university with a bachelor's degree in park management, recreation, public administration or a related field and five (5) years (full-time) experience in the administration of public sector parks and recreation programs; or an equivalent combination of experience and training equaling a total of nine (9) years. (Three (3) years of the above experience must have been in parks administrative work.)

(Ord. of 7-01)

Sec. 2-875. Qualifications; director of licenses, permits and inspections.

The qualifications for the position of director of licenses, permits and inspections shall be the following: graduation from a four-year college or university with specialization in civil engineering, public administration, business administration or a related field, supplemented by at least six (6) years of progressively responsible experience in the construction field in a supervisory capacity or an equivalent combination of the above training and experience totaling ten (10) years; certification by the State of Connecticut as a building official within six (6) months from the date of employment and Connecticut Motor Vehicle Operator's License.

(Ord. of 7-01)

Sec. 2-876. Qualifications; director of health.

The qualifications for the position of director of health shall be the following: a Master's degree from an accredited school of public health; five (5) years increasingly responsible professional experience in public health with at least two (2) years at the public health administration level; some experience in grant writing and procurement of state and federal funds; and certification as a health director and/or concurrence on appointment by the Board of Health by the State of Connecticut.

(Ord. of 7-01)

Sec. 2-877. Qualifications; director of public safety telecommunications center.

The qualifications for the position of director of public safety telecommunications center shall be the following: a bachelor of science degree from an accredited college or university in a related field plus six (6) years of full-time, paid experience in telecommunications/computer systems, three (3) of which must have been in a responsible, professional position in the field

of public safety, and three (3) of which must have been in a supervisory capacity; additional experience over and above the minimum may be substituted for the bachelor's degree on a year-by-year basis up to four (4) years.

(Ord. of 7-01)

Sec. 2-878. Qualifications; salary; personnel director.

(a) The qualifications for the position of personnel director shall be the following: a minimum of seven (7) years of progressively responsible experience in a professional and administrative field of public or private personnel/human resources administration and labor relations with five (5) years of supervisory experience. Minimum of a bachelor's degree from an accredited college/university in the field of management, administration, personnel, human resources, industrial relations or related field. A master's degree is preferred and will substitute for two (2) years of experience. An equivalent combination of experience may be substituted to meet qualifications of the position, however, there is no substitution for the bachelor's degree.

(b) The salary for personnel director shall be according to the following compensation schedule:

Step 1 . . . $74,000.00

Step 2 . . . 76,960.00

Step 3 . . . 80,038.00

Step 4 . . . 83,240.00

Step 5 . . . 86,570.00

Step 6 . . . 90,032.00

Step 7 . . . 93,634.00

Step 8 . . . 97,000.00

(Ord. of 7-01; Ord. No. 28461-2, 5-5-05)

Sec. 2-879. Qualifications; senior citizens services administrator.

The qualifications for the position of senior citizens services administrator shall be the following: a bachelor's degree in recreation, social work, or a related human service field and five (5) years of professional experience in providing services to senior citizens, two (2) of which must have been in a supervisory or administrative capacity or an equivalent combination of the above training and experience.

(Ord. of 7-01)

Sec. 2-880. Qualifications; director of municipal development.

The qualifications for the position of director of municipal development shall be the following: graduation from an accredited four-year college with major emphasis on public

administration, plus six (6) years of responsible professional experience in public administration, economic development, business administration, or any related field, two (2) years of which must have been at a managerial level; or any equivalent combination of experience and training that provides the required knowledge, skills and abilities.

(Ord. of 7-01)

Sec. 2-881. Qualifications; salary; finance director.

(a) The qualifications for the position of finance director shall be the following: graduation from an accredited college or university with a bachelor's degree in accounting, finance, business or related field plus six (6) years of experience in professional level positions in financial activities, four (4) years of which have been at a supervisory or management level or an equivalent combination of training and experience. A master's degree in business or public administration, finance, or some closely related field, or recognition as a CPA is preferred.

(b) The salary for finance director shall be according to the following compensation schedule.

Step 1 . . . $86,049.00

Step 2 . . . 89,921.00

Step 3 . . . 93,968.00

Step 4 . . . 98,196.00

Step 5 . . . 102,615.00

Step 6 . . . 107,233.00

Step 7 . . . 112,058.00

Step 8 . . . 117,101.00

(Ord. of 7-01; Res. No. 18972-2, 3-8-06)

Sec. 2-882. Qualifications; assistant corporation counsel.

The qualifications for the position of assistant corporation counsel shall be the following: graduation from a recognized school of law and five (5) years of experience in the practice of law.

(Ord. of 7-01)

Sec. 2-883. Qualifications; city assessor.

The qualifications for the position of city assessor shall be the following: graduation from a recognized college or university with a bachelors degree in accounting, business administration or related field plus six (6) years of progressively responsible property tax assessment experience, three (3) years of which must have been on a supervisory level or an equivalent combination of training and experience.

(Ord. of 7-01)

Sec. 2-884. Qualifications; director of water.

The qualifications for the position of director of water shall be the following: graduation from [an accredited] college or university with a bachelors degree in civil engineering, public or business administration, supplemented by at least eight (8) years of progressively responsible engineering, public or management experience, five (5) years of which must have been in a supervisory capacity relating to drinking water treatment and distribution; or an equivalent combination of the above training and experience; and the following required licenses and certificates:

(1) Registration as a professional engineer at the time of application for employment. If not registered in the State of Connecticut at the time of appointment, employee will have twelve (12) months from the date of appointment to obtain Connecticut registration through reciprocity procedures.

(2) Class III Water Distribution System Certificate.

(3) Class IV Water Treatment Plant Certificate. The above certificates must be obtained within twelve (12) months from the date of employment.

(4) Valid Connecticut driver's license within thirty (30) days from the date of employment.

(Ord. of 7-01)

Secs. 2-885--2-900. Reserved.

ARTICLE XVI. DEPARTMENT OF PUBLIC SAFETY TELECOMMUNICATIONS

Sec. 2-901. Establishment; purpose.

There is hereby established a department of public safety telecommunications.

The purpose and intent of this article is to provide a central office to administer the emergency response service and emergency dispatch activities of the City of New Britain. The department shall act as the city's public telecommunications center and 911 public safety answering point (PSAP).

(No. 26989-1, 6-12-02)

Sec. 2-902. Director of public safety telecommunications.

There shall be a director of public safety telecommunications who shall be the administrative head of the department, shall direct its affairs and shall be directly responsible to the mayor.

The director shall be responsible for the appointment and removal of all employees in the department of public safety telecommunications subject to the provisions of Article V of the

City Charter.

The director is further responsible for development and implementation of policy for operations of the public safety telecommunications system including provisions for direct reporting to the chief of police for all matters concerning criminal history record information and/or access to local, regional, state or federal data bases and systems.

(No. 26989-1, 6-12-02)

Sec. 2-903. Abolishment of public safety telecommunications authority.

The public safety telecommunications authority is hereby abolished. In addition, to the extent any provision of this article conflicts with Executive Order No. 96-1, this article controls.

(No. 26989-1, 6-12-02)

Sec. 2-904. Reporting of information.

(a) If any provision of the Code of Ordinances or any executive order issued by the mayor calls for the regular use of data in the possession of the department of public safety telecommunications, the department of public safety telecommunications shall supply the needed data set to the department or organization that, by ordinance or executive order, shall utilize it. The department of public safety telecommunications shall supply said data to said department or organization in accordance with a joint administrative directive-adopted pursuant to subsection (b) of this section.

(b) For each data set to be regularly supplied to a department or organization pursuant to subsection (a) of this section, there shall be a joint administrative directive. The joint administrative directive shall be adopted and may be amended by joint agreement of the corporation counsel, the director of public safety telecommunications and the administrative head of the department or organization that, by ordinance or executive order, shall utilize said data set. Any disagreement between these parties in the substance of such a joint administrative directive shall be presented to the mayor, who shall decide the question.

(c) Notwithstanding any other provision of the Code of Ordinances, any joint administrative directive adopted pursuant to subsection (b) of this section shall be construed as an authoritative interpretation of the meaning and intent of any ordinance or executive order in question and may include any or all of the following:

    (1) The frequency of the delivery of said data, unless the ordinance or executive order in question shall proscribe such frequency;

    (2) The particular database format to be used;

    (3) The data fields to be included and the name of each field;

    (4) The parameters for determining whether each particular record item shall be included in the data set; and

    (5) Any other matter relevant to the implementation of the meaning and intent of the ordinance or executive order in question.

(No. 26989-1, 6-12-02)

Chapter 3 ADVERTISING*

***Charter references:** Authority to provide for and regulate printing and advertising done for the city, § 531; authority to regulate signs, § 534.

Sec. 3-1. Definitions.

As used in this chapter unless the context otherwise clearly indicates:

Commercial handbill shall mean 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:

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

(2) 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

(3) 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 ordinance of this city; or

(4) Which, while containing reading matter other than advertising matter, is predominantly and essentially an advertisement, and is distributed or circulated for advertising purposes, or for the private benefit and gain of any person so engaged as advertiser or distributor.

Newspaper shall mean any newspaper of general circulation as defined by general law, any newspaper duly entered with the United States Postal Service, 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.

Noncommercial handbill shall mean 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" in this section.

Private premises shall mean any dwelling, house, building, for 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.

(Code 1970, § 3-1)

Cross references: Definitions and rules of construction generally, § 1-2.

Cross references: Zoning committee, § 2-111 et seq.; sealer of weights and measures, § 2-381 et seq.; city finances generally, § 2-476 et seq.; purchasing and sale regulations, § 2-531 et seq.; alcoholic beverages, Ch. 4; amusements, Ch. 5; licenses, permits and miscellaneous business regulations, Ch. 14; vehicles for hire, Ch. 24.

State law references: Authority to regulate signs and billboards, G.S. § 7-148(c)(7)(A)(v), (vi); advertising signs, G.S. §§ 21-50--21-63; requirement of permit for erection of billboard, G.S. § 21-50.

Sec. 3-2. Throwing or distributing handbills in public places.

No person shall throw, deposit or distribute any commercial or noncommercial handbill in or upon any sidewalk, street or other public place; provided, however, that, it shall not be unlawful for any person to hand out or distribute, without charge to the receiver thereof, any commercial or noncommercial handbill in any public place to any person willing to accept it.

(Code 1970, § 3-2; Ord. of 10-00)

Cross references: Garbage, trash and refuse, Ch. 11; streets, sidewalks and public places, Ch. 21.

Sec. 3-3. Placing commercial and noncommercial handbills on vehicles.

No person shall throw or deposit any commercial or non-commercial handbill in or upon any vehicle; provided, however, that, it shall not be unlawful for any person to hand out or distribute, without charge to the receiver, any non-commercial handbill to any occupant of a vehicle who is willing to accept it.

(Code 1970, § 3-3)

Cross references: Motor vehicles and traffic, Ch. 15.

Sec. 3-4. Depositing commercial or noncommercial handbills on vacant premises.

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.

(Code 1970, § 3-4)

Sec. 3-5. Distributing commercial and noncommercial handbills at inhabited private premises.

(a) No person shall throw, deposit or distribute any commercial or non-commercial handbill in or upon private premises which are inhabited, except by handing or transmitting any such handbill directly to the owner, occupant, or other person then present in or upon such private premises. In cases of inhabited private premises which are not posted, as provided in section 3-6, such person may place or deposit any such handbill in or upon such premises provided they are so placed or deposited as to prevent their being blown or drifted about such premises or upon streets in front of such premises. Mailboxes may not be used for depositing handbills when prohibited by federal postal law or regulations.

(b) The provisions of this section shall not apply to the distribution of mail by the United States nor to newspapers, as defined herein, except that newspapers shall be placed on private property in such a manner as to prevent their being carried or deposited by the elements upon any street, sidewalk or other public place or upon private property.

(Code 1970, § 3-5)

Sec. 3-6. Distribution of handbills prohibited where 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 of privacy disturbed, or to have any such handbills left upon their premises.

(Code 1970, § 3-6)

Sec. 3-7. Dropping litter from aircraft.

No person in any aircraft shall throw out, drop, or deposit within the city any litter, handbill or any other object.

(Code 1970, § 3-7)

Sec. 3-8. Posting notices prohibited.

No person shall post or affix any notice, poster or other paper or device, calculated to attract the attention of the public, to any lamp post, public utility pole or shade tree, or upon any public structure or building, except as may be authorized or required by law.

(Code 1970, § 3-8)

Sec. 3-9. Advertising on the person prohibited.

No person shall place or carry upon his person or cause to be placed or carried upon the person of another any advertising showboard, placard, or sign on any street, sidewalk, or other public place.

(Code 1970, § 3-9)

Sec. 3-10. Advertising vehicles prohibited.

No advertising vehicles or conveyances designed solely or primarily for the purpose of advertising shall be driven or used upon the streets. Nothing herein contained shall prevent the placing of usual business signs and notices upon vehicles used in the normal course of business.

(Code 1970, § 3-10)

Cross references: Motor vehicles and traffic, Ch. 15; vehicles for hire, Ch. 24.

Sec. 3-11. Signs on public property.

(a) No person shall paint, mark or write on, or post or otherwise affix, any hand-bill or sign to or upon any public property, public right-of-way, park, sidewalk, crosswalk, curb, curbstone, street lamp post, hydrant, tree, shrub, tree stake or guard, railroad trestle, electric light or power or telephone or telegraph or trolley, wire pole, or wire appurtenance thereof or upon any fixture of the fire alarm or police telegraph system or upon any lighting system, public bridge, drinking fountain, street sign or traffic sign.

(b) Any hand-bill or sign found posted, or otherwise affixed contrary to the provisions of this section may be removed by the New Britain department of public works, or its designee. The person responsible for any such illegal posting shall be liable for the cost incurred in the removal thereof and the department of public works, or its designee, is authorized to effect the collection of said cost.

(c) Nothing in this section shall apply to the installation of a metal plaque or plate or individual letters or figures in a sidewalk commemorating an historical, cultural, or artistic event, location or personality for which the department of public works has granted a written permit.

(d) Nothing in this section shall apply to the painting of house numbers upon curbs for purposes of identification.

(No. 27538-1, 6-11-03)

Chapter 4 ALCOHOLIC BEVERAGES*

***Cross references:** Licenses, permits and miscellaneous business regulations, Ch. 14; motor vehicles and traffic, Ch. 15; police, Ch. 20; operation of motor vehicle while intoxicated or drugged prohibited, § 15-3; bringing intoxicating liquor into public parks restricted, § 17-46.

State law references: Liquor permits, G.S. §§ 30--14-30-62a; classes of liquor permits, G.S. § 30-15; liquor manufacturer's permit, G.S. § 30-16; liquor wholesaler's permit, G.S. § 30-17; hotel liquor permits, G.S. § 30-21; restaurant liquor permits, G.S. § 30-22; tavern permits, G.S. § 30-26; druggist liquor permit, G.S. § 30-36; storage of liquor; approval required, G.S. § 30-38; application for liquor permit, G.S. 30-39; liquor permit fees, G.S. § 30-41; granting and denial of liquor permits, G.S. § 30-43; permit to specify location and revocability, G.S. § 30-52; revocation of liquor permit, G.S. §§ 30-55--30-59; prohibition against unauthorized sale of liquor, G.S. § 30-74; sales to minors, intoxicated persons and drunkards, G.S. § 30-86; hours and days of closing, G.S. § 30-91.

Sec. 4-1. Hours and days of sale restricted.

The sale, dispensing and consumption of alcoholic beverages shall be allowed in the time and manner authorized in Section 30-91 of the Connecticut General Statutes and any amendments thereto.

(Res. No. 29607-2, 6-13-07)

State law references: Similar provisions, G.S. § 30-91.

Sec. 4-2. Consumption in public areas restricted.

(a) No person shall consume alcohol or alcoholic beverages of any kind in any public area in the city.

(b) For the purposes of this section, "public area" shall be construed to include, but not be limited to, streets, roadways, sidewalks, parking areas and parking garages, unless such area is private property and those consuming alcohol therein have permission of the owner thereof to so use his property.

(c) The provisions of this section shall not apply where a beer, liquor or any other alcoholic permit shall have been issued by the liquor control commission of the state at the A.W. Stanley Golf Course.

(Code 1970, § 4-3; Ord. of 5-79; Ord. of 2-82)

Sec. 4-3. Possession of alcohol by minors.

(a) *Definitions.*

Alcoholic liquor shall have the same meaning, as the same term is defined in Title 30, Section 30-1(3) of the Connecticut General Statutes as amended from time to time.

Host shall mean to organize a gathering of two (2) or more persons, or to allow the premises under one's control to be used with one's knowledge for a gathering of two (2) or more persons for personal, social or business interaction.

(b) *Possession.* No minor shall be in possession of alcoholic liquor, whether in opened or closed containers or otherwise, within the City of New Britain except, when

accompanied by or in the presence of his or her parent, guardian or spouse who has attained the age of twenty-one (21). These restrictions shall apply to both public and private property.

(c) *Hosting events.* No person shall host an event or gathering at which the host knowingly allows alcoholic liquor to be consumed by or dispensed to any minor unless said minor is accompanied by or in the presence of his or her parent, guardian or spouse who has attained the age of twenty-one. This restriction shall apply to any event or gathering within the City of New Britain whether conducted on public or private property.

(d) *Penalty.* Any person violating any provision of this act shall be subject to a fine of ninety dollars ($90.00).

(Ord. No. 27712-1, 10-22-03)

Chapter 5 AMUSEMENTS*

***Charter references:** General welfare powers, § 532; authority to regulate amusements, § 534.

Cross references: Advertising, Ch. 3; licenses, permits and miscellaneous business regulations, Ch. 14; parks and recreation, Ch. 17.

State law references: Authority to provide for amusements, G.S. § 7-148(c)(4)(C); authority to regulate and license amusement parks and arcades, G.S. § 7-148(c)(7)(H)(vi); authority to prohibit, restrain, license and regulate sports, exhibitions, public amusements and performances and all places where games may be played, G.S. § 7-148(c)(7)(H)(vii); amusements, in general, G.S. §§ 29-129--29-143a.

Art. I. In General, §§ 5-1--5-15
Art. II. Amusement Activities, §§ 5-16--5-35
Art. III. Public Halls, §§ 5-36--5-50
Art. IV. Mechanical Amusement Devices, §§ 5-51--5-63

ARTICLE I. IN GENERAL

Secs. 5-1--5-15. Reserved.

ARTICLE II. AMUSEMENT ACTIVITIES

Sec. 5-16. License--Required.

No person shall display or produce, or aid or assist in producing any public amusement, concert, opera or other performance within the limits of the city without written license therefor from the common council.

(Code 1970, § 5-1)

Sec. 5-17. Same--Fees; exemptions.

(a) Every applicant for any license required by section 5-16 shall pay to the chief of police for such license the fee herein provided, such fee to be paid when the application for license is made.

(1) Opera houses, theatre or moving picture houses:

(a) Seating capacity over 1,000, per year . . . $125.00

(b) Seating capacity 500 to 1,000, per year . . . 75.00

(c) Seating capacity less than 500, per year . . . 50.00

(2) Circus, per day . . . 100.00

(3) Street fairs, per day . . . 20.00

(4) Merry-go-round, per day . . . 25.00

(5) Any mechanical musical machine, the use of which requires the insertion of any coin, slug, or other token, or for the use of which a charge is otherwise made, per year . . . 10.00

(6) Entertainments given by out-of-town parties in other than opera houses, theatres, churches or similar structures, per day . . . 5.00

(7) Amateur boxing or wrestling matches, per day . . . 25.00

(8) Public exhibitions when admission fees are required to attend, amateur boxing, wrestling, baseball, football, soccer, polo, hockey, basketball, and other sports, per year . . . 10.00

(9) Scooter motor dromes, per year . . . 10.00

(10) All other performances, public displays, public performances or exhibitions, such fee as the common council shall prescribe.

(b) The provisions of this article shall apply to all such exhibitions given or promoted by educational, charitable and religious organizations; provided, however, that these organizations shall be exempt from the payment of any license fees.

(Code 1970, § 5-2)

Sec. 5-18. Same--Issuance; conditions; duration; contents.

The common council shall, upon the recommendation of the committee on licenses, after receipt of an application and fee filed pursuant to the provisions of this article, grant to the applicant a license to display or produce a public amusement, concert, opera or other performance or shall notify the applicant of the denial of his application and the reason or reasons therefor. Such license shall be granted under such reasonable conditions or terms and for such period of time as is in the best interests of the public health, safety and good morals of the residents of the city. All such licenses granted under this article shall contain the date of issuance, the name of the licensee, the license fee paid and the name or style of the

exhibition licensed.

(Code 1970, § 5-3)

Sec. 5-19. Same--Revocation.

The common council may revoke any license granted under this article for cause upon due notice to the licensee and any operations conducted under such license shall cease immediately.

(Code 1970, § 5-4)

Sec. 5-20. Chief of police to keep records, collect fees and issue.

The chief of police shall collect all license fees and shall issue all licenses granted by the common council under this article and shall pay over all monies received therefor to the city treasurer as often as once a month. The chief of police shall keep a record of all licenses issued under this article together with the date of issuance, the name of the licensee, the amount of money received therefor and the name or style of the exhibition licensed. The chief of police shall not receive any extra compensation for service rendered under this article.

(Code 1970, § 5-5; No. 26768-1, 2-13-02)

Sec. 5-21. Same--Abatement and rebate of circus fee.

The council may, upon the petition of applicants for a circus license, where such applicants own or control, or directly manage or supervise such circus, abate the license fee for the issuance of the license therefor, if the application for abatement is made to the council before the license is granted. The council may also rebate the license fee after a circus license has been issued and the license fee paid, where the holder or holders of such license controlled or directly managed or supervised such circus, if an application is made to the council for abatement.

(Code 1970, § 5-6)

Sec. 5-22. Carnivals prohibited; exceptions.

(a) No person shall hold, exhibit, open, maintain or operate any performance or show commonly known as a carnival anywhere within the city; provided, however, that, this section shall not apply to any carnival, bazaar or other similar amusement conducted for the benefit of any religious or bona fide veterans' organization or any fraternal organization in existence for more than three (3) years.

(b) No carnival, bazaar or other similar amusement permitted under paragraph (a) of this section shall provide rides or be lighted for display later than 12:00 midnight.

(Code 1970, § 5-7)

Secs. 5-23--5-35. Reserved.

ARTICLE III. PUBLIC HALLS

Sec. 5-36. Definition.

"Public hall," as used in this article shall mean any place in the city wherein any public amusement, concert, opera, play or other public exhibition shall be held.

(Code 1970, § 5-10)

Cross references: Definitions and rules of construction generally, § 1-2.

Sec. 5-37. Policemen required at performance; duties; reports.

(a) *Police attendance required.* The owner, lessee or other person in charge of any public hall shall be required to have a regular or supernumerary member of the city police force in attendance at every public performance or gathering held therein, provided in no case shall the owner, lessee or other person in charge of the public hall have any preference as to the policeman assigned.

(b) *Police duties.* The policeman shall preserve public order, enforce all state laws and city ordinances, and ensure that all exits remain unlocked and all fire escapes are ready for use during the time of the public performance or gathering.

(c) *Additional policemen.* The chief of police may assign such additional policemen to any public hall as he deems reasonably necessary.

(d) *Written report.* On the day after such public performance or gathering, or on the Monday following when such succeeding day falls on Sunday, the policeman present shall submit a detailed written report to the chief of police certifying whether all state laws and city ordinances have been complied with and all his instructions carried out.

(e) Police attendance shall not be required at a hall during the time in which a bingo game is held.

(Code 1970, § 5-13; Ord. of 12-73)

Sec. 5-38. Payment of policeman's salary for duty.

The owner, lessee or other person in charge of a public hall shall pay the policeman funds as provided in the agreement between local 1165 and the city.

(Code 1970, § 5-14)

Secs. 5-39--5-50. Reserved.

ARTICLE IV. MECHANICAL AMUSEMENT DEVICES

Sec. 5-51. Statement of purpose and findings.

(a) It is hereby found that the popularity of pinball and video games and similar forms of recreation has caused a proliferation of locations where such games may be played, and this growth in popularity will, in all probability, continue for some time. It is further found that there is a public purpose to be served in the regulation of such games and the locations where they are available in order to:

(1) Protect the public safety;

(2) Enable the municipal police authorities to efficiently plan the deployment of their personnel;

(3) Prevent interruption of or interference with traffic patterns on city streets;

(4) Ensure the public peace;

(5) Prevent the creation of areas where the congregation of large numbers of youth has a deleterious effect upon existing businesses or impedes the free flow of both vehicular and pedestrian traffic;

(6) Prevent the creation of situations which foster truancy;

(7) Preserve property values adjacent to such locations.

(b) It is further found that a rational, ordered plan of control in the licensure of these locations will serve these public purposes without causing any undue burden or hardship upon individuals or firms wishing to operate such businesses, and that these locations, if properly located, planned, supervised and policed will provide much needed recreational opportunities for people of all ages.

(Code 1970, § 5-15; Ord. of 3-82)

Sec. 5-52. Definition.

As used in this article, "mechanical amusement device" shall mean any machine of the nature or style of a pinball, video, game of skill, pingame or similar machine or device which, upon the insertion of a coin, or slug, or payment of a fee, presents to the user a form of amusement, challenge or skill.

(Code 1970, § 5-16; Ord. of 3-82)

Cross references: Definitions and rules of construction generally, § 1-2.

Sec. 5-53. License--Required.

(a) No person shall display for public patronage or keep for use by any club or association any mechanical amusement device without first obtaining a license therefor from the chief of police, or, in the case of a license for more than four (4) machines to be located in any one location, from the board of police commissioners.

(b) Such license must be applied for by the following persons in each situation:

(1) Outlets or locations with a liquor permit: the permittee;

(2) Clubs or fraternal organizations: the president of the club or organization;

(3) Retail stores and other locations where the principal business of the establishment is not the offering of mechanical amusement devices for public play: the leasee of the subject location;

(4) Arcades and other locations where the principal business of the establishment is the offering of mechanical amusement devices for public play: the leasee of the subject location or operator of the arcade.

(c) Licenses may not be applied for by or granted to any distributors of mechanical amusement devices or managers or employees of the above locations.

(d) Licenses are not assignable and become void upon the termination of the involvement of the licensee in the operation.

(Code 1970, § 5-17; Ord. of 3-82)

Sec. 5-54. Same--Application required; contents.

(a) Applicants for licenses under this article shall file a sworn application in writing with the police department on a form to be furnished by the police department.

(b) The application shall contain the following information:

(1) Name of applicant; if a partnership, names of all partners; if a corporation, club or association, names of officers.

(2) Residence of applicant.

(3) Place and date of birth of applicant; if a corporation, club or association, date organized, state of incorporation, and place and date of birth of officers.

(4) Place and location where the machine or device is to be displayed or operated and the type of business conducted at that place.

(5) Citizenship status of applicant or of officers, if applicant is corporation, club or association.

(6) Prior criminal convictions, if any, of applicant or of officers, if applicant is corporation, club or association.

(7) Description and number of machines to be covered by the license, mechanical features, name of manufacturer, serial number.

(8) Ownership of machines including all parties having an interest therein or an interest by virtue of a financing or security agreement.

(c) In all cases of application for a license for more than four (4) machines to be located at any one location, except circus or carnival licenses as established in section 5-59 of this Code, the applicant shall give written notice of the application to all property owners within a three hundred (300) foot radius of the proposed location and file with his application an affidavit that this requirement has been complied with, listing the names of all parties to whom notice has been given.

(d) In all cases of application for a license for more than four (4) machines to be located at

any one location, except circus or carnival licenses as established in section 5-59 of this Code, the applicant shall post a sign on the premises wherein the machines will be located at least thirty (30) days prior to application giving notice of the applicant's intention to request such a license. The printing on such sign shall be at least four (4) inches high, and the sign shall be located where it is clearly visible from the street.

(Code 1970, § 5-18; Ord. of 3-82)

Sec. 5-55. Same--Investigation; approval and issuance (four or less machines in one location).

(a) Upon receipt of an application for a license for four (4) or less machines in one location as required under this article, the chief of police shall investigate the locations wherein it is proposed to operate such mechanical amusement device, ascertain if the applicant is a person of good character, and either approve or disapprove the application.

(b) All mechanical amusement devices shall be inspected and approved by a member of the police department or other authorized person prior to the issuance of a license, and a seal attesting such approval shall be attached to each of such machines. The inspection fee shall be twenty-five cents ($0.25) per machine.

(c) No license shall be issued to any applicant unless he shall be over twenty-one (21) years of age.

(Code 1970, § 5-19; Ord. of 3-82)

Sec. 5-56. Same--Investigation, approval and issuance (more than four machines in one location).

(a) In cases of licenses for the operation of more than four (4) mechanical amusement devices at any one location, except circus or carnival licenses as established in section 5-59 of this Code, the board of police commissioners shall make the final determination as to whether a license shall be issued.

(b) No license shall be issued for operation of more than four (4) mechanical amusement devices at any one location except circus or carnival licenses as established in section 5-59 of this Code, unless and until a complete report containing the following data is submitted to the board of police commissioners by the chief of police:

(1) Data on the applicant.

(2) Location of the proposed outlet or operation.

(3) Proximity of the proposed outlet or operation to schools, churches, other businesses.

(4) Nature and character of the neighborhood.

(5) Recommendations of the chief.

(c) The board of police commissioners, after receipt of such report, may, if it deems it necessary, hold a public hearing or solicit comments from all interested parties.

(d) Prior to the issuance of any such license the board of police commissioners must receive proof, in the form of an affidavit, that the provisions of section 5-54(c) and (d) have been complied with.

(e) In deciding whether to issue any such license the board of police commissioners may take into consideration:

(1) The data, reports and recommendations submitted by the chief of police.

(2) The possible effects upon the neighborhood, local businesses, churches and schools of the issuance of a license.

(3) The availability of other, more suitable, locations.

(4) The concerns expressed by neighbors or citizens attending the public hearing.

(5) The number and proximity of other locations of a similar nature.

(6) The possible effects upon the public peace and safety.

(7) The possible effects upon vehicular and pedestrian traffic patterns.

(8) The possible effects upon the levels of truancy in the neighborhood.

(9) The possible effects upon property values of adjacent properties within a three hundred (300) foot radius of the proposed location.

(10) Such other factors as they deem relevant and important to a proper determination.

(Code 1970, § 5-20; Ord. of 3-82)

Sec. 5-57. Same--Issuance prohibited for location involving more than four machines except to owner of machines, inspection, age.

(a) No license required by this article for the operation of a location involving more than four (4) machines may be issued to anyone except the person who actually owns the machines to be located therein, except that nothing herein shall prevent the existence of an interest in such machines on behalf of any other person by virtue of a chattel mortgage, financing or security agreement.

(b) All mechanical amusement devices shall be inspected and approved by a member of the police department or other authorized person prior to the issuance of a license, and a seal attesting such approval shall be attached to each of such machines. The inspection fee shall be twenty-five cents ($0.25) per machine.

(c) No license shall be issued to any applicant unless he shall be over twenty-one (21) years of age.

(Code 1970, § 5-21; Ord. of 3-82)

Sec. 5-58. Same--Fees; expiration date.

(a) Every applicant, before being granted a license under this article shall pay an annual

fee of twenty-five dollars ($25.00) for each mechanical amusement device, with a maximum fee for multiple devices in one location and arcades not to exceed two hundred fifty dollars ($250.00). Each license shall expire annually on December thirty-first. The fee for any license issued after July first in any year shall be prorated on a monthly basis for the remainder of the year.

(b) No applicant may commence operations without first obtaining a license to do so, and if an applicant does commence operations prior to the issuance of a license, he may, in the discretion of the board of police commissioners or the chief of police, as the case may be, be denied a license and barred from reapplying for a period of one year.

(c) If any applicant who holds a license fails to procure a renewal within thirty (30) days of the expiration of the previous license, such applicant shall be disqualified from applying for or holding a license for a period of one (1) year.

(Code 1970, § 5-22; Ord. of 3-82)

Sec. 5-59. Same--Circus and carnival.

(a) There shall be a special license available to any applicant who operates a circus, carnival, bazaar or similar transient operation. Such license shall be granted after application as provided for regular licenses herein, but shall be valid only for a designated period not to exceed fourteen (14) days, which period shall be specified by the applicant upon application. The license fee for such a license shall be two hundred dollars ($200.00).

(b) Such license fee may be waived by the common council for all circus, carnival or bazaar events conducted by, for or on behalf of charitable, religious or educational associations or societies. The license committee of the common council shall have jurisdiction to make any determination required to allow such a waiver, but the common council must as a body vote to waive the fees.

(c) Any applicant who operates a circus, carnival, bazaar or similar transient operation on property owned by the City of New Britain shall be required to have insurance which conforms to the city's standards, names the City of New Britain and Consolidated School District as an additional insured and includes a hold harmless and indemnification agreement in favor of the City of New Britain.

(Code 1970, § 5-23; Ord. of 3-82; Res. No. 29016-2, 4-12-06)

Sec. 5-60. Same--To be conspicuously displayed.

The license or licenses issued under this article shall be conspicuously posted at the location of the machine in the premises wherein such mechanical amusement device is to be operated.

(Code 1970, § 5-24; Ord. of 3-82)

Sec. 5-61. Same--Revocation; definition of "cause."

(a) The board of police commissioners shall have the power to revoke any license granted

under this article for cause after hearing upon due notice in writing to the licensee. The licensee shall have an opportunity to be heard and to be represented by counsel at such hearing.

(b) Cause shall include but shall not be limited to, conviction of a crime subsequent to the granting of the license, providing false information in the license application form, violation of any provision of this article, or operating any location or arcade where such devices are located in such a fashion to cause a public nuisance or interfere with the quiet use and enjoyment, safety or security of any neighboring property or the neighborhood in which the arcade or location is situated.

(Code 1970, § 5-27; Ord. of 3-82)

Sec. 5-62. Hours of use restricted.

No location containing more than four (4) machines shall permit public use of the machines prior to 3:30 p.m. (prevailing time) on any day that the public or parochial schools of the city are in full session to any person under the age of eighteen (18).

(Code 1970, § 5-25; Ord. of 3-82)

Sec. 5-63. Restrictions and prohibitions on use of machines.

No person holding a license under this article shall permit any person or persons to congregate in the premises where such machines are located in an unruly fashion, or permit such machines to be used for gambling, and such person shall be required to maintain good order in the premises where the machines are located

(Code 1970, § 5-26; Ord. of 3-82)

Chapter 6 ANIMALS*

***Charter references:** Authority to regulate and prohibit poultry pens and houses, to regulate removal of dead animals, § 533; authority to regulate driving or leading animals through streets, § 535; authority to regulate dogs and other animals, § 537.

Cross references: Health, Ch. 12; protection of wildlife, § 17-40; allowing dogs or pets to run at large within public parks prohibited, § 17-47.

State law references: Authority to regulate running at large of animals and to prohibit cruelty to animals, G.S. § 7.148(c)(7)(D)(i); authority to regulate and prohibit keeping of animals, G.S. 7-148(c)(7)(D)(ii).

Art. I. In General, §§ 6-1--6-15
Art. II. Dogs, §§ 6-16--6-35
Art. III. Pigeons, § 6-36

ARTICLE I. IN GENERAL

Sec. 6-1. Director of health to have duty of enforcement.

The director of health shall take such measures as are necessary and proper for the enforcement of the provisions of this chapter.

(Code 1970, § 6-1)

Sec. 6-2. Keeping animals in a manner detrimental to human health.

No person shall keep any animal in any place or in any manner which is detrimental to human health or which will create a nuisance.

(Code 1970, § 6-2)

Sec. 6-3. Keeping of swine.

No person shall keep swine or make or maintain any pigpen.

(Code 1970, § 6-4)

Secs. 6-4--6-15. Reserved.

ARTICLE II. DOGS*

***State law references:** Dogs generally, G.S. § 22-327 et seq.; maintenance of dog pounds, G.S. § 22-336.

Sec. 6-16. Definitions.

As used in this article:

At large shall mean off the premises of the owner or custodian, and not under the immediate control of the owner or custodian, either by leash, cord, chain or otherwise.

Dog shall mean any member of the canine species, male or female.

Keep shall mean possessing, controlling, exercising or allowing to run at large.

Owner shall mean any person possessing, keeping, harboring or having custody of a dog.

(Code 1970, § 6-9)

Cross references: Definitions and rules of construction generally, § 1-2.

Sec. 6-17. License tag and registration required; exclusion of certain dogs from provisions.

(a) *Tags required.* Each dog kept by his owner in the city shall be licensed and registered if over three (3) months of age. Dog licenses shall be issued by the town clerk upon payment of a license tax to be determined by the common council. The owner shall state at the time application is made for such license and upon printed forms provided for such purpose his name and address, and the name, breed, color and sex of each dog owned or kept by him.

(b) *Exceptions.* The provisions of this section shall not apply to dogs whose owners are nonresidents temporarily within the city, nor to dogs brought into the city for the purpose of participating in any dog show, nor to seeing-eye dogs properly trained to assist blind persons when such dogs are actually being used by blind persons for the purpose of aiding them in going from place to place.

(Code 1970, § 6-10)

Cross references: Licenses, permits, and miscellaneous business regulations, Ch. 14.

Sec. 6-18. Running or roaming at large prohibited.

(a) No person owning or keeping a dog, shall allow such dog to be in or upon any street, park or other public place, or in or upon any unenclosed lot or other private premises, unless such dog is attached to a secure leash held continuously in the hands of a responsible person capable of controlling it, or is securely leashed upon such unenclosed lot or premises in such manner that the rope or other attachment by which it is held or tethered does not permit it to be or go beyond the boundaries of such lot or premises or unless such dog is securely confined within a motor vehicle which is adequately ventilated. This section shall not apply to any dog while performing or being exhibited in a bench show or other exhibition or any dog park or use approved by the parks and recreation commission and the common council.

(b) Any violation of this section shall be punishable by a fine of fifty dollars ($50.00) for each occurrence.

(Code 1970, § 6-11; Ord. of 2-79; Ord. of 5-86; Ord. of 5-88, § 1; No. 27484-1, 5-14-03)

Sec. 6-19. Removal of feces.

(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, street, sidewalk, gutter or other public area 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 who is blind and accompanied by a guide dog or by any person who is physically unable to remove said feces.

(c) Any violation of this section shall be punishable by a fine of fifty dollars ($50.00) for each occurrence.

(d) For the purposes of enforcing the provisions of this section tickets may be issued by

any persons authorized to issue tickets for parking violations pursuant to section 15-75 of this Code.

(Code 1970, § 6-11; Ord. of 2-79; Ord. of 5-88, § 2)

Sec. 6-20. Impoundment.

(a) The health department shall capture any dog found running at large contrary to the provisions of this chapter and shall impound such dog in the municipal dog pound or other suitable place.

(b) The dog warden shall register the capture of each dog upon his records. This register shall include information concerning the breed, color, and sex of each dog, and whether or not it is licensed. If such dog is licensed, he shall enter the name and address of the owner and the number of the license tag. Licensed dogs shall be separated from unlicensed dogs.

(Code 1970, § 6-12)

Sec. 6-21. Pound open to public on Saturdays.

Each day, except Sunday, between the hours of 8:00 a.m. and 11:00 a.m., the municipal dog pound shall be open to the public for inspection of animals confined therein. The dog warden shall not destroy any dog in his custody until such dog has been displayed at least once to the public.

(Code 1970, § 6-13)

Secs. 6-22--6-35. Reserved.

ARTICLE III. PIGEONS

Sec. 6-36. Control; trapping permits; disposition.

(a) The health department is authorized to approve permits for the purpose of trapping pigeons as a control and public health measure.

(b) The board of health shall issue permits for the trapping of pigeons, in accordance with the regulations established by the board of health.

(c) Trapped pigeons may be used for food, if fit for this purpose. Diseased or injured pigeons shall be delivered to the date humane society for disposition in the manner provided for by law. wherever any Antwerp or homing pigeon wearing a ring or numbered band is found among trapped pigeons, these pigeons may be either immediately released or placed in the care of the state humane society.

(Code 1970, § 6-14)

(d) The fee for a permit for trapping of pigeons shall be twenty-five dollars ($25.00) per year.

(Code 1970, § 6-14; Ord. of 4-90, § 1)

Cross references: Licenses, permits and miscellaneous business regulations, Ch. 14.

Chapter 7 BUILDINGS AND BUILDING REGULATIONS*

***Cross references:** Zoning committee, § 2-96 et seq.; board of public works, § 2-166 et seq.; school building committee, § 2-306 et seq.; city building inspector to inspect city-owned buildings annually, § 2-334; fire prevention and protection Ch 8; flood and erosion control, Ch. 9; garbage, trash and refuse, Ch. 11; housing, Ch. 13; planning, Ch. 19; inland wetlands and watercourses, § 19-35; streets, sidewalks and public places, Ch. 21; storing building materials on streets restricted, § 21-16; utilities, Ch. 23.

State law references: State building code applicable to all municipalities, G.S. § 29-253.

Art. I. In General, §§ 7-1--7-25
Art. II. Moving Buildings, §§ 7-26--7-39
Art. III. Antiblight--Clean and Lien Program, §§ 7-40--7-49
Art. IV. Exterior Aboveground Residential Fuel Oil Tanks, §§ 7-50--7-59
Art. V. Antigrafitti Procedures, §§ 7-60--7-62

ARTICLE I. IN GENERAL

Sec. 7-1. Building permit fees and other regulations--Generally.

(a) No permit to begin work for new construction alteration, removal, demolition or other building operation shall be issued until the fees prescribed in this chapter shall have been paid to the building official (or other authorized municipal agency), nor shall an amendment to a permit necessitating an additional fee because of an increase in the estimated cost of the work involved be approved until the additional fee shall have been paid.

(b) The fees for building permits shall be thirty-five dollars ($35.00) for construction, alteration, removal, repair, demolition or other building operations per first one thousand dollars ($1,000.00) of value or portion thereof, twenty-five dollars ($25.00) for second one thousand dollars ($1,000.00) of value or portion thereof and fifteen dollars ($15.00) for every one thousand dollars ($1,000.00) or fraction thereof cost in excess of two thousand dollars ($2,000.00). These fees are to be charged for building permits for new construction or repairs or alterations for all classes of work related to building construction.

(c) The fee for a certificate of occupancy to be issued pursuant to this Code shall be twenty-five dollars ($25.00) for construction, alteration, removal, repair, demolition or other building operations per each thousand dollars ($1,000.00) of value or portion thereof up to two thousand dollars ($2,000.00) and one dollar ($1.00) for every one thousand dollars ($1,000.00) or portion thereof in excess of two thousand dollars ($2,000.00).

(d) The fees for final reinspection for construction over five thousand dollars ($5,000.00) shall be fifty dollars ($50.00) for each trade inspector called for reinspection. This fee shall apply each time an inspector is called for a final reinspection.

(Code 1970, §§ 7-40.1, 7-40.4; Ord. of 7-71; Ord. of 7-86, §§ 1, 2; Ord. of 6-95; Ord. of 9-98; No. 26849-1, 3-13-02)

Cross references: Licenses, permits and miscellaneous business regulations, Ch. 14.

Sec. 7-2. Same--Special fees.

The payment of the fee for the new construction, additions, alteration, removal or demolition and for all work done in connection with or concurrently with the work contemplated by a building permit shall not relieve the applicant or holder of the permit from the payment of other fees that may be prescribed by law or ordinance for zoning permits and certificates, water taps, sewer connections, electrical, plumbing, mechanical and sprinkler system permits, or fees for inspections, or other privileges or requirements both within and without the jurisdiction of the department of licenses, permits and inspection.

(Code 1970, § 7-40.2; Ord. of 7-71; No. 26986-1, 6-12-02)

Sec. 7-3. Same--New construction and alterations.

The fee for a building permit shall be based on the volume of the structure, or as otherwise prescribed in the local ordinances, and the building official is authorized to establish by approved rules a schedule of cubic or square foot rates for buildings and structures of all use groups and types of construction as classified and defined in article 2 of the state building code.

(Code 1970, § 7-40.3; Ord. of 7-71)

Sec. 7-4. Fee for demolition.

The permit fee for demolition of a building or structure shall be twenty-five dollars ($25.00) for every one thousand dollars ($1,000.00) of the cost of the demolition or any fraction thereof.

(Code 1970, § 7-40.8; Ord. of 7-71; Ord. of 2-5-97; No. 26849-1, 3-13-02)

Sec. 7-5. Reserved.

Editor's note: Item No. 26849-1, an ordinance adopted on March 13, 2002, deleted § 7-5. Former § 7-5 pertained to fees for signs and derived from the Code of 1970 and an ordinance adopted in July of 1971.

Sec. 7-6. Same--Accounting.

The fees collected for services provided by department of licenses, permits and inspection shall be kept in accurate account and such fees collected shall be deposited

monthly in the municipal treasury or otherwise disposed of as required by law.

(Code 1970, § 7-40.12; Ord. of 7-71; No. 26986-1, 6-12-02)

Sec. 7-7. Refunds of the permits fee.

In the case of a revocation of a permit or abandonment or discontinuance of a building project, the volume of the work actually completed shall be computed and any excess fee for the incomplete work shall be returned to the permit holder; provided, however, that, all penalties that may have been imposed on the permit holder under the requirements of the basic code shall first be collected.

(Code 1970, § 7-40.13; Ord. of 7-71; No. 26849-1, 3-13-02)

Sec. 7-8. Administrative expenses in processing of applications.

The city may withhold for any refund any cost and administrative expense incurred in connection with application to be minimum fifteen dollars ($15.00) or ten (10) per cent of fee whichever is larger. After a period of six (6) months the city may withhold minimum fifteen dollars ($15.00) or fifty (50) per cent of the permit fee.

(Code 1970, § 7-40.14; Ord. of 7-71; No. 26849-1, 3-13-02; No. 26986-1, 6-12-02)

Sec. 7-9. Same--Waiver.

Waiver of building permit fees shall be only by result of action by the common council.

(Code 1970, § 7-40.15; Ord. of 7-71)

Sec. 7-10. Same--Proof of cost of construction to be furnished.

When the job is completed, the chief building official may request proof of the total construction cost done under all approved permits, and the owner, agent, or contractor shall furnish an affidavit of the total construction costs to the chief building official. If the final cost exceeds the fee declared in the application for the building permit, certificate of occupancy can not be issued until additional fee has been paid to the department.

(Code 1970, § 7-40.16; Ord. of 7-71; No. 26986-1, 6-12-02)

Sec. 7-11. Order to repair or demolish dangerous buildings; effect of failure to comply; enforcement agent.

(a) The owners of buildings which are unoccupied and as such are considered dangerous, to the public life and safety in the opinion of the building, fire, or health department may be ordered to repair or demolish the same by the chief building official and the owner of any such dangerous building who shall fail to comply with any such notice or order within thirty (30) days of being given a notice or order to repair or demolish such building, or fail to provide adequate security against the hazard of fire, by appropriate means, shall be guilty of a misdemeanor and shall be subject to punishment as provided in article III of this chapter for each and every day such failure to comply

continues beyond the date fixed for completion or compliance.

(b) The chief building official shall be the enforcement agent of this section.

(Code 1970, § 2-79; Ord. 12-72; No. 26986-1, 6-12-02)

Sec. 7-12. Special conditions regarding sidewalks.

(a) Every building permit for new construction on a lot that is adjacent to an existing sidewalk shall be required to restore and/or replace the sidewalks and curbs, or any portion thereof, which may be defective prior to the commencement of construction or are damaged during the construction, in accordance with the city standards.

(b) Before a certificate of occupancy can be issued by a chief building official, the department of public works shall submit a report verifying that all sidewalks and curbs have been restored and/or replaced in accordance with the city standards.

(Ord. of 7-86, § 1; No. 26986-1, 6-12-02)

Sec. 7-13. Fines; failure to secure required permit.

Any person who shall commence work for which a permit is required under the provisions of this article prior to making application for or receiving a permit shall be subject to the following fine(s) in addition to the fee for a permit:

Building permit (commercial or residential) . . . $100.00

Electrical, plumbing, heating or sprinkler permit . . . 50.00

Demolition permit . . . 200.00

(Ord. of 6-7-95; No. 26849-1, 3-13-02)

Sec. 7-14. Fee schedule--Zoning permits.

The City of New Britain Department of Licenses, Permits and Inspections shall charge the nonrefundable fees set out below for certain site plan approvals:

(a) Site plan approval residential buildings with gross square feet (SF):

Under 1,000 SF . . . $25.00

1,001--5,000 SF . . . 50.00

5,001--10,000 SF . . . 100.00

Over 10,000 SF . . . 150.00

(b) Site plan approval all other than residential buildings: new construction, addition or accessory structure:

Up to 5,000 SF . . . $100.00

For each additional 1,000 SF or portion . . . 5.00

(c) Site plan approval no structure . . . 50.00

(d) Change of occupancy . . . 50.00

(e) Site plan approval telecommunication towers:

For new tower . . . 300.00

Co-location (new antenna) . . . 100.00

Annual inspection . . . 100.00

(No. 26849-1, 3-13-02)

Secs. 7-15--7-25. Reserved.

ARTICLE II. MOVING BUILDINGS

Sec. 7-26. Permit--Required; bond.

(a) No person shall move any building or structure through a street without having a building permit and a permit issued by the council, and without also filing a bond in form satisfactory to the board of public works.

(b) No building may be moved through any street other than those designated in the permit.

(Code 1970, § 20-9(a), (d); No. 26986-1, 6-12-02)

Cross references: Licenses, permits and miscellaneous business regulations, Ch. 14.

Sec. 7-27. Same--Application.

The application for a permit required by section 7-26 shall state the following:

(1) The name of the owner of the building to be moved;

(2) The name of the building mover;

(3) The precise location from which the building is to be removed, the precise location where it is to be finally relocated, and its position with respect to other buildings on the new site;

(4) The distance from the proposed front line of the building to the line of the street;

(5) The streets through which it is to be conveyed;

(6) The time to be taken in moving the building; and

(7) The nature or type of building materials and the building's dimensions.

(Code 1970, § 20-9(b))

Sec. 7-28. Fees for moving buildings.

(a) The fee for a building permit for the removal of a building or structure from one lot to

another or to a new location on the same lot shall be as prescribed in the building code and in the city ordinances.

(b) Fees shall be as follows: For moving a building less than sixteen (16) feet in height on the same lot fifty dollars ($50.00); for moving a building over sixteen (16) feet in height on the same lot one hundred dollars ($100.00); for moving a building in the same street, if moved as a whole, or so as to become an obstacle in such street five hundred dollars ($500.00).

(c) The moving of all buildings over sixteen (16) feet in height shall be advertised once in a local newspaper. It shall be moved according to the requirements of the ordinances.

(Code 1970, §§ 7-40.5--7-40.7; Ord. of 7-71; No. 26849-1, 3-13-02; No. 26986-1, 6-12-02)

Sec. 7-29. Same--Public hearing prerequisite to issuance.

Notice of a public hearing shall be given by the common council by being posted on the City of New Britain website and at least once in a daily newspaper of general circulation published in the city five (5) days prior to the final approval of a permit for the relocation of a building to a site beyond the lot in which the building is presently located. Where the initial application for such permit is denied, no notice of public hearing shall be necessary.

(Code 1970, § 20-10; No. 26986-1, 6-12-02; Ord. No. 28482-2, 5-5-05)

Sec. 7-30. Lighting.

If a building being moved through the streets pursuant to a permit required by section 7-26 is to remain in a street at night, it shall be guarded by lighted lanterns in a manner satisfactory to the board of public works.

(Code 1970, § 20-9(c))

Sec. 7-31. Recovery of demolition costs.

(a) The cost to the city for the removal or demolition of any building under the terms of this article shall be a charge against the property owner or his estate, and may be liened therefor.

(b) Such costs shall include expenses of soliciting demolition bids, cost of removal, cost of inspections, and all legal and court costs together with interest of monies so expended at the rate of six (6) per cent per annum.

(Code 1970, § 20-9; Ord. of 5-74)

Secs. 7-32--7-39. Reserved.

ARTICLE III. ANTIBLIGHT--CLEAN AND LIEN PROGRAM*

***Editor's note:** Res. No. 30710-2, adopted Sept. 9, 2009, amended art. III in its entirety. The former art. III pertained to similar subject matter and derived from an ordinance adopted Oct. of

2000; an ordinance adopted Nov. of 2000; an ordinance adopted Jan. of 2001; and Ord. No. 28482-2, adopted May 5, 2005.

Sec. 7-40. Declaration of policy.

This article is authorized pursuant to Connecticut General Statutes, section 7-148(c)(7)(H)(xv) which empowers a municipality to make and enforce regulations which define and are intended to prevent housing blight, including regulations providing for reduction of assessments, maintenance of property, specification standards to determine neglect and fines for each violation of between ten dollars ($10.00) and one hundred dollars ($100.00) per day.

(Res. No. 30710-2, 9-9-09)

Sec. 7-41. Creation or maintenance of blighted premises prohibited.

No owner of real property located in the City of New Britain shall allow, create, maintain, permit the continuance of, or cause to be created or maintained any blighted premises.

(Res. No. 30710-2, 9-9-09)

Sec. 7-42. Definitions.

For the purposes of this article, the following words, terms and phrases shall have the following ascribed meanings, unless the context clearly indicates otherwise. Whenever used, the singular number shall include the plural, the plural the singular, and the use of any gender shall include both genders:

(a) *Accessory structure* shall mean a structure, the use of which is customarily incidental and subordinate to that of the principal building, structure or use on the same lot.

(b) *A blighted condition* shall mean any condition in which the City of New Britain determines to be in violation of and pose a significant risk to health and public safety as set forth in the Connecticut Building, Fire Safety and Public Health Codes and the Minimum Housing Code of the City of New Britain.

(c) *Blighted premises* shall mean any building, structure or parcel of land whether vacant or occupied in which the City of New Britain determines that existing conditions to be in violation of and pose a significant risk to health and safety as set forth in the State of Connecticut Building, Fire Safety and Public Health Codes and the Minimum Housing Code of the City of New Britain.

(d) *Building* shall mean a fixed construction with walls, foundation and roof, such as a house, factory or garage, which is either vacant or occupied.

(e) As used herein, the *City of New Britain* shall include the fire marshal, director of health and director of licenses, permits and inspections. In addition, references to actions taken by the fire marshal, the director of health and/or the director of licenses, permits

and inspections shall also apply to similar actions taken by the subordinates or representatives of these officials.

(f) *Dilapidated* shall mean no longer adequate for the purpose or use for which it was intended or having fallen into partial or total ruin or decay.

(g) *Legal occupancy* shall mean human habitation of a building that is legal by virtue of compliance with state building, state fire safety, local zoning, local housing and all other pertinent codes.

(h) *Neighborhood* shall mean an area of the city comprising buildings, structures or parcels of land any part of which is within a radius of one thousand (1,000) feet of a blighted premises.

(i) *Owner* shall mean any person, institution, foundation, corporation, partnership, entity or authority which holds title to or leases real property within the City of New Britain.

(j) *Significant risk to health or safety* shall refer to conditions that would likely result in illness, injury or death if allowed to persist.

(k) *Proximate property* shall mean any building, structure or parcel of land within one thousand (1,000) feet of a blighted premises.

(l) *Structure* shall mean that which has been or is built or constructed and which is, or should be, fastened, anchored, attached or rests on a building, foundation or on the ground, including, but not limited to, any building, fences, fire escapes, railings, towers, sidewalks or stairways.

(m) *Vacant* shall mean a period of sixty (60) days or longer during which a building or structure or part thereof is not legally occupied by human beings.

(n) *Vacant parcel* shall mean a parcel of land with no buildings or structures thereon.

(Res. No. 30710-2, 9-9-09)

Sec. 7-43. Lien for costs and expenses incurred by the City of New Britain.

Whenever the owner fails to comply with an order to repair, board, or demolish a building, sign, or structure and/or remove the blighting condition and the City of New Britain has made repairs, boarded, or demolished the building, sign, or structure and/or removed the blighted condition after the owner's failure to do so, reasonable costs incurred by the City of New Britain shall be a lien against the real property. The lien shall be recorded with the records of land evidence of the municipality, and the lien shall incur legal interest from the date of recording. The costs incurred by the City of New Britain, plus interest thereon, in the repair, boarding or demolishing of a building, sign, or structure and/or removal of the blighting condition, shall be added to the amount of taxes due on the real property where the building, sign or structure was located.

(Res. No. 30710-2, 9-9-09)

Sec. 7-44. Violations and penalties.

(a) Each violation of any provision of this article shall be considered a separate offense

hereunder and each day any violation of any provision of this article shall continue shall constitute a separate offense hereunder.

(b) When the owner of a property has failed to comply with an order within thirty (30) days after said order became effective, the City of New Britain shall charge to the property owner a fine for each blighting condition addressed in the order until the property owner complies with the order. The fine shall be one hundred dollars ($100.00) for each day that each separate blighting condition persist beyond thirty (30) days from the effective date of the order.

(c) No fee or fine shall be due while a reconsideration, hearing or appeal is pending in the matter; however, such action shall not prevent further accumulation of the penalty if the order is upheld.

(d) The imposition of any fee or fine under this article shall not be construed to prevent the enforcement of other laws upon the premises nor to prevent the initiation of other enforcement measures or penalties.

(e) A one (1) per cent per day interest charge shall be applied for failure to pay, within forty-five (45) days, any fine charged for violation of this article. Failure to pay any fee or fine arising from the enforcement of this article shall constitute a debt in favor of the city and shall constitute a lien upon the real estate against which the fee was imposed from the original date of such fee. Each such lien may be continued, recorded and released in the manner provided by the Connecticut General Statutes for continuing, recording and releasing property tax liens. Each such lien shall take precedence over all other liens and encumbrances filed after the effective date of this article to the fullest extent permitted by law, except taxes, and may be enforced in the same manner as property tax liens.

(Res. No. 30710-2, 9-9-09)

Sec. 7-45. Enforcement.

(a) *Complaints.* Any individual affected by the action or inaction of an owner of a dwelling unit or other space subject to the provisions of this article, any civic organization, and any appropriate municipal agency may file, in writing, a complaint of violation of any of these sections with the City of New Britain.

(b) *Investigation.* The City of New Britain shall undertake an investigation of the complaint by conducting an inspection of the property. If, in the course of such inspection, the inspector observes a condition which he/she believes may constitute a violation of a code which falls under the jurisdiction of another city agency or department, he/she shall notify the appropriate agency or department and request that agency or department to conduct an inspection and provide a report which includes any actions which are necessary to abate conditions which constitute a violation(s) of the provisions of this article.

(c) *Orders to take corrective action.* The City of New Britain shall track all investigations pursuant to subsection (b) of this section and shall maintain a record of all violations of building, housing, zoning, fire or health codes or any of the conditions in subsection 7-42(c) identified by any city department. If these records reveal any premises to be

blighted premises, as defined in subsection 7-42(c), the City of New Britain shall serve a notice of violation and an order to correct such violation on the owner of the property by certified mail or in-hand service by any proper officer or indifferent person. If the owner can not be identified or if the address is unknown, copy of such notice shall be published in a newspaper having general circulation in the municipality, as well as being posted on the City of New Britain website. The order shall require the owner to abate and/or correct any condition which contributes to classification of the property as a blighted premises pursuant to this article in the manner specified in said order within thirty (30) days after the date on which said order is sent to the owner by certified mail or by in-hand service or published in a newspaper. A copy of the order may be placed on the land records to serve as notice to any subsequent purchaser of the existence of a violation on the premises.

(d) *Notice.* The notice from the City of New Britain shall include 1) the allegations against him or her and the amount of fines, penalties, costs or fees due; 2) that the individual may contest liability before a hearing officer appointed by the mayor by delivering in person or by mail written notice within ten (10) days of the date thereof; 3) that if no hearing is demanded an assessment and judgment may be entered and issued without further notice.

Appeal of order. Any person aggrieved by any decision rendered herein may appeal pursuant to section 1-17 of the Code of Ordinances entitled "Procedure for Enforcement of Municipal Ordinances".

(Res. No. 30710-2, 9-9-09)

Sec. 7-46. Antiblight administrative procedures.

(a) *Creation of blighted premises committee.* The mayor or his designee shall convene a blighted premises committee consisting of the director of licenses and permits, the fire marshal, a representative of the police department, the director of health, a representative of the office of the corporation counsel, the director of municipal development and any other city staff as deemed appropriate. The chair of the building commission shall act as liaison to said committee.

(b) *Responsibilities of the blighted premises committee.* The blighted premises committee shall be responsible for:

(1) Creating and maintaining a list of blighted premises within the City of New Britain;

(2) Coordinating interdepartmental cooperation and action in inspections of blighted premises and in the enforcement of the provisions of this article;

(3) Developing and implementing specific strategies to eliminate blighted premises within the city.

(c) *Submit annual reports.* The blighted premises committee shall prepare and submit a written report to the mayor annually which report shall include a list of blighted premises within the city and actions planned or taken to eliminate blighted conditions.

(d) *Urban homesteading agency.* The blighted premises committee shall also be

designated as the urban homesteading agency pursuant to the Urban Homesteading Act established in section 8-169o et seq. of the Connecticut General Statutes and is authorized to take the necessary steps to acquire abandoned or blighted properties. The Urban Homesteading Act is incorporated by reference as if fully set forth herein.

(Res. No. 30710-2, 9-9-09)

Secs. 7-47--7-49. Reserved.

ARTICLE IV. EXTERIOR ABOVEGROUND RESIDENTIAL FUEL OIL TANKS

Sec. 7-50. Specifications; maintenance.

All new and replacement exterior aboveground residential fuel oil tanks shall be constructed, installed and maintained in accordance with the Connecticut State Building Code in effect at the time of installation and with the following specifications:

(a) Tanks shall be constructed and placed on a concrete pad of a minimum of four (4) inches thickness reinforced with wire mesh;

(b) Tank pads shall be constructed with liquid-tight containment facilities of a size sufficient to contain one hundred (100) per cent of the full capacity of the tank;

(c) The containment facilities shall be equipped with a valve located at the lowest level of the facility to facilitate drainage of water. All containment facilities shall be drained of water and kept free and clear of debris at all times. Except when a containment facility is being drained, all valves installed to facilitate the drainage of water shall be kept in the closed position at all times.

(d) All tanks and containment facilities shall be maintained free of all rust and corrosion.

(Ord. of 9-10-97; No. 26986-1, 6-12-02)

Secs. 7-51--7-59. Reserved.

ARTICLE V. ANTIGRAFFITI PROCEDURES*

*__Cross references:__ City antiblight program, § 7-40 et seq.; sales of separate spray paint nozzles prohibited, § 14-301; removal of graffiti from public places and property, § 21-235 et seq.

Sec. 7-60. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a

different meaning:

(a) *Graffiti* means any marking left by spray paint, ink marker, adhesive material or some similar means forming some identifying name, message or picture incongruous with the general decorative scheme or usual form of the structure, object or surface upon which it appears.

(b) To *remove (graffiti)* means causing graffiti to no longer be visible by painting it over or removing it using solvents, sand blasting, scrubbing or other similar means.

(c) *Owner* shall mean any person, institution, foundation, corporation, partnership, entity or authority which holds title to or leases real property within the City of New Britain.

(d) *Registered antigraffiti organization* means any volunteer organization certified by the director of licenses, permits and inspections as properly qualified, experienced and suited to engage in graffiti removal.

(Ord. of 1-01)

Sec. 7-61. Graffiti removal.

The owner or person in control of any private property shall maintain the premises, including all structures, trees, fences, etc., free of graffiti. The director of licenses, permits and inspections or the director's representative shall notify the owner of any private property or his agent to properly remove any graffiti that is placed on such owner's property. Such notice may be made verbally or in writing, and, if in writing, shall be by registered mail and addressed to the owner of said property at his or her last known address.

(Ord. of 1-01)

Sec. 7-62. Registered antigraffiti organizations.

(a) If any registered antigraffiti organization has made an offer to remove graffiti, free of charge, from any property, the owner of which has been notified of the presence of graffiti pursuant to section 7-61, and said property owner refuses to allow the organization to remove the graffiti in question, then the organization may report this refusal to director of licenses, permits and inspections.

(b) Upon notification of such a refusal, director of licenses, permits and inspections or his/her designee shall verify that the property owner does so refuse. The director of licenses, permits and inspections shall fine said property owner fifty dollars ($50.00) each week that said property owner maintains his/her refusal unless the property owner otherwise causes the graffiti to be removed. In the event the owner fails, neglects or refuses to pay the City of New Britain the amount of the fine within thirty (30) days of receipt of notice of the fine, the city may place a lien on the property for such debt and/or may initiate a civil action against the owner in a court of competent jurisdiction to recover the debt. Any such lien may be continued, recorded and released in the manner provided by the Connecticut General Statutes for continuing, recording and releasing property tax liens. Each such lien shall take precedence over all other liens and encumbrances filed after the effective date of this article to the fullest extent of the law, except taxes, and may be enforced in the same manner as property tax liens.

(c) Any property owner ma;y appeal such a fine to the building commission, which shall have the power to exempt the property owner form the fine, reduce the amount of the fine or delay the fine.

(Ord. of 1-01)

Chapter 8 FIRE PREVENTION AND PROTECTION*

***Cross references:** Buildings and building regulations, Ch. 7; health, Ch. 12; housing, Ch. 13; fire sales, § 14-41 et seq.; motor vehicles and traffic, Ch. 15; alarm systems, § 16-21 et seq.; building fires in public parks restricted, § 17-48; dropping matches, burning cigarettes, etc., within public parks prohibited, § 17-49; streets, sidewalks and public places, Ch. 21.

Art. I. In General, §§ 8-1--8-13
Art. II. Fire Commission, §§ 8-14--8-30
Art. III. Fire Department, §§ 8-31--8-65
Div. 1. Generally, §§ 8-31--8-45
Div. 2. Duties of Personnel, §§ 8-46--8-65
Art. IV. Fire Prevention Code, §§ 8-66--8-79
Art. V. Establishment of Fire Zones, §§ 8-80--8-90
Art. VI. Red Tags, §§ 8-91--8-100
Art. VII. Rapid Entry Systems, § 8-101

ARTICLE I. IN GENERAL

Sec. 8-1. Obstructing firemen in performance of duties.

No person shall hinder, obstruct, resist or abuse any member of the fire department while such member is performing his official duties.

(Code 1970, § 15-22)

Sec. 8-2. False statement that fire is extinguished.

No person shall knowingly state that any fire is extinguished when it is not.

(Code 1970, § 15-23)

Sec. 8-3. Unauthorized use of fire fighting equipment.

No person shall take, remove, or use any fire fighting equipment belonging to the city from its accustomed resting place, except fire department personnel in the performance of their required duties.

(Code 1970, § 15-24)

Sec. 8-4. Taking fire apparatus beyond city limits restricted.

No fire fighting apparatus shall be taken beyond the city limits, except for use in case of fire where permission has been granted by the mayor, chairman of the board of fire commissioners or the chief engineer of the fire department.

(Code 1970, § 15-25)

Sec. 8-5. Hindering access to fire hydrant.

With the exception of authorized fire department personnel, no person shall open any public hydrant or stop cock without the consent of the board of water commissioners. No person shall place any building materials, articles, or rubbish in the immediate vicinity of any public hydrant or stop cock so as to obstruct the free access to such hydrant or stop cock.

(Code 1970, § 15-26)

Sec. 8-6. Posting bills and hitching animals to fire alarm poles prohibited; penalty.

No person shall post or in any manner affix any placards, bills or notices upon any of the fire alarm, telegraph poles or boxes, nor hitch or fasten any animal to any such poles or boxes, nor wilfully injure, deface or in any manner interfere with any of the fire alarm telegraph poles, boxes, wires or connected apparatus.

(Code 1970, § 15-31)

Secs. 8-7--8-13. Reserved.

ARTICLE II. FIRE COMMISSION*

***Charter references:** Board of fire commissioners, §§ 1931 and 1932.

Sec. 8-14. Establishment; composition.

There shall be [a] fire commission. The commission shall consist of five (5) members to be appointed by the mayor of whom not more than three (3) shall belong to the same political party. One (1) member shall be appointed each year, as present terms expire.

The members of said commission shall be sworn by the clerk of said city to the faithful performance of their duties and said clerk shall record such appointment and the administration of such oath.

(Ord. of 7-01)

Sec. 8-15. Term of membership.

Every member shall serve a term of four (4) years from the succeeding first day of

June. The term for any member appointed to fill a vacancy shall be for the unexpired term.

(Ord. of 7-01)

Sec. 8-16. Acts through majority.

(a) The board of fire commissioners shall act through a majority of its members and the authority of any agent of the board shall derive from the express authority of a majority of the board members.

(b) Any member of the board who transacts any business on behalf of the board, shall report such business in detail to the board at its next meeting, and such reports shall be made a part of the board records.

(c) All official acts of the board of fire commissioners or any member thereof shall be noted in the records of the board.

(Code 1970, § 2-205)

Sec. 8-17. Annual inspection.

The board of fire commissioners shall make an inspection of the fire department at least once each year and may, in its discretion, make inspections at more frequent intervals when the situation so requires.

(Code 1970, § 2-206)

Sec. 8-18. Supervision of financial transactions.

(a) *List and approve bills.* The board of fire commissioners shall list and approve all bills for the debts contracted by the fire department before presenting them to the council for payment. All receiving agents will demand a copy of each bill and will verify that it truly represents the quantity and quality of the goods received and will transmit the verified bill to the chairman of such board or the clerk of such board within twenty-four (24) hours thereafter.

(b) *To keep books.* The board of fire commissioners shall keep a set of books, entering thereon the debits and credits of each individual or corporation with whom it has dealings, showing each and every transaction.

(Code 1970, § 2-207)

Sec. 8-19. To obtain approval for major expenditures.

The board of fire commissioners shall obtain the approval of the mayor and the council in all proposed purchases of apparatus or equipment involving an expenditure of more than fifteen hundred dollars ($1,500.00).

(Code 1970, § 2-208)

Secs. 8-20--8-30. Reserved.

ARTICLE III. FIRE DEPARTMENT*

***State law references:** Fire departments generally, G.S. §§ 7-301--7-313e; assumption of liability for damages caused by firemen, G.S. § 7-308; volunteer firemen generally, G.S. §§ 7-314--7-322a; death, disability and injury benefits, G.S. § 7-314a; benefits for volunteers rendering service to another fire company, G.S. § 7-322a.

DIVISION 1. GENERALLY

Sec. 8-31. Definitions.

As used herein:

Member of the fire department shall mean any person employed by the fire department who is not an officer.

Officer of the fire department shall mean any person in one of the following positions: Chief engineer, assistant chief engineer, deputy chief engineer, captain, lieutenant, master mechanic, assistant master mechanic, superintendent of the electrical department, assistant electrical superintendent and clerk of the board of fire commissioners.

(Code 1970, § 2-76)

Cross references: Definitions and rules of construction generally, § 1-2.

Sec. 8-32. Composition.

The fire department shall consist of such officers and members as determined by the civil service commission and common council from time to time.

(Code 1970, § 2-77)

Sec. 8-33. Bureau of fire prevention--Creation, composition and duties.

(a) The bureau of fire prevention of the fire department is hereby established for the purpose of enforcing the fire prevention code.

(b) The chief engineer of the fire department shall be the head of the bureau of fire prevention and the bureau shall be operated under his supervision.

(c) In addition to the chief engineer of the fire department, the bureau shall consist of a deputy fire marshal, two (2) firemen to act as inspectors and such other employees, including additional deputy fire marshals and additional firemen to act as inspectors, as may be deemed necessary by the board of fire commissioners. Any personnel assigned to or appointed to the fire prevention bureau shall be assigned or appointed in accordance with the applicable provisions of Chapter 3 of the Charter and the rules and

regulations adopted thereunder and in accordance with the applicable provisions of the agreement between the City of New Britain and Hardware City Fire Fighters, Local 992, International Association of Fire Fighters, AFL-CIO.

(Code 1970, § 10-2; Ord. of 9-85)

Cross references: City boards, commissions, committees and authorities generally, § 2-126 et seq.

Sec. 8-34. Same--Monthly report.

A report of the bureau of fire prevention shall be made monthly and transmitted to the board of fire commissioners. Such report shall contain all proceedings under this Code, with such statistics as the chief engineer of the fire department may wish to include therein and shall also include any recommendations for amendments to the code which, in his judgment, shall be desirable.

(Code 1970, § 10-3)

Sec. 8-35. Same--Fees for inspections and permits.

The fire prevention bureau shall charge the fees set out below for certain inspections and permits:

TABLE INSET:

(a) Types of Licensing Communications:	Fee

Blasting permits . . . $20.00

Day care centers . . . 20.00

Liquor licenses . . . 20.00

Cargo tank trucks . . . 20.00

Dry cleaner and coin operated . . . 20.00

Above ground storage tanks (flammable) . . . 20.00

Underground storage tanks installation/removal . . . 20.00

New construction (final inspection) . . . 20.00

New construction (alarm, sprinkler, standpipe test and approval) . . . 20.00

One day liquor or beer permits . . . 20.00

Carnivals and/or circus . . . 20.00

Festivals and/or events . . . 20.00

Health care . . . 20.00

Reports (per page) . . . 1.00

(b) (1) The fees for blueprint plan review shall be on a graduated schedule as follows:

TABLE INSET:

Value of Building and/or Property Which is Subject to Plan Review:	Fees

1. $0 through $1,000.00 . . . $0.00
2. $1,001.00 through $50,000.00 (per 1,000) or part thereof) . . . 2.50
3. In excess of $50,000.00 (per 1,000 or part thereof) . . . 5.00

TABLE INSET:

NOTE: Example: Value	Fees

1. $1,000.00 . . . $0.00
2. $50,000.00 . . . 125.00
3. $75,000.00 . . . 375.00

(2) The fees for blueprint plan review performed by the fire prevention bureau will be collected by the department of licenses, permits and inspections at the same time fees are collected for the services provided in chapter 7, article I of this section.

(Code 1970, § 10-6(a); Ord. of 4-82; No. 26826-1, 2-13-02; No. 27455-1, 5-14-03)

Cross references: Licenses, permits and miscellaneous business regulations, Ch. 14.

Secs. 8-36--8-45. Reserved.

DIVISION 2. DUTIES OF PERSONNEL

Sec. 8-46. Chief engineer.

The general duties of the chief engineer shall be as described in this section and shall be performed under the supervision of the board of fire commissioners:

(a) *Care of apparatus.* He shall be primarily responsible for the care, maintenance and use of all apparatus and instruments used in the performance of the functions of the fire department.

(b) *Commanding officer.* He shall be the commanding officer at all fires and shall be authorized to use all necessary measures to enforce his commands, and shall direct the extinguishment of these fires.

(c) *Report to board.* He shall report annually to the board of fire commissioners at their first meeting in the month of April and shall include in that report the

following:

(1) The number of fires which have occurred within the city limits during the previous fiscal year, and their cause or supposed cause, and the estimated damage in each;

(2) A full inventory of all the property belonging to the fire department; and

(3) Such recommendations as he shall deem important.

(d) *Inspections.* He shall make such periodic inspections of premises selling or handling gasoline, or explosives, and all factories and all buildings in the mercantile district, and all other buildings as required of him by the board of fire commissioners at intervals determined by such board or as required by the fire prevention code as adopted and amended by the city.

(e) *Other duties.* He shall perform such other duties pertaining to the function of the fire department as the board may from time to time, by resolution, require.

(Code 1970, § 2-79)

Sec. 8-47. Assistant chief engineer.

It shall be the duty of the assistant chief engineer to assist the chief engineer in the discharge of his duties, and in the absence of the chief engineer, his duties and powers in case of fire shall devolve upon the assistant chief engineer.

(Code 1970, § 2-80)

Sec. 8-48. Deputy chief engineer.

It shall be the duty of the deputy chief engineer to assist the chief engineer in the discharge of his duties and in the absence of the chief engineer and the assistant chief engineer, their duties and powers shall devolve upon the deputy chief engineer.

(Code 1970, § 2-81)

Sec. 8-49. Captains and lieutenants.

(a) *Care of apparatus; enforce rules.* Captains of companies shall see that the apparatus committed to their care, the buildings in which the same are housed, and all articles in or belonging to the same are kept neat and clean. They shall preserve order and discipline at all times in their respective companies, and enforce strict compliance with the regulations of the fire department as made by the board of fire commissioners.

(b) *Record of delinquency.* The captain or officer in charge of each company shall keep a faithful record of the delinquencies of members and furnish copies of these to the board of fire commissioners each month. All company books and papers in possession of any officer shall be the property of the city and shall be surrendered to the chief engineer by the captain when so ordered by the board of fire commissioners.

(c) *Lieutenants.*

(1) The lieutenant of each company shall assist the captain in the discharge of his duties and, in his absence, assume his duties and powers.

(2) The board of fire commissioners shall appoint to the office of honorary lieutenant, without civil service examination therefor, and for a period not to exceed thirty (30) days, and solely for the purpose of retiring him at the grade of lieutenant, any member of the fire department who shall be eligible for retirement, and who shall have regularly contributed to the firemen's pension fund an amount equivalent to five (5) per cent per annum, payable weekly, of the pay of the office of regular lieutenant, from the date of the passage of the ordinance from which this section is derived or his appointment to such fire department, and regularly thereafter.

(3) Any member of the fire department who is retired on pension with the rank of honorary lieutenant, as set forth in this section, shall receive pension benefits based on the maximum pay of a lieutenant, provided he shall have regularly contributed to the firemen's pension fund an amount equivalent to five (5) per cent per annum, payable weekly, of the pay of the office of lieutenant (maximum) from the date of the passage of the ordinance from which this section is derived or his appointment to such fire department, and regularly thereafter.

(Code 1970, § 2-82)

Sec. 8-50. Superintendent of fire alarm telegraph; assistant.

(a) *Superintendent.* The superintendent of the fire alarm telegraph shall be subject to the orders of the board and of the chief engineer and shall be immediately responsible to them for the use and maintenance of the fire alarm system of the city and of any equipment used in connection with this system and the entire working force of this branch of the fire department.

(b) *Assistant superintendent.* The assistant superintendent shall assist the superintendent in all his duties, succeeding to all the functions of the superintendent in the event of his absence or disability.

(Code 1970, § 2-83)

Secs. 8-51--8-65. Reserved.

ARTICLE IV. FIRE PREVENTION CODE

Sec. 8-66. Adoption by reference.

There is hereby adopted by the council for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain code known as the Fire Prevention Code recommended by the American Insurance Association, being particularly the 1976 Edition thereof and the whole thereof, save and except such portions as are hereinafter deleted, modified or amended by this article of which no less than

three (3) copies have been and are now filed in the office of the clerk and the same is hereby adopted and incorporated as fully as if set out in length herein, and the provisions thereof shall be controlling within the limits of the city.

Sec. 8-67. Amendments.

The fire prevention code, as adopted by the city under this article, is amended and changed in the following respects:

Article 5, Cellulose Nitrate Motion Picture Film, is deleted.

Article 6, Drycleaning Plants, is deleted.

Article 10, Prevention of Dust Explosions, is deleted.

Article 12, Explosives, Ammunition and Blasting Agents, is deleted.

Article 13, Fireworks, is deleted.

Article 16, Flammable and Combustible Liquids, is deleted.

Article 21, Liquified Petroleum Gases, is deleted.

Article 27, Places of Assembly, is deleted.

Article 29, Tents and Air-Supported Structures, is deleted.

(Code 1970, § 10-1)

Sec. 8-68. Exceptions and variances to regulations.

The chief engineer of the fire department shall have the power to modify any of the provisions of the code adopted under this article upon application by the owner or lessee, or his duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the code, provided that the spirit of the code shall be observed, public safety secured, and substantial justice done. The particulars of such modifications when granted or allowed and the decision of the chief engineer of the fire department thereon shall be entered upon the records of the department and a signed copy shall be furnished the applicants.

(Code 1970, § 10-5)

Sec. 8-69. Appeals.

Whenever the chief engineer of the fire department shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the code adopted under this article do not apply, or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the chief engineer of the fire department to the board of fire commissioners within thirty (30) days from the date of the decision appealed.

(Code 1970, § 10-6)

Sec. 8-70. New materials, processes or occupancies which may require permits.

The board of fire commissioners and the chief engineer of the fire department shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies, which shall require permits, in addition to those now enumerated in the fire prevention code. The chief of the bureau of fire prevention shall post such list in a conspicuous place in his office, and distribute copies thereof to interested persons.

(Code 1970, § 10-7)

Sec. 8-71. Order to correct violations; authority of chief engineer on failure.

(a) When a person to whom an order is directed shall fail to comply within the specified time, the chief engineer of the fire department shall have the authority to contract with others for the removal of such materials and charge the cost thereof to the person to whom an order is directed.

(b) The person removing material under a contract made hereunder shall be authorized to enter the premises and to remove such material.

(c) If the cost of removal is not paid within sixty (60) days after receipt of a statement therefor from the chief engineer of the fire department such cost shall be levied against the property upon which such fire hazard exists, as a warrant of distress.

(d) The levying of such assessment shall not affect the imposition of a fine or the imprisonment of the person to whom the order is directed.

(Code 1970, § 10-8)

Secs. 8-72--8-79. Reserved.

ARTICLE V. ESTABLISHMENT OF FIRE ZONES

Sec. 8-80. Definitions.

Fire lane. Posted and/or marked area around building or public facility within the fire zone. May be interchanged with fire zone.

Fire zone. A designated unobstructed passageway sufficient in size and constructed in a manner to permit the free passage of fire apparatus and other emergency equipment from a public way to all necessary areas around or upon buildings and facilities upon the public.

Parking area. Lots, areas or other accommodations for the parking of motor vehicles off the street, alley, or highway and open to public use with or without charge.

(Ord. of 4-01)

Sec. 8-81. Establishment of fire zones.

(a) The fire marshal shall designate such fire zones and shall notify in writing the owner or owners or agents of such property of establishment of said fire zones. Such notice may

be personally delivered or sent by certified mail.

(b) Fire zones established by this article shall be kept free of ice and snow and rubbish containers or other obstructions.

(Ord. of 4-01)

Sec. 8-82. Signage.

The owner, owners, agent or occupant shall cause to be erected, installed and maintained at their own expense, permanent, adequate signs bearing the words "FIRE LANE--NO PARKING" in said fire zone. Painted yellow markings may also be required by the fire marshal on the curb and the roadway designating such areas. Such owner, owners, agents or occupant shall cause such other and further designations as are reasonably required by the fire marshal to warn persons to keep said fire zones free.

(Ord. of 4-01)

Sec. 8-83. Notification.

The fire marshal may notify in writing the owner, owners or agents of such property in writing of specific requirements to comply with this article. Said notice may be personally delivered or sent by certified mail and shall prescribe a reasonable amount of time for compliance. If compliance is not obtained within said time, then such owner, owners or agents shall be subject to a fine not to exceed twenty-five dollars ($25.00) per violation. Each day following such specified time for compliance shall constitute a new violation.

(Ord. of 4-01)

Sec. 8-84. Penalties and enforcement.

Parking shall be prohibited within the designated fire land and a penalty of ten dollars ($10.00) shall be imposed by the city's police department or its designee for said violation.

(Ord. of 4-01)

Secs. 8-85--8-90. Reserved.

ARTICLE VI. RED TAGS

Sec. 8-91. Red tags.

Upon discovery of any defective appliance, equipment or utilities, the fire marshal, members of the fire marshal's office or any officer or acting officer in the fire department shall shut down or order such equipment to be shut down and affix a "red tag" to such equipment.

No appliance, equipment or utility that has been "red tagged" shall be utilized until repairs have been made and the fire marshal has been notified and he is satisfied that the appliance, equipment or utility is no longer a fire hazard.

Control of these red tags shall be given to the office of the fire marshal.

(Ord. of 5-01)

Sec. 8-92. Penalties.

Any person in violation of this article shall be fined in the amount of twenty-five dollars ($25.00). Each day that the appliance continues to be in operation, jeopardizing the health and safety of the residents of the structure, an additional penalty of twenty-five dollars ($25.00) per day up to a maximum of one hundred dollars ($100.00) total may be levied against the owner of such appliance, utility or equipment.

(Ord. of 5-01)

Secs. 8-93--8-100. Reserved.

ARTICLE VII. RAPID ENTRY SYSTEMS

Sec. 8-101. Rapid entry systems.

(a) *Purpose.* The purpose of this section is to provide prompt entrance to both commercial and residential structures within the town of New Britain to fire and emergency personnel by requiring the installation of a rapid entry system in new or renovated commercial structures and residential structures exceeding six (6) living units.

(b) *Definitions.*

(1) A rapid entry system consists of a heavy duty key vault the specifications of which shall be approved by the fire department,

(2) Renovations shall mean updating or repair of an existing commercial or residential building exceeding (6) six living units or conversion of an existing structure for commercial purposes requiring the issuance of a building permit and the cost of said work shall exceed five thousand dollars ($5,000.00).

(c) *[Issuance of certificates of occupancy.]* The director of licenses, permits and inspections for a new or renovated commercial or residential structure, shall issue no certificate of occupancy unless a rapid entry system has been installed within the specifications outlined by the fire department. Specifications shall include the type and location of rapid access system. Keys to said system shall be maintained exclusively by the fire department.

(d) *[Maintenance of system.]* Upon installation of such rapid entry system, the building owner shall, at his/her expense maintain all components thereof in good working order, and make repair or replacement thereof within thirty (30) days of receipt of written notice to repair or replace by the fire department.

(e) *Penalty.* Any owner violating the provisions of this section shall be fined twenty-five dollars ($25.00) for each occurrence. Each day of violation shall be considered a separate offense.

(No. 26896-1, 3-27-02)

Chapter 9 FLOOD AND EROSION CONTROL*

***Cross references:** Buildings and building regulations, Ch. 7; fire prevention and protection, Ch. 8 health, Ch. 12; housing, Ch. 13; planning, Ch. 19; inland wetlands and watercourses, § 19-35; streets, sidewalks and public places, Ch. 21; utilities, Ch. 23.

Art. I. In General, §§ 9-1--9-20
Art. II. Board, §§ 9-21--9-40
Art. III. Flood Damage Prevention, §§ 9-41--9-50

ARTICLE I. IN GENERAL

Secs. 9-1--9-20. Reserved.

ARTICLE II. BOARD*

***Cross references:** City boards, commissions, committees and authorities generally, § 2-126 et seq.

Sec. 9-21. State law adopted by reference; definition.

Sections 25-84 to 25-94 inclusive, of the general statutes, revision of 1958, are hereby adopted.

(Code 1970, § 2-209)

State law references: Authority to adopt, G.S. § 25-84.

Sec. 9-22. Creation and composition.

A flood and erosion control board is hereby constituted as provided by law. The board shall consist of five (5) members of the board of public works, not more than three (3) of whom shall belong to the same political party.

(Code 1970, § 2-210; Ord. of 4-95; Ord. of 7-01)

Sec. 9-23. Compensation and expenses.

Members of the board shall serve without compensation, but their expenses and disbursements when approved by the council, shall be paid by the city.

(Code 1970, § 2-211)

Sec. 9-24. Appointments and vacancies.

Appointment to the board created by this article shall be made by the mayor and the term of each member of the board shall coincide with his term as a member of the board of public works.

Whenever a vacancy shall occur in the board, the mayor shall fill such vacancy for the unexpired term.

(Code 1970, § 2-212)

Sec. 9-25. Powers and duties.

The flood and erosion control board shall have all those powers, duties, responsibilities and obligations as set forth in sections 25-84 to 25-94 inclusive, of the general statutes, revision of 1958.

(Code 1970, § 2-213)

Sec. 9-26. Conduct of meetings.

The board shall adopt rules and regulations for the conduct of its proceedings.

(Code 1970, § 2-214)

Sec. 9-27. Time of meetings.

Meetings shall be held at the call of the chairman, and at such other times as the board may determine.

(Code 1970, § 2-215)

Sec. 9-28. Powers of chairman of board.

The chairman of the board, or in his absence, an acting chairman, shall have the power to appoint committees, administer oaths, and compel the attendance of witnesses.

(Code 1970, § 2-216)

Sec. 9-29. Meeting to be public.

All meetings of the board shall be open to the public.

(Code 1970, § 2-217)

Sec. 9-30. Minutes of board meeting.

Minutes shall be kept of all proceedings and all examinations and official actions shall be recorded therein. The minutes shall show the vote of each member on each question; or, if any member shall be absent or failing to vote, shall indicate the fact. Minutes shall be open for

inspection as a public record.

(Code 1970, § 2-218)

Secs. 9-31--9-40. Reserved.

ARTICLE III. FLOOD DAMAGE PREVENTION

Sec. 9-41. Statutory authorization, findings of fact, purpose and objectives.

(a) *Statutory authorization.* The Legislature of the State of Connecticut has, in section 7-148(c)(7) of the General Statutes, delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the common council of the City of New Britain, Connecticut, does ordain as follows:

(b) *Findings of fact:*

(1) The flood hazard areas of New Britain are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

(2) These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, floodproofed, or otherwise unprotected from flood damages.

(c) *Statement of purpose.* It is the purpose of this article to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

(1) Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;

(2) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

(3) Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of floodwaters;

(4) Control filling, grading, dredging and other development which may increase erosion or flood damage; and

(5) Prevent or regulate the construction of obstructions which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

(d) *Objectives.* The objectives of this article are:

(1) To protect human life and health;

(2) To minimize expenditure of public money for costly flood-control projects;

(3) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

(4) To minimize prolonged business interruptions;

(5) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;

(6) To help maintain a stable tax base by providing for the sound use and development of floodprone areas in such a manner as to minimize flood damage; and

(7) To make information available which will aid potential property buyers in determining whether property is in a flood zone.

(Ord. of 1-95; Ord. of 2-4-98)

Sec. 9-42. Definitions.

(a) *Definition and usage.* Unless specifically defined below, words or phrases used in this article shall be interpreted so as to give them the meaning they have in common usage and to give this article its most reasonable application.

(b) *Definitions of specific words and terms:*

(1) *Accessory building or structure:* A building or structure in addition to the principal building which is clearly subordinate to and incidental to and located on the same lot or parcel as the principal building or structure.

(2) *Addition (to an existing building):* Any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall or is separated by independent perimeter load-bearing walls is new construction.

(3) *Appeal:* A request for a review of the city engineer's interpretation of any provision of this article or a request for a variance from the requirements of this article.

(4) *Area of special flood hazard:* See special flood hazard area.

(5) *Base flood:* The flood having a one per cent chance of being equaled or exceeded in any given year.

(6) *Base flood elevation (BFE):* The elevation of the crest of the base flood or 100-year flood. The height in relation to mean sea level expected to be reached by the waters of the base flood at pertinent points in the floodplains of coastal and riverine areas.

(7) *Basement:* Any area of the building having its floor subgrade (below ground level) on all sides.

(8) *Breakaway wall:* A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.

(9) *Building:* Any structure built for support, shelter, or enclosure for any occupancy or storage.

(10) *Building permit:* The permit issued by the department of licenses, permits and inspections for erection, construction, alteration or expansion of any building or structure in the City of New Britain. Such permits include building, fence, electrical, plumbing, signs, heating, air conditioning, heating and ventilation, and foundations permits.

(11) *Cost:* As related to substantial improvements, the cost of any reconstruction, rehabilitation, addition, alteration, repair or other improvement of a structure shall be established by a detailed written contractor's estimate. The estimate shall include, but not be limited to: the cost of materials (interior finishing components, structural components, utility and service equipment); sales tax on materials; building equipment and fixtures, including heating and air conditioning and utility meters; labor; built-in appliances; demolition and site preparation; repairs made to damaged parts of the building worked on at the same time; contractor's overhead; contractor's profit; and grand total. Items to be excluded include: cost of plans and specifications; survey costs; permit fees; outside improvements such as septic systems, water supply wells, landscaping, sidewalks, fences, yard lights, irrigation systems, and detached structures such as garages, sheds, and gazebos.

(12) *Development:* Any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or permanent storage of materials.

(13) *Elevated building:* A nonbasement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns (posts and piers), shear walls, or breakaway walls as allowed under applicable standards.

(14) *Federal Emergency Management Agency (FEMA):* The federal agency that administers the National Flood Insurance Program (NFIP).

(15) *Flood* or *flooding:* A general and temporary condition of partial or complete inundation of normally dry land areas from:

a. The overflow of inland or tidal water;

b. The unusual and rapid accumulation or runoff of surface waters from any source.

(16) *Flood boundary and floodway map:* An official map of New Britain on which the Federal Emergency Management Agency (FEMA) has delineated the boundaries of the floodway.

(17) *Flood insurance rate map (FIRM):* An official map of New Britain, on which the Federal Emergency Management Agency (FEMA) has delineated both the special flood hazard areas and the risk premium zones applicable to the community. FIRMs published after January, 1990, may also show the boundaries of the floodway.

(18) *Flood insurance study:* The official report by the Federal Emergency Management Agency (FEMA) which contains flood profiles, the water surface elevation of the base flood, and other flood data.

(19) *Floodplain:* See "Special flood hazard area."

(20) *Floodplain management permit:* A permit issued and required by the City of New Britain which guides any development proposed to take place within special flood hazard areas.

(21) *Floodway:* The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

(22) *Floor:* The top surface of the materials or structure(s) forming the bottom-most horizontal plane of any enclosed room, space or area in a building (including basement); i.e., top of slab in concrete slab construction or top of wood flooring in wood-frame construction. This term does not include the floor of a garage used solely for parking vehicles or to the limited storage of maintenance equipment used solely in connection with the premises.

(23) *Functionally dependent facility:* A facility which cannot be used for its intended purpose unless it is located in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities. The term does not include long-term storage, manufacture, sales, or service facilities.

(24) *Highest adjacent grade:* The highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

(25) *Historic structure:* Any structure that is:

(a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historic significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(c) Individually listed on a state inventory of historic places in states with

historic preservation programs which have been approved by the Secretary of the Interior; or

(d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

1. By an approved state program as determined by the Secretary of the Interior, or

2. Directly by the Secretary of the Interior in states without approved programs.

(26) *Lowest floor:* The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area is not considered a building's lowest floor, provided that such an area fully meets the requirements of subsection 9-45(c)(2).

(27) *Manufactured home (mobile home or trailer):* A structure, transportable in one (1) or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. This term also includes recreational vehicles and similar transportable structures placed on a site for one hundred eighty (180) consecutive days or longer and intended to be improved property.

(28) *Mean sea level:* For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's flood insurance rate map are referenced.

(29) *National Geodetic Vertical Datum (NGVD):* As corrected in 1929, is a vertical control used as a reference for establishing varying elevations within the floodplain.

(30) *New construction:* Structures for which the "start of construction" commenced on or after the effective date of this article, May 21, 1981, and includes any subsequent improvements to such structures.

(31) *Principal structure:* The main or primary structure on a property; the building or other structure which contains or constitutes the chief or principal use on the property.

(32) *Recreational vehicle:* A vehicle which is:

a. Built on a single chassis;

b. Measures four hundred (400) square feet or less at the largest horizontal projections;

c. Designed to be self-propelled or permanently towable; and

d. Designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping travel or seasonal use.

(33) *Special flood hazard area:* The area within New Britain subject to one per cent or greater chance of flooding in any given year, as identified by New Britain's FIRM. In New Britain, this includes, specifically, areas designated as zones A, AE, A1-30.

(34) *Start of construction:* Includes substantial improvement, and means the date that the building permit was issued, provided the actual start of construction, repair, reconstruction or improvement was within ninety (90) days of the building permit date. (Should the permittee fail to begin work within this time frame, a new permit shall be required.) The actual start means the first placement of permanent construction of a structure on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

(35) *Structure:* A walled and roofed building that is principally above ground, a gas or liquid storage tank, or any other manmade facilities or structures. For the purpose of this article, each detached structure on a property shall be considered individually, a separate structure from any other structure on the property.

(36) *Substantial damage:* Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty (50) per cent of the market value of the structure before the damage occurred.

(37) *Substantial improvement:* Any combination of repairs, reconstruction, alteration, or improvements to a structure, taking place during the life of a structure, in which the cumulative cost equals or exceeds fifty (50) per cent of the market value of the structure. The market value of the structure should be:

a. The appraised value of the structure, using the cost approach to value method, prior to the start of the initial repair or improvement.

b. In the case of damage, the value of the structure prior to the damage occurring.

c. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building begins, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include any project for improvement of a structure required to comply with existing health, sanitary, or safety code specifications which

are solely necessary to assure safe living conditions.

(38) *Subdivision:* The division of a tract or parcel of land into three (3) or more parts or lots for the purpose of sale or building development, expressly excluding development for municipal, conservation or agricultural uses, and includes resubdivision.

(39) *Variance:* A grant of relief from the requirements of this article which permits construction in a manner otherwise prohibited by this article where specific enforcement would result in unnecessary hardship. Such hardship shall be based on the unusual physical characteristics of the property in question which are not shared by adjacent parcels; hardship shall not be based on the structure, nor on economic or personal hardships.

(40) *Water surface elevation:* The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

(Ord. of 1-95; Ord. of 2-4-98; No. 26824-1, 2-27-02; Res. No. 30107-2, 5-28-08)

Sec. 9-43. General provisions.

(a) *Lands to which this article applies.* This article shall apply to all special flood hazard areas within the jurisdiction of City of New Britain.

(b) *Basis for establishing the special flood hazard areas.* Special flood hazard areas are those areas identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for the City of New Britain", dated as determined by FEMA and as of the effective date of this amendment, with accompanying flood insurance rate maps and flood boundary-floodway maps dated as determined by FEMA and as of the effective date of this amendment and any revisions thereto are adopted by reference and declared to be part of this regulation. Since mapping is legally adopted by reference into the regulation it must take precedence when more restrictive until such time as a map amendent is obtained. The flood insurance study, flood insurance rate map and flood boundary-floodway maps are hereby adopted by reference and declared to be a part of this article. These materials are on file at the office of Public Works, City Hall, 27 West Main Street, New Britain, Connecticut.

(c) *Establishment of floodplain management permit.* A floodplain management permit shall be required in conformance with the provisions of this article prior to the beginning of any development activities on any property within or containing any areas designated as special flood hazard areas.

(1) *Permit expiration.* Permits issued under this article shall expire if the permitted activity does not begin within ninety (90) days of the permit approval date.

(d) *Compliance.* No structure or land within a special flood hazard area shall hereafter be located, developed, constructed, extended, converted, modified, or structurally altered without full compliance with the terms of this article and other applicable regulations.

(e) *Abrogation and greater restrictions.* This article is not intended to repeal, abrogate, or

impair any existing easements, covenants, or deed restrictions. However, where this article and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(f) *Interpretation.* In the interpretation and application of this article all provisions shall be:

(1) Considered as minimum requirements;

(2) Liberally construed in favor of the governing body; and

(3) Deemed neither to limit nor repeal any other powers granted under state statutes.

(g) *Warning and disclaimer of liability.* The degree of flood protection required by this article is considered the minimum reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This article does not imply that land outside the special flood hazard areas or uses permitted within such areas will be free from flooding or flood damages. This article shall not create liability on the part of City of New Britain or by any officer or employee thereof for any flood damages that result from reliance on this article or any administrative decision lawfully made thereunder. The City of New Britain, its officers and employees shall assume no liability for another persons reliance on any maps, data, or information provided by the city. Notwithstanding the preceding disclaimer, the city shall assume normal responsibilities in indemnifying its public officials and citizen board members for "good faith" decisions made on their part in carrying out the duties of their positions.

(h) *Aboveground oil tanks.* Aboveground storage tanks (oil, propane, etc.) which are located outside or inside of the structure must either be elevated above the base flood elevation (BFE) on a concrete pad, or be securely anchored with tie-down straps to prevent flotation or lateral movement, have the top of the fill pipe extended above the BFE, and have a screw fill cap that does not allow for the infiltration of flood water.

(i) *Compensatory storage.* The water holding capacity of the floodplain, except those areas that are tidally influenced, shall not be reduced. Any reduction caused by filling, new construction, or substantial improvements involving an increase in footprint to the structure shall be compensated for by deepening and/or widening of the floodplain. Storage shall be provided on-site, unless easements have been gained from adjacent property owners; it shall be provided within the same hydraulic reach and a volume not previously used for flood storage; it shall be hydraulically comparable and incrementally equal to the theoretical volume of flood water at each elevation, up to and including the 100-year flood elevation, which would be displaced by the proposed project. Such compensatory volume shall have an unrestricted hydraulic connection to the same waterway or water body. Compensatory storage can be provided off-site if approved by the municipality.

(j) *Equal conveyance.* Within the floodplain, except those areas which are tidally influenced, as designated on the Flood Insurance Rate Map (FIRM) for the community, encroachments resulting from filling, new construction or substantial improvements involving an increase in footprint of the structure, are prohibited unless the applicant provides certification by a registered professional engineer demonstrating, with

supporting hydrologic and hydraulic analyses performed in accordance with standard engineering practice, that such encroachments shall not result in any (0.00 feet) increase in flood levels (base flood elevation). Work within the floodplain and the land adjacent to the floodplain, including work to provide compensatory storage shall not be constructed in such a way so as to cause an increase in flood stage or flood velocity.

(k) *No structures entirely or partially over water.* New construction, substantial improvements and repair to structures that have sustained substantial damage cannot be constructed or located entirely or partially over water.

(l) *Portion of structure in flood zone.* If any portion of a structure lies within the Special Flood Hazard Area (SFHA), the entire structure is considered to be in the SFHA. The entire structure must meet the construction requirements of the flood zone. The structure includes any attached additions, garages, decks, sunrooms, or any other structure attached to the main structure. Decks or porches that extend into a more restrictive flood zone will require the entire structure to meet the standards of the more restrictive zone.

(m) *Structures in two flood zones.* If a structure lies within two (2) or more flood zones, the construction standards of the most restrictive zone apply to the entire structure (i.e., V zone is more restrictive than A zone; structure must be built to the highest BFE). The structure includes any attached additions, garages, decks, sunrooms, or any other structure attached to the main structure. (Decks or porches that extend into a more restrictive zone will require the entire structure to meet the requirements of the more restrictive zone.)

(n) *Severability.* If any section, subsection, paragraph, sentence, clause, or phrase of this article should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this article, which shall remain in full force and effect; and to this end the provisions of this article are hereby declared to be severable.

(Ord. of 1-95; Ord. of 2-4-98; No. 26824-1, 2-27-02; Res. No. 30107-2, 5-28-08)

Sec. 9-44. Administration.

(a) *Designation of the article administrator.* The city engineer is hereby appointed to administer, implement and enforce the provisions of this article.

(b) *Certification.* Where required under this article, a registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this article. Such certification must be provided to the city engineer.

(c) *Permit procedures.* For any development activity on properties which are within or which contain a special flood hazard area, an application for a floodplain management permit shall be made to the city engineer on forms furnished by him or her prior to any development activities. Information which shall be required along with such applications shall include, but is not limited to, five (5) copies of all plans showing property boundaries, existing and proposed conditions, including all buildings and structures, grading, contours, storage of materials, drainage facilities, fences, parking and driveways, and sidewalks. Specifically, the following information is required:

(1) *Application stage.* Where applicable, certifications by a registered surveyor, professional engineer or architect are required, and must be provided to the city engineer. The design and methods of construction must be certified to be in accordance with accepted standards of practice, and with the provisions of subsections 9-45(c), (d), and 9-46 of this article. Certifications by registered surveyors, professional engineers or architects are required for all items listed below:

a. Elevation in relation to mean sea level and base flood level of the proposed lowest floor (including basement) of all structures;

b. Elevation in relation to mean sea level and base flood level to which any nonresidential structure will be floodproofed;

c. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development;

d. A statement as to whether or not the proposed alterations to an existing structure meets the criteria of the substantial improvement definition;

e. A statement as to whether there will be dry access to any part of the structure during the 100-year storm event;

f. That the use of floodproofing for nonresidential structures, as required by subsection 9-45(c)(1)b.(ii) of this article, has been met;

g. That all provisions governing fully enclosed areas below base flood elevations, as required by section 9-45 of this article, have been met;

h. That the floodway standards of subsection 9-45(c)(3) of this article have been met. (No increase in floodway heights shall be permitted.)

(2) *Construction stage.* Upon completion of the applicable portion of construction, the applicant shall provide verification with appropriate certifications by a registered surveyor, professional engineer to the city engineer of the following:

a. For structures in Zone A1-30 the elevation of the top of the lowest floor, including basement, in accordance with the standards of subsection 9-45(c)(3)a.

b. For nonresidential floodproofed structures the elevation to which the floodproofing is effective and certified that construction is in conformance with the standards of subsection 9-45(c)(1)b.(i).

(3) *Compliance.* Deficiencies detected by the review of the lowest floor elevations and/or floodproofing shall be corrected by the permit holder immediately and prior to any further work being permitted to proceed. Failure to submit the survey or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

(4) *Bond and insurance.* Upon the approval of the application and prior to the issuance of a floodplain management permit, the applicant may be required to post a performance bond to ensure that all filling, grading, construction,

relocation or alteration of a watercourse, placing of structures, etc., is done in accordance with the approved development plans and in compliance with the applicable provisions of subsections 9-45(a), (b) and (c).

a. The bond amount shall be commensurate to the cost of removing all new fill and materials and restoring the topography of the site to predevelopment conditions and stabilizing the site through appropriate revegetation. Such cost estimate shall be calculated and certified by the applicant's engineer and subject to review and approval by the city engineer.

b. The bond shall be posted in the form of a certified check, which shall be executed by the city treasurer's office and deposited into an escrow account, pending satisfactory completion of all development activities.

c. Such a bond shall be required in all instances involving development activities taking place within a floodway, per subsection 9-45(c)(3) of this article, activities which alter or relocate a watercourse, and for all activities permitted by variance per section 9-47 of this article.

Additionally, at the discretion of the city engineer, such a bond may also be required in instances where development or filling activities in A zones are projected to increase base flood elevations more than one-half foot, but less than one foot.

(d) *Duties and responsibilities of the city engineer and other city officials.* In the administration of this article, the duties of the city engineer shall include, but not be limited to:

(1) *Application stage:* All applications for building permits shall be reviewed by the city engineer to determine if the proposed activity contains, or is within, a special flood hazard area. Duties of the city engineer shall include:

a. Review all floodplain management permit applications to determine whether proposed building sites will be reasonably safe from flooding.

b. Review all floodplain management permit applications and permits to assure that the permit requirements of this article have been satisfied.

c. Advise permittee that additional federal, state or city permits may be required, and if specific federal, state or city permit requirements are known, require that copies of such permits be provided and maintained on file with the floodplain management permit. Permits possibly required include, but are not limited to: Water Diversion, Dam Safety, Army Corps of Engineers Sections 401 and 404 and Stream Channel Encroachment Line Permits, as well as local inland/wetlands and watercourses permits. It shall be the responsibility of the permittee to seek and obtain all other necessary permits, approvals, licenses, certificates, etc., as may be required by applicable city, state or federal agencies, prior to conducting any activity regulated under this article. A permit issued pursuant to these regulations does not confer or imply approval of the activity by any other agency of the city, state or federal government.

d. The city engineer shall inform the conservation commission and director of public works of the submission of an application for a floodplain management permit for any proposed relocation or alteration of any watercourse. No such relocation or alteration is to be permitted unless it is satisfactorily shown that the flood-carrying capacity of the watercourse is not diminished.

e. The city engineer shall notify adjacent communities and the Department of Environmental Protection, Division of Water Resources, prior to the approval of any permit for the alteration or relocation of a watercourse and submit evidence of such notification to the Federal Emergency Management Agency (FEMA).

f. The city engineer shall require and administer the performance bonds posted in accordance with subsection 9-44(c)(4) of this article.

(2) *Construction stage:*

a. The city engineer shall review all data submitted pursuant to subsection 9-44(c) and record the elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, in accordance with subsection 9-45(c)(1)a.

b. When floodproofing is utilized for a particular nonresidential structure the city engineer shall obtain and record the elevation (in relation to mean sea level) to which the new or substantially improved structures have been floodproofed, and the elevation certification from a registered professional engineer or architect, in accordance with subsection 9-45(c)(1)b.(ii).

c. The city engineer shall notify the permit holder and the chief building inspector if deficiencies in the lowest floor elevations and/or floodproofing are identified and shall order the permit holder to correct the deficiencies prior to further progressive work being permitted to proceed.

(3) *Miscellaneous duties and responsibilities:*

a. In instances where base flood elevation and/or floodway data is not otherwise available, the city engineer shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other sources and determine and verify the base flood elevation for the flood hazard area, in order to administer subsections 9-45(c)(1), (2), (3) and section 9-46.

b. The city engineer shall notify the regional planning agency and any affected municipality at least thirty-five (35) days prior to the public hearing if any change of regulation or use of a flood zone will affect an area within five hundred (500) feet of another municipality.

c. The city engineer shall maintain all records pertaining to the provisions of this article.

d. The city engineer shall be responsible for taking enforcement actions as appropriate, pursuant to the guidelines of section 9-49.

(4) *Subdivision of land.* The city plan commission is responsible for the review and approval of all subdivision or resubdivisions of land and for the enforcement of the subdivision regulations of the City of New Britain. The director of Municipal Development shall require that all subdivisions which involve special flood hazard areas provide such information and professional certifications, as required to ensure that the provisions of sections 9-45 and 9-46 are met.

(Ord. of 1-95; Ord. of 2-4-98; No. 26824-1, 2-27-02)

Sec. 9-45. Provisions for flood hazard reduction.

(a) *General standards.* In all special flood hazard areas, the following provisions are required:

(1) New construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

(2) New construction and substantial improvements shall be constructed with materials resistant to flood damage;

(3) New construction or substantial improvements shall be constructed using methods and practices that minimize flood damage;

(4) Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;

(5) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;

(6) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the system and discharges from the system into floodwaters;

(7) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;

(8) In any portion of a watercourse which is altered or relocated the flood-carrying capacity shall be maintained;

(9) Accessory structures shall be subject to all the standards in subsections (a), (b) and such standards of subsection (c) as deemed necessary by the city engineer. For the purpose of determining "substantial improvement" the value of each accessory building shall be considered individually;

(10) Manufactured homes shall be prohibited in all special flood hazard areas;

(11) Parking or storage of recreational vehicles shall be prohibited in all special flood hazard areas;

(12) A structure already in compliance with the provisions of this article shall not be made noncompliant by any alteration, repair, reconstruction or improvement to the structure.

(b) *General standards for streams without established base flood elevations, floodways and/or mapping:*

(1) The city engineer shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, including data developed pursuant to subsection 9-44(d)(3)a. of this article, as criteria for requiring that new construction, substantial improvements, or other development in a special flood hazard area on the community's FIRM meet the standards in subsection (c) and section 9-46.

(2) Base flood elevation data shall be provided with any application for activity in a special flood hazard area.

(3) In special flood hazard areas where base flood elevations have been determined, but before a floodway is designated, no new construction, substantial improvement, or other development (including fill) which will increase base flood elevations more than one foot at any point along the watercourse shall be permitted. All anticipated development within a special flood hazard area is to be considered cumulatively with the proposed development in estimating the impact of the action on the base flood elevation.

(4) The city engineer may request floodway data of any applicant for activities within watercourses without FEMA-published floodways. When such data is provided by an applicant or when additional data becomes available allowing the establishment of floodways along watercourses on which no floodways are currently delineated, new floodways shall be adopted. Then development affecting such floodways shall be regulated on the principle that the floodway must be able to convey the waters of the base flood without increasing the water surface elevation more than one foot at any point along the watercourse.

(5) The city engineer shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source as criteria of requiring that new construction, substantial improvements or other development in any area of potential demonstrable or historic flooding within New Britain meet the standards of subsection (c).

(c) *Specific standards:*

(1) *Construction standards.* In all special flood hazard areas A1-30, AH, and AO, where base flood elevation data has been provided, as set forth in subsections 9-43(b), 9-44(d)(2), 9-45(b)(5), the following provisions are required:

a. *Residential construction:* New construction or substantial improvement of any residential structure shall have the lowest floor, including basement, elevated at least two (2) feet above the base flood elevation.

b. *Nonresidential construction:*

(i) New construction or substantial improvement of any commercial, industrial, or nonresidential structure shall have the lowest floor, including basement, elevated at least to two (2) feet above the level of the base flood elevation.

(ii) Nonresidential structures may be floodproofed in lieu of being elevated, provided that, together with all attendant utilities and sanitary facilities, the areas of the structure below the required elevation are watertight, with walls substantially impermeable to the passage of water, and provided that such structures are composed of structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall review and/or develop structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with acceptable standards of practice for meeting the provisions of this subsection. Such certification shall be provided to the city engineer.

(iii) On-site drainage for all proposed structures in zones AO and AH located on slopes shall provide adequate drainage paths to guide floodwaters around and away from such structures.

(2) *Fully enclosed areas below base flood elevation.* New construction or substantial improvements of buildings that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevation shall have at least one side at or above grade and shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls.

a. Designs for complying with this requirement must be certified by a registered professional engineer or architect to meet the following minimum criteria:

(i) Provide a minimum of two (2) openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;

(ii) The bottom of all openings shall be no higher than one foot above grade; and

(iii) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.

b. Electrical, plumbing, and other utility connections are prohibited below the base flood elevation.

c. Use of the enclosed area shall be restricted to the parking of vehicles or limited storage of maintenance equipment used solely in connection with the premises or entry to the living area via stairway or elevator.

(3) *Floodways.* Located within special flood hazard areas established in subsection 9-43(b) are areas designated as floodways on the community's flood boundary and floodway map. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris and potential projectiles, and have erosion potential, the following provisions shall apply:

a. All encroachments are prohibited including fill, new construction, substantial improvements and other developments unless certification (with supporting technical data) by a registered professional engineer is provided demonstrating that encroachments shall not result in any increase in flood levels during occurrence of the base flood discharge;

b. Fences are prohibited in the floodway unless aligned in the direction of the flow and constructed of an open design;

c. A permit may be issued which allows encroachments resulting in increases in base flood elevations, provided the community first obtains a conditional floodway revision by meeting the requirements of C.F.R. 44, chapter 1, subsection 65.12.

(Ord. of 1-95; Ord. of 2-4-98; No. 26824-1, 2-27-02)

Sec. 9-46. Design standards for subdivision proposals.

(a) All subdivision proposals shall be consistent with the need to minimize flood damage.

(b) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.

(c) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.

(d) Base flood elevation and floodway data shall be provided for all subdivision proposals and other proposed developments for which any portion of is located within a special flood hazard area.

(Ord. of 1-95; Ord. of 2-4-98; No. 26824-1, 2-27-02)

Sec. 9-47. Variance procedures.

(a) *Establishment of variance process:*

(1) The flood and erosion control board, as established by the City of New Britain, shall hear and decide appeals and requests for variance from the requirements of this article.

(2) The flood and erosion control board shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the city engineer in the enforcement or administration of this article.

(3) Any person aggrieved by the decision of the flood and erosion control board or any person owning land which abuts or is within a radius of one hundred (100)

feet of the land in question may appeal within fifteen (15) days after such decision to the Superior Court for the Judicial District of New Britain, as provided in section 8-8 of the General Statutes.

(4) Flood level increase prohibition. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(b) *Specific situation variances:*

(1) *Buildings on a historic register.* Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the state inventory of historic places or any locally adopted historic district without regard to the procedures set forth in the remainder of this section, except for subsection (c)(3), and provided the proposed reconstruction, rehabilitation, or restoration result in the structure maintaining its historical character.

(2) *Pre-existing lots.* Variances may be issued for new construction and substantial improvements to be erected on any lot contiguous to and surrounded by lots with existing structures constructed below the base flood level, provided all standards of subsection (c)(3) are met.

(3) *Functionally dependent uses.* Variances may be issued for new construction and substantial improvement and other development necessary for the conduct of a functionally dependent use provided the structure or other development is protected by methods that minimize flood damage, creates no additional threat to public safety and meets the requirements of subsection (c)(3)a. through f. of this article.

(c) *Considerations for granting of variances:*

(1) In passing upon such applications, the flood and erosion control board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this article; and

a. The danger that materials may be swept onto other lands to the injury of others;

b. The danger to life and property due to flooding or erosion damage;

c. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

d. The importance of the services provided by the proposed facility to the community;

e. The necessity of the facility to waterfront location, in the case of a functionally dependent facility;

f. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

g. The compatibility of the proposed use with existing and anticipated

development;

h. The relationship of proposed use to the Master Plan, Zoning Ordinance and floodplain management program for that area;

i. The safety of access to the property in times of flood for ordinary and emergency vehicles;

j. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and

k. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.

(2) *Additional conditions and safeguards.* Upon consideration of the factors listed above, and the purposes of this article, the flood and erosion control board may attach such conditions and safeguards to the granting of variances as it deems necessary to further the purposes of this article.

(3) *General standards for the issuance of variances:*

a. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief, and in the instance of a historical building, a determination that the variance is the minimum necessary as not to destroy the historic character and design of the building and result in the loss of historic designation of the building.

b. Variances shall only be issued upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship, and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances. Only hardships which are based on unusual physical characteristics of the property in question, characteristics which are not shared by adjacent properties, shall qualify to meet subsection (ii) above. Claims of hardship based on the structure, personal, or economic circumstances are not sufficient cause for the granting of a variance under this article.

c. In situations in which a property is partially within a special flood hazard area and in which upland portions of the property may be safely and appropriately developed, except that they are subject to the front, rear, or side yard restrictions of the zoning ordinances, applicants shall not apply for a variance of the Flood Damage Prevention Ordinance until they have first applied for, and been denied a zoning variance for relief from the restrictions of the applicable zoning ordinances.

d. Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the structure is to be built and stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation up to amounts as high as twenty-five dollars ($25.00) for one hundred dollars ($100.00) of insurance coverage.

e. Any applicant to whom a variance is granted shall be required to post a performance bond in accordance with subsection 9-44(c)(4) of this article.

f. The city engineer shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

(Ord. of 1-95; Ord. of 2-4-98; No. 26824-1, 2-27-02)

Sec. 9-48. Amendments.

Amendments to this article shall be made according to the authority granted to the common council in the City Charter and by various ordinances governing actions of the common council.

(Ord. of 1-95; Ord. of 2-4-98)

Sec. 9-49. Enforcement.

(a) Each floodplain management permit shall authorize, as a condition of approval, the city engineer or a designated agent to make regular inspections of the subject property. The city engineer or designated agents are also authorized to inspect any property in a special flood hazard area where it appears that violations of these regulations may be taking place.

(b) If the city engineer finds that any person is undertaking any construction, substantial improvement, filling, or any other activity or maintaining a condition which in violation of these regulations, the city engineer shall:

(1) Issue a written order by certified mail, return receipt requested, to the subject property owner, ordering that the activity cease and ordering the property owner to either seek to obtain a floodplain management permit pursuant to subsection 9-44(c) prior to continuing with the activity or, if appropriate, ordering that all violations and/or obstructions be removed from the special flood hazard area immediately.

(2) Notify the chief building inspector and request that any building permit(s) in force be revoked or suspended and that a stop work order be issued.

(3) The city engineer may suspend or revoke a floodplain management permit if it is found that the applicant has not complied with the terms, conditions or limitations set forth in the permit or has exceeded the scope of the work as set

forth in the application including application plans. Prior to revoking any permit, the city engineer shall issue notice to the permittee, personally or by certified mail, return receipt requested, setting forth the facts or conduct which warrants the intended action.

(4) Failure to comply with any written order issued under this section shall be considered a violation of these regulations and is subject to the penalties described in section 9-50.

(5) In the event violations or obstructions are not promptly removed from the special flood hazard area, the city engineer may cause such removal and remediation work to be performed utilizing bond money held in escrow pursuant to subsection 9-44(c)(4) of this article, or may direct the director of public works to cause such work to be done and to place a lien against the property.

(c) Any person subjected to enforcement action pursuant to this article may appeal any requirement, decision, or determination of the city engineer to the flood and erosion control board, in accordance with subsection 9-47(a)(2) of the article. Such person shall provide such information as necessary including appropriate certifications from a registered professional engineer or architect in order to substantiate the claim that the requirement, decision, or determination of the city engineer was in error or unwarranted.

(d) Nothing contained herein shall prevent the owner of a dwelling, commercial or industrial building existing at the time of the adoption of this article from repairing, replacing or restoring said building or the components thereof to substantially the same character and form as existed at the time of such adoption.

(Ord. of 1-95; Ord. of 2-4-98)

Sec. 9-50. Penalties for violations.

Violations of the provisions of this article or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variances, shall constitute a misdemeanor. Any person who violates this article or fails to comply with any of its requirements shall be subject to a fine of ninety-nine dollars ($99.00) and to a further penalty of not less than ninety-nine dollars ($99.00) for each and every day that such violation continues to exist. Nothing herein contained shall prevent the City of New Britain from taking such other lawful action as is necessary to prevent or remedy any violation.

(Ord. of 1-95; Ord. of 2-4-98)

APPENDIX A

SPECIAL FLOOD HAZARD AREA
FLOOD INSURANCE RATE MAP
DESIGNATIONS

These flood hazard areas are subdivided into flood hazard zones (insurance risk rate zones) according to the following criteria:

Zone A: Special flood hazard areas inundated by the 100-year flood, determined by approximate methods; no base flood elevations are shown or flood hazard factors determined.

Zone AH: Special flood hazard areas inundated by types of 100-year shallow flooding where depths are between one and three (3) feet; base flood elevations are designated, but no flood hazard factors are determined.

Zone A1-30: Special flood hazard areas inundated by the 100-year flood, determined by detailed methods; base flood elevations are shown and zones subdivided according to flood hazard factors.

Zone B: Areas of moderate flood hazard.

Zone C: Areas of minimal flood hazard.

Zone D: Areas of undetermined but possible flood hazard.

Insurance rates and floodplain management measures will vary depending on the zone.

(Ord. of 2-4-98)

Chapter 10 FOOD AND FOOD ESTABLISHMENTS*

***Charter references:** Authority to regulate sale of meat, milk, vegetables, butter, margarine, produce or food of any kind, § 536; inspection of meat, food and milk, § 2135.

Cross references: Garbage, trash and refuse, Ch. 11; health, Ch. 12; licenses, permits and miscellaneous business regulations, Ch. 14.

Art. I. In General, §§ 10-1--10-25
Art. II. Eating and Drinking Establishments, §§ 10-26--10-50
Div. 1. Generally, §§ 10-26--10-35
Div. 2. Licenses, §§ 10-36--10-50
Art. III. Self Service Food or Beverage Vending Machines, §§ 10-51--10-56

ARTICLE I. IN GENERAL

Sec. 10-1. Inspection--Food dispensers.

The board of health, by its duly authorized representatives, shall inspect all soda fountains, restaurants, hotels, meat or grocery stores or other places where produce or provisions for human consumption are sold or offered for sale at intervals established by regulations of the board of health within guidelines issued by the state board of health or at least once in three (3) months.

(Code 1970, § 11-7; Ord. of 6-74)

Sec. 10-2. Same--Food and drink; full and free access; examination and condemnation.

(a) *Inspections authorized.* The director of health, any sanitarian or any duly authorized representative of the board of health is hereby authorized to inspect, take samples of and examine any food, drink and other substances used or intended to be used for human consumption as often as may be necessary for the detection of unwholesomeness or adulteration.

(b) *Free inspections required.* All dealers in food, their agents and all persons engaged in the transportation of food or drink shall upon request of any duly authorized representative of the board of health fully and freely permit any such inspection.

(c) *Condemnation of unfit food.* The director of health, any sanitarian or any duly authorized representative of the board of health shall condemn, forbid the sale of and cause to be denatured when possible, or cause to be removed or destroyed any food or drink found, after inspection, to be unfit for human consumption.

(Code 1970, § 11-8)

Sec. 10-3. Sale of unfit food or drink prohibited.

No person shall sell, offer or exhibit for sale, or have in his possession with the intent to sell, any meat, fish, vegetables, milk or any other article of food or drink for human consumption, either raw, manufactured or otherwise prepared, which is putrid, decayed, infected, contaminated or unwholesome.

(Code 1970, § 11-9)

Sec. 10-4. Possession of food as prima facie evidence of intent to sell.

Any meat, fish, vegetables, milk, or other foodstuffs or drink in the possession of, held or kept by a dealer in food or drink shall be prima facie evidence of intent to sell any such article for human consumption.

(Code 1970, § 11-10)

Sec. 10-5. Establishments and premises to be maintained in sanitary condition.

Any person who owns, operates, leases or occupies any establishment in which food or drink intended for human consumption is stored, kept or offered for sale shall maintain such establishment and its surrounding premises in a clean and sanitary condition. Any such establishment shall be deemed to be in an unclean, unhealthful and insanitary condition when any food or drink therein is not reasonably and securely protected from flies, dust, dirt or any other contaminating agents.

(Code 1970, § 11-11)

Sec. 10-6. Sanitary storage, display and transporting of food and drink required.

All food and drink intended for human consumption shall be so kept, sold or offered for sale, displayed and transported as to be protected from dust, dirt, flies and other contamination. All containers and receptacles in which food or drink is kept shall be maintained

in a clean and sanitary condition. Ice boxes and refrigerators in food stores and restaurants shall at all times be kept in a clean and sanitary condition.

(Code 1970, § 11-12)

Sec. 10-7. Food and drink to be elevated above ground.

All meats, vegetables, fish or any other food or drink intended for human consumption shall be kept at least two and one-half (2 1/2) feet above the floor, sidewalk or ground whether such merchandise is on display or deposited on delivery or otherwise.

(Code 1970, § 11-13)

Sec. 10-8. Protection against entry of flies.

During the season when flies are prevalent, all openings to the outer air from establishments where food is sold, stored, offered for sale, handled or prepared, shall be effectively screened and doors shall be self-closing, unless other effective means approved by the director of health are provided to prevent the entrance of flies.

(Code 1970, § 11-14)

Sec. 10-9. Establishments and adjacent living quarters; construction requirements.

No establishment where food is sold or prepared shall open directly into any room used as living or sleeping quarters or toilet, unless properly separated by a finished wall or walls and the opening connecting same is fitted with a self-closing door opening outward from the restaurant or store.

(Code 1970, § 11-15)

Sec. 10-10. Preparation or storage of food in sleeping quarters prohibited.

No person shall sell, offer or exhibit for sale, or have in his possession, charge or control with intent to sell for human consumption, any article of food or drink which has been manufactured, prepared or stored in any living or sleeping quarters or toilet room.

(Code 1970, § 11-16)

Sec. 10-11. Procedure when infection or disease suspected.

When reasonable suspicion arises as to the possibility of transmission of infection or communicable disease from any person employed in or about any establishment or business in which food or drink is manufactured, prepared, sold or served to the public, the director of health is authorized to require such person to immediately cease such employment until such time as satisfactory evidence of good health has been filed with him. Such evidence of good health shall include a certificate of examination by a reputable and competent physician, including microscopic or other scientific tests recognized as reasonably necessary aids to establish a diagnosis.

(Code 1970, § 11-17)

Sec. 10-12. Bread to be properly wrapped.

No person shall sell, distribute or transport any bread in loaf form which is not properly enclosed in a sanitary wrapper.

(Code 1970, § 11-20)

Sec. 10-13. Food in used wrappings prohibited.

No person shall wrap food products in newspapers, old sacks or any paper or wrapper which has been previously used.

(Code 1970, § 11-21)

Sec. 10-14. License to deal in, manufacture or process food or drink required; duration; nontransferable; fees for issuance.

(a) No person shall conduct, operate or maintain any establishment dealing in or manufacturing and/or processing any food or drink used or intended to be used for human consumption or to be offered for sale either at retail or wholesale without first obtaining a license therefor from the health department.

(b) All such licenses shall be issued for a period of one (1) year and shall run from July first to June thirtieth of the following year.

(c) Licenses issued for any such establishment shall not be transferred or assigned.

(d) Every applicant for any such license shall pay a fee or fees for each such establishment in accordance with the following schedule:

Retail establishments, including bakeries, annually . . . $100.00

Wholesale establishments, annually . . . 125.00

Meat processing establishments, annually . . . 125.00

In addition to such annual license, new establishments shall pay a plan review fee of fifty dollars ($50.00).

(Ord. of 11-95; Res. No. 30847-2, 1-27-10)

Editor's note: An ordinance adopted in Sept., 1995, repealed former § 10-14, relative to a license to deal in, manufacture or process food or drink, which derived from Code 1970, § 11-6; § 1 of an Ord. of 9-86 and § 2 of an Ord. of 4-90. An ordinance adopted in Nov., 1995, adopted a new § 10-14 to read as herein set out.

Sec. 10-15. Self-service foods.

(a) The following definitions shall apply in the interpretation and enforcement of this section:

Potentially hazardous food means any food that consists, in whole or in part, of milk, milk-products, eggs, meat, poultry, fish, shellfish, edible crustacea, or other ingredients in a form capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms.

Preservative means something that has the power of preserving; an additive used to protect against decay, discoloration or spoilage.

Raw consumption means food to be consumed raw; foods that are not cooked nor have any additives.

Trained food handler means one who undergoes a training program and has basic knowledge and skills in temperature control, food handling and food sanitation.

(b) All standards and regulations promulgated by the State of Connecticut relative to the regulation of self-service foods as are presently in existence or as may be later promulgated are hereby adopted and incorporated herein.

(c) In addition to standards and regulations promulgated by the State of Connecticut, the following standards and regulations shall apply:

(1) No potentially hazardous food shall be made available in self-service containers or displays provided, however, that a food service may apply to the board of health for an exception which exception shall be granted upon a showing that the food service will satisfactorily comply with rules and regulations adopted by said board of health governing the display and handling of potentially hazardous food.

(2) Potentially hazardous food, when made available for consumption, shall be prepared, served or packaged by trained food handlers, provided, however, that the board of health may grant an exception to this requirement if the food service makes a showing that it will satisfactorily comply with rules and regulations adopted by said board of health governing the display and handling of potentially dangerous food.

(3) Any foods intended for raw consumption from a self-service container or display unit shall be labeled as follows:

a. Any food composed of more than one ingredient shall have a sign listing all ingredients contained therein;

b. Any food containing a preservative must have a sign listing the preservative or, if no preservative has been added, a sign so stating.

(d) The board of health shall, after public hearing, adopt and amend rules and regulations governing the display and handling of potentially hazardous food which rules and regulations shall have the force and effect of law, upon approval by a majority vote of the common council.

(e) No person shall conduct, operate or maintain a salad bar without first obtaining a license therefor from the health department. The annual fee for such license shall be twenty-five dollars ($25.00).

(Ord. of 9-85; Ord. of 11-86; Ord. of 4-90, § 3)

Secs. 10-16--10-25. Reserved.

ARTICLE II. EATING AND DRINKING ESTABLISHMENTS

DIVISION 1. GENERALLY

Sec. 10-26. Definitions.

As used in this article:

Dealer in food shall be used in the context in which it appears and shall include retail and wholesale bakeries, meat, grocery, produce, confectionery, delicatessen or fish markets.

Food establishments shall mean and include any restaurant, buffet, lunch room, grill room, lunch counter, dining room, hotel, tavern, mobile commissary unit, temporary food service establishment, catering kitchen and commissary for food service vending machines, and any other public places where food or drink is served, sold and consumed on the premises, or any such place where food is prepared for ultimate consumption in a public eating establishment.

(Code 1970, § 11-1; Ord. of 9-95)

Cross references: Definitions and rules of construction generally, § 1-2.

Sec. 10-27. Cleaning and bactericidal treatment of utensils.

(a) All multi-use eating and drinking utensils used at places dispensing food or drink shall be washed after each usage until clean to the sight and touch in warm water between one hundred and ten (110) and one hundred and twenty (120) degrees Fahrenheit containing soap or alkali cleaner.

(b) After cleansing, all multi-use eating and drinking utensils shall be placed in wire cages and subjected by immersion for at least five (5) minutes to the bactericidal action of water heated to a minimum of one hundred seventy (170) degrees Fahrenheit. Bactericidal treatment employed by the use of chemicals, ultraviolet light, or any other method approved by the director of health shall also be acceptable.

(c) All multi-use utensils used in the preparation or serving of food and drink shall be thoroughly cleaned and effectively subjected to an approved bactericidal process immediately following the day's operation.

(Code 1970, § 11-18)

Sec. 10-28. Storage and handling of utensils.

(a) After bactericidal treatment, utensils shall be stored in a clean, dry place protected from flies, dust and other contamination, and shall be handled in such a manner as to

prevent contamination as far as practicable.

(b) Single service utensils used for serving food or drink shall be stored in a sanitary manner protected from dust, flies and other contamination.

(Code 1970, § 11-19)

Secs. 10-29--10-35. Reserved.

DIVISION 2. LICENSES

Sec. 10-36. Required to operate.

No person shall conduct, operate or maintain any food establishment without first obtaining a license therefor from the board of health.

(Code 1970, § 11-2; Ord. of 9-95)

Sec. 10-37. Classifications of food establishments; fees for issuance of licenses; duration; inspection intervals; reinspection fees; late charge.

(a) All licenses to conduct, operate or maintain any food establishment shall be issued for a period of one (1) year beginning July 1 and ending June 30 of the following year, except that any license issued after July 1 of any year shall expire as of the June 30 following the date of issuance of such license.

(b) Food establishments shall be classified as follows:

(1) *Class I establishment* -- Food service establishment with commercially prepackaged food and/or hot or cold beverages only. No preparation, cooking or hot holding of potentially hazardous foods is included, except that commercially packaged precooked foods may be heated and served in the original package within four (4) hours; e.g., cold commercially packaged sandwiches and sandwich meat and cheeses, pastries, confectioneries, snacks, popcorn, pretzels, donuts, coffee, tea, soft drinks, etc.

(2) *Class II establishment* -- Food service establishment using cold or ready to eat commercially processed food requiring no further heat treatment and/or hot or cold beverages. No cooking, heating or hot holding of potentially hazardous foods is included, except that commercially packaged precooked foods may be heated and served in the original package within four (4) hours, and commercially precooked hot dogs, kielbasa and soup may be heated if transferred directly out of the original package and served within four (4) hours; e.g., cold deli sandwiches, salads, commercially prepared, processed and packaged sandwiches, hot dogs, kielbasa, soups, coffee, tea, soft drinks, etc.

(3) *Class III establishment* -- Food service establishment having on the premises exposed potentially hazardous foods that are prepared by hot processes and consumed by the public within four (4) hours of preparation; e.g., hot meat sandwiches, pizza, soups, seafood, etc.

(4) *Class IV establishment* -- Food service establishment having on the premises exposed potentially hazardous foods that are prepared by hot processes and held for more than four (4) hours prior to consumption by the public; e.g., meats, poultry, eggs, seafood, dairy, etc.

(c) Food establishments shall be inspected at the following intervals:

(1) Class I establishment -- 360 days;

(2) Class II establishment -- 180 days;

(3) Class III establishment -- 120 days;

(4) Class IV establishment -- 90 days;

(5) Temporary food service establishment -- At intervals based on the applicable class of the establishment.

(d) Every applicant for a license to conduct, operate or maintain a food establishment shall pay a fee or fees for such establishment in accordance with the following schedule:

(1) *Class I establishment:*

a. Fixed establishment -- $85.00 per year, or part thereof.

b. Mobile establishment -- $50.00 per year, or part thereof.

(2) *Class II establishment:*

a. Fixed establishment -- $115.00 per year, or part thereof.

b. Mobile establishment -- $85.00 per year, or part thereof.

(3) *Class III establishment:*

a. Fixed establishment -- $145.00 per year, or part thereof, plus $2.00 per seat for each seat in excess of 35.

b. Mobile establishment -- $115.00 per year, or part thereof.

(4) *Class IV establishment* -- $170.00 per year, or part thereof, plus $2.00 per seat for each seat in excess of 35.

(5) *Temporary food service establishment* -- $20.00 per day up to a maximum of $100.00 per year.

(e) Late charge for food establishment licensing fee. There shall be a thirty dollar ($30.00) late charge for any food establishment licensing fee not received by June 30. In addition, there shall be an additional thirty dollars ($30.00) charge for each additional thirty-day period that the fee remains delinquent.

(f) Reinspection fee. In the event that a food establishment shall require a reinspection as a result of having failed to attain a passing grade on the initial inspection (4 pt. item(s) not corrected or previous grade below 80), such food establishment shall be required to pay a reinspection fee of one hundred dollars ($100.00) for each required reinspection.

(g) All new or extensively remodeled food establishments must undergo a plan review

before beginning operation. A fee of one hundred twenty-five dollars ($125.00) is to be paid for each plan review.

(Code 1970, § 11-3; Ord. of 9-95; Ord. No. 27823, 4-28-04; Res. No. 28693-2, 8-18-05; Res. No. 30847-2, 1-27-10)

Sec. 10-38. Display; nontransferable.

(a) All licenses issued to conduct, operate or maintain any eating or drinking establishment shall be displayed in a conspicuous place on the premises of the licensee's place of business.

(b) Licenses issued to conduct, operate or maintain any such establishment shall not be assigned or transferred.

(Code 1970, § 11-4)

Sec. 10-39. Revocation and suspension.

Any license issued to conduct, operate or maintain any eating or drinking establishment may be revoked or suspended by the director of health whenever the licensee violates any ordinance or state regulation covering sanitation of public eating and drinking establishments. Such revocation or suspension shall be made only after notice and hearing.

(Code 1970, § 11-5)

Secs. 10-40--10-50. Reserved.

ARTICLE III. SELF-SERVICE FOOD OR BEVERAGE VENDING MACHINES

Sec. 10-51. Definitions.

As used in this article, "self-service food or beverage machine," shall mean any vending machine offered for public use which upon the insertion of a coin, coins or token, or by other means, dispenses unit servings of food or beverages either in bulk or package without replenishing the device between each vending operation.

(Code 1970, § 11-77)

Cross references: Definitions and rules of construction generally, § 1-2.

Sec. 10-52. Certain beverages exempt from article.

Machines vending only beverages in sealed cans or bottles, other than milk or milk products, shall be exempt from the provisions of this article.

(Code 1970, § 11-78)

Sec. 10-53. License--Required.

No person shall engage in the operation of, or operate or maintain any self-service food or beverage vending machine without first obtaining an operator's license therefor from the department of health.

(Code 1970, § 11-79)

Sec. 10-54. Same--Application; contents; fees.

(a) Applicants for a license to operate a self service food or beverage vending machine shall file with the department of health a sworn application in writing on forms provided by the department of health. Such applications shall contain the following information:

(1) Applicant's full name, residence and post office address and whether such applicant is an individual, firm or corporation. If the applicant is a partnership, the names and addresses of the partners shall be included.

(2) Location of the commissary and of other establishments where supplies are kept and where vending machines are repaired or renovated.

(3) Identity and form of the products to be dispensed through the vending machine and the number and location of each such type vending machine in his possession.

(4) Signature of the applicant.

(b) Each applicant for such a license shall pay a fee or fees for each machine as follows:

Food or beverage, annually . . . $10.00

Ice machine, annually . . . 25.00

(Code 1970, § 11-80; Ord. of 4-90, § 4)

Sec. 10-55. Same--Number to be conspicuously displayed.

The operator's license number, of a size and style approved by the department of health, shall be conspicuously displayed upon each self service food or beverage vending machine operated by him.

(Code 1970, § 11-81)

Sec. 10-56. Same--Qualification required to receive and retain.

Only persons who comply with the provisions of the Public Health Code of the state, section 19-13-B52, and this article shall be entitled to receive and retain the license required under this article.

(Code 1970, § 11-82)

Chapter 11 GARBAGE, TRASH AND REFUSE*

***Cross references:** Throwing or distributing handbills in public places restricted, § 3-2; food and food establishments, Ch. 10; health, Ch. 12; junk yard license, § 14-91 et seq.; sewers and sewage disposal, § 23-16 et seq.; water, § 23-116 et seq.

State law references: Authority to regulate garbage, trash, rubbish, ashes or waste material collection and disposal, G.S. § 7-148(c)(4)(H).

Art. I. In General, §§ 11-1--11-30
Art. II. Litter, §§ 11-31--11-50
Art. III. Trash Collectors, §§ 11-51--11-70
Art. IV. Solid Waste Disposal, §§ 11-71--11-87

ARTICLE I. IN GENERAL

Sec. 11-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated in this section:

Authorized private receptacle: A litter storage and collection receptacle as required and authorized by the department of public works, and acceptable to the health department.

Automated collection: The curbside collection of residential solid waste containers utilizing specialized collection vehicles with a mechanical arm lift.

City collector: A business engaged in collecting, transporting and disposing of solid waste generated within the boundaries of New Britain.

Clean carts: Public works-issued curbside collection containers for combustible waste, garbage, litter.

Clean cart rental: Residential, mixed residential, multidwelling, and commercial establishments will be allowed rental of additional containers as established by public works.

Combustible rubbish: Waste, other than hazardous waste, from whatever source, which will be consumed at a temperature of eighteen hundred (1,800) degrees Fahrenheit, having no dimension greater than three (3) feet, and shall include wood, paper, rags, excelsior, straw, leather, rubber, boxes, floor sweepings, tree and shrubbery trimmings, leaves, grass, electric light bulbs.

Commercial establishments: Defined as a freestanding single business including convenience stores, markets, liquor stores, retail shops, gas stations, restaurants, bakeries, small offices and social clubs. Properties used exclusively for multiple commercial tenancies are excluded.

Garbage: Putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

Hazardous waste: Waste from whatever source which is dangerous to handle or which is likely to cause damage if exposed to heat or weather and shall include paints, explosives, industrial acids, caustics, fast burning plastics, flammable cleaning fluids, radioactive materials,

crank case oils, cutting oils and filter media for hazardous materials, and cyanides, magnesium, drugs and poisonous chemicals.

Incombustible rubbish: Waste from whatever source which will not be consumed at a temperature of eighteen hundred (1,800) degrees Fahrenheit or which shall have any dimension greater than three (3) feet. It shall include ashes, scrap metal, bed springs, automobile and machinery parts, plaster, brick, concrete, lathing steel beams, roofing pipe, earth, crockery, and metal cans and bottles other than food containers and fluorescent light bulbs unbroken and containing gas.

Litter: Garbage, refuse and rubbish as defined in this section, and all other waste material which, if thrown or deposited as prohibited in this chapter, tends to create a danger to public health, safety or welfare.

Mixed residential: Property that contains up to six (6) dwelling units with at least one (1) storefront business.

Multidwelling property: Includes apartment buildings and condominiums above six (6) units.

Oversized combustible rubbish: Combustible waste that is of a size that can not be placed inside public works issued curbside containers and includes wood tables, dressers, furnishings, mattresses, large plastic furniture, bundled land clearing debris, etc.

Recyclable materials: The various waste materials and items which have been designated by the city as being suitable and feasible for recovery and sale to independent recycling enterprises for reprocessing and reuse of the material. These materials shall include newsprint and mixed paper which includes magazines, cardboard, paper stock, food and beverage metals, glass and plastic (182) containers, leaves and grass.

Refuse: All putrescible and nonputrescible solid wastes (except body wastes), including garbage, rubbish, ashes, and small animals

Residential property: A property containing one (1) or more dwelling units, but not more than six (6) units.

Semi-automated collection: The curbside collection of residential solid waste containers utilizing specialized vehicles with mechanical tippers.

(Code 1970, § 18-1; Ord. of 9-80; Ord. of 5-86, § 1; Ord. of 7-01; Res. No. 29580-2, 6-13-07)

Cross references: Definitions and rules of construction generally, § 1-2.

Sec. 11-2. Collection by city; insignia required.

(a) No person except the city collector or any authorized contractor shall collect or haul refuse within the city.

(b) The city collector or authorized contractor shall place upon his trucks and equipment such insignia specified by the department of public works, designating that he is the duly authorized city collector or contractor.

(Code 1970, § 18-2; No. 26824-1, 2-27-02; Res. No. 29580-2, 6-13-07)

Sec. 11-3. Precollection practices.

(a) *Garbage.* All garbage, before being placed in a suitable container for collection, shall be drained of all free liquids.

(b) *Rubbish.* Combustible rubbish shall be wholly separate and apart from incombustible rubbish.

(c) *Oversized combustible rubbish.* Residential properties must schedule appointments for collection with the municipal hauler in accordance with department of public works guidelines.

(d) *Sorting generally.* Each household being serviced by the city's curbside disposal system shall be required to sort recyclables in accordance with department of public works guidelines.

(e) *Separation of recyclables.* Recyclable material shall be wholly separated from all other garbage, rubbish and wastes.

(f) *Incombustible Rubbish:* Residential properties must schedule appointments for curbside collection with public works.

(Code 1970, § 18-3; Ord. of 9-80; Ord. of 5-86, §§ 2, 3; No. 26824-1, 2-27-02; Res. No. 29580-2, 6-13-07)

Sec. 11-4. Containers--To be provided.

(a) Subject to the provisions of section 13-42, the owner of every dwelling house or commercial building shall provide suitable containers or facilities for the disposal of garbage, combustible and incombustible rubbish.

(b) The director of health may require the owner of any dwelling house or commercial building to furnish locked containers or fenced, locked storage facilities for garbage or rubbish containers when, in the opinion of the director of health, such action is necessary to prevent or eliminate a public health hazard or nuisance.

(c) Public works will issue city-purchased clean carts for curbside collection of garbage, litter and combustible waste in accordance with department of public works guidelines.

(Code 1970, § 18-4; Ord. of 11-95; Res. No. 29580-2, 6-13-07)

Sec. 11-5. Same--Specifications.

(a) *Garbage.* All refuse containers shall be rat-proof, insect-proof, watertight, structurally strong to withstand handling stress, easily filled, emptied and cleaned, shall be provided with tight-fitting covers or similar closures and shall be maintained at all times in a clean and sanitary condition.

(b) *Combustible rubbish.* Rubbish shall be placed in refuse containers that are rat-proof, insect-proof, watertight, structurally strong to withstand handling stress, easily filled, emptied and cleaned; tight-fitting covers or similar closures shall be provided, and shall

be maintained at all times in a clean and sanitary condition.

(Code 1970, § 18-5; No. 26824-1, 2-27-02; Res. No. 29580-2, 6-13-07)

Sec. 11-6. Points of collection.

(a) For curbside collection, clean carts shall be placed at the curb at the appointed time for collection in accordance with guidelines established by public works.

(b) No rubbish shall be placed at the curb earlier than 5:00 p.m. of the day prior to a scheduled pickup. All rubbish containers shall be removed from the sidewalk or curb within twelve (12) hours after collection.

(c) Any person violating subsection (b) shall be fined ninety-nine dollars ($99.00) for each such offense.

(Code 1970, § 18-6; Ord. of 3-85; Ord. of 5-85; No. 26824-1, 2-27-02; Res. No. 29580-2, 6-13-07)

Sec. 11-7. Special collection problems; hazardous waste.

Every person having hazardous waste shall arrange for its safe disposal. Hazardous waste shall not be mixed with garbage or combustible or incombustible rubbish. Hazardous waste other than radioactive material, explosives and other specified types may, by arrangement with the department of public works be brought to the city's hazardous waste disposal site in accordance with the directions of the department of public works.

(Code 1970, § 18-7; No. 26824-1, 2-27-02; Res. No. 29580-2, 6-13-07)

Sec. 11-8. Limitation on quantity and type of refuse.

The department of public works shall determine the quantity and types of refuse which will be accepted by the authorized city collectors or contractors from any source.

(Code 1970, § 18-8; No. 26824-1, 2-27-02; Res. No. 29580-2, 6-13-07)

Cross references: Collection and removal of incombustible rubbish, § 11-16.

Sec. 11-9. Removal of incombustible rubbish or recyclable material from curbs prohibited.

No person shall remove any incombustible rubbish or recyclable material placed at the curb for the purpose of collection by the city or its authorized contractor.

(Code 1970, § 18-9; Ord. of 9-80; Res. No. 29580-2, 6-13-07)

Sec. 11-10. Accumulation of refuse.

(a) No owner, tenant or occupant of any premises and no other person shall cause or permit the accumulation, or place upon any street or sidewalk, in any building, outhouse, yard or enclosure any dung, filth, stable bedding, poison ivy growth,

ragweed, goldenrod, offal, decaying vegetables, meat or fish, animal matter, dead animal, loose or waste paper, wash, dirty water, brine or rubbish of any kind which shall become unwholesome, offensive, or shall endanger the health or well-being of any person.

(b) All refuse may be deposited on the public works landfill/transfer station, subject to the supervision of the department of public works.

(c) No person shall deposit or cause to be deposited on his own land or land of another or shall permit to remain on his own land or land in his custody or under his care any refuse or other substances which shall be or cause a nuisance or which is insanitary or unsightly. Such refuse or substances may be deposited at the landfill/transfer station supervised by the department of public works. This section shall not be construed to prohibit composting performed in a sanitary manner.

(Code 1970, § 18-10; Ord. of 9-70; No. 26824-1, 2-27-02; Res. No. 29580-2, 6-13-07)

Sec. 11-11. Children on dumping ground prohibited.

No parent, guardian, or person in charge of any child shall permit such child to frequent any public or private disposal area.

(Code 1970, § 18-11; Ord. of 9-70; No. 26824-1, 2-27-02; Res. No. 29580-2, 6-13-07)

Sec. 11-12. Fees for refuse disposal at the transfer station and/or volume reduction plant and/or refuse disposal area.

(a) *Per ton fee for material disposed of at the transfer station or volume reduction plant.* A per ton fee, recommended by the department of public works, and approved by the common council, shall be charged for each ton of refuse, rubbish, trash, garbage, industrial wastes, or organic wastes deposited at the city's disposal facilities by a person licensed by the city and/or permitted by the city to dispose of such material at the city disposal facility. The department of public works shall give proper notice to the public of such fees.

(b) *Proportional tonnage and load fees.* A proportionate fee shall be charged for each part of a ton.

(c) *Prepayment of disposal fees.* Prepayment for all disposal fees will be required for all licensed users in accordance with administrative procedures approved by the department of public works.

(Code 1970, § 18-22; Ord. of 4-77; Ord. of 9-79; Ord. of 3-94; No. 26824-1, 2-27-02; Res. No. 29580-2, 6-13-07)

Sec. 11-13. Fee for deposits of noncombustible material and bulky refuse at Deming Road landfill.

The fee for depositing of noncombustible material and bulky waste at the Deming Road landfill shall be recommended by the department of public works and approved by the common council.

(Code 1970, § 18-25; Ord. of 2-78; Ord. of 7-86, § 1; Ord. of 6-92; No. 26824-1, 2-27-02; Res. No. 29580-2, 6-13-07)

Sec. 11-14. Limits of city collection.

(a) Each commercial establishment and multidwelling property in the city that is not required by the health director or department of licenses, permits and inspections to utilize specific containers under site plans shall be entitled to have the city-authorized collector collect up to three (3) 96-gallon containers, or equivalent volume, two hundred eighty-eight (288) gallons, of waste material once a week at no cost to the business.

(b) The proper removal and disposal of all wastes in excess of three (3) 96-gallon containers, or 288-gallon volume, will be the responsibility of the commercial establishment and/or multidwelling property generating or disposing the excess waste.

(c) Clean carts will be provided to residential properties in accordance with guidelines established by public works.

(d) Frequency of collection: City refuse collection will be provided once per week with the exception of the designated business districts.

(Code 1970, § 18-23; Ord. of 4-77; Res. No. 29580-2, 6-13-07)

Sec. 11-15. Unauthorized or illegal dumping.

The depositing of any waste materials into the transfer station and/or volume reduction plant, receiving area or in the landfill without proper authorization and/or the depositing of any prohibited materials as set forth in section 11-17 of this article will be subject to the following penalties:

(1) *First offense.*

a. The depositor shall be required to remove all of the illegal or unauthorized waste dumped; and

b. The depositor shall be liable for a fine in an amount equal to three (3) times the tipping fee charged by the city for legal disposal or one hundred dollars ($100.00), whichever is greater.

(2) *Second offense.* The depositor's privilege to deposit waste material at the transfer station, receiving area or landfill shall be suspended for a period as determined by the director of public works.

(Code 1970, § 18-24; Ord. of 4-77; Ord. of 1-90, § 1; No. 26824-1, 2-27-02)

Sec. 11-16. Collection and removal of incombustible rubbish; procedure for removal of incombustible rubbish; penalty; lien.

(a) The city shall provide for the collection of incombustible rubbish, as defined in section 11-1 of this chapter. The service procedures for such collections shall be established by the department of public works and approved by the common council. The service will

require a call-in, scheduled appointment. Residential one- through four-family buildings and five- and six-family multi-dwelling buildings shall be eligible.

(b) No person shall place or deposit any incombustible rubbish at the curb at any time other than twelve (12) hours prior to a scheduled pick-up of incombustible rubbish.

(c) Any person who places or deposits any incombustible rubbish at the curb in violation of the provisions of paragraphs (a) and/or (b) of this section shall be immediately notified by the department of public works to remove said rubbish within five (5) days. If the rubbish is not removed in accordance with the order of the department of public works, said department shall remove, or cause to be removed, any incombustible rubbish which has been placed at the curb. The owner of the property on which incombustible rubbish has been placed shall be obligated to reimburse the City of New Britain for the total costs incurred by the city in removing the rubbish including, but not limited to, costs of collection, costs of hauling and tipping fees.

(d) In the event the full amount due the city is not paid by such owner within thirty (30) days after receipt of a bill from the city, the department of public works shall cause a lien to be filed against the property and recorded in the New Britain Land Records. Such recordation shall constitute a lien on the property, and shall remain in effect for the amount due, including principal, interest 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 of six (6) per cent in the event the charge is not paid in full on or before the date of the tax bill upon which the charge appears becomes 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 charge against the property designated in the statement and that such charge is due and collectible as provided by law.

(e) Any person who violates the provisions of paragraph (b) of this section shall be guilty of a violation, as defined in section 53a-27 of the Connecticut General Statutes, and subject to a fine not to exceed ninety-nine dollars ($99.00).

(Ord. of 10-88; Ord. of 4-92 ; No. 26824-1, 2-27-02; Ord. No. 28170-2, 5-5-05; Res. No. 29156-2, 6-14-06)

Sec. 11-17. Prohibited wastes.

(a) No person shall deposit or cause to be deposited the following waste material at the transfer station:

(1) Explosives, including, but not limited to, the following:

a. Blasting caps;

b. Dynamite;

c. Fireworks;

d. Hand grenades;

e. Shotgun shells;

f. Any other explosives.

(2) Liquid wastes, including, but not limited to, the following:

a. Acetate;

b. Acids;

c. Alcohol;

d. Caustics;

e. Ether;

f. Gasoline;

g. Hydraulic oil;

h. Inflammable or volatile liquids;

i. Leachate;

j. Naphtha;

k. Paints;

l. Petroleum;

m. Sewage sludge;

n. Sewage or process wastewaters;

o. Solvents;

p. Turpentine.

(3) Demolition debris, including, but not limited to the following:

a. Aggregate;

b. Asbestos;

c. Brick;

d. Cement;

e. Gravel;

f. Plaster;

g. Roofing materials;

h. Sand;

i. Sheetrock;

j. Soil;

k. Stone;

l. Structural clay products;

m. Other noncombustible demolition debris.

(4) Miscellaneous materials, including, but not limited to, the following:

a. Ashes;

b. Asphalt;

c. Foundry sand;

d. Offal;

e. Pressurized containers;

f. Sealed drums;

g. Tar;

h. Fused plastic resin.

(5) Motor vehicles/machinery, including, but not limited to, the following:

a. Motor vehicle parts;

b. Any large machinery.

(6) Pathological or infectious waste, such as needles, body fluid items or bloodstained items.

(7) Radioactive waste.

(8) Logs which are larger than three (3) feet in length and six (6) inches in diameter.

(b) No person shall deposit, or cause to be deposited the following materials at the landfill area:

(1) Explosives, including, but not limited to, the following:

a. Blasting caps;

b. Dynamite;

c. Fireworks;

d. Hand grenades;

e. Shotgun shells;

f. Any other explosives.

(2) Liquid wastes, including, but not limited to, the following:

a. Acetate;

b. Acids;

c. Alcohol;

d. Caustics;

e. Ether;

f. Gasoline;

g. Hydraulic oil;

h. Inflammable or volatile liquids;

i. Leachate;

j. Naphtha;

k. Paints;

l. Petroleum;

m. Sewage sludge;

n. Sewage or process wastewaters;

o. Solvents;

p. Turpentine.

(3) Motor vehicles/machinery, including, but not limited to, the following:

a. Motor vehicle parts;

b. Any large machinery;

c. All fuel tanks.

(4) Pathological or infectious waste, such as needles, body fluid items or bloodstained items.

(5) Radioactive waste.

(6) Tree stumps.

(7) Recyclable wastes as defined by P.A. 87-544, or any amendments thereto, and any regulations promulgated thereunder.

(8) Asbestos demolition waste.

(9) Tires.

(Ord. of 1-90, § 2; Ord. of 3-90; No. 26824-1, 2-27-02)

Editor's note: The provisions of § 11-17, added by § 2 of an ordinance adopted Jan. 1990, were effective upon publication of the ordinance, except for subsections 11-17(a)(10) and (b)(7), which became effective as of Jan. 1, 1991, pursuant to § 3 of the ordinance.

Sec. 11-18. Disposal of tires; fees.

(a) No tires shall be disposed of or deposited at any landfill site, any transfer station or anywhere within the city or on any property owned or maintained by the city except in an area designated by the department of public works.

(b) Nonresidents will not be permitted to dispose of tires at any landfill or transfer station operated by the city.

(c) New permit residents will be permitted to dispose of tires from personal automobiles or small trucks, at no charge, up to a maximum of ten (10) tires per household per year. The fee for tires in excess of ten (10) tires per household per year shall be in accordance with the fee schedule set forth in paragraph (d) of this section.

(d) Commercial users doing business in the city will be permitted to dispose of up to a maximum of twenty (20) tires per week. The fee for disposal of such tires shall be in accordance with the fee schedule set as recommended by the Department of Public Works and determined by the common council and published by the department of public works.

(e) Any person disposing of tires in violation of this section shall be fined fifty dollars ($50.00). Each tire disposed of in violation of this section shall constitute a separate offense and shall subject the violator to a separate fine.

(Ord. of 4-90; No. 26824-1, 2-27-02)

Secs. 11-19--11-30. Reserved.

ARTICLE II. LITTER*

***Cross references:** Littering streets prohibited, § 21-10.

Sec. 11-31. Throwing or depositing in public places prohibited.

No person shall throw or deposit litter on any street, sidewalk or other public place, except in public receptacles, in authorized private receptacles, or in official city disposal sites. No person shall deposit household garbage in any public receptacle.

(Code 1970, § 18-12; No. 26824-1, 2-27-02)

Cross references: Streets, sidewalks and public places, Ch. 21.

Sec. 11-32. Placement in receptacles.

Persons placing litter in public receptacles or in authorized private receptacles shall do so in such a manner as to prevent the litter from being carried or deposited by the elements on any public or private property.

(Code 1970, § 18-13)

Sec. 11-33. Sweeping into gutters prohibited.

No person shall sweep into or deposit in any gutter, street or other public place the

accumulation of litter from any building, lot, sidewalk or driveway. Persons owning or occupying property shall keep the sidewalk in front of their premises free of litter.

(Code 1970, § 18-16)

Sec. 11-34. Throwing from vehicles prohibited.

No person, while in a vehicle, shall throw or deposit litter upon any street, public place or private property.

(Code 1970, § 18-17)

Sec. 11-35. Thick loads causing.

No person shall drive or move any truck or other vehicle within the city unless such vehicle is so constructed or loaded as to prevent any load, contents or litter from being blown or deposited upon any street or other public place. No person shall drive or move any truck or other vehicle within the city if the wheels or tires of such vehicle will deposit mud, dirt or any other foreign matter upon a street or other public place.

(Code 1970, § 18-18)

Cross references: Motor vehicles and traffic, Ch. 15.

Sec. 11-36. Throwing in bodies of water prohibited.

No person shall throw or deposit litter in any fountain, pond, lake, stream or other body of water within the city.

(Code 1970, § 18-19)

Sec. 11-37. Depositing or accumulating on private property.

No person shall throw or deposit litter on any private property. The owner or person in control of any private property shall maintain the premises free of litter. This section shall not prohibit the storage of litter in authorized private receptacles for collection.

(Code 1970, § 18-20)

Sec. 11-38. Clearing from vacant private property.

(a) *Notice to remove.* The director of health is authorized to notify the owner of any open or vacant private property or his agent, to properly dispose of litter located on such owner's property which is dangerous to public health, safety or welfare. Such notice shall be by registered mail and addressed to such person at his last known address.

(b) *Removal by city upon owner's non-compliance with notice.* The director of health is authorized to have such litter removed upon the failure of such owner or agent to properly dispose of such litter within two (2) days after receipt of the written notice provided for in paragraph (a) of this section or within five (5) days after the date of such notice if the notice is returned to the city post office due to failure of delivery, provided

the notice was properly addressed.

(c) *Charge for removal by city to be included in tax bill.* When such litter has been removed by the city or at its expense, this cost together with accrued interest at the rate of six (6) per cent per annum from the date of the completion of the work shall be charged to such owner on the next regular tax bill forwarded to him by the city, unless sooner paid by such owner. Such charge shall be due and payable at the time of payment of such tax bill.

(d) *Lien for costs of removal by city.* When the full amount due the city is not paid by such owner within thirty (30) days after the disposal of such litter, as provided for in paragraphs (a) and (b) of this section, 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 clerk by the director of health. Such recordation shall constitute a lien on the property, and shall remain in effect for the amount due, including principal, interest 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 of six (6) per cent in the event the charge is not paid in full on or before the date the tax bill upon which the charge appears becomes 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 charge against the property designated in the statement and that such charge is due and collectible as provided by law.

(Code 1970, § 18-21)

Sec. 11-39. Penalty for violation.

Any person violating any of the provisions of this article shall be fined ninety-nine dollars ($99.00). Each violation shall constitute a separate offense and shall be punishable as such. Each day an owner of property liable for clearing litter under the provisions of section 11-38 of this article shall fail to remove litter as ordered shall constitute a separate offense and shall subject said owner for the fine set forth herein in addition to charges incurred for removal of litter by the city.

(Ord. of 11-95)

Secs. 11-40--11-50. Reserved.

ARTICLE III. TRASH COLLECTORS

Sec. 11-51. License--Required to collect and transport wastes.

Any person, except the public collector under contract with the city, collecting, hauling, transporting or moving trash, rubbish, refuse, garbage, industrial wastes or organic wastes within the limits of the city shall be required to license each vehicle used in the hauling, transporting, or moving of trash, rubbish, refuse, garbage, industrial wastes or organic wastes

whether as a service for profit or as part of the commercial, industrial or manufacturing process in eliminating industrial or commercial wastes, such licenses to be issued by the department of public works annually.

(Code 1970, § 2-260.2(A); Ord. of 10-70; No. 26824-1, 2-27-02)

Cross references: Licenses, permits and miscellaneous business regulations, Ch. 14.

Sec. 11-52. Same--Fee.

A yearly fee shall be paid in advance for each set of vehicle license plates by persons offering trash, rubbish, refuse, garbage, industrial wastes or organic wastes removal as a service for profit. The same fees shall also be paid per vehicle license plates for any commercial, manufacturing or industrial concern which uses its own vehicles as a means of transporting its own trash, rubbish, refuse, garbage, industrial wastes or organic matter in lieu of having a city or private collection. The permit license fee shall be recommended by the department of public works and approved by the common council and published by the department of public works.

(Code 1970, § 2-260.2(B); Ord. of 10-70; No. 26824-1, 2-27-02)

Sec. 11-53. Reserved.

Editor's note: Item No. 26824-1, an ordinance adopted on Feb. 27, 2002, deleted § 11-53. Former § 11-53 pertained to the temporary hauling license and derived from the Code of 1970 and an ordinance adopted in Oct. of 1970.

Sec. 11-54. Reserved.

Editor's note: Item No. 26824-1, an ordinance adopted on Feb. 27, 2002, deleted § 11-54. Former § 11-54 pertained to fees for temporary hauling licenses and derived from the Code of 1970 and ordinances adopted in Oct. of 1970 and Feb. of 1994.

Sec. 11-55. Suspension or revocation of licenses.

The director of public works shall have the power to suspend or revoke any license issued under this article for any violation of any part of this article and/or written rules and regulations concerning the collection and disposal of trash, rubbish, refuse, garbage, industrial wastes or organic wastes as set forth by the department of public works and the department of health. Suspension or revocation of license shall not be in lieu of fines as set forth above but may be in addition to the above fines.

(Code 1970, § 2-260.2(I); Ord. of 10-70)

Sec. 11-56. Private collectors required to file routes.

Each private collector so licensed for collection of trash, rubbish, refuse, garbage, industrial wastes or organic wastes within the city shall file in writing at the time of application for license the route and/or routes and the number of stops he expects to make on the route or

routes within the limits of the city. Also he shall be required to file in writing, within one week any change in the route or routes or in the number of stops made. This provision shall not apply to commercial, industrial or manufacturing concerns that operate from one or two (2) locations within the city as part of business.

(Code 1970, § 2-260.2(E); Ord. of 10-70)

Sec. 11-57. Vehicles used for hauling.

(a) *Yearly inspection before license renewal.* Each year before the renewal application for the license can be submitted, each vehicle intended for the use of hauling trash, rubbish, refuse, garbage, industrial wastes or organic wastes, shall be inspected by the public works department for compliance with standards established by the director of public works to determine the suitability of such vehicle.

(b) *License plate to be displayed.* Each vehicle licensed under this article shall display the license plates on the forward, outside part of the vehicle body on both sides of the vehicle. Any vehicle failing to display such license shall be in violation of this article and subject to the penalties set forth for violations of this article.

(Code 1970, § 2-260.2(F); Ord. of 10-70)

Cross references: Motor vehicles and traffic, Ch. 15.

Sec. 11-58. Rules of director of public works.

The director of public works shall establish and enforce rules and regulations covering the storage, collection, removal and disposal of garbage, refuse, commercial and industrial wastes and salvageable materials, and the suitability of vehicles used for same.

(Code 1970, § 2-260.2(G); Ord. of 10-70)

Sec. 11-59. Out of town wastes.

No person shall transport waste originating outside the city to within the city for disposal at city facilities or elsewhere, at any time.

(Code 1970, § 2-260.2(H); Ord. of 10-70)

Sec. 11-60. Carriers of refuse; insignia.

(a) No person except the city refuse collector or contractor shall collect or carry refuse within the limits of the city, except as provided in this article.

(b) The city refuse collector or contractor shall place upon his trucks and equipment such suitable insignia as shall be specified by the department of public works, designating that he is the duly authorized city refuse collector or contractor.

(Code 1970, § 2-260.1; Ord. of 9-70; No. 26824-1, 2-27-02)

Secs. 11-61--11-70. Reserved.

ARTICLE IV. SOLID WASTE DISPOSAL*

***Editor's note:** An ordinance of Dec. 1990 amended §§ 11-71--11-77 and added §§ 11-78--11-87 to read as set out herein. Previously, §§ 11-71--11-77 pertained to similar subject matter and derived from an ordinance of Aug. 1985.

Sec. 11-71. Purpose.

This article is adopted by the City of New Britain as part of a long-term plan for safe and sanitary disposal of solid waste, and to establish measures to assure compliance of persons within the town boundaries and of collectors with the requirements of state statute for separation, collection, purchasing and marketing of recyclable solid waste.

(Ord. of 12-90; Res. No. 29580-2, 6-13-07)

Sec. 11-72. Definitions.

[The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:]

Acceptable solid waste means the type of solid waste normally collected and disposed of in the town, including, but not limited to, garbage, trash, rubbish, refuse, offal, beds, mattresses, sofas, bicycles, baby carriages, automobile or small vehicle tires as well as processible portions of commercial and industrial solid waste and logs if no more than three (3) feet long and/or six (6) inches in diameter, branches, leaves, twigs, grass and plant cuttings; excepting however, unacceptable waste and hazardous waste.

Aseptic packaging are boxed wax-laminated containers for food products like milk, juice, whipping cream, liquid eggs, etc.

Cardboard means corrugated boxes and similar corrugated and kraft paper materials which have a minimum of contamination by food or other material.

Center means the Tunxis Regional Processing Center located within the town.

Collector means any person who holds himself out for hire to collect, haul, transport or dispose of solid waste or recyclable solid waste from residential, business, commercial or other establishments.

Commercial solid waste hauler means any person, firm or corporation whose principal business activity is collecting, picking up and/or transporting solid waste and depositing or dumping the same in the town dump, transfer station, or recycling center by means of a vehicle or vehicles capable of hauling said materials.

Dry-cell battery means any devices used for generating electric current through a chemical reaction, including but not limited to nickel-cadmium batteries, carbon batteries, and

alkaline batteries.

Garbage means animal, vegetable, or other organic wastes resulting from the handling, preparation, cooking, serving or consumption of food.

Glass food container means any glass bottle or jar of any size or shape used to package food or beverage products suitable for human or animal consumption.

Grass clippings means grass and other trimmings from the care of a lawn, with a minimum of contamination by pesticides.

HDPE plastic container means any high-density polyethylene bottle or jar of any size or shape used to package food or household laundry products.

Hazardous waste means that portion of solid waste as defined in the service agreement for the operation of the Bristol trash-to-energy plant and includes that portion of solid waste which by reason of its composition or characteristic is:

(1) Hazardous waste as defined in the Solid Waste Disposal Act, 42 U.S.C. Section 690 et seq. and the regulations thereunder, or in Section 22a-209-1 of the Regulations of Connecticut State Agencies and any succeeding legislation or regulations or amendments to the foregoing; or

(2) Any other materials which any governmental agency or unit having appropriate jurisdiction shall determine from time to time is harmful, toxic or dangerous, or otherwise ineligible for disposal through a resource recovery facility.

Leaves mean the foliage of trees, bushes, and other plants with a minimum of contamination by rocks, sticks or branches, and pesticides.

Magazines mean catalogues, magazines, telephone books or other similar printed matter.

Metal food container means any aluminum, bi-metal, tin-plated steel, or other metallic can, plate or tray of any size or shape used to package food or beverage products suitable for human or animal consumption. Clean aluminum foil is also included in this category.

Mixed paper is office paper, envelopes, direct mail and stationery.

Municipal solid waste means that portion of the solid waste stream suitable for disposal as determined by the Department of Environmental Protection of the State of Connecticut.

Newspaper means any used or discarded newsprint which has a minimum of contamination by food or other material. Newspapers shall be considered to have a minimum of contamination if they have not been exposed to substances rendering them unusable for recycling.

Office paper means any used or discarded high-grade white paper and manila paper, including but not limited to, paper utilized for file folders, tab cards, writing, typing, printing, computer printing, and photo-copying, which is suitable for recycling and which has a minimum of contamination.

PET Plastic food container means any polyethylene terephthalate container of any size or shape used to package beverages.

Person means an individual, natural person, corporation, trust, estate, partnership, association, joint venture, government, governmental subdivision or agency, or any other legal entity.

Recyclable solid waste means the type of solid waste normally generated, collected or disposed of in the town, which is or has been designated by the commissioner of environmental protection to be recycled including, but not limited to: cardboard, glass food and beverage containers, metal food and beverage containers, newspapers, waste oil, leaves and storage batteries, excepting unacceptable waste and hazardous waste.

Recycle means to separate or divert an item or items from the solid waste stream for the purposes of processing it, causing it to be processed, or storing it for later processing into a material product, including the production of compost, in order to provide for disposition of the item or items in manner, other than incineration or landfilling, which will best protect the environment. Nothing in this definition shall preclude the use of waste as fuel in an oil burner, or waste tires as fuel in an incinerator.

Recycling box means any container designated as a recycling container by the director of public works.

Refuse means garbage and rubbish.

Residential property means a property containing one (1) or more dwelling units, but not more than six (6) units.

Residue means solid waste remaining after any recycling facility holding a permit has processed the waste, but excluding wastes which are toxic or hazardous.

Rubbish means that portion of municipal solid waste that is not garbage.

Scrap metal means used or discarded items which consist predominantly of ferrous metals, aluminums, brass, copper, lead, chromium, tin, nickel or alloys thereof, including but not limited to, white goods.

Scrap tires means discarded rubber or synthetic rubber tires used by or manufactured for vehicles, including but not limited to, automobiles, trucks, buses and trailers.

Solid waste means all discarded materials or substances, including but not limited to garbage, refuse, sludges from air or water pollution control facilities or water supply treatment facilities, rubbish, ashes, contained gaseous materials, incinerator residue, demolition and construction debris, offal and other discarded materials and substances resulting from industrial, commercial, mining and agricultural operations and from community activities, but not including sewage and other highly diluted water-carried materials or substances and those in gaseous form or solid or dissolved materials in irrigation return flows or industrial discharges, or source, special nuclear or by-product materials within the meaning of the Atomic Energy Act of 1954, as amended.

Storage battery means batteries used in motor vehicles, airplanes, boats, recreational vehicles, tractors, and like applications, or other lead acid batteries.

Town means the City of New Britain.

Transfer station means the town's solid waste transfer facility, area or areas as

designated by the department of public works.

Unacceptable waste means that portion of solid waste as defined in the service agreement for the operation of the Bristol trash-to-energy plant and includes that portion of solid waste, excluding hazardous waste, but including without limitation, explosives, pathological and biological waste, radioactive materials, ashes, foundry sand, sewage sludge (unless processed to permit incineration), cesspool and other human waste, human remains and animal carcasses, motor vehicles, including major motor vehicle parts, as automobile transmissions, rear ends, springs and tenders, agricultural and farm machinery and equipment, marine vessels and major parts thereof, any other large machinery or equipment (including white goods), liquid wastes, or nonburnable construction materials and/or demolition debris that:

(1) May present a substantial endangerment to public health or safety;

(2) May cause applicable air quality or water effluent standards to be violated by the normal operation of a resource recovery facility; or

(3) Has a reasonable possibility of adversely affecting the operation of a resource recovery facility, unless such unacceptable waste is delivered in minimal quantities and concentrations as part of normal collections in which case it shall constitute acceptable waste.

Waste oil means crankcase oil that has been utilized in internal combustion engines.

Yard waste and leaves means brush and the boughs and foliage of trees.

(Ord. of 12-90; No. 26824-1, 2-27-02; Res. No. 29580-2, 6-13-07)

Sec. 11-73. Registration of collectors.

Any person who intends to operate as a collector in the town shall register in advance with the town in the manner prescribed by this ordinance (and in accordance with the provisions of article III of chapter 11 of the Code of Ordinances). Any person who operates as a collector without proper registration within the town thirty (30) days after the effective date of this ordinance will be subject to the penalties provided in this ordinance.

(Ord. of 12-90)

Sec. 11-74. Registration: forms, fees and frequency.

(a) All persons intending to act as collectors shall apply for registration before July 1 of each year with the director of public works on forms provided. These forms shall require the applicant to furnish all information requested, including, but not limited to:

(1) The name of the business and whether a corporation, partnership or sole proprietorship;

(2) The names of all stockholders (if corporation not publicly held), directors, partners, officers or proprietors of the business;

(3) A listing and description of the vehicles to be used for hauling solid waste or recyclable solid waste;

(4) The names and addresses of all customers presently served, if any, within the town;

(5) The approximate tonnage of solid waste and recyclable solid waste expected to be collected each week;

(6) The names of all other communities served by the applicant;

(7) Evidence of insurance in an amount of at least three hundred fifty thousand dollars ($350,000.00) or such other amounts as the common council shall determine;

(8) Whether the applicant plans to collect recyclable solid waste generated from residential property or from commercial, business, municipal and other sources within the town, or both.

(b) A registered collector shall update the information required by subsection (a) at least once each year at the time of registration renewal.

(c) Once approved the registration shall be effective until the following June 30, and, unless properly renewed, shall lapse.

(d) The initial registration fee and the registration fee for renewals shall be the same as license fees as set forth in article III of chapter 11. Registration fees shall not be prorated.

(e) The registration is not transferable and no licensee shall permit another person engaged in the business of collection or disposal of solid waste, other than his own agents and employees, to operate under his license.

(f) Each body of each vehicle used to transport solid waste and recyclable materials whether the body is permanently affixed to the vehicle or a removable body, shall have prominently and legibly painted or otherwise displayed on at least one side, so as to be easily read by a disposal site attendant, the cubic yard capacity of the body. Each removable body that may be used by the licensee shall also have so painted or displayed an identifying number which is to be listed with the town in the same manner as vehicles. No vehicle will be allowed to dispose of waste if it does not comply with this section. The door of any private vehicle used to haul solid waste shall be clearly marked with the business name and address of the hauler.

(Ord. of 12-90; No. 26824-1, 2-27-02)

Sec. 11-75. Bond required for commercial solid waste hauler.

No commercial solid waste hauler shall be registered as a collector until such hauler shall have deposited with the director of public works a bond in the amount of three thousand dollars ($3,000.00) secured by cash, certified check, corporate surety bond or passbook assigned to the treasurer of the city conditioned upon the registrant's compliance with the provisions of this chapter. Such bond or portions thereof shall be forfeited if the registrant shall be found to be in violation of the provisions of this chapter and is subjected to fines or penalties hereunder. Such bond or any portion thereof which has not been forfeited shall be returned to the registrant within ten (10) days of any voluntary surrender of the hauler's

registration.

(Ord. of 12-90)

Sec. 11-76. Administrative enforcement.

(a) The director of public works or designee shall mail written notice of the approval or denial of an application for registration as a collector to the applicant within sixty (60) days after the submission of the completed application. Registration is effective only upon approval and issuance of the notice of approval.

(b) The director of public works may refuse to grant registration to any applicant, or may suspend the registration of any registered collector, if that person (i) has violated or does violate any provision of state statute pertaining to solid waste or recyclable solid waste, (ii) violates this ordinance, (iii) is not insurable in accordance with this ordinance, or (iv) is otherwise deemed unsuitable as a collector. A suspension of registration may not exceed a period of one hundred eighty (180) days for any one violation; provided, that repeated or willful violation of this article may result in permanent revocation of registration without right to reapply.

(c) No denial, suspension or revocation notice will be effective until the person adversely affected has been notified in writing of that decision and the reasons for it, and has been afforded a reasonable opportunity to appear at an informal hearing before the director of public works to respond.

(Ord. of 12-90; No. 26824-1, 2-27-02)

Sec. 11-77. Prohibition of unregistered collectors.

Beginning thirty (30) days after the effective date of this ordinance, all persons not properly registered as collectors and all collectors whose registrations have been suspended or revoked are prohibited from engaging in collecting, hauling, transporting or disposing of solid waste generated within the town.

(Ord. of 12-90)

Sec. 11-78. Scavenging prohibited.

(a) The following entities, and no others, are authorized to collect designated recyclables in the city, the department of public works, vendors under contract to the city to provide this service, and private collectors licensed by the city. From time of placement at the curb or elsewhere for collection by authorized collectors, all designated recyclable materials shall become the property of the town or other authorized collectors. It shall be a violation of this section for any person not authorized by the town to collect or pick up, or cause to be collected or picked up, any designated recyclables or any recycling containers. Any and each such collection or pick up, including the collection or pick up of an individual container, in violation hereof from one or more residences shall constitute a separate and distinct violation punishable as hereinafter provided.

(b) Any person, firm or corporation in violation of any provision of this section, including rules and regulations established hereunder, shall be fined not more than one hundred

dollars ($100.00) for every such violation. Each collection or misuse of each container shall constitute a separate violation.

(Ord. of 12-90)

Sec. 11-79. Residential recyclable solid waste.

(a) Any person who generates solid waste from residential property shall separate from the other solid waste items designated for recycling by the commissioner of environmental protection.

(b) Notwithstanding subsection (a), the following items shall be separated from other solid waste generated from residential property and recycled:

(1) Cardboard;

(2) Glass, food and beverage containers;

(3) Leaves;

(4) Metal food and beverage containers;

(5) Newspapers;

(6) Storage batteries;

(7) Waste oil;

(8) Office paper; and

(9) Scrap metal, including white goods.

(c) All residential recyclable solid waste shall be separated by the generator and placed in containers or packaged for collection at the curb or designated location for solid waste pick-up in a manner required by this ordinance, and any other ordinances of the town pertaining to solid waste.

(d) The town shall supply one initial set of recycling containers to each dwelling unit. Upon receipt of a set, the occupant of the dwelling unit shall immediately label the recycling containers with the address of the dwelling unit where the containers shall be used. All recycling containers shall be so labeled the first time they are set out for collection.

(e) The initial set of recycling containers shall be the property of the town. Upon moving, or vacating the dwelling unit, the occupant shall leave the containers with and for the use of the new occupants of the dwelling unit. When a container is lost or damaged, the occupant of a dwelling unit shall replace the container with a like type of container which shall be purchased from the town's department of public works or suppliers designated by the director of public works.

(f) The residential recyclables set forth in subsection (b) shall be segregated and placed out for collection by the collector according to collection schedules designated and published by the town or shall be disposed of at sites designated and published by the town.

(Ord. of 12-90; No. 26824-1, 2-27-02)

Sec. 11-80. Other recyclable solid waste.

(a) Any person who generates solid waste from other than a residential property shall make provisions for the separation from the other solid waste items designated or recycling by the commissioner of environmental protection.

(b) Notwithstanding subsection (a), the following items shall be separated from other solid waste and recycled:

(1) Cardboard;

(2) Glass food and beverage containers;

(3) Leaves;

(4) Metal food and beverages containers;

(5) Newspaper;

(6) Storage batteries;

(7) Waste oil;

(8) Office paper; and

(9) Scrap metal, including white goods.

(Ord. of 12-90; No. 26824-1, 2-27-02)

Sec. 11-81. Location for disposal of recyclable solid waste.

(a) Every collector and every other person disposing of recyclable solid waste generated within the town shall dispose of recyclable solid waste as follows:

(1) The town shall from time to time designate and publish which items of recyclable solid waste shall be disposed of at the center and which items shall be disposed of at other sites.

a. All designated, presegregated recyclable solid waste generated from residential property shall be taken directly to the center.

b. All other presegregated recyclable solid waste generated from residential property shall be taken to disposal sites designated by the department of public works.

c. The collector shall keep and maintain records of the quantity and type of recyclable waste delivered to each disposal site, the location and date of delivery of such items to the site.

d. No recyclable solid waste from any other town shall be disposed of at any town disposal sites other than the center, unless express advance written permission is first obtained from the department of public works. The collector shall comply with all requirements pertaining to such alternate disposal.

e. All other solid waste generated within the town and collected from any other source shall be separated by the collector into recyclable solid waste and other solid waste. The recyclable solid waste shall be further segregated and packaged to be disposable at the center or at such other designated disposal sites for the particular type and category of recyclable solid waste, as designated and published by the town.

(2) Any collector who is requested or contracted to transport residue remaining at the center or other recyclable solid waste disposal area which has processed any portion of the town's recyclable solid waste shall transport such solid waste to the solid waste disposal facility designated by the town. The collector shall comply with all reporting and recordkeeping requirements of the center and of any other recyclable solid waste disposal facility designated by the town.

(3) Until one or more sites have been designated for disposal of the town's recyclable solid waste in the procedures of section 22a-220a of the Connecticut General Statutes and until notice has been given under subsections (4) and (5) thereof requiring the use of any such disposal site, all recyclable solid waste shall be disposed of in accordance with the town's existing solid wastes plan and existing agreements, as those plans and be modified from time to time.

(4) After a disposal site for the town's recyclable solid waste has been designated, and after the town has been notified in accordance with its contracts that the site is available for use, the town clerk or designee shall give notice of the requirements for solid waste disposal. After the notice is published, all persons collecting, transporting or disposing of recyclable solid waste in the town shall comply with the requirements of that notice not later than the date specified for compliance in the notice.

(5) Notice that a designated disposal site for recyclable solid waste is available for either partial or full use shall be published in the same manner as is required for hearings before ordinances are adopted by the town. In addition, individual notice of those requirements shall be mailed to every person who is registered in the town as a collector. The notice shall specify the date after which all persons disposing of recyclable solid waste in the town must use that disposal site, and shall generallystate any other necessary requirements for that disposal, such a limitation on the amount of recyclable solid waste which may or must be delivered, or the dates or times at which delivery must be made.

(6) In addition to designating a disposal site for recyclable solid waste, the town may from time to time designate or identify additional sites for disposal of unacceptable waste, hazardous waste, or recyclable solid waste in excess of the amount to be disposed of at the primary designated site. Those sites may include transfer stations or drop-off sites for the convenience of residents, landfills, or any other type of facility deemed appropriate by the town. If any person will be required to use a particular site, that site shall be designated in the manner provided in section 22a-220a of the Connecticut General Statutes.

(Ord. of 12-90; No. 26824-1, 2-27-02)

Sec. 11-82. Location for disposal of other solid waste (solid waste not constituting recyclable solid waste).

Every collector and every other person disposing of solid waste generated within the town shall dispose of that solid waste as follows:

(1) Until one or more sites have been designated for disposal of the town's acceptable solid waste in accordance with the procedures of section 22a-220a of the Connecticut General Statutes, and until notice has been given under subsection (3) requiring use of any such disposal site, all solid waste shall be disposed of in accordance with the town's existing solid waste plan and existing agreements, as those plans and agreements may be modified from time to time;

(2) After a disposal site for the town's acceptable solid waste has been designated, and after the town has been notified in accordance with its contracts that the site is available for use, the director of public works shall give notice of those facts as provided in subsection (3). After the notice is published, all persons collecting, transporting or disposing of acceptable solid waste in the town must comply with the requirements of that notice not later than the date specified for compliance in the notice;

(3) Notice that a designated disposal site for acceptable solid waste is available for either partial or full use shall be published in the same manner as is required for hearings before ordinances are adopted by the town. In addition, individual notices of those facts shall be mailed to every person who is registered in the town as a collector. The notice shall specify the date after which all persons disposing of acceptable solid waste in the town must use that disposal site, and shall generally state any other necessary requirements for that disposal, such as limitations on the amount of acceptable solid waste which may or must be delivered, or the dates or times at which delivery must be made;

(4) In addition to designating a disposal site for acceptable solid waste, the town may from time to time designate or identify additional sites for disposal of unacceptable waste, hazardous waste, or acceptable solid waste in excess of the amount to be disposed of at the primary designated site. Those sites may include transfer stations for the convenience of residents, landfills, or any other type of facility deemed appropriate by the town. If any person will be required to use a particular site, that site shall be designated in the manner provided in section 22a-220a of the Connecticut General Statutes.

(Ord, of 12-90)

Sec. 11-83. Notice of violations.

(a) Any collector who has reason to believe that a person from whom he collects solid waste has violated the separation requirements of this section shall issue a warning notice provided by the director of public works and shall promptly notify the director of public works of the alleged violation. Collectors also shall assist the director of public works in identifying persons responsible for creating loads containing significant

quantities of designated recyclables mixed with solid waste which are delivered to a resource recovery facility, transfer station, landfill, or other solid waste facility.

(b) The director of public works shall receive notices of violation from collectors and disposal facilities, shall develop warning notices for collectors to issue, and shall be responsible for imposing penalties on violators.

(Ord. of 12-90)

Sec. 11-84. Violations at solid waste facilities.

The operator of the city's solid waste facilities who has reason to believe, upon visual inspection, that a load of solid waste which is delivered to the facility contains significant quantities of any item designated or recycling pursuant to this section shall provide prompt notification of such belief to the driver of the vehicle delivering the load and to the director of public works. Collectors shall notify all persons from whom solid waste was collected to form such a load and may issue a warning as specified in section 11-83.

(Ord. of 12-90; No. 26824-1, 2-27-02)

Sec. 11-85. Violations and penalties.

It shall be the responsibility of the director of public works, or his/her agents or designee, to enforce the provisions of this chapter.

(1) Pursuant to P.A. 90-216, any person, firm or corporation, including collectors registered with the town, who illegally disposes of solid waste at the city transfer station or at any facility designated by the town for disposal of solid waste shall for a first violation be liable for a civil penalty of one thousand dollars ($1,000.00), two thousand dollars ($2,000.00) for the section violation and three thousand dollars ($3,000.00) for each subsequent violation in addition to other penalties established pursuant to state and local laws. Any person who is assessed a civil penalty pursuant to this subsection may appeal therefrom to the superior court in the manner provided in subsection (g) of section 7-152b of the Connecticut General Statutes.

(2) In accordance with P.A. 90-220 and P.A. 90-249, any person, firm or corporation in violation of any provision of this chapter, or rules or regulations established hereunder, shall be fined not more than one hundred dollars ($100.00) for every such violation, unless otherwise specified below.

a. Any resident or occupant of a residential building who fails to source separate designated recyclables from other solid waste: for a first offense, a written warning; for a second offense, twenty-five dollars ($25.00); for subsequent offenses, a fine not to exceed one hundred dollars ($100.00) for each violation.

b. The owner or occupant of any commercial or non-residential establishment that fails to provide for separation of recyclables from other solid waste: for a first offense, a written warning; for a second offense, one hundred dollars ($100.00); for each subsequent offense, a

fine not to exceed five hundred dollars ($500.00) for each violation.

c. Any collector who knowingly mixes items designated for recycling pursuant to this chapter with other solid waste shall for a first violation be liable for a civil penalty of one thousand dollars ($1,000.00) and five thousand dollars ($5,000.00) for each subsequent violation.

(Ord. of 12-90)

Sec. 11-86. Regulations.

The director of public works is authorized to issue reasonable regulations as needed to effect the provisions of this article, including but not limited to: specifications for preparation, separation and collection of designated recyclables; replacements for curbside collection containers; the definition and addition of new designated recyclables; locations for drop-off containers for waste oil, storage batteries and corrugated cardboard; specifications for a corrugated cardboard collection program; collection specifications for leaves, yard waste and lawn clippings; reporting requirements; requirements for warning notices, notices of violations and penalties for failure to provide for the separation of designated recyclables, failure to comply with separation requirements and for knowingly mixing designated recyclables; and other penalties for failing to comply with mandatory requirements. Regulations enacted affecting nonmunicipal collectors shall not become effective until a thirty-day comment period has expired.

(Ord. of 12-90)

Sec. 11-87. Severability.

Sections 11-71 through 11-86, and each part of such section, are hereby declared to be independent sections and parts of sections and notwithstanding any other evidence of legislative intent, if any provision of said sections, or the application thereof to any person or circumstances, is held invalid, the remaining sections, or parts of said sections, and the application of such provisions to any person or circumstances, other than those as to which it is held invalid, shall not be affected thereby, and it is hereby declared that this section would have been passed independently of such sections or parts of such sections as held to be invalid.

(Ord. of 12-90)

Chapter 12 HEALTH*

***Cross references:** Animals, Ch. 6; buildings and building regulations, Ch. 7; fire prevention and protection, Ch. 8; food and food establishments, Ch. 10; garbage, trash and refuse, Ch. 11; housing, Ch. 13; unnecessary smoke from vehicles prohibited, § 15-6; sewers and sewage disposal, § 23-16 et seq.; water, § 23-116 et seq.

State law references: Uniform Food, Drug and Cosmetic Act, G.S. §§ 21a-91--21a-120; city health authorities generally, G.S. §§ 19a-200--19a-230.

Art. I. In General, §§ 12-1--12-20
Art. II. Board of Health, §§ 12-21--12-45
Art. III. Emergency Medical Services, §§ 12-46--12-50
Art. IV. Department of Health, §§ 12-51--12-54

ARTICLE I. IN GENERAL

Sec. 12-1. Complaints.

Any complaint made to the director of health shall be in writing and bear the signature of the complainant.

(Code 1970, § 12-1)

Sec. 12-2. Nuisances--Persons not to create.

No person shall create a nuisance in the city nor permit a nuisance to be or to remain upon any property or in any building owned, occupied or controlled by him.

(Code 1970, § 12-2)

Sec. 12-3. Same--Abatement.

(a) The board of health and director of health are hereby given the power and authority to summarily abate any nuisance or to cause the same to be abated by the owner, occupant or person in charge of the premises whereon such nuisance is created or exists. No person shall neglect or refuse to abate immediately any nuisance as ordered by such board of health or director of health.

(b) The plumbing inspector or inspectors now appointed by the building commission shall also render services as agents and in behalf of the board of health commissioners in the matter of insanitary conditions due to lack of, or defective, plumbing and drainage, in accordance with such rules and regulations as may be established by the board of health commissioners.

(c) It shall be the duty of the director of health or employees of the board of health to report any violations of laws, ordinances, and the rules and regulations relating to health, to the prosecuting attorney, who shall prosecute the same.

(Code 1970, § 12-3)

Sec. 12-4. Artesian wells; registration.

Each property owner having an artesian well on his property shall register the location of such well with the health department.

(Code 19 70 § 12 -4)

Cross references: License required to use, etc., wells, § 4-257.

Sec. 12-5. Motor vehicle service pits to be covered.

Any person owning, maintaining or operating a gasoline station or premises for the servicing of motor vehicles that has an open pit for the servicing of motor vehicles shall keep the pits adequately covered when not in use.

(Code 1970, § 12-6)

Secs. 12-6--12-20. Reserved.

ARTICLE II. BOARD OF HEALTH*

***Charter references:** Board of health, §§ 2131, 2132.

Cross references: City boards, commissions, committees and authorities generally, § 2-126 et seq.

Sec. 12-21. Board of health commissioners.

There shall be in the City of New Britain a board of health consisting of seven (7) electors. Four (4) members shall be appointed by the mayor pursuant to section 5-2(e) of the Charter on or before the first day of May in the even years and three (3) members shall be appointed by the mayor on or before the first day of May in the odd years. All members shall serve a term of three (3) years and until their successors shall be chosen. Any vacancy in said board shall be filled for the unexpired portion of the term by appointment by the mayor. The members of said board shall serve without compensation. Each May, the board of health shall elect one (1) of its members chair and that person shall preside at all meetings. The chair shall serve without compensation.

(Code 1970, § 2-219; Ord. of 7-01)

Sec. 12-22. Meetings.

The board of health shall hold meetings at such intervals and upon such notice as it may by resolution determine.

(Code 1970, 2-220)

Sec. 12-23. Duties.

The board of health shall govern and control the department of health and shall make all such rules and regulations as are necessary for its operation. In addition, the board shall oversee all expenditures for the provision of other health services within the city which are funded by grants or contributions from the city.

(Code 1970, § 2-221; Ord. of 6-98)

Sec. 12-24. Powers of appointment.

Subject to its budgetary limitations, the board of health shall appoint as many officers or agents as it shall require for the performance of its functions.

(Code 1970, § 2-222)

Sec. 12-25. Cooperation with board of public works required.

It shall be the duty of the board of health to cooperate with the board of public works in matters of drainage and sewage.

(Code 1970, § 2-223)

Sec. 12-26. Records open to public.

The records of the board of health shall be a part of the public records of the city, and shall be kept in the office of the board.

(Code 1970, § 2-224)

Sec. 12-27. Annual report; special reports.

The board of health shall make a formal report to the council in April of each year including a detailed statement of all the work performed during the year next preceding the report, and shall make such periodic special reports as the council may require.

(Code 1970, § 2-225)

Sec. 12-28. Payroll to be approved.

In the absence of special orders by the council, the compensation of laborers or other employees of the board of health shall be the ordinary ruling wage for such class of employees. Whenever such help is employed by such board it shall be the duty of the clerk of such board to make out an itemized payroll therefor. When such payroll has been approved by the chairman of such board and certified by the personnel director, the director of finance shall draw his order on the treasurer for the same. The payroll shall be paid and proper receipts taken.

(Code 1970, § 2-226)

Sec. 12-29. Inspection of plumbing and drains; order to correct.

(a) *Inspection.* The plumbing and drainage of all buildings in the city shall be subject to the inspection of the health commission officials and for this purpose they are authorized to enter into or upon any building in the city, provided that the requirements prescribed herein are observed.

(b) *Order to correct.* If upon inspection, it appears to the inspecting officials that the

plumbing or drainage is defective, or that any soil pipe or ventilating pipe from any building is placed and maintained with its opening below the roof of surrounding buildings, so as to be detrimental to the health of the neighborhood, they shall issue such orders for the immediate remedy of the defects discovered as they may deem necessary.

(Code 1970, § 2-228)

Secs. 12-30--12-45. Reserved.

ARTICLE III. EMERGENCY MEDICAL SERVICES*

***State law references:** Authority to provide for ambulance services, G.S. § 7-148(c)(4)(D); certification of ambulance services, G.S. § 19a-180.

Sec. 12-46. Contractual authority.

(a) Pursuant to authority of general statutes section 7-148(c)(4)(D) the city may enter into a contract with any person for the provision of ambulance service to its citizens, or may choose to provide ambulance service as a municipal function either through a city department or agency or a quasi-governmental agency such as may be developed.

(b) It is expressly noted that ambulance and other related pre-hospital emergency health care services are considered professional services and do not have to be put to public bid. This recognizes the unique nature of these services and the fact that the best interests of the city and its citizens may well be served by someone other than a low bidder on a competitive bid.

(c) The city may also enter into a contract with any person or may provide itself for a back-up ambulance responder. If the city has already contracted with a person for primary responsibility for ambulance service, then the parties to the back-up contract shall be the city, the primary responder and the back-up.

(d) Any contract for such ambulance service shall be executed by the mayor after being duly authorized by the common council after the common council reviews such contract.

(e) The contract with the provider(s) may also provide for volunteer service in the nature of public education and training programs, service programs and related items such as will benefit the citizens of the city and may provide that these services are to be rendered free of charge to both the city and the recipient.

(f) Further, the contract may provide that the designated responder(s) shall integrate their service with those of the New Britain Civil Defense Squad and other volunteer groups, and may avail themselves with the aid of volunteers as available.

(g) The city may also, under authority of this section, provide a subsidy to the responder(s) if it is deemed that such a subsidy will assist the provider(s) in developing the best

possible service to the citizens of the city.

(Code 1970, § 2-169(A); Ord. of 6-80)

Secs. 12-47--12-50. Reserved.

ARTICLE IV. DEPARTMENT OF HEALTH

Sec. 12-51. Department.

There shall be a department of health.

(Ord. of 7-01)

Sec. 12-52. Department head.

(a) The head of the department shall be the director of health. The director shall be responsible for the vision, efficiency, discipline and good conduct of the department. Under the authority of the Board of Health, the director of health shall exercise the authority necessary for the prevention of disease and for the promotion and preservation of the health and to make and cause to be executed all necessary orders for such purposes as provided for under the laws of the state.

(b) Qualifications of the director must be established pursuant to section 8-2(e) of the Charter.

(Ord. of 7-01)

Sec. 12-53. Duties of the department.

The department shall provide or assure the provision of, including the following essential public health services:

(1) Monitor health status to identify community problems;

(2) Diagnose and investigate health problems and health hazards in the community;

(3) Inform, educate and empower people about health issues;

(4) Mobilize community partnerships and action to solve health problems;

(5) Develop policies and plans that support individual and community health efforts;

(6) Enforce laws and regulations that protect health and ensure safety;

(7) Link people to needed personal health services and assure the provision of health care when otherwise available;

(8) Assure an expert public health work force;

(9) Evaluate effectiveness, accessibility and quality of health services; and

(10) Research for new insights and innovative solutions to health problems.

(Ord. of 7-01)

Sec. 12-54. Condemnation appeals process.

Any person aggrieved by an order issued by the director of health may, within forty-eight (48) hours after the making of such order, appeal to the commissioner of public health, who shall thereupon immediately notify the authority from whose order the appeal was taken, and examine into the merits of such case, and may vacate, modify or affirm such order.

(Ord. of 7-01)

Chapter 13 HOUSING*

***Cross references:** Zoning committee, § 2-96 et seq.; buildings and building regulations, Ch. 7; fire prevention and protection, Ch. 8; flood and erosion control, Ch. 9; garbage, trash and refuse, Ch. 11; health, Ch. 12; home improvement business regulations, § 14-61 et seq.; parks and recreation, Ch, 17; pest control, Ch. 18; planning, Ch. 19; housing site development agency, § 19-40 et. seq.; streets, sidewalks and public places, Ch. 21; utilities, Ch. 23; zoning, App. A.

Art. I. In General, §§ 13-1--13-15
Art. II. Code, §§ 13-16--13-250
- Div. 1. Generally, §§ 13-16--13-35
- Div. 2. Administration and Enforcement, §§ 13-36--13-75
- Div. 3. Responsibilities of Owners and Occupants, §§ 13-76--13-95
- Div. 4. Minimum Standards for Basic Equipment and Supplies, §§ 13-96--13-115
- Div. 5. Minimum Standards for Light and Ventilation, §§ 13-116--13-130
- Div. 6. Minimum Thermal Standards, §§ 13-131--13-140
- Div. 7. General Safe and Sanitary Maintenance Requirements, §§ 13-141--13-170
- Div. 8. Space, Use and Location Requirements, §§ 13-171--13-190
- Div. 9. Rooming Houses, §§ 13-191--13-225
- Div. 10. Trailers, §§ 13-226--13-235
- Div. 11. Reserved, §§ 13-236--13-250

Art. III. Condominium Conversions, §§ 13-251--13-259
Art. IV. Penalties, § 13-260

ARTICLE I. IN GENERAL

Sec. 13-1. State law re abatement of nuisances in tenement houses--Adopted.

The common council hereby adopts the provisions of sections 47a-56a to 47a-56i of the Connecticut General Statutes, relating to the abatement of nuisances in tenement houses.

(Ord. of 4-81)

Sec. 13-2. Same--Enforcement authority.

The common council, pursuant to sections 47a-56a to 47a-56i, inclusive, of the general statutes, hereby appoints the office of the corporation counsel as the exclusive authority to

carry out the above-stated provisions of such receivership statutes.

(Ord. of 4-81)

Secs. 13-3--13-15. Reserved.

ARTICLE II. CODE*

***State law references:** Authority to make rules relating to maintenance of safe and sanitary housing, G.S. § 7-148(c)(7)(A)(i).

DIVISION 1. GENERALLY

Sec. 13-16. Citation.

This article shall be known, and may be cited, as the "Minimum Housing Code of the City of New Britain."

(Code 1970, § 13-1.03; Ord. of 4-82)

Sec. 13-17. Purpose.

(a) It is hereby declared that the purpose of this article is to protect, preserve and promote the physical and mental health and social well-being of the residents of this municipality, to prevent and control the incidence of communicable and chronic disease, to avoid and eliminate the environmental hazards to health, to regulate privately and publicly owned dwellings for the purpose of maintaining adequate sanitation and public health, to protect the safety of the people, and to promote the general welfare This article shall be applicable to all dwellings now in existence or hereafter constructed in this municipality.

(b) It is hereby further declared that for all such dwellings this article shall:

(1) Establish minimum standards for basic equipment and facilities for light, ventilation, air quality and thermal conditions;

(2) Establish minimum standards for basic equipment and facilities for safety from fire and accidents;

(3) Establish minimum standards for the use and location and amount of space for human occupancy;

(4) Establish minimum standards for the maintenance of a safe, sanitary and healthy environment.

(c) In addition, this article will determine the responsibilities of owners, operators and occupants of dwellings and it will provide for the administration and enforcement of all aforesaid standards and responsibilities.

(Code 1970, § 13-1.01; Ord. of 4-82)

Sec. 13-18. Definitions.

The following definitions shall apply in the interpretation and enforcement of this article.

All terms not defined in this article, shall have the meaning ascribed thereto in section 201.0 of the state building code, if defined in such code.

Accessory building or structure shall mean a detached structure which is not used or not intended to be used for living or sleeping by human occupants and which is located on the same premises with a dwelling.

Appropriate authority shall mean that person within the governmental structure of the corporate unit who is charged with the administration of the appropriate code.

Approved shall mean approved by the local or state authority having such administrative authority.

Ashes shall mean the residue from the burning of combustible materials.

Basement shall mean the portion of the building partly underground, but having less than one-half its clear floor to ceiling height below the average grade of the adjoining ground.

Cellar shall mean the portion of the building partly underground, having one-half or more than one-half of its clear floor to ceiling height below the average grade of the adjoining ground.

Central heating system shall mean a single system supplying heat to one or more than one dwelling unit or more than one rooming unit.

Chimney shall mean a vertical masonry shaft of reinforced concrete or other approved noncombustible, heat-resisting material enclosing one or more flues for the purposes of removing products of combustion from solid, liquid or gaseous fuel.

Dilapidated shall mean no longer adequate for the purpose or use for which it was originally intended; having fallen into partial ruin or decay.

Dwelling shall mean any enclosed space wholly or partly used or intended to be used for living, sleeping, cooking and eating by human occupants; provided that, temporary housing as defined in this section, shall not be regarded as a dwelling.

Dwelling unit shall mean any room or group of rooms located within a dwelling and forming a single habitable unit with facilities used or intended to be used by a single family for living, sleeping, cooking and eating purposes.

Egress shall mean an arrangement of exit facilities to assure a safe means of exit from buildings.

Enforcement officer shall mean the official designated herein or otherwise charged with the responsibilities of administering this article, or his authorized representative.

Extermination shall mean the control and elimination of insects, rodents or other pests by eliminating their harborage places; by removing or making inaccessible materials that may

serve as their food; by poisoning, spraying, fumigating, trapping or by any other recognized and legal pest elimination method approved by the enforcing officer.

Family shall mean any number of individuals, related by blood or legal adoption or by marriage, living and cooking together on the premises as a single housekeeping unit. When five (5) or fewer individuals not related by blood or by marriage do live and cook together on the premises as a single housekeeping unit, such individuals, not exceeding five (5), may be considered a "family."

Flush water closet shall mean a toilet bowl flushed with water under pressure with a water sealed trap above the floor level.

Garbage shall mean the animal and vegetable waste resulting from the handling, preparation, cooking, serving and nonconsumption of food; and shall also mean combustible waste material.

Guest shall mean any person who shares a dwelling unit in a non-permanent status for not more than thirty (30) days.

Gross floor area shall mean the total area of all habitable space in a building or structure.

Habitable room shall mean a room or enclosed floor space used or intended to be used for living, sleeping, cooking or eating purposes, excluding bathrooms, water closet compartments, laundries, furnace rooms, pantries, kitchenettes and utility rooms of less than fifty (50) square feet of floor space, foyers or communicating corridors, stairways, closets, storage space and workshops, hobby and recreation areas in unsealed or uninsulated parts of a structure below ground level or in attics.

Heated water shall mean water heated to a temperature of not less than one hundred twenty (120) degrees Fahrenheit, at the outlet.

Housing official shall mean the official charged with the administration and enforcement of this article, or his authorized representative.

Infestation shall mean the presence, within or around a dwelling or other structure, of insects, rodents or other pests.

Kitchen shall mean any room used for the storage of foods, preparation of foods and containing any or all of the following equipment: sink and/or other device for dish washing; stove or other device for cooking; and refrigerator or other device for cool storage of food.

Kitchenette shall mean a small kitchen or an alcove containing cooking facilities.

Kitchen sink shall mean a sink of size and design adequate for the purpose of washing eating and drinking utensils, located in the kitchen, properly connected with a cold and hot water line.

Lavatory sink shall mean a handwashing basin which is properly connected with both a hot and cold water line and which is separate and distinct from a kitchen sink.

Lead paint shall mean any pigmented, liquid substance applied to surfaces by brush, roller or spray in which the total non-volatile ingredient contains more than one per cent of lead, by weight, calculated as metallic lead.

Meaning of certain words. Whenever the words "dwelling," "dwelling unit," "rooming house," "rooming unit," "premises," and "structure" are used in this ordinance they shall be construed as though they were followed by the words "or any part thereof."

Multiple dwelling or multi-family dwelling shall mean any dwelling containing more than two (2) dwelling units and/or rooming units.

Occupant shall mean any person over one year of age living, sleeping, cooking or eating in, or actually having possession of, a dwelling or rooming unit.

Operator shall mean any person who has charge, care, control, or management of a building, or part thereof, in which dwelling units or rooming units are let.

Ordinary summer conditions shall mean a temperature ten (10) degrees Fahrenheit below the highest recorded out-of-doors temperature in the locality for the prior ten (10) year period.

Ordinary winter conditions shall mean a temperature fifteen (15) degrees Fahrenheit above the lowest recorded out-of-doors temperature in the locality for the prior ten (10) year period.

Owner shall mean any person who, alone or jointly or severally with others:

(1) Shall have legal title to any premise, dwelling or dwelling unit, with or without accompanying actual possession thereof, or

(2) Shall have charge, care or control of any premise, dwelling or dwelling unit, as owner or agent of the owner, or an executor, administrator, trustee or guardian of the estate of the owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this article and of rules and regulations adopted pursuant thereto, to the same extent as if he were the owner.

Permissible occupancy shall mean the maximum number of persons permitted as family or household to reside in a dwelling unit or rooming unit based upon the square footage per person in habitable rooms.

Plumbing shall mean and include all of the following supplied facilities and equipment: gas pipes, gas burning equipment, water pipes, garbage disposal units, waste pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes washing machines, catch basins, drains, vents, and any other similar supplied fixtures, together with all connections to water, sewer, septic tank system, or gas lines.

Potential hazardous material shall mean any material, including building material, containing lead and/or other toxic heavy metal compound in concentrations dangerous to the public health as deemed by the state department of health.

Premises shall mean a platted lot or part thereof, or unplatted lot or parcel of land, or plot of land, either occupied or unoccupied by any dwelling or non-dwelling structure, and includes any such building, accessory structure, or other structures therein.

Privacy shall mean the existence of conditions which will permit an individual or individuals to carry out an activity commenced without interruption or interference, either by

sight or sound by unwanted persons.

Properly connected shall mean connected in accordance with the ordinances of the city and the laws of the state as from time to time enforced; provided, however, that, the application of this definition shall not require the alteration or replacement of any connection in good working order and not constituting a hazard to life or health.

Rat harborage shall mean any conditions or place where rats can live, nest, or seek shelter.

Ratproofing shall mean a form of construction which will prevent the ingress or egress of rats to or from a given space or building, or from gaining access to food, water or harborage. It consists of the closing and keeping closed of every opening in foundations, basements, cellars, exterior and interior walls, ground or first floors, roofs, sidewalk gratings, sidewalk openings, and other places that may be reached and entered by rats climbing, burrowing or other methods, by the use of materials impervious to rat gnawing, and other methods approved by the director of health.

Refuse shall mean all putrescible and nonputrescible solids (except body wastes) including garbage, rubbish, ashes, and dead animals.

Refuse container shall mean a watertight container that is constructed of metal or other durable material impervious to rodents, that is capable of being serviced without creating unsanitary conditions, or such other containers as have been approved by the appropriate authority. Openings to the container such as covers and doors shall be tight fitting.

Rooming house shall mean any dwelling, other than a hotel or motel, or that part of any dwelling containing one or more rooming units, in which space is let by the owner or operator to five (5) or more persons who are not members of a single family.

Rooming unit shall mean any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.

Rubbish shall mean nonputrescible solid wastes (excluding ashes) consisting of:

(1) Combustible wastes as old batteries, paint scrapings, paper, cardboard, plastic containers, yard clippings, wood, and

(2) Noncombustible wastes as tin cans, glass, crockery, dust.

Safety shall mean the condition of being reasonably free from danger and hazards which may cause accidents or disease.

Septic tank shall mean a receptacle, usually underground, to which sewage is drained and retained, to effect disintegration of the organic matter by bacteria, and as defined in section 19-13-B20A of the Connecticut Public Health Code.

Supplied shall mean paid for, furnished, provided by or under the control of the owner or operator.

Temporary housing shall mean any tent, trailer or other structure used for human shelter which is designed to be transportable and which is not attached to the ground, to another structure, or to any utility system on the same premises for more than thirty (30) consecutive days.

Tenement house shall mean any house or building, or portion thereof, which is rented, leased or hired out to be occupied, or is arranged or designed to be occupied, or is occupied, as the home or residence of three (3) or more families, living independently of each other, and doing their cooking upon the premises, and having a common right in the halls, stairways or yard.

Toilet shall mean a water closet with bowl and trap made in one piece, which is of such shape and form and which holds a sufficient quantity of water under pressure so that no fecal matter will collect on the surface of the bowl and which is equipped with flushing rims which permit the bowl to be properly flushed and scoured when water is discharged through the flushing rim.

Toxic substance shall mean any chemical product applied on the surface of, incorporated into or contained in any structural or decorative material which constitutes a potential hazard to human health at acute or chronic exposure levels.

Undefined words not specifically defined in this article or in section 201.0 of the state building code shall have the common definitions set forth in a standard dictionary.

Ventilation shall mean the process of supplying and removing air by natural or mechanical means to or from any space.

Workmanlike manner shall mean that such maintenance and repair shall be made in a reasonable skillful manner as is generally acceptable in the applicable trade or industry.

(Code 1970, §§ 13-2.01--13-2.48, 13-2.50--13-2.59; Ord. of 4-82)

Cross references: Definitions and rules of construction generally, § 1-2.

Sec. 13-19. Applicability of article.

The provisions of this article shall apply uniformly to the construction, maintenance, use and occupancy of every portion of a building or its premises used or intended to be used for the purpose of dwelling, living, eating, sleeping, cooking therein, or occupancy, and shall apply uniformly to the alteration, repair, equipment, use, occupancy and maintenance of all existing residential buildings and structures within the city irrespective of when or under what code or codes such buildings or structures were originally constructed or rehabilitated.

(Code 1970, § 13-1.02; Ord. of 4-82)

Sec. 13-20. Application of building code and state fire safety code.

Any additions to buildings or changes of use therein which may be caused directly or indirectly by the enforcement of this article shall be done in accordance with the applicable sections of the state basic building code and the state fire safety code, regardless of when the dwelling was originally erected.

(Code 1970, § 13-1.04; Ord. of 4-82)

Sec. 13-21. Application of zoning law.

Nothing in this article shall permit the establishment or conversion of a multi-family dwelling in any zone except where permitted by the zoning regulations of the city; nor shall this article permit continuation of such non-conforming use in any zone except as provided in such zoning regulations.

(Code 1970, § 13-1.05; Ord. of 4-82)

Sec. 13-22. Travel trailers and mobile homes.

All movable units used for human habitation and the areas, ground or parcels on which they are located shall comply with the regulations of this article unless the definition of "temporary housing" set out in section 13-81 of this article shall apply.

(Code 1970, § 13-1.06; Ord. of 4-82)

Sec. 13-23. Effect of article on existing remedies.

Nothing in this article shall be deemed to abolish or impair existing remedies of the city or its officers or agencies relating to the removal or demolition of any buildings which are deemed dangerous, unsafe or unsanitary.

(Code 1970, § 13-1.07; Ord. of 4-82)

Sec. 13-24. Conflict with other ordinances.

Except as provided in section 13-23, in any case where a provision of this article is found to be in conflict with a provision of any zoning, building, fire, safety, or health ordinance or code of this municipality existing on the effective date of the code from which this article is derived, the provision which establishes the higher standard for the promotion and protection of the safety and health of the people shall prevail.

(Code 1970, § 13-1.08; Ord. of 4-82)

Secs. 13-25--13-35. Reserved.

DIVISION 2. ADMINISTRATION AND ENFORCEMENT

Sec. 13-36. Chief building inspector--Responsibilities generally.

(a) The chief building inspector shall enforce the provisions of this article, and he is hereby authorized and directed to make inspections as authorized by section 13-37; or in response to a complaint that an alleged violation of the provisions of this article or of applicable rules or regulations pursuant thereto may exist; or when either the chief building inspector or the director of health has valid reason to believe that a violation of this article or any rule or regulation pursuant thereto has been or is being committed.

(b) The responsibility of the chief building inspector for the enforcement of this article does not relieve or preclude the director of health from enforcement jurisdiction over environmental health concerns, i.e. discontinuance of services as supplied heat, water

and/or heated water; the presence of leadbased paint; approval of poisons used for rodent control; approval of ventilation devices; rooming house permits and violation notification; sewer connections; overcrowding in dwelling units; litter and garbage control; approval of space below grade as habitable rooms; and, the presence of roaches, vermin and/or rodents which are, or could be, detrimental to the public health.

(Code 1970, § 13-11.01; Ord. of 4-82)

Sec. 13-37. Same--Adoption of plans of inspection.

(a) The chief building inspector is hereby authorized and directed to develop and adopt plans for the inspection of dwelling units subject to the provisions of this article, including:

(1) A plan for the periodic inspection of multiple dwellings and rooming houses subject to the provisions of division 9 of this article, governing the licensing of the operation of such buildings.

(2) A plan for the systematic inspection of dwelling units contained within the city as may from time to time be designated by the chief building inspector.

(b) Before making inspections pursuant to a plan authorized in subparagraph (a)(1) and (2) of this section, the chief building inspector shall advise the public of the plan to inspect.

(Code 1970, § 13-11.02; Ord. of 4-82)

Sec. 13-38. Same--Adoption of rules and regulations for enforcement.

(a) The chief building inspector is hereby authorized to make and, after a public hearing has been held in accordance with the laws governing the conduct of public hearings, to adopt such written rules and regulations as may be necessary for the proper enforcement of the provisions of this article, except as hereinafter provided.

(b) No such rule or regulation shall be in conflict with the provisions of this article.

(c) The chief building inspector shall file certified copies of all rules and regulations which they may adopt with the town clerk of the city.

(d) Such rules and regulations shall have the same force and effect as the provisions of this article, and the penalty for violation thereof shall be the same as the penalty for violation of the provisions of this article.

(Code 1970, § 13-11.05; Ord. of 4-82)

Sec. 13-39. Authorization to inspect; right of entry; purpose; policy re notice.

(a) The chief building inspector and the director of health are hereby authorized and directed to make periodic inspections by and with the consent of the owner, occupant, or person in charge, to determine the condition of dwellings, dwelling units, rooming houses, rooming units, hotels, hotel units, and premises located within the city for the purpose of determining compliance with the provisions of this article.

(b) For the purpose of making such inspections, the chief building inspector and the director of health, with the consent of the owner, occupant, or person in charge, are hereby authorized to enter, examine and survey between the hours of 8:00 a.m. and 6:00 p.m. all dwellings, dwelling units, rooming houses, rooming units, hotels and hotel units, and premises, or at such other time which is mutually satisfactory to and agreed upon by the chief building inspector or the director of health and the owner, operator or occupant of the dwelling, dwelling unit, rooming house, rooming unit, hotel or hotel unit.

(c) Such inspection, examination or survey shall not have for its purpose harassment of such owner, operator or occupant. Such inspection, examination or survey shall be made in a manner that will cause the least amount of inconvenience to such owner, operator or occupant, consistent with an efficient performance of the duties of the inspecting officer.

(d) To further ensure that the policy of this article, which is to achieve compliance through cooperation of owners or operators and occupants, be successfully maintained, it shall be the practice of the chief building inspector and the director of health, whenever practicable, to provide reasonable advance notice to owners, operators and/or occupants of any planned blanket inspection or any inspections of a routine nature.

(Code 1970, § 13-11.06; Ord. of 4-82)

Sec. 13-40. Owner or occupant to grant right-of-entry; search warrant to be obtained upon denial; emergency right-of-entry; penalty.

(a) The owner or occupant of every dwelling, dwelling unit, rooming house, rooming unit, hotel and hotel unit, or the person in charge thereof, upon presentation by the director of health or the chief building inspector, or their authorized representative, of proper identification, shall give the enforcing officer entry and free access to such dwelling, dwelling unit, rooming house, rooming unit, hotel, hotel unit, and its premises, provided that no inspection shall be conducted except during the hours designated in section 13-39.

(b) Whenever an owner, operator or occupant of a dwelling unit, dwelling, rooming unit, rooming house, hotel, hotel unit or premises shall deny the enforcing officer right of entry for the purpose of inspection, examination or survey, the enforcing officer shall not so enter until he presents a duly granted search warrant describing the dwelling, dwelling unit, rooming house, rooming unit, hotel, hotel unit or premises to the owner, operator or occupant thereof.

(c) Nothing in this section shall be construed to preclude the entry of the chief building inspector or the director of health or their authorized representatives at any time when, in their judgment, an emergency tending to create an immediate danger to the public health, welfare or safety exists, or when such entry is required by the owner, operator or occupant of the dwelling, or when the enforcing officer presents a duly issued search warrant to such owner, operator or occupant.

(d) Any owner, operator or occupant of a dwelling, dwelling unit, rooming house, rooming unit, hotel, hotel unit or premises, after such notification, refusing to permit, or impeding, entry of and free access to any part of any dwelling, dwelling unit, rooming

house, rooming unit, hotel, hotel unit or premises for the purposes of inspection, examination or survey under the provisions of this section or in violation of a court order obtained from a court of competent jurisdiction shall, upon conviction, be guilty of a misdemeanor and shall be punished as provided in section 1-15 of this Code for each offense.

(Code 1970, § 13-11.07; Ord. of 4-82)

Sec. 13-41. Citizens' complaints; authorization to inspect.

The chief building inspector and the director of health are also authorized and directed to make inspections in response to a complaint, written or verbal, that an alleged violation of the provisions of this article or of the applicable rules or regulations pursuant thereto has been committed, or when they have valid reason to believe that a violation of this article or any rules and regulations pursuant thereto has been committed.

(Code 1970, § 13-11.08; Ord. of 4-82)

Sec. 13-42. Inspections to be made at reasonable times; all buildings.

The chief building inspector and the director of health are hereby authorized to enter and inspect at any reasonable time all dwellings, dwelling units, rooming units and their surrounding premises subject to the provisions of this article and for the purpose of determining whether there is compliance with its provisions.

(Code 1970, § 13-11.09; Ord. of 4-82)

Sec. 13-43. Notice of inspection.

The owner of record, operator and the occupant of a dwelling, dwelling unit or rooming unit shall be notified in writing at least seven (7) days in advance of a planned routine inspection. The owner shall be notified at his last known address.

(Code 1970, § 13-11.10; Ord. of 4-82)

Sec. 13-44. Entry and free access upon presentation of necessary documents.

The owner, operator or occupant of a dwelling, dwelling unit or rooming unit, upon presentation by the chief building inspector or the director of health of proper identification, a copy of any relevant plan of inspection pursuant to which entry is sought, and a schedule of the specific areas and facilities to be inspected, shall give the chief building inspector or the director of health or their authorized representatives entry and free access to every part of the dwelling, dwelling unit, rooming unit and premises.

(Code 1970, § 13-11.11; Ord. of 4-82)

Sec. 13-45. Occupant to permit free access for repairs and alterations.

Every occupant of a dwelling, dwelling unit or rooming unit shall give the owner, his agent or employee free access to any part of the dwelling, dwelling unit, rooming unit or their

surrounding premises, at any reasonable time agreeable to both parties, for the purpose of making repairs or alterations necessary to effect compliance with the provisions of this article or any rule or regulation adopted or any order issued pursuant thereto.

(Code 1970, § 13-11.12; Ord. of 4-82)

Sec. 13-46. Judicial remedy on interference with inspection.

If any owner, operator, or occupant of a dwelling, dwelling unit or rooming unit subject to the provisions of this article refuses, impedes, interferes with, restricts, or obstructs entry and free access to every part of the structure or premises where inspection authorized by this article is sought, the chief building inspector or the director of health may seek in a court of competent jurisdiction an order that such owner, occupant or other person in charge cease and desist with such interference or the chief building inspector or the director of health may seek in a court of competent jurisdiction authorization of a warrant to search the premises.

(Code 1970, § 13-11.13; Ord. of 4-82)

Sec. 13-47. Condemnation of unfit buildings--Defects requiring condemnation of building; placarding.

Any dwelling or dwelling unit found to have any of the following defects shall be condemned as unfit for human habitation and shall be so designated and placarded by the director of health:

(1) Any dwelling or dwelling unit that is so damaged, decayed, or dilapidated, unsanitary, unsafe, or vermin-infested that it creates a serious hazard to the health and safety of the occupants or of the public;

(2) Any dwelling or dwelling unit that lacks illumination, ventilation, or sanitation facilities adequate to protect the health or safety of the occupants or of the public;

(3) Any dwelling or dwelling unit that, because of its general condition or location, is unsanitary or otherwise dangerous to the health, welfare or safety of the occupants or of the public.

(Code 1970, § 13-12.01; Ord. of 4-82)

Sec. 13-48. Same--Notice of condemnation required.

The owner and all persons holding equitable interests in any structure which has been condemned as unfit for human habitation shall be given notice of this determination in the manner provided for service of notice in sections 13-53 and 13-54.

(Code 1970, § 13-12.02; Ord. of 4-82)

Sec. 13-49. Same--Condemned building to be vacated.

Any dwelling, dwelling unit or rooming unit condemned as unfit for human habitation, and so designated and placarded by the director of health shall be vacated within a

reasonable time as ordered by the director of health.

(Code 1970, § 13-12.03; Ord. of 4-82)

Sec. 13-50. Same--Approval to reoccupy condemned building required.

No dwelling or dwelling unit which has been condemned and placarded as unfit for human habitation shall again be used for human habitation until written approval is secured from, and the placard is removed by, the director of health. The director of health shall remove the placard whenever the defect or defects upon which the condemnation and placarding action was based have been eliminated.

(Code 1970, § 13-12.04; Ord. of 4-82)

Sec. 13-51. Same--Defacing or removing placard prohibition.

No person shall deface or remove the placard from any dwelling or dwelling unit which has been condemned as unfit for human habitation and placarded as such, except as provided in section 13-50.

(Code 1970, § 13-12.05; Ord. of 4-82)

Sec. 13-52. Same--Hearing on condemnation notice or order.

Any person aggrieved by any notice or order relating to the condemning and placarding of a dwelling or dwelling unit as unfit for human habitation may request and shall be granted a hearing on the matter before the housing board of appeals under the procedure set forth in sections 13-55 through 13-57.

(Code 1970, § 13-12.06; Ord. of 4-82)

Sec. 13-53. Notice of violations--Contents.

(a) Whenever the chief building inspector or the director of health determines that there are reasonable grounds to believe that any dwelling, dwelling unit, rooming unit, or the premises surrounding any of these, fails to meet the requirements of this article or any rule or regulation adopted pursuant thereto, he shall issue a notice setting forth the alleged failures, and advising the owner, occupant or other person in charge that such failures must be corrected.

(b) Such notice shall:

(1) Be in writing;

(2) Indicate the specific dwelling unit(s) failing to meet the requirements of this article;

(3) Set forth the alleged violations of this article or of any rule or regulation adopted pursuant thereto;

(4) Provide a reasonable time for the correction of any violation alleged, and specify a date for completion of correction(s).

(c) Such notice may also contain an outline of remedial action which, if taken, will effect compliance with the provisions of this article and with any applicable rule or regulation adopted pursuant thereto.

(Code 1970, § 13-11.15; Ord. of 4-82)

Sec. 13-54. Same--Service.

A notice of violation issued under this article shall be served upon the owner, his agent, or the occupant or other person in charge of the dwelling, dwelling unit or rooming unit personally, or by registered mail addressed to the last known address of the owner, occupant or other person in charge. If one or more persons to whom such notice is addressed cannot be found after diligent effort to do so, service may be made upon such person or persons by posting a notice in or about the dwelling, dwelling unit or rooming unit described in the notice, or by any other method authorized and required under the laws of the state.

(Code 1970, § 13-11.14; Ord. of 4-82)

Sec. 13-55. Same--Hearing; filing of petition; notice.

(a) Any person aggrieved by any notice issued in connection with any alleged violation of any provision of this article, or of any rule or regulation adopted pursuant thereto, shall be granted a hearing before the housing board of appeals, provided he shall file in the office of the housing board of appeals a written petition requesting the hearing and setting forth a brief statement of his complaint within ten (10) days after the notice has been served.

(b) Upon receipt of the petition, the housing board of appeals shall meet within a reasonable time for the hearing of the appeal and shall advise the petitioner in writing of the time and place where the appeal will be heard.

(c) Advance notice of the time, date and location of the hearing of the appeal shall be mailed by the enforcing officer issuing the violation notice to occupants of all dwelling units affected by the violation notice or any rule or regulation adopted pursuant to this article.

(Code 1970, § 13-11.20; Ord. of 4-82)

Sec. 13-56. Same--Modification, withdrawal or sustaining of notice; notice becomes order under certain circumstances.

(a) After the hearing as provided in section 13-55, the chief building inspector or the director of health shall sustain, modify or withdraw the notice of violation in accordance with the findings of the housing board of appeals as to whether the provisions of this ordinance and any applicable rules or regulations adopted pursuant thereto have been complied with.

(b) If the housing board of appeals sustains or modifies a notice of violation, it shall be deemed to be an order.

(c) Any notice of violation served under this article shall automatically become an order if a written petition for hearing is not filed in the office of the housing board of appeals within ten (10) days after the notice is served.

(Code 1970, § 13-11.21; Ord. of 4-82)

Sec. 13-57. Same--Judicial review of decision of board on appeal.

Any person aggrieved by the final decision of the housing board of appeals on a notice of violation of this article may obtain judicial review in any court of competent jurisdiction as provided by the laws of the state by filing that appeal within fifteen (15) days of the final decision of the board. A copy of any petition filed with a court of competent jurisdiction shall be transmitted to the housing board of appeals.

(Code 1970, § 13-11.22; Ord. of 4-82)

Sec. 13-58. Emergency order effective immediately; appeal.

(a) Whenever the chief building inspector finds that an emergency exists which requires immediate action to protect the public health, safety or welfare, he may, without notice or hearing, issue an order reciting the existence of the emergency and director the owner, occupant or other person in charge of the structure to which the provisions of this article or applicable rules and regulations pursuant thereto apply to take such action as is necessary to correct or abate the emergency.

(b) Any person to whom an emergency order is directed shall comply with the order immediately, but upon petition to the chief building inspector shall be afforded a hearing as soon as possible, but in no event later than forty-eight (48) hours after the emergency order is served. After the hearing, depending upon his finding as to whether the provisions of this article or any applicable rules and regulations adopted pursuant thereto have been complied with, or if substantive compliance has been initiated, the chief building inspector shall continue the order in effect, modify or revoke it.

(c) The provisions of this article listed below shall be considered emergency situations. Whenever the chief building inspector finds that such emergency situations exist, paragraphs (a) and (b) of this section shall apply. In the case of any of the provisions listed below, action to correct the violation shall be completed to the satisfaction of the chief building inspector within five (5) days following issuance of the emergency order. Reinspection by the enforcing officer of the property in violation of the provisions listed below shall occur within two (2) business days after the five (5) days allowed for correction of the violation. In the event of failure on the part of the owner, operator or occupant to whom the emergency order was issued to comply with the emergency order, the chief building inspector shall immediately notify the city's corporation counsel who shall initiate proceedings against the violator in the housing session of the superior court for the judicial district of Hartford--New Britain. Provisions of this article which are to be considered emergency situations when violation of such provisions exists are:

(1) *Structural safety,* section 13-151(a).

(2) *Supplied facilities,* 13-132, 13-155 and 13-157.

(3) *Basic equipment,* 13-96 through 13-103.

See also state basic building code section 124.0, unsafe buildings.

(Code 1970, § 13-11.16; Ord. of 4-82)

Sec. 13-59. Other violations; procedures.

(a) Whenever the chief building inspector or the director of health has issued a notice of violation (see section 13-53) of any provision of this article with the exception of those emergency situations cited in section 13-58, the person to whom the notice of violation is directed shall comply with the order immediately, but shall be granted a hearing before the housing board of appeals provided he shall comply with section 13-55 and shall file a written petition within ten (10) days after the notice of violation is served.

(b) After a hearing before the housing board of appeals, if the notice of violation order remains in effect, the enforcing officer, the chief building inspector or the director of health shall reinspect the premises within thirty (30) days of the date upon which the notice of violation was issued.

(c) If the violation order is not complied with within that thirty-day period, the chief building inspector or the director of health shall immediately notify the city's corporation counsel who shall initiate appropriate legal action. The chief building inspector or the director of health shall at the same time place a certificate of violation on the appropriate land records in the office of the town clerk of the city.

(Code 1970, § 13-11.17; Ord. of 4-82)

Sec. 13-60. Housing board of appeals--Creation.

A housing board of appeals is hereby created which shall consist of five (5) electors of the city, appointed by the mayor subject to the concurrence of a majority of the council present. All subsequent terms shall be for a period of five (5) years. Each board member shall serve until his successor has been duly appointed and qualified.

(Code 1970, § 13-11.18; Ord. of 4-82)

Sec. 13-61. Same--Public meetings; minutes.

All meetings of the housing board of appeals shall be public. The board shall keep written minutes of its proceedings. A record of its decisions including the voting and attendance records of its members shall be on file with the town clerk of the city. Such record shall also include a copy of every notice or order issued in connection with every complaint heard by the housing board of appeals.

(Code 1970, § 13-11.19; Ord. of 4-82)

Sec. 13-62. Violation penalties--State basic building code.

Any person who shall violate a provision of the state basic building code or shall fail to

comply with any of the requirements thereof or shall erect, construct, alter or repair a building or structure in violation of any approved plan or directive of the building official, or of a permit or certificate issued under the provision of the state basic building code shall be penalized as is specified in the state basic building code.

(Code 1970, § 13-11.23; Ord. of 4-82)

Sec. 13-63. Same--Minimum housing code.

Any owner, operator or occupant of a dwelling, dwelling unit or rooming unit who causes damage, fails to maintain properly, or alters such dwelling, dwelling unit or rooming unit to an extent which causes the violation of one or more provisions of this article, the minimum housing code, shall be guilty of a misdemeanor, punishable as provided in section 1-15 of this Code.

(Code 1970, § 13-11.24; Ord. of 4-82; Ord. of 7-82)

Sec. 13-64. Same--Unlawful continuance.

Any person who shall continue work in or about the building after having been served with a stop work order, except such work as he is directed to perform to remove a violation or unsafe condition, shall be liable to punishment as provided in section 1-15 of this Code.

(Code 1970, § 13-11.25; Ord. of 4-82)

Sec. 13-65. Same--Other penalties.

Every person who shall violate any order of the board of health commissioners or its officers or any order or ordinance of the city relating to health for which no other penalty is provided, shall be subject to punishment as provided in section 1-15 of this Code.

(Code 1970, § 13-11.26; Ord. of 4-82)

Secs. 13-66--13-75. Reserved.

DIVISION 3. RESPONSIBILITIES OF OWNERS AND OCCUPANTS

Sec. 13-76. Dwellings and premises to be clean, sanitary and fit before occupancy.

No owner or other person shall occupy or let to another person any dwelling or dwelling unit unless it and the surrounding premises are clean, sanitary, fit for human occupancy, and comply with all applicable legal requirements of the state and the city, including obtaining a certificate of occupancy from the building department of the city.

(Code 1970, § 13-3.01; Ord. of 4-82)

Sec. 13-77. Owner to keep shared or public areas sanitary.

Every owner of a dwelling containing two (2) or more dwelling units shall maintain the shared or public areas of the dwelling and the premises thereof in a clean and sanitary condition.

(Code 1970, § 13-3.02; Ord. of 4-82)

Sec. 13-78. Occupant to maintain premises in sanitary condition.

Every occupant of a dwelling or dwelling unit shall maintain in a clean and sanitary condition that part of the dwelling, dwelling unit and premises thereof which he occupies and controls.

(Code 1970, § 13-3.03; Ord. of 4-82)

Sec. 13-79. Responsibilities of tenants; tenant liability.

Every occupant of a dwelling or dwelling unit causing damage to such premises so that it does not comply with the requirements of this article shall be subject to the penalties hereof, and shall be responsible for all damage beyond that wear caused by normal use, care and maintenance to the real property within such occupant's possession or control. The provisions of this section shall not relieve the owner of the responsibility of repair.

(Code 1970, § 13-3.04; Ord. of 4-82)

Sec. 13-80. Safe and sanitary disposal of rubbish.

Every occupant of a dwelling or dwelling unit shall store and dispose of all his rubbish in a clean and sanitary manner by placing it in the rubbish containers required by section 13-82.

(Code 1970, § 13-3.05; Ord. of 4-82)

Sec. 13-81. Safe and sanitary storage of garbage and organic waste.

Every occupant of a dwelling or dwelling unit shall store and dispose of all his garbage, refuse, and any other organic waste which might provide food for insects and/or rodents in a clean, sanitary and safe manner. All garbage cans and refuse containers shall be rat-proof, insect-proof, watertight, structurally strong to withstand handling stress, easily filled, emptied and cleaned; shall be provided with tight-fitting covers or similar closures, and shall be maintained at all times in a clean and sanitary condition. Plastic bags may be used as garbage and refuse containers liners, but shall not be used without the container for on-site storage of garbage or refuse. All bulk storage containers shall be equipped with self-losing lids.

(Code 1970, § 13-3.06; Ord. of 4-82)

Sec. 13-82. Facilities for storage or disposal of garbage and rubbish required.

(a) Every owner of a dwelling containing three (3) or more dwelling units shall supply facilities or refuse containers for the sanitary and safe storage and/or disposal of rubbish and garbage. In the case of single- or two (2) family dwellings, it shall be the responsibility of each occupant to furnish such facilities or refuse containers.

(b) The total capacity of all provided garbage and/or refuse cans and bulk storage containers shall be sufficient to meet the needs of the permitted number of occupants of the dwelling. Garbage receptacles shall be placed in a common area located at least ten (10) feet from any dwelling unit. If such location of containers is not practical, the common area for location of refuse and/or garbage containers must be approved by the chief building inspector or the director of health or their authorized representatives.

(Code 1970, § 13-3.07; Ord. of 4-82)

Sec. 13-83. Screening.

(a) From April first to October fifteenth of each year, every door opening directly from any dwelling unit or multi-family dwelling to the outdoors, and every window or other outside opening used for ventilation purposes, shall be supplied by the owner or operator with approved screening, and every swinging screen door shall have a self-closing device in good working condition.

(b) Every basement or cellar window used or intended to be used for ventilation, and every other opening to a basement which might provide an entry to rodents, shall be supplied with a screen or such other device as will effectively prevent their entrance.

(c) In the absence of a written agreement to the contrary, maintenance or replacement of screens, storm doors and windows once installed and in good working order in any one season, become the responsibility of the occupant. The occupant's responsibility shall be exclusive to his or her dwelling unit.

(d) For approved screening see the state basic building code.

(Code 1970, § 13-3.08; Ord. of 4-82)

Sec. 13-84. Extermination of insects and rodents.

(a) *Responsibilities of occupants.* Every occupant of a single dwelling unit shall be responsible for the extermination of any insects, rodents, or other pests therein or on the premises. Every occupant of a dwelling unit, in a dwelling containing more than one unit, shall be responsible for such extermination whenever his dwelling unit is the only one infested.

(b) *Responsibilities of owners.* Notwithstanding the foregoing provisions of this section, whenever infestation is caused by failure of the owner to maintain a dwelling in a rat-proof or reasonably insect-proof condition, extermination shall be the responsibility of the owner. Whenever infestation exists in two (2) or more of the dwelling units in any dwelling, or in the shared or public parts of any dwelling containing two (2) or more dwelling units, extermination shall be the responsibility of the owner.

(Code 1970, § 13-3.09; Ord. of 4-82)

Sec. 13-85. Rubbish accumulation.

(a) No owner or occupant of a dwelling, dwelling unit or structure shall accumulate rubbish,

boxes, lumber, scrap metal or any other material in such a manner that may provide a rodent harborage or rodent food in or about any dwelling, dwelling unit or structure.

(b) Materials stored by the owner, or permitted to be stored by the owner, shall be stacked neatly in piles elevated at least eighteen (18) inches above the ground floor.

(Code 1970, § 13-3.10; Ord. of 4-82)

Sec. 13-86. Care to be exercised in the use and operation of plumbing fixtures.

Every occupant of a dwelling unit or structure shall keep all plumbing fixtures in a clean and sanitary condition, and shall be responsible for the exercise of reasonable care in the proper use and operation thereof.

(Code 1970, § 13-3.11; Ord. of 4-82)

Sec. 13-87. Overloading electric capacity.

It shall be the sole responsibility of a tenant or the one who occupies a dwelling to comply with the provisions of the ordinances of the city regulating the overloading of the electric capacity of a dwelling unit by the illicit use of extension cords.

(Code 1970, § 13-3.12; Ord. of 4-82)

Sec. 13-88. Supplied heat; supplied heated water.

(a) In every dwelling unit and/or rooming unit when the control of the supplied heat is the responsibility of a person other than the occupant, a temperature of at least sixty-five (65) degrees Fahrenheit shall be maintained in all habitable rooms, bathroom, and water closet compartments at a distance of thirty-six (36) inches above the floor level. Supplied heated water must be heated at all times to one hundred twenty (120) degrees Fahrenheit at the outlet.

(b) The director of health may require that a temperature of at least sixty-eight (68) degrees Fahrenheit be maintained in all habitable rooms when the occupants are elderly, very young or chronically ill.

(Code 1970, § 13-3.13; Ord. of 4-82)

State law references: Similar provisions, G.S. § 19-65.

Sec. 13-89. Toxic substances.

Every owner of a dwelling or dwelling unit shall provide and maintain the dwelling or dwelling unit free from hazards to health due to the presence of toxic substances, i.e., lead-based paint, noxious weeds, etc., as determined by the director of health.

(Code 1970, § 13-3.14; Ord. of 4-82)

State law references: Rights and responsibilities of landlord and tenant, G.S. § 47a-1.

Sec. 13-90. Registration for rental dwelling/units; approval by colleges and universities for students' off-campus housing.

(a) *Applicability of article provisions.* The provisions of this section shall apply to the rental of any off-campus dwelling or unit by students enrolled in a college or university located within the City of New Britain.

(b) *Definitions.* The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Rental dwelling means any enclosed space for residential purposes which is wholly or partly used or intended to be used for student occupants who are paying rent therefor.

Rental unit means any room or group of rooms located within a rental dwelling and forming a single habitable unit for living and sleeping by student occupants who are paying rent therefor.

(c) *Registration.*

(1) *Required.* No rental/dwelling unit shall be let, leased, or otherwise permitted to be occupied, in whole or in part, by students for residential and/or dwelling purposes unless and until the owner of record has registered such property with the city department of licenses, permits and inspections. A copy of each registration will be forwarded to the applicable college or university where the students are enrolled. The registration fee shall be twenty dollars ($20.00) per household rental dwelling unit.

(2) *Form.* The rental registration form shall indicate the tax assessor's plat and lot number, address of the rental dwelling/unit, the number of rental dwelling/units therein, the name and permanent mailing address of the record owner, the term of occupancy by the students, and the names and permanent legal addresses of each student.

(3) *Filing date; term.* On or before December 31 of each year, the record owner of the rental dwelling/unit shall file the completed rental registration form with the department of permits, licenses and inspections, which registration shall be valid for a one-year period from January 1 to December 31 of the following year. If the property is registered during the calendar year, the registration shall be valid until December 31 of that same year.

(d) *[Off-campus dwelling.]* In the event students of a local college or university lease, rent or otherwise occupy any off-campus dwelling or unit, the college or university as the case may be shall verify that the students are enrolled therein and the rental dwelling/unit shall be listed on its approved list of acceptable housing submitted by the City of New Britain.

(e) *[Code requirements to be met.]* All properties used for such purpose must meet all city, state and federal requirements concerning building, fire and health codes.

(f) *[Number of students per dwelling unit.]* Maximum number of students per dwelling unit

is determined by the number of bedrooms and corresponding off-street parking spaces per unit, e.g., three (3) bedrooms = three (3) spaces. In addition, an unrelated group not to exceed three (3) students may occupy a single dwelling unit but only if an unrelated group permit has been issued by the department of licenses, permits and inspections.

(g) *Penalty for violation of section.* Record owners who violate the provisions of this section shall be subject to a fine of not more than one hundred dollars ($100.00).

(Res. No. 29609-2, 10-10-07)

Secs. 13-91--13-95. Reserved.

DIVISION 4. MINIMUM STANDARDS FOR BASIC EQUIPMENT AND SUPPLIES

Sec. 13-96. Compliance with division required.

No person shall occupy or let to another for occupancy any dwelling or dwelling unit for the purpose of living, sleeping, cooking or eating therein which does not comply with the requirements of this division.

(Code 1970, § 13-4.01; Ord. of 4-82)

Sec. 13-97. Kitchen sink required.

Every dwelling unit shall contain a kitchen sink in good working condition, apart from the lavatory sink required in section 13-100, and properly connected to a water and sewer or septic system approved by the director of health, and which can provide at all times an adequate amount of heated and unheated running water under pressure.

(Code 1970, § 13-4.02; Ord. of 4-82)

Sec. 13-98. Provision for stove and refrigerator.

Both a stove or similar device for cooking food and a refrigerator or similar device for the safe storage of food at temperatures less than forty-five (45) degrees Fahrenheit but more than thirty-two (32) degrees Fahrenheit under ordinary summer conditions shall be properly installed with all necessary connections for safe, sanitary and efficient operation; provided, however, that, such stove, refrigerator, and/or similar devices, need not be installed when the dwelling unit is not occupied and when the occupant is expected to provide the same at time of occupancy. In that case, a sufficient space for the safe and efficient installation and operation of such stove, refrigerator and/or similar devices shall be provided.

(Code 1970, § 13-4.03; Ord. of 4-82)

Sec. 13-99. Flush water closet required.

Every dwelling unit shall contain a non-habitable room which affords privacy to a person within such room and which is equipped with a flush water closet in good working

condition. Such flush water closet shall be equipped with easily cleanable surfaces, be properly connected to a water system that at all times provides an adequate amount of running water under pressure so as to cause the water closet to be operated properly, and it shall also be connected to a sewer system or septic system which has been approved by the director of health.

(Code 1970, § 13-4.04; Ord. of 4-82)

Sec. 13-100. Lavatory sink required.

(a) Every dwelling unit shall contain a lavatory sink. Such lavatory sink may be in the same room as the flush water closet, or if located in another room, the lavatory sink shall be located in close proximity to the door leading into the room in which such water closet is located. The lavatory sink shall be in good working condition and properly connected to a sewer or septic system which has been approved by the appropriate authority.

(b) The chief building inspector may waive the requirements for a lavatory sink if, upon inspection, he finds that there is no practical way in which the smallest commercially available lavatory sink can be installed.

(Code 1970, § 13-4.05; Ord. of 4-82)

Sec. 13-101. Bathtub or shower required.

Every dwelling unit shall contain within a nonhabitable room which affords privacy to a person within such room, a bathtub or shower in good working condition and properly connected to a water supply system which is approved by the appropriate authority and which can provide at all times an adequate amount of heated and unheated running water under pressureSuch bathtub or shower shall be properly connected to a sewer or septic system which is approved by the appropriate authority.

(Code 1970, § 13-4.06; Ord. of 4-82)

Sec. 13-102. Means of egress from dwelling unit required.

(a) Every dwelling unit shall have safe, unobstructed means of egress leading to safe and open space at ground level, as required by the laws of the state and of the city.

(b) Access to or egress from each dwelling unit shall be provided without passing through the habitable rooms of any other dwelling unit.

(Code 1970, § 13-4.07; Ord. of 4-82)

State law references: Required stairways and fire escapes, G.S. § 19-386.

Sec. 13-103. Positive locking device required.

No person shall let to another for occupancy any dwelling or dwelling unit unless every exterior door is equipped with a safe, functioning locking device requiring engagement after closing the door, and if such locking device contains a throw bolt, then such throw bolt, when in locked position, shall have a throw of not less than five-eighths of an inch, provided that no

such positive locking device shall contain a beveled latch.

(Code 1970, § 13-4.08; Ord. of 4-82)

Sec. 13-104. Smoke detectors in residential structures.

(a) A "-smoke detector" is a device approved by a national accepted testing laboratory and as defined by the state fire safety code.

(b) Every dwelling unit in a residential structure that contains more than two (2) dwelling units shall be provided with at least one smoke detector permanently connected to a standard one hundred twenty (120) volt AC supply or operated by a self-contained battery with a minimum of one year of life.

(c) Every structure containing more than two (2) dwelling units shall be provided with a smoke detector at the head of each stairway leading to an occupied area.

(d) Smoke detectors placed in such dwelling units shall be placed on the main sleeping level so as to properly monitor all sleeping rooms and shall be located so as to meet the approval of the fire marshal.

(e) A smoke detector, even though installed in accordance with this section, if allowed to be connected to a switch-off circuit or if inoperable because of battery deterioration, shall be considered to be in non-compliance with this section.

(Code 1970, § 13-4.09; Ord. of 4-82)

Secs. 13-105--13-115. Reserved.

DIVISION 5. MINIMUM STANDARDS FOR LIGHT AND VENTILATION

Sec. 13-116. Compliance with division required.

No person shall occupy as owner-occupant or let to another for occupancy any dwelling or dwelling unit for the purpose of living therein, which does not comply with the requirements of this division.

(Code 1970, § 13-5.01; Ord. of 4-82)

Sec. 13-117. Minimum window or skylight areas required.

(a) Every habitable room shall have at least one window or skylight facing directly to the outdoors. The minimum total window area, measured between stops, for every habitable room shall be not less than ten (10) per cent of the floor area of such room. Wherever walls or other light-obstructions are located less than three (3) feet from the window and extend to a level above that of the ceiling of the room, such window shall not be deemed to face directly to the outdoors and shall not be included as contributing to the required minimum total window area.

(b) Whenever the only window in a room is the skylight-type window in the top of such room, the total window area of such skylight shall be at least fifteen (15) per cent of the

total floor area of such room.

(Code 1970, § 13-5.02; Ord. of 4-82)

Sec. 13-118. Operable window or skylight areas required.

Every habitable room shall have at least one window or skylight facing directly to the outdoors which can be opened easily, or the room shall be equipped with a device that will adequately ventilate the room. If no such ventilating device is furnished, the total openable window area (or skylight area) in every habitable room shall be equal to at least forty-five (45) per cent of the minimum window area size or minimum skylight-type window size, as required in section 13-117 of this article. Any other ventilating device shall afford adequate ventilation and must be approved by the chief building inspector and the director of health of the city.

(Code 1970, § 13-5.03; Ord. of 4-82)

Sec. 13-119. Lighting and ventilation requirements for bathroom and water closet compartments.

Every bathroom and water closet compartment shall comply with the light and ventilation requirements for habitable rooms contained in sections 13-117 and 13-118, except that no window or skylight shall be required in such rooms if they are equipped with adequate ventilating systems in good working condition and approved by the appropriate authorities.

(Code 1970, § 13-5.04; Ord. of 4-82)

Sec. 13-120. Electrical service, outlets and fixtures.

(a) Where there is usable electric service available from power lines which are not more than three hundred (300) feet away from a dwelling, every dwelling unit and all public and common areas shall be supplied with electric service, outlets and fixtures for lighting; all of which shall be properly installed, shall be in good and safe working condition, and shall be connected to the source of electric power in accordance with the National Electric Code currently enforced and in a manner prescribed by the ordinances, rules, and regulations of the city.

(b) The minimum capacity of such service and the minimum number of outlets and lighting fixtures shall be as follows:

(1) Every habitable room of each dwelling unit shall contain at least two (2) separate and remote floor or wall-type electric convenience outlets, one of which may be a ceiling or wall-type electric light fixture.

(2) In the kitchen there shall be provided three (3) separate and remote wall-type convenience outlets, or two (2) such convenience outlets and one (1) ceiling or wall-type electric light fixture.

(3) Every public hall, water closet compartment, bathroom, laundry room, or furnace room shall contain at least one electric light fixture. In addition to the electric light fixture in every bathroom and laundry room, there shall be provided at least one electric outlet.

(4) Temporary wiring or extension cords shall not be used as permanent wiring.

(5) All electric lights and outlets in bathrooms shall be controlled by switches which are of such design as shall minimize the danger of electric shock, and such lights and outlets shall be installed and maintained in such condition as to minimize the danger of electrical shock.

(Code 1970, § 13-5.05; Ord. of 4-82)

Sec. 13-121. Lighting in public halls and stairways in multiple dwellings.

(a) Every public hall and stairway in every multiple dwelling shall be adequately lighted by natural or artificial light at all times, so as to provide at least six (6) footcandles of light at tread or floor level.

(b) Every hall or stairway in structures devoted solely to dwelling occupancy and containing not more than two (2) dwelling units shall be supplied with conveniently located light switches controlling an adequate lighting system which may be turned on when needed, as an alternative to the furnishing of full-time lighting.

(Code 1970, § 13-5.06; Ord. of 4-82)

Sec. 13-122. Responsibility for overloading.

It shall be the sole responsibility of a tenant or one who occupies a dwelling unit to comply with the provisions of the ordinances of the city regulating the overloading of the electrical capacity of a dwelling unit by the illicit use of extension cords.

(Code 1970, § 13-5.07; Ord. of 4-82)

Secs. 13-123--13-130. Reserved.

DIVISION 6. MINIMUM THERMAL STANDARDS

Sec. 13-131. Compliance with division required.

No person shall occupy as owner-occupant or let to another for occupancy any dwelling or dwelling unit, for the purposes of living therein, which does not comply with the requirements of this division.

(Code 1970, § 13-6.01; Ord. of 4-82)

Sec. 13-132. Heating facilities required; minimum temperature capability required.

(a) Every dwelling shall have provision made for the installation of heating facilities which are properly installed and are maintained in safe and good working condition, and which are capable of safely and adequately heating all habitable rooms, kitchens or kitchenettes, bathrooms and water closet compartments, in every dwelling unit therein

to a temperature of at least sixty-five (65) degrees Fahrenheit with an outside temperature of zero (0) degrees Fahrenheit, with the reading taken at a distance of three (3) feet above floor level.

(b) Heat where supplied by the owner shall be supplied in accordance with the applicable sections of the state basic building code.

(Code 1970, § 13-6.02; Ord. of 4-82)

State law references: Required heating, G.S. § 19a-109.

Sec. 13-133. Room heaters; requirements; approval.

(a) No owner or occupant shall install, operate or use any portable heater burning solid, liquid or gaseous fuels.

(b) When a dwelling or dwelling unit is heated by room heaters, the following requirements shall apply: A permit must be received from the building department for installation; the unit must pass inspection before use.

(1) Every room heater burning solid, liquid or gaseous fuels shall be properly vented to a chimney or duct leading to outdoor space.

(2) Every coal or wood-burning room heater shall have a fire-resistant panel beneath it.

(3) Every room heater located close to a wall shall be equipped with insulation sufficient to prevent overheating of the wall.

(4) Every room heater smoke pipe shall be equipped with guards made of metal or other nonflammable material at the point where the pipe goes through the wall, ceiling or partition.

(5) The above installations shall be annually inspected and approved by the city fire department or the chief building inspector.

(c) The requirements of the state basic building code must be adhered to. Those include, but are not limited to, the provisions of the state basic building code, section 1822.5, or as amended.

(Code 1970, § 13-6.03; Ord. of 4-82)

Secs. 13-134--13-140. Reserved.

DIVISION 7. GENERAL SAFE AND SANITARY MAINTENANCE REQUIREMENTS

Sec. 13-141. Compliance with division required.

No person shall occupy as owner-occupant or let to another for occupancy any dwelling, for the purpose of living therein, which does not comply with the requirements of this division.

(Code 1970, § 13-7.01; Ord. of 4-82)

Sec. 13-142. Maintenance standards for structural parts of dwellings--Foundation; roof; ceiling; walls; doors; floors; skylight windows.

Every foundation, roof, ceiling, exterior and interior wall, door, floor, skylight window and accessory structure shall be weathertight, watertight and dampfree, and shall be kept in sound condition and good repair. Walls shall be capable of affording privacy for occupants.

(Code 1970, § 13-7.02; Ord. of 4-82)

Sec. 13-143. Same--Exterior surfaces.

All exterior surfaces not inherently resistant to decay shall be protected from the elements and against decay by paint or other approved protective coating applied in a workmanlike manner. Toxic paint and materials shall not be used on such exterior surfaces as are readily accessible to children. All exterior surfaces shall be kept clean and free of foreign matter.

(Code 1970, § 13-7.03; Ord. of 4-82)

Sec. 13-144. Same--Windows; exterior doors; basement hatchways.

Every window, exterior door and basement hatchway, or any similar device, shall be kept rodent-proof and weathertight and watertight, and shall be kept in sound working condition and good repair.

(Code 1970, § 13-7.05; Ord. of 4-82)

Sec. 13-145. Lead paint.

(a) Lead paint or potentially hazardous material on the interior surfaces of any dwelling unit, rooming unit, rooming house or on any fixtures or other objects used, installed in or located in or upon any exposed surface in any facility subject to letting or occupancy by children, is prohibited. Such interior surfaces include, but are not limited to, window sills, window frames, doors, door frames, walls, ceilings, stair-rails and spindles, and other appurtenances of the interior portion of the dwelling premises. Paint or other covering:

(1) Must conform to the standards of the American Standards Institute Z66 1-1964 (Z66 1-1964: a liquid coating material deemed suitable, from a health standpoint, for use on articles such as furniture, toys, etc., or for interior use in dwelling units where the dry film might be ingested by children).

(2) Shall not contain lead compounds of which the lead content (calculated as Pb) is in excess of .06 per cent of the total weight of the contained solids (including pigments, film solids and driers).

(3) Shall not contain compounds of antimony, arsenic, cadium, mercury, or selenium of which the metal content individually or in total (calculated as Sb, As,

Cd, Hg, Se, respectively) is in excess of .06 per cent by weight of the contained solids (including pigments, film solids and driers).

(4) Shall not contain barium compounds of which the water soluble barium (calculated as Ba) is in excess of one per cent of the total barium in such coatings.

(b) All painted portions of all buildings used or intended to be used in whole or in part for human habitation shall be kept free of cracked, chipped, blistered, flaking, loose or peeling paint. Any such surface shall be completely cleaned of paint and repainted with a paint or other covering conforming to paragraph (c) of this section.

(c) Where the director of health finds that the presence of cracked, chipped, blistered, flaking, loose or peeling paint constitutes a health hazard, or where upon inspection he discovers surfaces accessible to children to be coated with paint which does not conform to the standards of the American Standards Institute Z66 1-1964, he shall issue an order to the owner of the property upon which such hazard exists to eliminate such hazard under such safety conditions as he may approve. Such paint shall be completely removed from any surface which can be chewed or eaten by children or is otherwise accessible to children. In lieu of removal of such paint, such surface shall be covered with a durable material or substance approved by the director of health. Repainting of any surface without prior removal of hazardous paint thereon or prior preparation of any such surface in accord with such conditions as the director of health may approve shall not be deemed to be satisfactory compliance with this section.

(Code 1970, § 13-2.06; Ord. of 4-82)

State law references: Restrictions on sale and use of paint, G.S. §§ 19-65a--19-65f.

Sec. 13-146. Windows and doors to be screened against insects and rodents.

(a) From April first to October fifteenth, as protection against mosquitoes, flies, and other insects, every door opening directly from a dwelling unit or hallway to outdoor space shall have supplied by the owner properly fitting screens and a self-closing device. Every window or other device with openings to outdoor space, used or intended to be used for ventilation, shall likewise be supplied with screens.

(b) Every basement or cellar window used or intended to be used for ventilation, and every other opening to a basement or cellar which might provide an entry for rodents, shall be supplied with adequate gauge screen (as defined in the state building code) or such other device as will effectively prevent their entrance.

(Code 1970, § 13-7.07; Ord. of 4-82)

Sec. 13-147. Maintenance to prevent and/or eliminate rodent harborage; standing water.

Every dwelling, multiple dwelling, rooming house or accessory structure and the premises on which it is located shall be maintained so as to prevent and eliminate the harborage of rodents. Premises shall be graded and drained, kept free of standing water, and maintained in a clean, sanitary and safe condition.

(Code 1970, § 13-7.08; Ord. of 4-82)

Sec. 13-148. Ratproofing.

(a) All openings in the exterior walls, foundations, basements, ground or first floors, and roofs which have an opening which is one-half inch or more in diameter shall be ratproofed in an approved manner if they are within forty-eight (48) inches of the existing exterior ground level immediately below such openings, or if such openings can be reached by rats from the ground by climbing unguarded pipes, wires, cornices, stairs, roofs and other means, such as trees or lines, or by burrowing.

(b) Skirting, lattice, or other non-rat-proof enclosures that can create a harboring place for rats under a porch or under any other portions of a building shall be rat-proofed at all locations where a rat could find, burrow, or gnaw an access opening.

(c) In the event that occupancy usages would result in the stacking or piling of materials, the materials shall be so arranged as to prohibit the creation of a harbor for rats. This can be accomplished by orderly stacking and elevating such material so that there will be an eighteen (18) inch opening between the material and ground level. No materials shall be stacked or piled against the exterior walls of a structure.

(d) All doors, including swinging, sliding and folding types, shall be constructed so that the space between the lower edge of the door and the threshold shall not exceed three-eighths (3/8) inch. It is provided further that the space between sections of folding and sliding doors when closed shall not exceed three-eighths (3/8) inch.

(e) Poisons used for rodent control shall be those materials that are acceptable to the director of health.

(f) If the space between two (2) buildings is too small to permit inspection of the exterior walls of such a building, such space shall be sealed so as to prevent the entrance of rats. Provisions shall be made in the ratproofing in such cases that drainage is not obstructed.

(Code 1970, § 13-7.09; Ord. of 4-82)

Sec. 13-149. Fences.

All fences provided by the owner or an occupant on the premises shall be constructed of manufactured metal fencing material, wood, masonry, or other inert material. Such fences shall be maintained in good condition. Wood materials shall be protected against decay by use of paint or other preservative. The permissible height and other characteristics of all fences shall conform to the appropriate statutes, ordinances, and regulations of the state and the city. Whenever any egress from the dwelling opens into a fenced area, the fence shall include a means of egress from the premises to any public way adjacent thereto.

(Code 1970, § 13-2.10; Ord. of 4-82)

Sec. 13-150. Accessory structures.

Accessory structures on the premises shall be structurally sound and shall be maintained in good repair and free from insects and rodents, or such structures shall be removed from the premises. The exterior of such structures shall be made weather resistant through the use of decay-resistant materials or the use of paint or other preservatives.

(Code 1970, §§ 13-7.04, 13-7.11; Ord. of 4-82)

Sec. 13-151. Structural safety.

(a) Every foundation, roof, floor, exterior and interior wall, ceiling, inside and outside stair, every porch, gutter and downspout, and every appurtenance thereto, shall be safe to use and capable of supporting the loads that normal use may cause to be placed thereon, and shall be kept in sound condition and good repair.

(b) Every inside and outside stair or step shall have uniform risers and treads.

(Code 1970, § 13-7.12; Ord. of 4-82)

Sec. 13-152. Handrails.

(a) Where the chief building inspector deems it necessary for safety, porches, stairways and/or balconies located more than three (3) feet higher than the adjacent area, shall have structurally sound protective handrails of the height required by the building code, and, if unenclosed, balustrades spaced no less than six (6) inches apart shall also be provided. Every handrail and balustrade shall be firmly fastened and shall be maintained in good condition.

(b) Alternate systems providing at least the same degree of protection, if approved by the building official, shall be acceptable.

(Code 1970, § 13-7.13; Ord. of 4-82)

Sec. 13-153. Enclosure of porches.

Porch and veranda enclosures consisting of removable glass or screen doors and windows, and including pinned hinges and necessary sash for protection against the weather or insects, shall not constitute a violation of building line restrictions when the porch-or veranda so enclosed otherwise conforms to the building line restrictions of the city zoning code. No porch or veranda shall be used as an additional room for living or sleeping purposes, but shall be used only as a porch or veranda.

(Code 1970, § 13-7.14; Ord. of 4-82)

Sec. 13-154. Plumbing fixtures.

Every plumbing fixture and water and waste pipe shall be properly installed and maintained in good sanitary working condition, free from defects, leaks, and obstructions.

(Code 1970, § 13-7.15; Ord. of 4-82)

Sec. 13-155. Supplied facilities; safe and effective.

Every plumbing fixture and pipe, every chimney, flue and smoke pipe, and every other facility, piece of equipment, utility and heating apparatus, installed on the premises for the use of any dwelling unit or which is otherwise required under this article, shall be constructed and installed in conformance with the applicable local or state codes, and shall be maintained in satisfactory working condition.

(Code 1970, § 13-7.16; Ord. of 4-82)

Sec. 13-156. Fire protection codes.

All construction and materials, ways and means of egress, and installation and use of equipment shall conform with the appropriate statutes, ordinances and regulations dealing with fire protection of the city and the state.

(Code 1970, § 13-7.17; Ord. of 4-82)

Sec. 13-157. Removal, discontinuance, of service facilities or utilities.

No owner, operator or occupant of any dwelling unit shall cause any service, facility, equipment or utility which is required under this article to be removed from, or shut off from, or discontinued for, any premises containing an occupied dwelling or dwelling unit let or occupied hereunder, except for such temporary interruption as may be necessary while actual repairs or alterations are in process, or during temporary emergencies when discontinuance of service is approved by the director of health or the chief building inspector.

(Code 1970, § 13-7.18; Ord. of 4-82)

Sec. 13-158. Water closet compartment; bathroom floor surface.

Every water closet compartment and bathroom floor surface shall be constructed and maintained so as to be impervious to water and so as to permit such floor to be easily kept in a clean and sanitary condition.

(Code 1970, § 13-7.19; Ord. of 4-82)

Sec. 13-159. Abandoned refrigerators and stoves; accumulations of trash.

No owner, operator or occupant of a building shall leave abandoned refrigerators and/or stoves with or without doors removed on porches or other premises, nor permit the accumulation of trash on back porches and/or in yards, even where adequate trash pails or containers have not been provided.

(Code 1970, § 13-7.20; Ord. of 4-82)

Secs. 13-160--13-170. Reserved.

DIVISION 8. SPACE, USE AND LOCATION REQUIREMENTS

Sec. 13-171. Compliance with division required.

No person shall occupy or let to another to be occupied any dwelling or dwelling unit, for the purpose of living therein, unless there is compliance with the requirements of this division.

(Code 1970, § 13-8.01; Ord. of 4-82)

Sec. 13-172. Minimum floor space required for occupancy.

Every dwelling unit shall contain at least one hundred fifty (150) square feet of floor space for the first occupant and at least one hundred (100) square feet of floor space for every additional occupant thereof; the floor space to be calculated on the basis of total habitable room area.

(Code 1970, § 13-8.02; Ord. of 4-82)

Sec. 13-173. Minimum floor space required in sleeping rooms.

In every dwelling unit of two (2) or more rooms, every room occupied for sleeping purposes shall contain at least seventy (70) square feet of floor space for the first occupant, and at least fifty (50) square feet of floor space for each additional occupant thereof; provided that, any room occupied for sleeping purposes by a child under twelve (12) years of age may contain forty-two (42) square feet of floor space for each such child.

(Code 1970, § 13-8.03; Ord. of 4-82)

Sec. 13-174. Ceiling height and minimum floor space.

Every habitable room shall have a ceiling height and sufficient floor space so as to comply with the state basic building code. Ceiling height and floor area shall also comply with state statute (chapter 352, "Tenement House Act," section 19a-355 et seq.) when applicable.

(Code 1970, § 13-8.04; Ord. of 4-82)

Sec. 13-175. Room arrangements.

No dwelling or dwelling unit containing two (2) or more sleeping rooms shall have such room arrangements that access to a bathroom or water closet compartment intended for use by occupants or more than one sleeping room can be had by going through another sleeping room; nor shall room arrangements be such that access to a sleeping room can be had only by going through another sleeping room or a bathroom or water closet compartment.

(Code 1970, § 13-8.05; Ord. of 4-82)

Sec. 13-176. Use of space below grade as habitable room.

(a) No space located partially below grade shall be used as a habitable room or dwelling unit unless approved by the director of health and unless:

(1) The floor and those portions of the walls below grade are of waterproof and dampproof construction;

(2) The minimum window area is equal to at least that required in section 13-117, and such window area is located entirely above the grade of the ground adjoining such window area; and

(3) The total openable window area in each room is equal to at least the minimum as required under section 13-118, except where some other devices affording adequate ventilation and humidity control are supplied and approved by the director of health.

(b) Cellars shall never be used as habitable rooms or dwelling units.

(Code 1970, § 13-8.06; Ord. of 4-82)

Sec. 13-177. Storage space.

Every dwelling unit shall have a closet or storage space of at least four (4) square feet, floor to ceiling height, for the personal effects of each of the permitted number of occupants of that dwelling unit. If such required closet or storage space is lacking, an amount of space equal in square footage to the deficiency shall be subtracted from the area of the habitable room space to be used in determining the number of occupants to be permitted in the dwelling unit.

(Code 1970, § 13-8.07; Ord. of 4-82)

Sec. 13-178. Number of occupants.

A dwelling unit shall not be occupied by more than one family plus two (2) occupants unrelated to the family, other than guests, unless a permit for a rooming house has been granted by the appropriate authority.

(Code 1970, § 13-8.08; Ord. of 4-82)

State law references: Overcrowding in tenement and lodging houses, G.S. § 47a-54a.

Sec. 13-179. Storage for toxic materials.

For the purpose of ensuring the safety of children in the residential environment, each dwelling shall have a facility suitable for the safe storage of medicines, toxic materials, and various poisonous household substances, including, but not limited to, ammonia, paint and gasoline.

(Code 1970, § 13-8.09; Ord. of 4-82)

Sec. 13-180. Limit of dwelling unit access to commercial uses.

No habitable room, bathroom, or water closet compartment which is accessory to a dwelling unit shall open directly into or shall be used in conjunction with a food store, barber or beauty shop, doctor's or dentist's examination or treatment room, club, or any similar room used for public or commercial purposes.

(Code 1970, § 13-8.10; Ord. of 4-82)

Secs. 13-181--13-190. Reserved.

DIVISION 9. ROOMING HOUSES

Sec. 13-191. Compliance with division required.

No person shall operate a rooming house, or shall occupy or let to another for occupancy any rooming unit in any rooming house which is not in compliance with the provisions of every section of this article except the provisions of sections 13-77 through 13-101. Every rooming unit shall comply with all provisions applicable to a "habitable room."

(Code 1970, § 13-9.01; Ord. of 4-82)

Sec. 13-192. Permit--Required.

No person shall operate a rooming house unless he holds a valid rooming house permit issued by the director of health after concurrence of the building department and the fire department. The permit must be issued in the operator's name and be issued for the specific dwelling or dwelling unit. Rooming units must pass inspection by building and fire departments before permit will be issued.

(Code 1970, § 13-9.02; Ord. of 4-82)

Cross references: Licenses, permits and miscellaneous business regulations, Ch. 14.

Sec. 13-193. Same--Application required.

Every person required to obtain a permit to operate a rooming house under this division shall file a written, sworn application for such rooming house permit with the director of health.

(Code 1970, § 13-9.03; Ord. of 4-82)

Sec. 13-194. Same--Issuance; fees.

No permit to operate a rooming house shall be issued unless the rooming house for which the permit is sought is found after inspection to meet the applicable requirements of this article and any rules and regulations adopted pursuant thereto. The annual fee for any such permit shall be a minimum of seventy-five dollars ($75.00) or two dollars ($2.00) per year per room.

(Code 1970, § 13-9.05; Ord. of 4-82; Ord. of 4-90, § 6; Res. No. 30847-2, 1-27-10)

Sec. 13-195. Same--Hearing on denial.

Any person whose application for a permit to operate a rooming house has been denied may request and shall be granted a hearing on the matter before the department concerned under the procedure provided by sections 13-55 through 13-57.

(Code 1970, § 13-9.07; Ord. of 4-82; Ord. of 7-01)

Sec. 13-196. Same--Expiration.

Every permit to operate a rooming house shall expire on March first of every year, unless suspended sooner as provided for in this division.

(Code 1970, § 13-9.06; Ord. of 4-82)

Sec. 13-197. Same--Conspicuous display required.

Each permit to operate a rooming house shall be displayed in a conspicuous place within the rooming house at all times.

(Code 1970, § 13-9.08; Ord. of 4-82)

Sec. 13-198. Same--Not transferable.

Permits to operate rooming houses are not transferable. Any person succeeding to the ownership or control of a rooming house shall apply for a permit as required by the provisions of this division.

(Code 1970, § 13-9.13; Ord. of 4-82)

Sec. 13-199. Same--Suspension for failure to correct violations.

At the end of the time allowed for correction of any violation cited, the director of health shall reinspect the rooming house, and if it is found that such conditions or practices have not been corrected, notice in writing shall be given to the operator that his permit has been suspended. Upon receipt of such notice of suspension, the operator shall immediately cease operation of the rooming house and no person shall occupy any rooming unit therein for sleeping or living purposes.

(Code 1970, § 13-9.10; Ord. of 4-82)

Sec. 13-200. Same--Hearing on suspension.

Any person whose permit to operate a rooming house has been suspended, or who has received notice from the department concerned that his permit may be suspended unless existing conditions or practices at the rooming house are corrected, may request and shall be granted a hearing on the matter before the housing board of appeals under the procedures provided by sections 13-55 through 13-57.

(Code 1970, § 13-9.11; Ord. of 4-82; Ord. of 7-01)

Sec. 13-201. Same--Revocation when notice of violation sustained; effect of failure to petition for hearing.

When a notice of violation has been sustained by the housing board of appeals any permit suspended by the notice shall be deemed revoked. If a petition for a hearing has not been filed in the office of the housing board of appeals within ten (10) days following the day on which the permit was suspended, the permit shall be deemed to have been automatically revoked.

(Code 1970, § 13-9.12; Ord. of 4-82)

Sec. 13-202. Applicability of rooming house provisions to hotels and motels.

Every provision of this article which applies to rooming houses shall also apply to hotels, except to the extent that any such provision may be found to be in conflict with the laws of the state or with lawful regulations of any state board or agency.

(Code 1970, § 13-9.04; Ord. of 4-82)

Sec. 13-203. Notice of violations to be served on operator.

Upon inspection of any rooming house, whenever conditions or practices are found to exist which are in violation of any provisions of this article or of any applicable rule or regulation adopted pursuant thereto, the director of health shall serve the operator of the rooming house with notice of such violation in the manner provided in this article. Such notice shall state that unless the violations cited are corrected within a reasonable time, the operator's permit shall be suspended.

(Code 1970, § 13-9.09; Ord. of 4-82)

Sec. 13-204. Notice of transfer, sale or other disposal required.

Every person holding a permit to operate a rooming house shall give notice in writing to the health department within twenty-four (24) hours after having sold, transferred, given away, or otherwise disposed of his ownership, interest or control of any such rooming house. Such notice shall include the name and address of the person succeeding to the ownership or control of such rooming house.

(Code 1970, § 13-9.13; Ord. of 4-82)

Sec. 13-205. Operator to maintain sanitary condition.

Every operator of a rooming house shall be responsible for the sanitary maintenance of every part of the rooming house, including walls, floors and ceilings, and shall be further responsible for the sanitary maintenance of the entire premises where the entire structure or building is leased or occupied by the operator.

(Code 1970, § 13-9.14; Ord. of 4-82)

Sec. 13-206. Facilities required in rooming houses.

At least one flush water closet, lavatory basin and bathtub or shower, properly connected to a water and sewer system approved by the director of health and in good working condition shall be supplied for each six (6) persons or fraction thereof residing within a rooming house, including members of the operator's family wherever they share the use of said facilities, provided that:

(1) In a rooming house where rooms are let only to males, flush urinals may be substituted for not more than one-half (1/2) the required number of water closets;

(2) All such facilities shall be on the same floor as the rooms which they service and shall be so located within the rooming unit as to be reasonably accessible from a common hall or passageway to all persons sharing such facilities;

(3) Every lavatory basin and bathtub or shower shall be supplied with heated and unheated water under pressure at all times;

(4) No such facilities shall be located in a basement, except with written approval of the director of health.

(Code 1970, § 13-9.15; Ord. of 4-82)

Sec. 13-207. Bed linen and towels.

The operator of every rooming house shall change supplied bed linen and towels at least once each week, and prior to the letting of any room to any occupant. The operator shall be responsible for maintaining all supplied bedding in a clean and sanitary manner.

(Code 1970, § 13-9.16; Ord. of 4-82)

Sec. 13-208. Minimum floor space in sleeping rooms.

Every room occupied for sleeping purposes by one person shall contain at least seventy (70) square feet of floor space, and every room occupied for sleeping purposes by more than one person shall contain at least fifty (50) square feet of floor space for each occupant thereof, and every room occupied for sleeping purposes by a child under twelve (12) years of age shall contain at least forty-two (42) square feet of floor space for each child.

(Code 1970, § 13-9.17; Ord. of 4-82)

Sec. 13-209. Means of egress from rooming units required.

Every rooming unit shall have access to two (2) or more safe, unobstructed means of egress, either by inside stairways or outside fire escapes, to safe and open space at ground level, as required by the laws of the state and of the city. Outside fire escapes shall be accessible through exit doors located as remotely as possible from inside stairways. All exit doors shall open outward, be equipped with panic hardware and have an exit light over them. All exits must comply with the state basic building code and the state fire safety code.

(Code 1970, § 13-9.18; Ord. of 4-82)

Sec. 13-210. Restriction on occupancy by blind or bed-ridden persons.

No room or bed in any rooming house above the first floor shall be occupied by a blind or bedridden person unless such rooming house is constructed of fire resistant materials and is equipped with a sprinkler system approved by the fire department.

(Code 1970, § 13-9.19; Ord. of 4-82)

Sec. 13-211. Egress.

Access to or egress from each rooming unit shall be provided without passing through any other rooming unit.

(Code 1970, § 13-9.20; Ord. of 4-82)

Sec. 13-212. Sanitary units.

No owner or other person shall occupy or let to another any rooming unit or dormitory room unless it is clean and sanitary and complies with all applicable requirements of the city pertaining to a habitable room.

(Code 1970, § 13-9.21; Ord. of 4-82)

Sec. 13-213. Cooking.

Cooking in rooming units and dormitories is prohibited.

(Code 1970, § 13-9.22; Ord. of 4-82)

Sec. 13-214. Locks.

Access doors to rooming units, dormitory rooms, shall have operating locks to ensure privacy.

(Code 1970, § 13-9.23; Ord. of 4-82)

Secs. 13-215--13-225. Reserved.

DIVISION 10. TRAILERS

Sec. 13-226. Prior approval for locating trailers required.

No trailers, mobile homes, trailer coaches or automobile trailers designed for living quarters shall be located in any area without first obtaining approval therefor from the zoning board of appeals and the common council.

(Code 1970, § 13-10.01; Ord. of 4-82)

Secs. 13-227--13-235. Reserved.

DIVISION 11. RESERVED*

***Editor's note:** An ordinance adopted in November, 1994, repealed § 13-236, which comprised Ch. 13, Art. II, Div. 11. Former § 13-236 pertained to certificates of occupancy for tenement houses containing three or more housing units and derived from Code 1970, § 13-13.01 and Ord. of 4-82.

Secs. 13-236--13-250. Reserved.

ARTICLE III. CONDOMINIUM CONVERSIONS*

***Cross references:** Commission on human rights and opportunities, § 2-191 et seq.

Sec. 13-251. Determination of moving and relocation expenses.

Pursuant to the provisions of section 47-88d of the general statutes (an act concerning condominium conversion and the encouragement of new rental housing) the city sets the amount of moving and relocation expenses to be paid to each household eligible under that section as follows: Two (2) months' rent or one thousand dollars ($1,000.00).

(Ord. of 10-80)

Secs. 13-252--13-259. Reserved.

ARTICLE IV. PENALTIES

Sec. 13-260. Violation of chapter.

Any person who shall violate any provision of this chapter, may, upon conviction, be punished by a fine of not more than ninety dollars ($90.00) and/or by imprisonment for not more than thirty (30) days and each day's failure to comply with any such provision shall constitute a separate violation.

(Ord. of 1-89; Ord. No. 28269-2, 11-18-04)

Chapter 14 LICENSES, PERMITS AND MISCELLANEOUS BUSINESS REGULATIONS*

***Cross references:** Amusements activities license required, § 5-16 et seq.; mechanical amusement device license required, § 5-53 et seq.; licensing and registration of dogs required, § 6-17; pigeon trapping permits, § 6-36; building permit fees, § 7-1; permit required for moving of buildings in streets, § 7-26 et seq.; fees for fire prevention bureau inspections and permits, § 8-35; license to deal in, manufacture or process food or drink required, § 10-14; license to operate an eating establishment, § 10-36 et seq.; license required for self-service food or beverage vending machine, § 10-53 et seq.; license required to collect and transport trash, § 11-51 et seq.; temporary trash hauling license, § 11-53 et seq.; alarm systems users permit § 16-41 et seq; permit required for carrying weapons, § 16-76; permit for use of park required, § 17-37; inland wetlands permit, § 19-35; conducting business in streets prohibited, § 21-14; license requirements for contractors engaged in sidewalk construction business, § 21-73; permit required for street excavation, § 21-86; approval required for building permits for construction of buildings abutting on proposed streets required, § 21-166; building inspectors certification required for issuance of permit for connection to water or sewer system, § 23-1, dye test of sewer laterals required prior to issuance of certificate of occupancy, § 23-25; license for sewer contracting, § 23-28; sanitary sewer connection permit, § 23-41 et seq.; special permit required for water closets and cellar § 23-56; permit required for discharge of certain wastes to sewer system, § 23-69; rates and charges for sewer service, § 23-91 et seq.; license and registration of taxicab operators required, § 24-16.

State law references: Auctioneer's licenses, G.S. §§ 21-1--21-5; itinerant vendors' licenses, G.S §§ 21-27--21-35; junk dealers' licenses; package store permits, G.S. § 30-20; pawnbrokers, G.S. §§ 21-39--21-47; peddlers, G.S. §§ 21-36--21-38; regulation of vending machines G.S. § 21a-43.

Art. I. In General, §§ 14-1--14-20
Art. II. Dry Cleaning Establishments, §§ 14-21--14-40
Art. III. Going Out of Business and Fire Sales, §§ 14-41--14-60
Art. IV. Reserved, §§ 14-61--14-80
Art. V. Junkyards, §§ 14-81--14-105
Div. 1. Generally, §§ 14-81--14-90
Div. 2. License, §§ 14-91--14-105
Art. VI. Massage Establishments, §§ 14-106--14-145
Div. 1. Generally, §§ 14-106--14-120
Div. 2. Licenses and Permits, §§ 14-121--14-145
Art. VII. Merchants, §§ 14-146--14-165
Art. VIII. Self-Service Laundries, §§ 14-166--14-185
Art. IX. Reserved, §§ 14-186--14-210
Art. X. Itinerant Vendors, §§ 14-211--14-235
Art. XI. Weights and Measures, §§ 14-236--14-244
Art. XII. Bazaars and Raffles, §§ 14-245--14-254
Art. XIII. Dance Halls, § 14-255
Art. XIV. Public Swimming Pools, Wading Pools, Whirlpools, Spas, Daycare Centers and Nonpublic Schools, §§ 14-256--14-259
Art. XV. Adult-Oriented Establishments, §§ 14-260--14-299
Art. XVI. Prohibited Business Practices, §§ 14-300--14-380
Art. XVII. New Britain Tattooing/Piercing Code, §§ 14-381--14-392
Art. XVIII. Licenses for Dealing in or Repairing Motor Vehicles for Dealers and Repairers, §§ 14-393--14-395

ARTICLE I. IN GENERAL

Sec. 14-1. Required licenses and permits.

(a) No person shall engage in any activity for which a license or permit is required by this Code without first having secured a license or permit, as required, from the city.

(b) Nothing contained in this chapter shall be construed to exempt any person from securing any other license or from paying any other license tax which may be authorized and imposed by the general statutes of the state or any other ordinance or regulation of the city.

(Code 1970, § 14-1)

Sec. 14-2. Clerk to issue licenses and maintain records.

The clerk shall be the city licensing officer and shall issue all licenses, except where otherwise provided and collect all fees therefor as required by the state statutes and the city ordinances. The licensing officer, in a special book provided for the purpose, shall keep a record of:

(1) All licenses issued by him;

(2) The name of the licensee;

(3) The date of issuance of the license;

(4) Its purposes; and,

(5) The location or place the license is to be used.

(Code 1970, § 14-2)

Sec. 14-3. Licensing inspector to assist other city officials.

The licensing inspector shall furnish the sealer of weights and measures, chief of police, and other city officials with any information they may require at any time for the enforcement of the license ordinances.

(Code 1970, § 14-3)

Sec. 14-4. Inspection or supervision fees payable due to work on weekends or holidays.

In addition to any license or permit fees required by ordinance or by rules or regulations of a department of the city, any person, who shall perform work on a Saturday, Sunday, legal holiday or any other day when city departments are not working, shall pay to the city or the appropriate department thereof any extra cost for inspection or supervision of such work by the city or department on such day.

(Code 1970, § 14-9)

Sec. 14-5. Vendors, etc., not to have exclusive right to specific location;

operation not to impede public.

No peddler, vendor or solicitor shall have an exclusive right to any location in the public streets, nor shall any be permitted a stationary location, nor shall he be permitted to operate in any congested area where his operation might impede, endanger or inconvenience the public.

(Code 1970, § 7-69; Ord. of 10-76)

Secs. 14-6--14-20. Reserved.

ARTICLE II. DRY CLEANING ESTABLISHMENTS

Sec. 14-21. Definitions.

As used in this article:

Class A dry cleaning and dyeing establishment shall include all dry cleaning and dyeing establishments using power for cleaning purposes, having washing or dry cleaning machines which require storage tanks for cleaning fluids, or requiring the storage of more than one gallon of cleaning fluid for the purpose of cleaning, dyeing or sponging of clothing, feathers, fur or any other textile.

Class B dry cleaning establishment shall include any person advertising as carrying on the business of dry cleaning or dyeing, or acting as an agent for such purposes or not requiring in his business of dry cleaning or dyeing more than one gallon of cleaning fluid on the premises at any time.

Dry cleaning and dyeing business shall mean the business of cleaning, sponging or dyeing cloth, clothing, feathers, fur or any sort of fabrics or textiles by the use of carbon bi-sulphide, gasoline, naphtha, benzol stoddard solvent, benzine or other light petroleum or tar products or inflammable liquids, or cleaning, sponging or dyeing by processes known as dry cleaning and dyeing where inflammable volatile substances are used.

Sponging shall mean the removal of dirt, grease, or any other form of foreign matter from clothing, feathers, fur or any sort of fabrics or textiles by local application of inflammable liquid.

(Code 1970, § 7-14)

Cross references: Definitions and rules of construction generally, § 1-2.

Sec. 14-22. Inapplicability of article to certain establishments.

Any dry cleaning establishment or commercial laundry in existence on September 21, 1960, shall not be subject to the provisions of this article if the fire marshal certifies that the cleaning fluids used therein are not inflammable. Any retail tailoring establishment using less than one gallon of gasoline or other cleaning fluid in carrying on its business shall be exempt from the provisions of this article; provided, such gasoline or cleaning fluid is stored in an approved container.

(Code 1970, § 7-15)

Sec. 14-23. Existing establishments; compliance; discontinuance; plant expansion; damage.

(a) All persons engaged in class A dry cleaning businesses on September 21, 1960, shall be required to comply with all the provisions of this article and, in addition, shall:

(1) Close all sewer connections and all holes in the floors in dry cleaning rooms;

(2) Make such floors free from pits and pockets;

(3) Take such measures to eliminate all nuisances caused by smoke and fumes from cleaning fluids to the satisfaction of the fire chief and the board of health.

(b) *Discontinuance of ninety (90) days.* In the event any dry cleaning or dyeing business is discontinued for a period of ninety (90) days, such business shall be made to conform to all the provisions of this article before it is reopened.

(c) *Expansion of plant.* Where expansions or additions are made to any dry cleaning or dyeing plant, such expansion or addition shall be so constructed as to conform to all the provisions of this article.

(d) *Fifty (50) per cent fire damage.* In the event any structure or room now used as a dry cleaning room, is more than fifty (50) per cent damaged by fire and if such use is continued, such room shall be made to conform to all the provisions of this article.

(Code 1970, § 7-16)

Sec. 14-24. Enforcement.

The building commission, the fire chief and his deputies and assistants, and the director of health shall enforce the provisions of this article, and shall report any violation thereof to the prosecuting attorney.

(Code 1970, § 7-17)

Sec. 14-25. License--Required.

No person shall conduct, or advertise as conducting the business of dry cleaning or dyeing, or use or cause to be used, or erect a building for the purpose of carrying on the dry cleaning or dyeing business without first obtaining a license therefor from the building commission, countersigned by the fire chief.

(Code 1970, § 7-18)

Sec. 14-26. Same--Application; fees.

(a) An applicant for a license under this article shall file a written application signed by him on blanks furnished by the building commission.

(b) The following shall be the schedule of fees to be paid when an application for license is filed hereunder:

(1) *Class A license,* fifty dollars ($50.00) per year.

(2) *Class B license,* fifty dollars ($50.00) per year.

(Code 1970, § 7-19; Ord. of 10-88, § 1)

Sec. 14-27. Same--expiration date; renewal; fees.

Any license issued under this article shall expire on June first of each year. Such license may be renewed by the holder thereof upon presentation of proof to the building department and fire chief that the business is being conducted in accordance with the provisions of this article, and upon proof to the director of health that there is no nuisance caused by smoke or toxic fumes. License renewal fees shall be fifty dollars ($50.00) for class A dry cleaning establishments and twenty-five dollars ($25.00) for class B establishments. The license shall be signed by the building inspector, the fire chief and the director of health.

(Code 1970, § 7-20; Ord. of 4-90, § 7)

Sec. 14-28. Same--Revocation; notice; hearing.

The building commission and the fire chief, acting jointly, may revoke any license issued under this article for the violation of any provision of this article upon giving the licensee ten (10) days' notice. The licensee shall have an opportunity to be heard upon filing an application therefor within such ten (10) day period. After she hearing provided for herein, the building commission and the fire chief, acting jointly, may revoke the license if such action is deemed to be in the best interests of the city, and such decision shall be final and conclusive.

(Code 1970, § 7-21)

Secs. 14-29--14-40. Reserved.

ARTICLE III. GOING OUT OF BUSINESS AND FIRE SALES*

***Cross references:** Fire prevention and protection, Ch. 8.

Sec. 14-41. Definitions.

As used in this article, the following words and phrases shall have the meanings indicated in this section:

Fire sale shall mean a sale held out in such a manner as to reasonably cause the public to believe that the sale will offer goods damaged by fire, smoke, water or other means.

Going out of business sale shall mean a sale held out in such a manner as to reasonably cause the public to believe that upon disposal of the stock of goods on hand the business will cease and be discontinued, including but not limited to the following sales: adjuster's; adjustment; alteration; assignee's; bankrupt; benefit of administrator's; benefit of

creditors; benefit of trustees; building coming down; closing; creditors' committee; creditor's; end; executor's; final days; forced out; forced out of business; insolvents' last days; lease expires; liquidation; loss of lease; mortgage sale; receiver's; trustee's; quitting business.

Goods shall mean any goods, wares, merchandise or other property capable of being the object of a sale regulated hereunder.

(Code 1970, § 7-32)

Cross references: Definitions and rules of construction generally, § 1-2.

Sec. 14-42. License--Required for conducting.

No person shall sell or offer to sell any goods at a sale to be advertised or held out by any means to be either a going out of business sale or fire sale without first obtaining a license for such sale from the city license officer.

(Code 1970, § 7-33)

Sec. 14-43. Same--Requirements and restrictions on obtaining.

(a) *Established business required for a license; exception.* No person shall be granted a license required by this article who has been the owner of a business advertised or described in the application for a license hereunder for a period of less than twelve (12) months prior to the date of the proposed sale. An exception shall be recognized in the case of survivors of a late businessman and upon the death of such a person doing business in this city, his or her heir, devises or legatees shall have the right to apply at any time for a going out of business or fire sale license.

(b) *Restricted location.* Where a person applying for a license operates more than one place of business, the license issued shall apply only to the one store, or branch specified in the application and no other store or branch shall advertise or represent that it is operating with it, or in any way participating in the licensed sale, advertise or represent that any other store or branch is operating with it or participating in any way in the licensed sale.

(c) *Persons exempted.* The provisions of this article shall not apply to or affect the following persons:

(1) Persons acting pursuant to an order or process of a court of competent jurisdiction.

(2) Persons acting in accordance with their powers and duties as public officials.

(3) Any publisher of a newspaper, magazine, or other publication, who publishes in good faith, any advertisement, without knowledge of its false, deceptive or misleading character or without knowledge of the fact that the provisions of this article have not been observed.

(Code 1970, § 7-34)

Sec. 14-44. Same--Contents of application; fee; fire department approval.

(a) *Written information required.* License applications for going out of business and fire sales shall be made to the license officer and shall contain the following information:

(1) The name and address of the owner of the goods to be the object of the sale.

(2) The name and address of the person from whom he purchased the goods to be sold and the price therefor, and, if not purchased, the manner of such acquisition.

(3) A description of the place where such sale is to be held.

(4) The nature of the occupancy, whether by lease or sublease and the effective date of termination of such occupancy.

(5) The dates of the period of time in which the sale is to be conducted.

(6) A full and complete statement of the facts in regard to the sale, including the reason for the urgent and expeditious disposal of goods thereby and the manner in which the sale will be conducted.

(7) The means to be employed in advertising such sale together with the proposed content of any advertisement.

(8) A complete and detailed inventory of the goods to be sold at such sale as disclosed by the applicant's records. Such inventory shall be attached to and become part of the required application.

(b) *Fee.* Any applicant for a license under this article shall submit to the city license officer with his application a license fee of twenty-five dollars ($25.00).

(c) *Certification of approval by fire department.* Each application under this article for a fire sale license shall include a fire certification signed by the chief engineer of the fire department. The certification shall note the date of the fire in the premises concerned.

(Code 1970, § 7-35)

Sec. 14-45. Same--Terms and limitations.

A license shall be issued under this article on the following terms:

(1) *Licensing period.* The license shall authorize the sale described in the application for a period of not more than fifty (50) consecutive days, Sundays and legal holidays excluded, following the issuance thereof and such license so granted may not be renewed, nor shall a new license for the same sale be issued.

(2) *Nature of sale.* The license shall authorize only one type of sale described in the application at the location named therein.

(3) *Saleable goods.* The license shall authorize only the sale of goods described in the inventory attached to the application.

(4) *Surrender of general license.* Upon being issued a license hereunder for a going out of business sale the licensee shall surrender to the clerk all other business

licenses he may hold at that time applicable to the location and goods covered by the application for a license under this article.

(5) *Nontransferability.* Any license herein provided for shall not be assignable or transferable.

(Code 1970, § 7-36)

Sec. 14-46. Inventory restrictions.

(a) *Bona fide orders.* All goods in the inventory filed with a license application under this article shall have been purchased by the applicant for resale on bona fide orders without cancellation privileges and shall not comprise goods purchased on consignment.

(b) *Goods purchased for sale hereunder.* Such inventory shall not include goods ordered in contemplation of conducting a sale regulated hereunder. Any unusual purchase, or additions to the stock of goods of the business hereby affected within thirty (30) days before the filing of an application for a license under this article shall be deemed to be of such character.

(Code 1970, § 7-35(a)(8)(aa), (bb))

Sec. 14-47. Duties of licensee; applicability of section.

(a) A licensee under this article shall:

(1) *Adhere to inventory.* Make no additions whatsoever during the period of the licensed sale, to the stock of goods set forth in the inventory attached to the application for license.

(2) *Advertise properly.* Refrain from employing any untrue, deceptive or misleading advertising.

(3) *Adhere to advertising.* Conduct the licensed sale in strict conformity with any advertising or holding out incident thereto.

(4) *Keep duplicate inventory.* Keep available at the place of sale a duplicate copy of the inventory submitted with the application and shall present such duplicate to inspecting officials upon request.

(5) *Segregate noninventoried goods.* Keep any other goods separate and apart from the listed in the filed inventory as being of sale and shall make such distinction clear to the public by placing tags on inventoried goods in and about the place sale apprising the public of the status of all such goods.

(b) This section shall apply only to fire and/or altered goods.

(Code 1970, § 7-37)

Sec. 14-48. Taxes and assessments to be paid prior to issuance of license.

All taxes or municipal assessments due the city on the goods to be sold at the going

out of business sale or fire sale for which such license is issued, shall be paid in full before such license is issued.

(Code 1970, § 7-38)

Secs. 14-49--14-60. Reserved.

ARTICLE IV. RESERVED*

***Editor's note:** An ordinance enacted Sept. 1, 1999, repealed Ch. 14, Art. IV, substantive provisions of which consisted of §§ 14-61--14-66. Said article pertained to home improvement businesses and derived from Code 1973, §§ 7-39--7-44; and an ordinance adopted in Oct., 1988.

Secs. 14-61--14-80. Reserved.

ARTICLE V. JUNKYARDS*

***Cross references:** Garbage, trash and refuse, Ch. 11.

DIVISION 1. GENERALLY

Secs. 14-81--14-90. Reserved.

DIVISION 2. LICENSE

Sec. 14-91. Required.

No person shall operate a junkyard within the city limits without a license issued by the mayor. No such license shall be issued or renewed unless the junkyard has been inspected and approved by the building department, fire department, health department and board of public works, and such approval has been reported in writing to the mayor.

(Code 1970, § 7-45)

Sec. 14-92. Term; fee; renewal; revocation.

(a) *Term.* The term of each junkyard license shall be for a period of one year beginning on February first and ending at midnight on January thirty-first of the following year.

(b) *Initial fee and renewal.* A fee of one hundred dollars ($100.00) shall be paid to the

license committee for the original license and a fee of fifty dollars ($50.00) for each renewal thereof.

(c) *Revocation.* Any violation of this article shall be, in addition to any penalty provided for in this Code, sufficient cause for revocation of such license by the council upon recommendation of the license committee, after a public hearing by such committee upon charges of such violation.

(Code 1970, § 7-46; Ord. of 10-88, § 3)

Sec. 14-93. Standards required for issuance.

No person shall be licensed to operate a junkyard unless such junkyard conforms to the following standards:

(1) *Enclosure.* All junkyards shall be completely enclosed, except for such areas as may be approved by the licensing committee for entrance, exit and loading and unloading purposes. The enclosure shall consist of fencing to a height of not less than eight (8) feet or more than ten (10) feet above grade level constructed according to the following specifications:

(a) Chain link fencing attached to steel poles of a minimum of two (2) inches in diameter, buried to a depth sufficient to enable the construction to withstand lateral wind pressure and frost heave. Screening of the chain link fencing shall be provided by the installation of vinyl slats weaved through the chain links. Vinyl slats shall be of earth tone colors to effectively provide screening and to be aesthetically pleasing; or

(b) One-inch by six-inch .40 pressure treated lumber attached to .40 treated two (2) inch by four (4) inch cross braces. Braces shall be spaced no more than two (2) feet on center and shall be firmly attached to four-inch by four-inch .60 pressure treated posts, cedar posts or two-inch diameter steel posts, buried to a depth sufficient to enable the construction to withstand lateral wind pressure and frost heave.

(2) *Maintenance of fences.* All such fences shall be kept in good repair. All fences erected prior to June 1, 1960, upon replacement, shall conform to the standards set forth in paragraph (a) of this section.

(3) *Storage of junk.* No junk shall be piled to a height exceeding the height of the fence surrounding it in any junkyard. No junk shall be stored within one thousand (1,000) feet of any street line, or within two hundred fifty (250) feet of any adjoining property line, or within twenty-five (25) feet of any dwelling house; provided, however, that these distance requirements shall not apply to junkyards existing prior to June 1, 1960.

(Code 1970, § 7-47; Ord. of 6-94)

Secs. 14-94--14-105. Reserved.

ARTICLE VI. MASSAGE ESTABLISHMENTS*

***Cross references:** Offenses and miscellaneous provisions, Ch 16; police, Ch. 20.

DIVISION 1. GENERALLY

Sec. 14-106. Definitions.

For the purpose of this article, the following words or phrases shall have the meanings respectively ascribed to them by this section:

Employee. Any and all persons, other than the massagists, who render any service to the permittee, who have no physical contact with customers and clients.

Massage. 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, antiseptic, oils, powders, creams, lotions, ointments, salts, or other similar preparations commonly used in this practice.

Massage establishment. Any establishment having a fixed business where any person engages in or carries on, or permits to be engaged in or carried on, any of the activities pertaining to massage.

Massagist. Any person who engages in the practice of massage for any amount or form of consideration.

Recognized school. Any school or institution of learning which has for its purpose the teaching of the theory, the 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.

(Code 1970, § 12-21(2); Ord. of 9-78)

Cross references: Definitions and rules of construction generally, § 1-2.

Sec. 14-107. Operating requirements.

(a) Every portion of a 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 and massagists must be modestly attired. Diaphanous, flimsy, transparent, form-fitting or tight clothing is prohibited. Clothing must cover each

employee's and massagist's chest at all times.

(d) Private parts of patrons must be covered by towels, cloth or undergarments when in the presence of any employee or massagist. Any contact with a patron's genital area is 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 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 cleaned after each use.

(g) 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 14-106 of this article, or that employees or massagists are dressed in any manner other than as described in paragraph (c) of this section; nor shall any massage establishment indicate in the text of such advertising that any services are available other than those services described in section 14-106.

(h) Health services enumerated in section 14-106 of this article must be carried on in one cubicle, room, booth or area within the massage establishment. No service enumerated in the definition of massage in section 14-106 of this article 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 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 area within a massage establishment which is fitted with a door capable of being locked.

(i) A massage establishment shall not carry on, engage in or conduct business on Sunday and on any other days shall not carry on, engage in or conduct business before 8:00 a.m. or after 11:00 p.m.

(j) No alcoholic beverage or other intoxicant shall be displayed, served, ingested or sold on the premises of a massage establishment.

(k) 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 with the patron being notified of the full cost prior to the rendering of any service.

Sec. 14-108. Daily register.

Every person who engages in or conducts a massage establishment shall keep a daily register, approved as to form by the director of health or his designate, of all patrons with names, addresses and hours of arrival and, if applicable, the rooms or cubicles assigned. Such 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.

Sec. 14-109. Inspections.

The police department and the health department shall from time to time, and at least twice a year, make an inspection of each massage establishment in the city for the purposes of determining that the provisions of this article are complied with. Such inspections shall be made at a reasonable time, in a reasonable manner. It shall be unlawful for any permittee to fail to allow such inspection officer access to the premises or to hinder such officer in any manner.

Sec. 14-110. Applicability of regulations to existing businesses.

(a) Holders of any outstanding massage establishment permits heretofore issued under any provision of law are required to comply with all provisions of this article.

(b) Applicants for a massagist's permit may substitute one year's continuous experience as a massagist 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 massagist 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 massagist is unable to obtain an affidavit from the owner, such massagist may submit an affidavit from a person who has firsthand knowledge of his or her continuous year of experience.

Sec. 14-111. Exemptions.

This article does not apply to schools, hospitals, nursing homes, sanitariums or to Connecticut-licensed massage therapists, to persons holding an unrevoked certificate to practice the healing arts under the laws of the State of Connecticut, or to persons working under the direction of any such person or in any such establishment.

(Ord. of 3-96)

Sec. 14-112. Rules and regulations.

The director of 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. 14-113. Violation and penalty.

Every person, except those persons who are specifically exempted by this article, whether acting as individuals, owners, employees of owners, operators or employees of the operator, or acting as a participant or worker in any way, who gives massages or conducts a massage establishment without first obtaining a license or permit, as required, and paying a fee to the city or shall violate any of the provisions of this article shall be guilty of a misdemeanor, and upon conviction thereof, shall be subject to punishment as provided in section 1-15 of this Code.

Secs. 14-114--14-120. Reserved.

DIVISION 2. LICENSES AND PERMITS

Sec. 14-121. Establishment license--Required.

It shall be unlawful for any person to engage in, conduct or carry on or permit to be engaged in, conducted or carried on, in or upon any premise in the city, the operation of a massage establishment as defined in this article without first having obtained a license from the director of health.

Sec. 14-122. Same--Application; fee; contents.

(a) Any person seeking a license to operate a massage establishment or to become a licensed massagist shall make application to the director of health, and pay a filing fee of two hundred fifty dollars ($250.00), which shall not be refundable.

(b) The application for a license 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.

(c) In addition to the foregoing, any applicant for a license shall furnish the following information:

(1) Written proof that the applicant is at least eighteen (18) years of age.

(2) Two (2) 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) Massage or similar business license history of the applicant; whether such person has previously operated in this or any other town, city or state under license; has had such license revoked or suspended, the reason therefor, and the business activity or occupation subsequent to such action of suspension or revocation.

(5) Any criminal convictions, except minor traffic violations.

(Code 1970, § 12-21(3); Ord. of 9-78; Ord. of 5-79; Ord. of 4-90, § 8)

Sec. 14-123. Same--Notice of hearing.

When an application is filed for a massage establishment license under this division, the common council shall fix the time and place for a public 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 common council 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 such notices posted for the

required number of days.

Sec. 14-124. Same--Facilities prerequisite to issuance.

(a) No license to conduct a massage establishment shall be issued unless an inspection by the director of 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 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.

(b) The director of health shall certify that the proposed massage establishment complies with all the requirements of this section.

Sec. 14-125. Same--Issuance.

(a) Upon certification by the director of licenses, permits, and inspections of compliance with all city zoning laws and building codes, and certification by the chief of police of submission of fingerprints and the subsequent background investigation, and certification by the director of health of compliance with all applicable health laws and regulations, the director of health shall issue a massage establishment license.

(b) The director of health or his designate, in his discretion, may issue a license to any person convicted of a felony, an offense involving sexual misconduct with minors, obscenity, keeping or residing in a house of ill fame, solicitation of a lewd or unlawful act, prostitution or pandering if he finds that such conviction occurred at least three (3) years prior to the date of the application and the applicant has no subsequent convictions.

(Code 1970, § 12-21(3); Ord. of. 9-78; Ord. of 5-79)

Sec. 14-126. Same--Transfer.

No massage establishment license shall be transferable except with the written consent of the director of health; provided, however, 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 license.

Sec. 14-127. Same--Revocation or suspension.

(a) A massage establishment license issued by the director of health or his designate shall be revoked or suspended after a public hearing before the common council where it appears that the permittee has been convicted of any offense specified in section 14-125(b).

(b) The director of health or his designate, before revoking or suspending any license shall give the licensee at least ten (10) days' written notice of the charges against him and the opportunity for a public hearing before the common council at which time the licensee may present evidence bearing upon the question. In such cases the charges shall be specific and in writing.

Sec. 14-128. Massagist's permit--Required; filing; fee.

Any person, including an applicant for a massage establishment license, who engages in the practice of massage as defined in this article, shall file an application for a massagist's permit with the chief of police or his designate upon a form provided by the chief of police and shall pay a filing fee of twenty-five dollars ($25.00) which shall not be refundable.

Sec. 14-129. Same--Application; form; contents.

The application for a massagist's permit shall contain the following:

(1) Name and resident's address.

(2) Social security number.

(3) Two (2) portrait photographs of at least two (2) inches by two (2) inches.

(4) Applicant's weight, height, color of hair and eyes, and fingerprints.

(5) Written evidence that the applicant is at least eighteen (18) years of age.

(6) Business, occupation or employment of the applicant for three (3) years immediately preceding the date of application.

(7) Whether such person has ever been convicted of any crime except minor traffic violations. If any person mentioned in this subsection has been so convicted, a 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.

(8) 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.

(9) Any masseur or masseuse so employed is required to present a certificate from a physician licensed to practice in the state 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. 14-130. Same--Issuance.

(a) Upon certification by the director of licenses, permits, and inspections of compliance with all city zoning laws and building codes, and certification by the chief of police of submission of fingerprints and the subsequent background investigation, and certification by the director of health of compliance with all applicable health laws and regulations, the director of health shall issue a massagist's permit.

(b) The director of health or his designate, in his discretion, may issue a permit to any person convicted of any of the crimes listed in section 14-125(b) of this division if he finds that such convictions occurred at least three (3) years prior to the date of application and the applicant has no subsequent convictions.

(Code 1970, 12-21(3); Ord. of 9-78; Ord. of 5-79)

Sec. 14-131. Same--Revocation or suspension.

(a) A massagist's permit issued by the director of health or his designate shall be revoked or suspended after a public hearing before the common council where it appears that the massagist has been convicted of any offense enumerated in section 14-125(b).

(b) The director of health or his designate, before revoking or suspending any massagist's permit, shall give the massagist at least ten (10) days' written notice of the examination into his conviction record and the opportunity for a public hearing before the common council at which hearing the director of health or his designate shall determine the relevant facts regarding the occurrence of the conviction.

Secs. 14-132--14-145. Reserved.

ARTICLE VII. MERCHANTS

Sec. 14-146. Definitions.

As used in this article, the term "person, merchant or proprietor" shall mean and include principals, agents, partnerships and corporations, and all other forms of business, or other organizations, and the penal provisions hereof shall include and apply to officers of corporations. It shall not include or apply to farmers selling their own produce; commercial travelers or sales agents selling to dealers in the usual course of business; licensed peddlers, persons selling livestock, food articles, or food products; registered pharmacists, having a state license to operate a drug store; persons selling goods donated by the owners thereof, the proceeds of which to be applied exclusively to any charitable or philanthropic purpose; persons conducting judicial or other sales under legal proceedings; persons selling wholesale by sample for future delivery, or at circuses, carnivals, or at other places of business duly licensed by the city, or at branch locations of stores already lawfully operated in the city, provided, the branch is operated by exactly the same proprietor, without any addition or change in the ownership or management (other than such as may be caused by death), under the same

name or trade name, and for the sale of the same general type of merchandise as such other or original store.

(Code 1970, § 14-4)

Cross references: Definitions and rules of construction generally, § 1-2.

Sec. 14-147. License required; fee; accompanying statement.

No person shall enter into or begin business as a wholesale or retail merchant, except as hereinafter stated, and as such sell or exhibit for immediate sale, any goods, wares, or merchandise whatsoever in any building, or part thereof, railroad car, motor or other vehicle, open road, or other place or structure, in the city, without having paid the city clerk a license fee of twenty-five dollars ($25.00), the receipt of which shall constitute the license, and which shall be exhibited to any official on request, and in addition shall file with the board of assessors a statement under oath, which shall be administered by the city clerk without charge, setting, forth:

(1) The full name and permanent home and business address of the proprietor of such proposed business, and of any local agent in charge thereof;

(2) The full address at which such business is to be carried on in the city;

(3) The nature of the business and date of the proposed commencement thereof and the length of time during which the same is proposed to be conducted;

(4) The exact location and approximate value of any real estate owned by such proprietor.

(5) The approximate value of the merchandise, fixtures and personal property owned by such proprietor;

(6) The name of one bank with which such proprietor has dealt for a period of one year or more;

(7) Whether such proprietor is an individual, partnership or corporation;

(8) If a corporation, the state of incorporation and principal place of business.

(Code 1970, § 14-1.1; Ord. of 6-77)

Secs. 14-148, 14-149. Reserved.

Editor's note: An ordinance of Feb. 6, 1985, repealed sections 14-148, 14-149 and 14-151 of this Code, pertaining to bonds and derived from Code 1970, §§ 14-5, 14-6 and 14-8, and an ordinance of January, 1977.

Sec. 14-150. Exemption--Denied.

No person, who would otherwise be a transient wholesale or retail merchant, shall be exempted from the provisions of this article by reason of his being temporarily associated with any local dealer, merchant or auctioneer or by conducting a retail business in connection with, or as part of the business of, any such local person.

(Code 1970, § 14-7)

Sec. 14-151. Reserved.

Note: See the editor's note to §§ 14-148, 14-149.

Secs. 14-152--14-165. Reserved.

ARTICLE VIII. SELF-SERVICE LAUNDRIES

Sec. 14-166. Enforcement.

The building inspector shall enforce the provisions of this article and may adopt such rules and regulations consistent with the provisions of this article as may be necessary to secure the intent and purposes hereof and to ensure proper enforcement. Copies of such rules and regulations shall be obtainable from the department of licenses and inspections upon request.

(Code 1970, § 7-48)

Sec. 14-167. License--Required; attended premises excepted.

No person shall engage in the business of operating, for the use of the general public, automatic self-service laundries which do not have an attendant on the premises during business hours, without first obtaining a license therefor from the building department and approved by the building inspector.

(Code 1970, § 7-49)

Sec. 14-168. Same--Application; restriction on issuance.

(a) Every person required to be licensed under this article shall file with the building department a written sworn application signed by the applicant on blanks furnished by the building department and shall include the following information:

(1) Name, business and residence address of the applicant.

(2) Location by street and number of the business on behalf of which the application is made.

(3) Such other information as the building inspector may deem reasonably necessary to effectuate the purposes of this article and to arrive at a fair determination of whether the provisions of this article have been complied with.

(b) No building permit shall be issued to any inspector of the building department or to any inspector engaged in or connected with any building project without consent of the building commission.

(Code 1970, §§ 7-50, 7-50.1; Ord. of 2-74)

Sec. 14-169. Same--To be issued without charge.

The license required under this article shall be twenty-five dollars ($25.00) per year.

(Code 1970, § 7-51; Ord. of 4-90, § 9)

Sec. 14-170. Same--To be displayed.

Any license issued under this article shall be prominently displayed on the licensed premises at all times.

(Code 1970, § 7-54)

Sec. 14-171. Same--Revocation or suspension; notice; appeal.

(a) The building inspector may, for cause, revoke or suspend any license issued under this article after giving due notice thereof to the licensee. Notice shall be given in writing, setting forth specifically the grounds of complaint and shall be signed by the building inspector or his deputy. Such notice shall be served on the licensee as given on the application filed for such license.

(b) Any person aggrieved by an order of the building inspector revoking or suspending a license issued under this article may file an appeal as provided herein.

(Code 1970, § 7-53)

Sec. 14-172. Same--Expiration; renewal.

Any license issued under this article shall expire on December thirty-first of each year. Such license may be renewed by the holder thereof upon the filing of any application with the building department in the same manner as required in the case of an original application.

(Code 1970, § 7-52)

Sec. 14-173. Safety regulations generally.

Businesses licensed under the provisions of this article shall be subject to the following rules and regulations:

(1) *Compliance with technical codes.* All applicable provisions of the building, electrical, plumbing, heating and ventilating Codes and Fire Department regulations must be complied with.

(2) *Unused electrical outlets to be covered.* All unused electrical outlets located in public areas must be disconnected or covered with plates.

(3) *Vent flues.* Vent flues for gas-fired equipment must conform to the standards established by the American Gas Association.

(4) *Lighting of public areas.* The area used by the public must be adequately lighted during business hours.

(5) *View of public area to be unobstructed.* The area used by the public must not be obstructed to view from the outside.

(6) *Water heating system.* The water heating system must be completely enclosed and locked to the general public.

(7) *Telephones.* Public telephones shall be wall hung and may not be enclosed.

(8) *Coin-operated music and amusement machines prohibited.* Coin-operated music and amusement machines may not be located within the licensed premises.

(9) *Washing machines' backs.* Washing machines shall be installed so that their backs are not accessible to the general public.

(10) *Drying machines' tops and backs.* Drying machines shall be installed so that their tops and backs are not accessible to the general public.

(11) *Drying machine doors.* Drying machine doors shall be so equipped that they can be opened from the inside.

(12) *Automatic stop for drying machines.* Drying machines shall be equipped with a device which will cause them to cease operating upon opening of their doors.

(13) *Automatic stop for washing machines.* Washing machines installed after the ordinance from which this section was derived took effect shall be equipped with a device that causes them to cease operating upon the opening of their doors, or with safety locks on their doors so that they cannot be opened during the spin-dry cycle of the washing machine.

(14) *Unaccompanied children.* Children under twelve (12) years of age shall not be permitted on the licensed premises unless accompanied by an adult and a sign to that effect shall be displayed in a prominent place on the licensed premises.

(15) *"No Loitering" sign.* A "No Loitering" sign shall be prominently displayed in all licensed premises.

(Code 1970, § 7-55)

Secs. 14-174--14-185. Reserved.

ARTICLE IX. RESERVED*

***Editor's note:** An ordinance of March, 1995, repealed Ch. 14, Art. IX, §§ 14-186--14-197 which pertained to solicitations and donations.

Secs. 14-186--14-210. Reserved.

ARTICLE X. ITINERANT VENDORS*

***Cross references:** Peddlers in public parks restricted, § 17-51.

Sec. 14-211. Scope of article.

(a) The provisions of this article shall not apply to, sales made to dealers by commercial travelers or selling agents in the usual course of business nor to bona fide sales of goods, wares and merchandise by sample for future delivery, nor to any sale of goods, wares or merchandise on the grounds of any incorporated agricultural society during the continuance of any annual fair held by such society.

(b) No itinerant vendor shall be relieved or exempted from the provisions and requirements of this article by reason of associating himself temporarily with any local dealer, auctioneer, trader or merchant, or by conducting any temporary or transient business in connection with or in the name of any local dealer, auctioneer, trader or merchant.

(Ord. of 5-83)

Sec. 14-212. Definitions.

As used in this article:

Itinerant vendor shall mean any person, whether principal or agent, who engages in a temporary or transient business, either in one location or traveling from place to place, selling goods, wares and merchandise, and who, for the purpose of carrying on such business, hires, leases or occupies any building or structure in the city for the exhibition and sale of such goods, wares and merchandise.

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 therefor, any goods, wares or merchandise, either on foot or from any animal or vehicle.

Temporary or transient business shall mean any exhibition and sale of goods, wares and merchandise which is carried on in any tent, booth, building or other structure, unless such place shall be open for business during usual business hours for a period of at least nine (9) months in each year.

(Ord. of 5-83)

Cross references: Definitions and rules of construction generally, § 1-2.

Sec. 14-213. License--Required; exceptions.

(a) No itinerant vendor, except one exempt under the general statutes, shall sell or offer for sale in the city any goods, wares or merchandise, unless he has obtained a license to

do so issued by the city police department.

(b) No peddler, except one exempt under the general statutes, shall sell or offer for sale in the city any goods, wares or merchandise, unless he has obtained a license to do so issued by the city police department; provided, however, that no such peddler's license shall be required for sales by farmers and gardeners of the produce of their farms and gardens on their own premises or at public farmers' markets designated by the common council.

(Ord. of 5-83)

Sec. 14-214. Same--Applications.

(a) Applicants for a license required by this article who are not residents of the state shall file their applications at least two (2) weeks prior to the effective date for the use of such license.

(b) Applicants, when applying for such license, must show conclusive proof of possession of a state sales and use tax permit and a state vendor's permit.

(Ord. of 5-83)

Sec. 14-215. Same--Testing of scales prerequisite to issuance.

No license required by this article shall be issued to any person whose business requires, or who uses in his business, any measure, weight or scale, until such persons shall present to the chief of police a certificate from the sealer of weights and measures attesting that such measures, weights or scales have been tested by such sealer of weights and measures and found to be correct.

(Ord. of 5-83)

Sec. 14-216. Same--Fees.

The fee for a vendor's license under this article shall be two hundred fifty dollars ($250.00) per year except that there shall be no fee for a license issued to vendors of toys, flags, foodstuffs, novelties, crafts and similar items for use and in connection with parades, bazaars, circuses and similar community events located within the city. Such license shall be for a period not to exceed five (5) days. Sales under such a license shall be limited to the route of the parade or the location of the bazaar, circus or similar community event. Such license shall expire upon the ending of the event.

(Ord. of 5-83)

Sec. 14-217. Same--Not transferable.

The license required by this article shall be issued in the name of the vendor only and shall not be transferable.

Sec. 14-218. Same--Revocation.

(a) The license issued pursuant to this article may be revoked by the board of police commissioners of the city, after notice and hearing, for any of the following causes:

(1) Any fraud, misrepresentation or false statement contained in the application for license;

(2) Any fraud, misrepresentation or false statement made in connection with the selling of goods, wares or merchandise;

(3) Any violation of this article;

(4) Conviction of the licensee of any felony or of a misdemeanor involving moral turpitude; or

(5) Conducting the business licensed under this article in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.

(b) Notice of hearing for revocation of a license shall be given in writing, setting forth specifically the grounds of the complaint and the time and place of the hearing. Such notice shall be mailed, postage prepaid, to the licensee, at his last known address, at least five (5) days prior to the date set for the hearing.

(Ord. of 5-83)

Sec. 14-219. Same--Expiration.

Unless sooner revoked, all licenses required by this section shall expire one year from the date of their issuance.

(Ord. of 5-83)

Sec. 14-220. Hours of sale restricted; badges.

(a) Licensees under this article shall be licensed to do business only between the hours of 6:00 a.m. and 7:00 p.m.

(b) Each licensee shall be issued a badge when granted a license which badge shall bear an identification number and shall be worn on the person at all times in a conspicuous place.

(Ord. of 5-83)

Sec. 14-221. Regulation of use of vehicles.

The common council may adopt rules and regulations for the parking and standing of any wagon, cart or vehicle while the same is being used in the selling or offering for sale of any goods, wares or merchandise on any street in the city. It shall be unlawful for any person to violate any such rule or regulation.

(Ord. of 5-83)

Sec. 14-222. Selling goods from vehicles prohibited in certain areas.

(a) No person shall sell or offer for sale merchandise, food or drinks of any kind or description from parked vehicles or mobile units on Main Street between North Street and Franklin Square or on Franklin Square from Main Street to Whiting Street or on any street which intersects Main Street or Franklin Square for a distance of three thousand (3,000) feet from the point at which such street intersects Main Street or Franklin Square except in connection with a parade, bazaar, circus, or similar community event for which a license has been issued.

(b) No person shall sell or offer for sale merchandise of any kind or description, including, but not limited to, foodstuffs within three thousand (3,000) feet of any public, parochial or private school at the time of dismissal or for one-half (1/2) hour following dismissal.

(Ord. of 5-83; Ord. of 12-3-97)

Sec. 14-223. Duty of police to enforce.

It shall be the duty of the police officers of the city to examine all places of business and persons in their respective territories subject to the provisions of this article, to determine if this article has been complied with and to enforce the provisions of this article against any person found to be violating the same.

(Ord. of 5-83)

Secs. 14-224--14-235. Reserved.

ARTICLE XI. WEIGHTS AND MEASURES*

***State law references:** Standards of weights and measures, G.S. § 43-2; weights and measurements of specific articles, G.S. §§ 43-17--43-20; city sealer, G.S. § 43-6; sealer's power to arrest without a warrant, G.S. § 43-7.

Charter references: Sealer, § 2151; powers and duties of sealer, § 2152; penalties for short weight, § 2153.

Sec. 14-236. Use of false weights and measures prohibited.

No person shall in the course of a sale of any article misrepresent the weight, measure or quantity of such article.

(Code 1970, § 24-1)

Sec. 14-237. Sealer's right to enter and inspect.

(a) The sealer of weights and measures or his agent may enter any business premises at

any reasonable hour to inspect any scales, weights or measures used on such premises.

(b) The sealer may inspect the scales, weights or measures of any itinerant merchant or peddler in the city.

(Code 1970, § 24-2)

Sec. 14-238. To be officially scaled or marked.

No person shall use any weight or measure to ascertain the length, weight or quantity of any article to be sold by him which has not been marked or scaled by the sealer of weights and measures.

(Code 1970, § 24-3)

State law references: Dealers and repairers of weighing and measuring devices, G.S. §§ 43-46--43-52.

Sec. 14-239. Inspection and tests of gasoline measuring devices authorized.

The sealer of weights and measures shall inspect and test the accuracy of all measuring devices and accessories used in the sale of gasoline, kerosene, fuel, oils or similar substances as often as he deems necessary for the benefit of the public.

(Code 1970, § 24-4)

Sec. 14-240. Measuring devices on gasoline pumps; daily tests.

All persons using gasoline pumps or other automatic liquid measuring devices for the sale of gasoline and other volatile inflammable fluids, shall use standard measures in capacities of one and five (5) gallons duly sealed by the sealer of weights and measures for the purpose of making tests to ascertain whether the measuring device is delivering the correct quantity of liquid. A test of each pump or other measuring device shall be made by the seller before he makes the first sale each day.

(Code 1970, § 24-5)

Sec. 14-241. Standard gallon as unit of measurement for gasoline sales.

The standard gallon shall be the unit of measurement for all sales of gasoline, kerosene, fuel oils or similar substances sold or offered for sale for the purpose of creating power or heat.

(Code 1970, § 24-6)

Sec. 14-242. Fuel deliveries; receipts; measuring instruments.

(a) *Quantities.* Any delivery of gasoline in excess of fifty (50) gallons and any delivery of kerosene, fuel oil or similar substance for domestic heating in excess of ten (10) gallons shall be accompanied by a delivery ticket made in duplicate and written in ink or other

indelible substance giving the names of the purchaser and the seller and the quantity delivered in gallons. One copy of the delivery ticket shall be retained by the seller and the other given to the purchaser.

(b) *Sale at seller's premises.* If the buyer takes such fuel from the premises of the seller a delivery ticket stating the number of gallons purchased shall be given to the buyer.

(c) *Measuring instruments.* The quantity of fuel delivered to any purchaser as described in paragraphs (a) and (b) of this section shall be measured by an instrument tested and approved by the sealer of weights and measures. Large quantities of fuel may be measured by the size of the compartment into which it is placed provided that such a compartment has been approved by the sealer of weights and measures, and its capacity in gallons is clearly written on its exterior.

(Code 1970, § 24-7)

Sec. 14-243. Garage commission; gas and oil purchases to be measured.

(a) The sealer of weights and measures shall measure all gasoline and oil purchased by the city garage commission prior to delivery.

(b) All contracts for the purchase of gasoline and oil by the city garage commission shall contain a provision requiring the sealer of weights and measures to measure the gasoline and oil as a condition precedent to payment.

(Code 1970, § 24-12)

Sec. 14-244. Sealer to weigh coal on request; fees.

(a) *Request for weighing.* At the request of the purchaser, any person selling coal shall provide the weight thereof and shall cause the coal and the vehicle containing the same to be weighed by the sealer of weights and measures, and after delivery the vehicle shall be weighed again on the same scales.

(b) *Certificate of weight and payment of fee.* The sealer of weights and measures shall then give the purchaser a certificate of the weight of such coal. If the certified weight is not less than twenty-five (25) pounds the weight previously given by such seller, the purchaser shall pay the weighing fees. If the certified weight is less than twenty-five (25) pounds, the weight previously given by such seller, then the weighing fees shall be paid by the seller.

(Code 1970, § 24-13; Ord. of 3-77)

ARTICLE XII. BAZAARS AND RAFFLES

Sec. 14-245. State law adopted.

Pursuant to the provisions of section 7-171 of the general statutes, the city hereby adopts all the provisions of sections 7-170 to 7-186, inclusive, of the general statutes concerning bazaars and raffles.

(Ord. of 6-88)

State law references: Adoption of Bazaar and Raffle Law by city, G.S. § 7-171.

Secs. 14-246--14-254. Reserved.

ARTICLE XIII. DANCE HALLS*

***Editor's note:** An ordinance of Oct., 1988, § 4, added provisions designated as Article XII, § 14-245; in order to avoid duplication of article and section designations assigned by an ordinance of June, 1988, said provisions have been redesignated as Article XIII, § 14-255, at the editor's discretion.

Sec. 14-255. License required; fee.

No person shall [operate a dance hall] without first obtaining a license [therefor] issued by the building inspector. Such license shall remain in effect for one year from the date of issuance. There shall be a license fee of fifty dollars ($50.00) payable upon issuance of such license.

(Ord. of 10-88, § 4(14-245))

ARTICLE XIV. PUBLIC SWIMMING POOLS, WADING POOLS, WHIRLPOOLS, SPAS, DAYCARE CENTERS AND NONPUBLIC SCHOOLS

Sec. 14-256. License required; fee.

(a) No person shall operate a public swimming pool, a public wading pool or a public whirlpool or spa as defined in section 10-B-33b of the Regulations of the State of Connecticut Department of Health Services without first obtaining a license therefor issued by the director of health. Such license shall remain in effect for one (1) year from the date of issuance. The fee for such license shall be sixty dollars ($60.00) for each such pool or spa.

(b) The health department shall charge a fee for the following inspections:

(1) Day care centers -- $60.00;

(2) Nonpublic schools inspections -- $15.00 per structure.

(3) Well permits -- A $50.00 fee shall accompany each application.

(Ord. of 4-90 § 10; Res. No. 28693-2, 8-18-05; Res. No. 30847-2, 1-27-10)

Secs. 14-257--14-259. Reserved.

ARTICLE XV. ADULT-ORIENTED ESTABLISHMENTS

Sec. 14-260. Declaration of policy.

The Common Council of the City of New Britain, Connecticut finds:

(a) The operation of "adult-oriented establishments" in the city requires special regulation and supervision by the city to protect, preserve and promote the health, safety and welfare of the patrons of such establishments, as well as the health, safety and welfare of the city's citizens. Further, protecting order and morality, preserving the character and preventing the deterioration of the city's neighborhoods, promoting retail trade, maintaining property values, and ensuring sanitary and safe public places are desirable objectives of the community and its leaders.

(b) Statistics and studies performed by a substantial number of cities and towns in the United States indicate that:

(1) Large numbers of persons, primarily male, frequent such adult-oriented establishments, especially those which provide closed booths, cubicles, studies and rooms for the private viewing of so called "adult" motion pictures and/or video tapes and/or live entertainment.

(2) Such closed booths, cubicles, studios and rooms have been used by patrons, clients or customers of such adult-oriented establishments for the purpose of engaging in specified sexual activities.

(3) Male and female prostitutes have been known to frequent such establishments in order to provide sex for hire to the patrons, clients or customers of such establishments within such booths, cubicles and rooms.

(4) Doors, curtains, blinds and/or other closures installed in or on the entrances and/or exits of such booths, cubicles, studios and rooms which are closed while such booths' cubicles, studios and rooms are in use encourage patrons using such booths, cubicles, studios and rooms to engage in specified sexual activities therein with prostitutes and/or with other persons and/or by themselves, thereby promoting and encouraging prostitution and the commission of specified sexual activities which cause blood, semen, urine, or other bodily secretion to be deposited on the floors and/or walls of such booths, cubicles, studios and rooms, which deposits could prove detrimental to the health and safety of other persons who may come into contact with such deposits.

(5) Booths, cubicles, studios and rooms which are closed while such booths, cubicles, studios and rooms are in use often contain holes that have been cut or smashed out of the walls or other partitioning material. These holes permit the inhabitant of one booth to engage in specified sexual activities with the inhabitant of the adjoining booth, cubicle, studio or room. These so-called "glory holes" promote and encourage specified

sexual acts to occur between persons anonymously. Anonymous sexual contact poses a higher risk of spread of communicable diseases, including the AIDS virus and Hepatitis B, and other sexually transmitted diseases. Further, the existence of "glory holes" in booths, cubicles, studios and rooms at adult-oriented establishments provides an increased risk that blood, semen, urine, or other bodily secretion will be deposited on the floors and/or walls of such booths, cubicles, studios and rooms, which deposits could prove detrimental to the health and safety of other persons who may come into contact with such deposits.

(6) Specified sexual activities often occur at unregulated adult-oriented establishments which provide live adult entertainment. Specified sexual activities include sexual physical contact between employees and patrons of adult-oriented establishments and specifically include, "lap dancing," and/or manual or oral touching or fondling of specified anatomical areas, whether clothed or unclothed. Such casual sexual physical contact between strangers may result in the transmission of communicable diseases which would be detrimental to the health of the patrons and employees of such adult-oriented establishments.

(7) The unregulated operation of adult-oriented establishments is associated with an increase in the incidence of sex-related crimes and also has a disruptive effect on the surrounding neighborhood by causing excessive noise, parking problems, the presence of discarded sexually oriented material on residential lawns, and the performance of sexual acts in public places.

(8) The reasonable regulation and supervision of such adult-oriented establishments tends to discourage prostitution, other sex-related crimes, anonymous, high-risk sexual contact and/or high risk unsanitary, sexual activity, excessive noise and property devaluement, thereby decreasing the incidence of communicable diseases and sex-related crimes, and thereby promoting and protecting the health, safety and welfare of the employees and the public who patronize such establishments, and protecting the health, safety and property interests of a city and its citizens.

(c) The continued unregulated operation of adult-oriented establishments is and would be detrimental to the general welfare, health and safety of the citizens of New Britain.

(d) The Constitution and laws of the State of Connecticut grant to the city powers, especially police power, to enact reasonable legislation and measures to regulate and supervise adult-oriented establishments in order to protect the public health, safety and welfare.

(e) It is not the intent of the common council, in enacting this article, to deny to any person rights to speech protected by the United States and/or State Constitutions, nor is it the intent of the common council to impose any additional limitations or restrictions on the content of any communicative materials including sexually oriented films, video-tapes, books and/or other materials.

Further, by enacting this article, the common council does not intend to deny or restrict the rights of any adult to obtain and/or view any sexually oriented materials protected by the United States and/or State Constitutions, nor does it intend to restrict or deny any constitutionally protected rights that distributors or exhibitors of such sexually oriented materials may have to sell, distribute or exhibit such materials.

(Ord. of 9-10-97)

Sec. 14-261. Definitions.

For the purpose of this article, the following words and phrases shall mean:

(a) *Adult bookstore or video store* means an establishment having twenty-five (25) percent or more of its floor area used for the display of books, films, video cassettes, or magazines and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," as defined herein, and in conjunction therewith has facilities for the presentation of adult entertainment, as defined herein, and including adult-oriented films, movies or live entertainment, for observation by patrons therein.

(b) *Adult cabaret* means an establishment such as, but not limited to, a nightclub, bar, restaurant, or similar establishment, whether or not alcoholic beverages are served, that regularly features live performances that are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities", as defined herein, or films, motion pictures, video cassettes, slides or other photographic reproductions in which a substantial portion of the total presentation time is devoted to the showing of material that is characterized by an emphasis upon the depicting, describing or relating to "specified sexual activities" or "specified anatomical areas", as defined herein, for observation by patrons therein.

(c) *Adult entertainment* means and includes any exhibition of any adult-oriented motion picture, live performance, display or dance of any type which has as a significant or substantial portion of such performance any actual or simulated performance of "specified sexual activities" or exhibition and viewing of "specified anatomical areas," removal of articles of clothing or appearing unclothed, pantomime, modeling, or any other personal services offered customers. It also includes any amusement machine that is regularly used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," as defined herein, for observation by patrons thereof.

(d) *Adult material* means, but is not limited to, accessories, books, films, video cassettes, or live entertainment, for observation by patrons therein, or magazines and other periodicals or any combination thereof which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas", as defined herein.

(e) *Adult mini-motion picture theater* means an enclosed building with a capacity of less than fifty (50) persons regularly used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," as defined herein, for observation by patrons therein.

(f) *Adult motion picture theater* means an enclosed building with a capacity of fifty (50) or more persons regularly used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," as defined herein, for observation by patrons therein.

(g) *Adult-oriented establishment* means, without limitation, "adult bookstores or video stores", "adult motion picture theaters", "adult mini-motion picture theaters" and further means any premises to which the public, patrons, or members are invited or admitted and which are so physically arranged as to provide booths, cubicles, rooms, studios, compartments or stalls separate from the common areas of the premises for the purpose of viewing adult-oriented motion pictures, adult cabaret or wherein an entertainer provides adult entertainment to a member of the public, a patron or a member, when such adult entertainment is held, conducted, operated or maintained for a profit, direct or indirect. An "adult-oriented establishment" further includes, without limitation, any "adult entertainment studio" or any premises that are physically arranged and used as such, whether advertised or represented as an adult entertainment studio, rap studio, exotic dance studio, encounter studio, sensitivity studio, modeling studio or any other term of like import.

(h) *Employee* means any and all persons, including independent contractors, who work in or at or render any services directly related to the operation of an adult-oriented establishment.

(i) *Entertainer* means any person who provides entertainment within an adult-oriented establishment as defined in this section, whether or not a fee is charged or accepted for entertainment and whether or not entertainment is provided as an employee or independent contractor.

(j) *Inspector* means the director of health, the chief of police, the fire marshal, their agent or representative, or any city employee designated to make inspections for health, fire, building safety, public safety, zoning purposes, violations of this article, or for violations of other laws and ordinances of the City of New Britain.

(k) *Minor* shall be deemed to refer to a person under the age of seventeen (17) years.

(l) *Operator* means any person, partnership or corporation operating, conducting or maintaining an adult-oriented establishment.

(m) *Sexual activities,* as used in this article, is not intended to include any medical publications or films or bona fide educational publication or films, nor does it include any art or photography publications which devote twenty-five (25) per cent of the lineage of each issue to articles and advertisements dealing with

subjects of art or photography. Nor does this definition apply to any new periodical which reports or describes current events and which, from time to time, publishes photographs of nude or semi-nude persons in connection with the dissemination of the news. Nor does this definition apply to publications or films which describe and report different cultures and which, from time to time, publish or show photographs or depictions of nude or semi-nude persons when describing cultures in which nudity or semi-nudity is indigenous to the population.

(n) *Specified anatomical areas* means:

(1) Less than completely and opaquely covered: a) human genitals, pubic region; b) buttock(s), anus; c) female breast(s) below a point immediately above the top of the areola; and

(2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

(o) *Specified sexual activities* means simulated or actual:

(1) Showing of human genitals in a state of sexual stimulation or arousal;

(2) Acts of masturbation, sexual intercourse, sodomy, bestiality, necrophilia, sado-masochistic abuse, fellatio or cunnilingus;

(3) Fondling or erotic touching of human genitals, pubic region, buttock(s), anus or female breast(s);

(4) Lap dancing; and

(5) Excretory functions as part of or in connection with any of the activities set forth in subsections (1) through (4).

As used in these regulations, the term "specified sexual activities" is not intended to include any medical publications or films or bona fide educational publications or films, nor does it include any art or photography publications which devote at least twenty-five (25) percent of the lineage of each issue to articles and advertisements dealing with 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 of nude or semi-nude persons in connection with the dissemination of the news. Nor does this definition apply to publications or films which describe and report different cultures and which from time to time publish or show photography or depictions of nude or semi-nude persons when describing cultures in which nudity or semi-nudity is indigenous to the population.

(Ord. of 9-97; Ord. of 6-98, § 1)

Sec. 14-262. Operating requirements for adult-oriented establishments.

(a) No licensee, operator or employee of an adult-oriented establishment shall perform or permit to be performed, offer to perform, or allow patrons to perform, any live performance or conduct featuring any of the "specified sexual activities" as defined in

subsection 14-261(m).

(b) No licensee, operator or employee of an adult-oriented establishment shall allow or permit any minor to enter into, or in any way loiter in or on, any part of such establishment.

(c) Every adult-oriented establishment doing business in the city on and after the effective date of this article shall be well lighted at all times and be physically arranged in such a manner that the entire interior portion of the booths, cubicles, rooms or stalls wherein adult entertainment is provided, shall be clearly visible from the common areas of the premises. Visibility into such booths, cubicles, rooms or stalls shall not be blocked or obscured by doors, curtains, partitions, drapes, or any other obstruction whatsoever. It shall be a violation of this article to install enclosed booths, cubicles, rooms or stalls within adult-oriented establishments for any purpose in any way related to providing for the secluded viewing of adult-oriented motion pictures, or any other types of adult-oriented entertainment.

(d) The licensee and operator of each adult-oriented establishment shall be responsible for and shall provide that any room or other area used for the purpose of viewing adult-oriented motion pictures or other types of live adult entertainment shall be well lighted and readily accessible at all times and shall be continuously open to view in its entirety. The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than one foot candle as measured at the floor level. It shall be the duty of the operator and its agents to insure that the illumination described above is maintained at all times that any patron is present in the premises.

(e) Every act or omission by an employee constituting a violation of the provisions of this article shall be deemed the act or omission of the licensee and operator as well, including any act or omission as a result of the operator's negligent failure to supervise the employee's conduct, and the licensee and operator shall be punishable for such act or omission in the same manner as if the licensee and operator committed the act or caused the omission.

(f) The licensee and operator shall be responsible for the conduct of all employees while on the premises, including parking areas and all other portions of the property, and any act or omission of any employee constituting a violation of the provisions of this article shall be deemed the act or omission of the licensee and operator for purposes of determining whether the operating license shall be revoked, suspended or renewed and whether the licensee and operator shall be subject to the penalties imposed by this article.

(g) All adult-oriented establishments shall be open to inspection by any inspector at all times the establishment is open for business.

(h) No adult-oriented establishment shall open to do business before 10:00 a.m., Monday through Saturday; and no adult-oriented establishment shall remain open after 1:00 a.m. Tuesday through Saturday. No adult-oriented establishment shall be open for business after 2:00 a.m. on any Sunday or legal holiday as designated in C.G.S. § 14.

(i) No person shall be employed in any adult live dancing establishment within three (3)

years of conviction of any of the crimes specified in subsection 14-264(c)(9) below, unless such conviction has been submitted for appellate review; in which case, employment shall be continued until such appeal is sustained.

(Ord. of 9-97)

Sec. 14-263. License required.

(a) Except as provided in subsection (d) below, from and after the effective date of this article, it shall be unlawful for any person, partnership or corporation, to engage in, conduct, or carry on or permit to be engaged in, conducted, or carried on, in or upon any premises in the city, the operation of an adult-oriented establishment without first obtaining a license to operate from the City of New Britain Chief of Police.

(b) A license may be issued for only one adult-oriented establishment located at a fixed and certain place. Any person, partnership, or corporation which desires to operate more than one adult-oriented establishment must have a license for each.

(c) It shall be a violation of this article for any entertainer, employee, owner, or operator to knowingly work in or about, or to knowingly perform any service directly related to the operation of any unlicensed adult-oriented establishment.

(d) All existing adult-oriented establishments at the time of the passage of this article must submit an application for license within sixty (60) days of the effective date of this article. If no application is filed within said sixty-day period, then such existing adult-oriented establishment shall cease operations.

(e) Each license shall be specific to a licensee and to a location and may not be sold, assigned or transferred to any person, corporation or partnership in any way.

(Ord. of 9-97)

Sec. 14-264. Application for license.

(a) Upon the effective date of this article, the operator of any adult-oriented establishment shall be responsible for and shall acquire a license from the chief of police, in accordance with this section.

(b) The operator of each adult-oriented establishment shall submit an application in triplicate to the city clerk together with an application fee of one hundred twenty-five dollars ($125.00) prior to the commencement of business or within sixty (60) days of the effective date of this article for any establishment already open for business. The city clerk shall date stamp all copies of the application and shall promptly deliver a copy of the application to the chief of police. The application shall be made upon a form prepared by the chief of police and disseminated by the city clerk. In instances where a corporation or a partnership is the applicant, the application shall be signed and filed by a person having direct control or management of the proposed adult-oriented establishment, or by an officer, director, majority shareholder, or majority partner of the corporation or partnership.

(c) The applicant for a license shall furnish the following information:

(1) Name and address of the applicant, owner, operator, manager, and any other person having direct control or management of the adult-oriented establishment, including all aliases.

(2) Name and address of all employees, and any other persons directly involved in the operation of the adult-oriented establishment, including aliases.

(3) Written proof that the applicant is at least eighteen (18) years of age.

(4) The exact nature of the entertainment to be conducted at the adult-oriented establishment.

(5) The address of the adult-oriented establishment to be operated by the applicant.

(6) Adult-oriented entertainment or similar business license/permit history of the applicant, whether such person has previously operated in this or another municipality or state under license, or without license, has had any such license revoked or suspended, the reason therefor and the business entity or trade name under which the applicant operated that was subject to the suspension or revocation.

(7) If the application is a corporation, the application shall specify the name of the corporation, the date and state of incorporation, and the name and address of the registered agent.

(8) A statement by the applicant that he or she is familiar with the provisions of this article and is in compliance with them.

(9) Any criminal convictions of the applicant, employees, operator, and other persons directly involved in the management or control of the adult-oriented establishment, to any crime involving moral turpitude, prostitution, obscenity, or other sex-related crime in any jurisdiction within three (3) years of the date of the filing of the application. Such crimes include, but are not limited to, prostitution, soliciting prostitution, promoting or permitting prostitution and sexual assault, in Connecticut being C.G.S. §§ 53a-82, § 53a-83, § 53a-83a (prostitution, soliciting a prostitute, soliciting a prostitute from a motor vehicle); C.G.S. §§ 53a-85, 53a-86, 53a-87, 53a-88, 53a-89 (promotion or permitting prostitution); C.G.S. §§ 53a-70, 53a-70a, 53a-70b, 53a-71, 53a-72a, 53a-72b, 53a-73a (sexual assault).

(d) If a license to operate is granted, the information furnished in the application shall be updated within thirty (30) days of any changes. Said update shall be filed at the office of the city clerk, who shall promptly forward such update to the chief of police.

(Ord. of 9-10-97)

Sec. 14-265. Licensing procedure.

(a) No license shall be issued unless the chief of police has investigated the applicant's qualifications to be licensed. The investigation shall be conducted only to confirm the qualifications of the applicant and to inspect the premises for compliance with all laws

and regulations. The results of the investigation shall be put in writing and filed with the city clerk and mailed to the applicant within ninety (90) days after the date the application was filed. Additionally, the premises of the adult-oriented establishment shall be inspected for compliance with the provisions of this article and all local and state codes and regulations including, but not limited to, health, fire, building, and zoning regulations. Said inspections shall be completed and a report issued to the chief of police within thirty (30) days of the filing of the application, and shall be included with the investigation results of the chief of police.

(b) The chief of police shall issue to the applicant a license to operate an adult-oriented establishment within ninety (90) days from the date of the filing of an application if all requirements for an adult-oriented establishment described in this article are met, unless he finds;

(1) The operation as proposed by the applicant, if permitted, would not have complied with all applicable laws and regulations, including, but not limited to, the building, health, housing, zoning and fire codes of the city. If the premises are not in compliance, the applicant shall be advised of the reasons in writing and what, if any, measures the applicant can take to bring the premises into compliance for a license to issue.

(2) That the applicant or any other person who will be directly engaged in the management and operation of an adult-oriented establishment has been convicted in this or any other state of any of the crimes specified in subsection 14-264(c)(9), except those specified in subsection (3) below, within three (3) years of the date of the filing of the application.

(3) That the applicant or any other person who will be directly engaged in the management and operation of an adult-oriented establishment has been convicted of any obscenity offense in violation of Connecticut General Statutes §§ 53a-194, 53a-196a, 53a-196b, or 53a-196c within two (2) years of the date of the filing of the application.

(4) That the applicant previously violated this article within five (5) years immediately preceding the date of the filing of the application.

(c) Any failure of the license to issue within ninety (90) days from the date of the filing of the application shall constitute a denial subject to appeal.

(d) In the event that the adult-oriented entertainment establishment license is denied, one-half of the permit fee shall be retained by the city for expenses incurred in the investigation of the application.

(e) Whenever an application is denied, the chief of police shall notify the applicant in writing within ninety (90) days of the date of the application, stating the reasons for such denial.

(f) When an application is denied solely for reasons stated in subsection (b)(1), and such violation is correctable, the applicant shall be given an additional thirty (30) days from the date of such notification of denial to bring the premises into compliance. Upon verification by inspection that the correction has been made, which shall be determined no later than forty-eight (48) hours after receipt of written notice of corrections by the

chief of police, a license shall be issued to the applicant so long as no new violations or other disqualifying factors have occurred within those thirty (30) days.

(g) As a condition of the license, the premises shall be open to random inspection by an inspector for compliance with this article during all hours when the premises are open for business.

(h) The license, if granted, shall state on its face the name and residence address for the person to whom it is granted, the expiration date, the address of the adult-oriented establishment, and the department or public official and telephone number to report any violation of this article. The license shall also include a notice that the subject premises are subject to random inspection by inspectors of the City of New Britain for compliance with this article.

(i) The license shall be posted in a conspicuous place at or near the entrance to the adult-oriented establishment so that it may be easily read at any time.

(j) No license shall issue if there are outstanding property taxes due the City of New Britain on the property on which the proposed adult-oriented establishment will be located.

(k) Any adult-oriented establishment which was in operation prior to the effective date of this ordinance [ordinance enacted June 2, 1998] may continue to operate until a license is issued to it or until notice of the denial of an application is given to the establishment, in writing, as provided in subsection (e) of this section, provided that such establishment has submitted an application for a license.

(Ord. of 9-97; Ord. of 6-98)

Sec. 14-266. Expiration and renewal of license.

(a) Each license issued to a qualified applicant shall expire one year from the date it is issued, unless it is renewed upon application of the licensee accompanied by payment of a one hundred twenty-five dollar ($125.00) renewal fee. Such application and application fee shall be submitted by the licensee to the city clerk at least thirty (30) days before the expiration date, but not more than ninety (90) days. Provided the application is filed within thirty (30) days of its expiration date and the application fee paid, the license shall be renewed for the same licensee at the same location by the chief of police, unless the random inspection reports in the licensee's file reveal uncorrected violations of this article or uncorrected violations of health, fire or safety codes and regulations, of which the licensee has received written notice. A renewed license shall be mailed to the licensee by certified mail prior to the expiration date of the previous license. No establishment shall continue operations without a license, except in accordance with the provision of subsection (b) below.

(b) In the event there are uncorrected violations of this article or uncorrected violations of health, fire or safety code and regulations, of which the renewal applicant has received written notice, the license renewal shall be delayed for a maximum of thirty (30) days in order for all corrections to be completed and inspections done to determine compliance. If such corrections of violations are not made by the applicant within the thirty (30) days beyond the expiration date, no license renewal will be issued. A notice

of nonrenewal shall be mailed by the chief of police to the licensee by certified mail, within five (5) days after the extended thirty-day period, stating the reasons for the nonrenewal.

(c) Notwithstanding, the provisions in subsection (b) above, in no instance shall a renewal be issued to a licensee that has had two (2) or more violations of subsection 14-262(a) of this article to which the licensee has received written notice, or one or more uncorrected violations of this article pending for over two (2) months. A written notice of such nonrenewal shall be mailed by the chief of police to the licensee by certified mail, prior to the expiration date of the license sought to be renewed, stating the reasons for the nonrenewal/revocation.

(d) Should a license not be renewed for any violation provided herein, then no license shall issue for the same licensee for five (5) years.

(Ord. of 9-97)

Sec. 14-267. Suspension and revocation of license.

(a) The chief of police, or his authorized representative, may suspend a license for a period not to exceed thirty (30) days upon his determination that a licensee, operator, or employee has violated any part of this article. Said suspension shall be issued in writing mailed by certified mail, return receipt requested, to the licensee at the address of the establishment or at the home of the licensee or served by process server at the usual place of abode of the licensee or at the address of the establishment. If a suspension issues for a correctable violation, said suspension shall be terminated upon verification by inspection that the correction has been made, which shall be determined no later than forty-eight (48) hours after receipt of written notice of corrections by the chief of police.

(b) The chief of police, or his authorized representative, shall revoke any license where any of the following occur:

(1) It is discovered that false or misleading information or data was given on any application or material facts were omitted from any application for licensure;

(2) Any cost or fee required to be paid by this article is not paid or is paid with a bank check drawn on an account with insufficient finds and returned to the city;

(3) A licensee is no longer qualified due to conviction of any crime specified in subsection 14-264(c)(9) herein;

(4) A licensee has had two (2) or more violations of subsections 14-262(a), (c), (d), or (h) of this article to which the licensee has received written notice;

(5) A licensee has one or more uncorrected violations of this article pending for over two (2) months;

(6) Failure of licensee to correct any violation within thirty (30) days for which licensee's license was suspended pursuant to this subsection (a);

(7) The license or any interest therein is transferred in any way;

(8) A licensee fails to comply with subsection 14-265(g).

(c) Once revoked no license shall issue for the same licensee for five (5) years.

(d) At least ten (10) days prior to the revocation of any license, the police chief shall send by certified mail written notice of the reasons underlying such revocation. Such notice shall notify the licensee of the opportunity to make written application for a public hearing before the chief of police and the director of health, at which time the licensee may present evidence bearing upon the question. In such cases, the reasons shall be specific and in writing. If the licensee makes written application for a hearing within five (5) days of receipt of the revocation notice, a hearing shall be scheduled to take place no later than fifteen (15) days from the date of the application for such hearing. A notice of hearing shall be posted not less than ten (10) days before the date of such hearing in a conspicuous place on the property of the adult-oriented establishment, immediately after such hearing, the chief of police and the director of health shall enter their vote to either sustain or overrule the revocation against the licensee. The revocation will be deemed overruled where the vote is evenly divided. Within five (5) days after such hearing, the chief of police shall issue a final written notice of revocation or a notice of dismissal of revocation to the licensee by certified mail. All operations of the adult-oriented establishment shall be maintained, pending the final decision issued by the chief of police.

(Ord. of 9-97)

Sec. 14-268. Appeal.

(a) Within five (5) days of receipt of notification of a denial, suspension, or nonrenewal of a license, the applicant/licensee may submit a written application to the city clerk requesting a public hearing before the chief of police and the director of health. At such hearing the applicant/licensee shall have the opportunity to present evidence bearing upon the question. If the applicant/licensee makes application for a hearing within five (5) days of notification of a denial, suspension, or nonrenewal, a hearing shall be scheduled to take place no later than fifteen (15) days from date of the application for such hearing. A notice of hearing shall be posted not less than ten (10) days before the date of such hearing in a conspicuous place on the property of the adult-oriented establishment. Immediately after such hearing, the chief of police and the director of health shall enter their vote to either sustain or overrule the denial, suspension or nonrenewal. The denial, suspension or nonrenewal will be deemed overruled where the vote is evenly divided. Within five (5) days after such hearing, the chief of police shall issue written notice of a final decision, and issue any license or renewal of license where applicable. All operations of the adult-oriented establishment shall be maintained, pending the final decision being issued by the chief of police.

(b) Any denial, nonrenewal, suspension or revocation of a license that is sustained in a written decision after a hearing as provided for in subsection 14-268(a) and subsection 14-267(d) shall be appealable to the Superior Court within fifteen (15) days of written notice thereof by any person aggrieved in accordance with the procedure established for zoning appeals by the Connecticut General Statutes. Any denial of renewal, suspension or revocation shall be stayed during the appeal unless otherwise ordered

by the Superior Court.

(Ord. of 9-97)

Sec. 14-269. Violations and penalties.

(a) Every person, partnership or corporation, whether acting as an individual, owner, operator, licensee, or employee of an adult-oriented establishment who operates, maintains or conducts an adult-oriented establishment without first obtaining a license and paying the applicable fee to the city, or who violates any of the provisions of this article, shall be fined a definite sum not exceeding one hundred dollars ($100.00) for each such violation. Further, any violation of the provisions of this article shall subject the violator to arrest on a misdemeanor charge.

(b) Each violation of this article shall be considered a separate offense, and any violation continuing more than one hour of time shall be considered a separate offense for each hour of violation.

(c) This article shall not preclude any additional enforcement action taken by any appropriate city, state or federal official conducted pursuant to any applicable ordinance, regulation, and/or law of the City of New Britain and/or State of Connecticut, and/or the United States of America.

(Ord. of 9-97)

Sec. 14-270. Enforcement.

In addition to any fines or penalties imposed herein, this article may be enforced by injunctive procedure in the Superior Court.

(Ord. of 9-97)

Sec. 14-271. Savings clause.

Should any court of competent jurisdiction declare any section, clause or provision of this article to be unconstitutional, such decision shall affect only such section, clause or provision so declared unconstitutional and shall not affect any other section, clause or provision of this article.

(Ord. of 9-97)

Sec. 14-272. Miscellaneous.

In construing this article, masculine or neuter pronouns shall be substituted for those of feminine form and vice versa, and the plural of the singular and singular of the plural shall be substituted in any case in which the context may require.

(Ord. of 9-97)

Sec. 14-273. Effective date.

This article shall be effective immediately upon publication.

(Ord. of 9-97)

Secs. 14-274--14-299. Reserved.

ARTICLE XVI. PROHIBITED BUSINESS PRACTICES

Sec. 14-300. Spray paint nozzles--Relevant definitions.

Separated spray paint nozzle shall mean (1) any spray paint nozzle which is not attached to a spray paint can, whether said nozzle was detached from a spray paint can or is intended to be so attached or (2) any spray paint nozzle clearly intended for sale separate from a spray paint can.

Spray paint nozzle shall mean the component of a fully assembled spray paint can from which paint is discharged.

(Ord. of 11-00)

Sec. 14-301. Same--Prohibited sales.

It shall be unlawful for any business establishment in or operating within the city to sell or proffer for sale any separated spray paint nozzle. The owner of any business violating this section shall be assessed a fifty dollar ($50.00) fine. For the purposes of this section, each separated spray paint nozzle sold or proffered or advertised as any design for use in graffiti shall be considered as a separate count.

(Ord. of 11-00)

Cross references: City antiblight program, § 7-40 et seq.; antigraffiti procedures, § 7-60 et seq.; removal of graffiti from public places and property, § 21-235 et seq.

Secs. 14-302--14-380. Reserved.

ARTICLE XVII. NEW BRITAIN TATTOOING/PIERCING CODE*

***Editor's note:** An ordinance adopted Jan. 3, 2001, amended the Code by adding provisions designed as Ch. 14, Art. XVI and numbered as §§ 14-281--14-292. Since an ordinance enacted Nov. 1, 2000, had already established provisions designated as Art. XVI, §§ 14-300 and 14-301, the editor, at his discretion, has renumbered these new provisions as §§ 14-381--14-392 in order to avoid confusion.

Sec. 14-381. Definitions.

For the purpose of these regulations:

1.1. *Advanced practice registered nurse* means a person licensed to perform advanced level nursing practice activities pursuant to subsection (b) of section 20-87a of the Connecticut General Statutes.

1.2. *Aftercare* means written instructions given to the client, specific to the body art procedure(s) rendered, about caring for the body art and surrounding area. These instructions will include information about when to seek medical treatment, if necessary.

1.3. *Authorized agent* means an employee of the New Britain Health District designated by the director of health to enforce provisions of these regulations.

1.4. *Bloodborne pathogens* means pathogenic microorganisms that are present in human blood and can cause disease in humans. These pathogens include, but are not limited to, Hepatitis B virus (HBV), Hepatitis C virus (HCV) and Human Immunodeficiency Virus (HIV).

1.5. *Contaminated* means the presence or the reasonably anticipated presence of blood or other potentially infectious materials on an item or surface.

1.6. *Department* means the New Britain Health Department.

1.7. *Director of health* means the director of health for the City of New Britain.

1.8. *Disinfected* means the destruction of pathogenic agents by chemical and physical means.

1.9. *Exposure incident* means contact between blood or other potentially infectious materials with the eye, mouth, or other mucous membrane, nonintact skin or other parenteral contact.

1.10. *Hot water* means water which is at a temperature of not less than one hundred ten (110) degrees Fahrenheit.

1.11. *Infectious waste* means waste generated in the treatment or service of a human which falls under one or more of the following categories:

(a) Pathological wastes are human pathological wastes, including tissues that are removed during medical procedures.

(b) Human blood and bodily fluid waste including liquid waste, human blood, or blood products, items saturated, or dripping with blood or caked with dried human blood.

1.12. *Osteopathic physician* means a person licensed to practice osteopathy pursuant to chapter 371 of the Connecticut General Statutes.

1.13. *Parenteral* means piercing mucous membranes or the skin barrier through such events as needlesticks, cuts or abrasions.

1.14. *Physician* means a person licensed to practice medicine and surgery pursuant to chapter 370 of the Connecticut General Statutes.

1.15. *Physician assistant* means a person licensed [pursuant] to section 20-12b of the

Connecticut General Statutes.

1.16. *Registered nurse* means a person licensed to practice nursing pursuant to subsection (a) of section 20-87a of the Connecticut General Statutes.

1.17. *Regulated waste* means liquid or semiliquid or other potentially infectious materials; contaminated items that would release blood or other potentially infectious materials in a liquid or semiliquid state if compressed; items that are caked with dried blood or other potentially infectious materials and are capable of releasing these materials during handling; contaminated sharps; and pathological and microbiological wastes containing blood or other potentially infectious materials.

1.18. *Sterilization* means the process of destruction of all forms of microbial life by physical or chemical means.

1.19. *Tattoo* means indelible mark, figure or decorative design introduced by insertion of nontoxic dyes or pigments into or under the subcutaneous portion of the skin so as to form indelible marks for cosmetic, medical or figurative purposes.

1.20. *Tattooing* means the process by which the skin is marked or colored by the insertion of nontoxic dyes or pigments into or under the subcutaneous portion of the skin so as to form indelible marks for cosmetic, medical or figurative purposes.

1.21. *Tattoo artist* means any person applying a tattoo.

1.22. *Tattoo establishment* means any room or space where tattooing is practiced or where the business of tattooing is conducted or [on] any part thereof.

1.23. *Temporary tattoo establishment* means a tattoo establishment that operates at a fixed location for a period of time of not more than seventy-two (72) consecutive hours in conjunction with a single event, celebration or festival at an established locale.

1.24. *Universal precautions* is an approach to infection control in which all human blood and certain human body fluids are treated as if known to be infectious for Hepatitis B Virus (HBV), Hepatitis C Virus (HCV), Human immunodeficiency Virus (HIV) and other bloodborne pathogens.

(Ord. of 1-01)

Sec. 14-382. Infections.

2.1. The director of health or authorized agent shall inspect each tattoo establishment at least once every three (3) months and shall make as many inspections or reinspection as deemed necessary, for the enforcement of these regulations.

2.2. The director of health or authorized agent, after proper identification, shall be permitted to enter, at any reasonable time, any tattoo establishment for the purpose of making an inspection to determine compliance with these regulations.

2.3. The director of health or authorized agent shall be permitted to examine records of the establishment, to obtain information pertaining to persons tattooed and/or pierced and equipment, but not including financial records. There shall be a person knowledgeable of these records in the establishment during all hours of operation.

2.4. Whenever the director of health or authorized agent conducts an inspection of a tattoo establishment, the department's findings shall be recorded on an inspection report form provided for this purpose, and a copy of such inspection report shall be furnished to the permit holder or person in charge.

2.5. Whenever the director of health or authorized agent conducts an inspection and observes that any of the requirements of these regulations have been violated, the director of health or authorized agent shall notify the permit holder or person in charge of such violations by means of the inspection report form or other written notice. Such notification shall include the specific violations(s) observed and a reasonable period of time for the correction of the observed violation(s).

2.6. The director of health or authorized agent may, upon written notice to the permit holder or person in charge, place an embargo on any item, substance or equipment that is determined to be or is believed associated with the cause of illness or infection. It shall be considered unlawful to remove or alter such embargo without the permission of the department, except by order of a court of competent jurisdiction.

(Ord. of 1-01)

Sec. 14-383. Establishment requirements.

3.1. *Plan review and submission:*

(a) When a tattoo or body piercing establishment is constructed or remodeled, plans drawn in a minimum 1/4-inch scale and specifications for construction must be submitted along with tattoo/body piercing establishment license application to the department for approval.

(b) The plans must include, but are not limited to: description and location of work areas and equipment, sinks, counters, storage areas, toilet facilities, fixtures, waiting and viewing areas.

(c) Manufacturers' specification sheets shall be included in the plan submission for all equipment, floors, walls and ceilings.

(d) All plans must be approved by this department prior to construction of the tattoo establishment.

3.2. *Equipment:*

(a) The chair, seat or table to be utilized by the person receiving the tattoo or piercing shall be smooth, easily cleanable and nonabsorbent.

(b) All chairs, seats, or tables must be cleansed prior to use by the next client.

(c) All equipment shall be maintained in good repair.

3.3. *Toilet facilities:*

(a) All tattoo/piercing establishments shall provide an adequate toilet facility for the employees and comply with all applicable statutes, ordinances and regulations.

(b) Toilet fixtures shall be sanitary and easily cleanable.

(c) Toilet facilities including rooms and fixtures shall be kept in a clean condition and in good repair.

(d) Antibacterial liquid soap, toilet paper, and single-use, disposable paper towels shall be provided at each handwash sink in each toilet room.

3.4. *Handwashing:*

(a) Each workstation in the tattoo/piercing establishment shall have an handwashing sink for the exclusive use of the tattoo artist for the purpose of washing his or her hands and prepping clients.

(b) At each handwashing sink, liquid antibacterial soap and single-use disposable towels shall be provided at all times. Common towels are prohibited.

3.5. *Refuse and refuse containers:*

(a) All garbage and rubbish shall be kept in leakproof, nonabsorbent, easily cleanable, covered containers which must be kept clean.

(b) Refuse containers inside the establishment shall be operated by a foot pedal.

(c) All garbage and rubbish shall be disposed of with sufficient frequency and in such a manner as to prevent a public health nuisance.

(d) Infectious wastes shall be disposed of in compliance with the regulated and infectious waste requirements of these regulations.

3.6. *Regulated and infectious waste:*

(a) All infectious and regulated waste must be disposed of by means of medical regulated waste containers and licensed medical waste disposal methods.

(b) All needles and attached equipment shall be disposed of in sharps containers. The needles shall not be broken prior to disposing in the sharps container.

(c) A written plan of disposal for regulated and infectious waste must be submitted to the department for approval prior to issuance of the tattoo establishment license.

3.7. *Toxic items:*

(a) Only poisonous and toxic materials that are required to maintain sanitary conditions and utilized in sterilization may be stored in the body piercing establishment. These materials shall be labeled and stored in such a manner as to not constitute a hazards to clients, employees or equipment.

3.8. *Miscellaneous items:*

(a) Only articles deemed necessary for the routine operation and maintenance of the tattoo establishment shall be permitted in the body-piercing establishment.

(b) No live animals shall be kept or allowed in the tattoo establishment except guide dogs that accompany physically disabled person(s) may be permitted.

(c) Adequate facilities shall be provided for the storage of employees' clothing and

personal belongings. The storage shall not be located in the work areas.

(Ord. of 1-01)

Sec. 14-384. Certification and licensure.

4.1. *Bloodborne pathogen certification:*

(a) In accordance with the Connecticut General Statutes, section 19a-92a, no person shall engage in tattooing except a physician, an osteopathic physician, an advanced practiced registered nurse rendering service under the direction of a physician or osteopathic physician, a registered nurse rendering service under the supervision, control and responsibility of a physician or osteopathic physician, a physician assistant rendering service under the supervision, control and responsibility of a physician, or a technician rendering service under the supervision of a physician or osteopathic physician in accordance with regulations adopted by the department of public health.

(b) Physician duties shall include one inspection every three (3) months with or without notice. During inspection the physician shall review records and operating procedures, ensure that appropriate sterile techniques are utilized and patient safety is in compliance.

(c) No person shall practice the art of tattooing or body piercing in the City of New Britain without first obtaining a bloodborne pathogen certificate from the department. This certificate will be presented upon completion of The New Britain Health Department's Bloodborne Pathogen and Universal Precaution Seminar or through equivalent training such as, "Preventing Disease Transmission" (American Red Cross) and "Bloodborne Pathogen Training" (U.S. OSHA). Training/course provided by professional body art organization or associations or by equipment manufacturers may also be submitted to the department for approval.

(d) After successful completion of subsection (c) above, the tattoo artist/body-piercer shall receive a tattoo artist bloodborne pathogen certificate from the department which will be valid for one year from the date issued.

(e) In order to renew the bloodborne pathogen certificate, the tattoo artist/body piercer shall attend the New Britain Health Department's Bloodborne Pathogen and Universal Precaution Seminar on an annual basis.

(f) The fee for the bloodborne pathogen certificate shall be a reasonable amount set by the New Britain Board of Health. The fee shall be paid in full before the certificate is issued.

(g) Each applicant shall provide the department with the following information in order to be issued a certificate: name, home address and home phone number of applicant and location of the tattoo establishment where he or she is employed.

(h) The bloodborne pathogen certificate shall be posted in a prominent area where it can be observed by patrons.

(i) The bloodborne pathogen certificate is not transferable between persons.

(j) The department reserves the right to waive the bloodborne pathogen certification requirement if the applicant has completed an equivalent bloodborne pathogen course which is approved by the department. The applicant must submit name, date and location of the course, contact person for course administration, course outline and certificate of completion to the department for approval.

(k) Each tattoo artist shall provide the department with the proper documentation required by the State of Connecticut under section 19a-92a-1 of the Regulation Concerning Conditions for Advanced Practice Registered Nurses, Registered Nurses, Physicians Assistants and Technicians Engaging in Tattooing.

Section 19a-92a-1 requires the following documentation:

• Annual review of the registered nurse's knowledge and clinical competence.

• Annual review of the technician's knowledge and clinical competence.

• On-site inspection of the technician's site of practice to ensure that appropriate sanitary procedures are in place.

4.2. *Tattoo/body piercing establishment licensure:*

(a) No person or person(s) shall operate a tattooing and/or body piercing establishment until a tattoo/body piercing establishment license from the department has been issued.

(b) The tattoo/body piercing establishment license shall be issued by the department prior to opening of the establishment and thereafter on an annual basis.

(c) The fee for the tattoo/body piercing establishment license shall be a reasonable amount set by the department.

(d) In order to receive the tattoo/body piercing establishment license, the establishment shall meet the tattoo establishment requirements of these regulations.

(e) Each applicant shall provide the department with the following information: name(s) of owner(s), establishment name, proposed hours of operation, names of all employees and their exact duties, complete description of services provided, exact inventory of equipment to be utilized in the tattoo procedure, name of manufacturers and names and addresses of all suppliers of all tattoo equipment and supplies, a copy of the written aftercare instructions given to each client and a copy of the informed consent that each client must sign.

(f) The tattoo/body piercing establishment license shall not be transferable between persons, places or other establishments.

(g) The tattoo/body piercing establishment license shall be displayed in a prominent location within the establishment where it can be observed by patrons.

(h) The tattoo/body piercing establishment shall provide the department with the proper documentation required by the State of Connecticut under section 19a-92a-1 of the Regulation Conditions for Advanced Practice Registered Nurses, Registered Nurses, Physician Assistants and Technicians Engaging in Tattooing.

(i) The body piercing establishment certificate may be revoked when, in the opinion of the director of health or authorized agent, unsanitary or other conditions that constitute an immediate hazard to the public health exist.

4.3. *Temporary tattoo/body piercing establishments:*

(a) Temporary tattoo establishment shall provide the department with the proper documentation required by the State of Connecticut under section 19a-92a-1 of the Regulation Conditions for Advanced Practice Registered Nurses, Registered Nurses, Physician Assistants and Technicians Engaging in Tattooing.

(b) Tattoo artist working at a temporary tattoo/body piercing establishment shall meet the requirements of the tattoo artist bloodborne pathogens certification under the department's tattoo code.

(c) The temporary tattoo/body piercing establishment shall meet the requirements of the tattoo establishment licensure under the department's tattoo code.

(d) One person, business or corporation may not receive more than more than four (4) temporary tattoo establishment licenses each calendar year.

(Ord. of 1-01)

Sec. 14-385. Client records.

5.1. Each tattoo/body piercing artist shall keep permanent records for a minimum of two (2) years for each client which shall consist of the following: the name, address and telephone number of the client, the time and date the tattoo and/or the body piercing was applied, a photocopy that certifies the person is at least eighteen (18) years of age, a description of the tattoo and/or body piercing, the area of the body tattooed and/or pierced, a photocopy of the written aftercare instructions of the tattoo and/or body piercing and a release form signed by the client that these records are accurate. Records shall be made available to the department upon request.

5.2. The operator or technician shall ask each client for the [following] information so that the operator/technician can properly evaluate the client's medical condition for receiving a body art procedure:

(a) Diabetes;

(b) History of hemophilia (bleeding);

(c) History of skin diseases, skin lesions, skin sensitivities to soaps, disinfectants, etc.;

(d) History of allergies or adverse reactions to pigments, dyes, latex, or other skin sensitivities;

(e) History of epilepsy, seizures, fainting, or narcolepsy;

(f) Use of medications such as anticoagulants, which thin the blood and/or interfere with blood clotting.

5.3. No person shall tattoo or pierce the body of an unemancipated minor under eighteen (18) years of age without parental or guardian presence and consent, i.e. signature. This permission shall be signed by either parent or guardian. Photographic identification of the parent or guardian must be obtained by the tattoo artist. A photocopy of the photographic identification shall be included in the client's permanent records.

5.4. The client shall sign an informed consent waiver. A photocopy of this waiver must remain as part of the client's permanent record. The informed consent waiver shall be approved by the department prior to the issuance of a tattoo establishment license. The informed consent waiver shall include, but is not limited to, the following information: nature of the procedure, reasonably foreseeable risks of the procedure, description of the equipment utilized in the procedure and sterilization techniques, explanation of the tattoo removal procedure. The client shall have the opportunity to ask questions and understand the contents of the informed consent to his/her satisfaction.

5.5. All records and signatures shall be written in ink.

(Ord. of 1-01)

Sec. 14-386. Tattoo procedures.

6.1. *Skin preparation:*

(a) Only intact and health skin shall be tattooed.

(b) The area of the skin to be tattooed shall first be washed with an antibacterial soap and hot water.

(c) If the area where the tattoo is to be placed must be shaved, only safety razors with single-use blades shall be used.

(e) The use of styptic pencils and alum blockers is prohibited.

(f) Any petroleum jelly or antiseptic ointment applied to the area shaved shall be applied to skin with a clean utensil or sterilized single-use, collapsible metal or plastic tubes.

6.2. *Tattoo artist's responsibilities:*

(a) Prior to starting the tattoo, and as often thereafter as may be necessary, the tattoo artist shall wash his or her hands and any exposed areas of the arms by lathering with an antibacterial soap for at least twenty (20) seconds, rinsing under hot water and then drying with a single-use disposable paper towel.

(b) Disposable, single-use, examination gloves shall be worn for any procedure involving contact with the client's skin, hair and other body tissue. The gloves shall be changed whenever necessary to prevent contamination.

(c) In the event of blood flow, all products used to check the flow of blood or to absorb blood shall be single use, disposed of immediately after use in appropriate covered containers, unless the disposal products meet the definition of biomedical waste.

(d) The tattoo artist shall keep his or her fingernails clean.

(e) Excessive jewelry or cosmetics that may interfere with handwashing shall not be worn by the tattoo artist.

(f) Outer garments worn by the tattoo artist shall be clean.

(g) The use of tobacco, by either the client or tattoo artist, while engaged in the act of tattooing is prohibited. The use of tobacco shall be limited to areas physically removed from the tattoo work areas.

(h) The consumption of food or drink, by either the client or tattoo artist, while engaged in the act of tattooing is prohibited. The consumption of food or drink shall be limited to areas physically removed from the tattoo work areas.

6.3. *Dyes and stencils:*

(a) Only single-use and sterile stencils shall be used. Multi-use stencils are prohibited.

(b) Only nontoxic, sterile dyes shall be used. Dyes and inks shall not be adulterated and only used in accordance with the manufacturer's guidelines.

(c) For each client, dyes shall be transferred to a clean, single-service container.

(d) If excessive dye must be removed from the skin, then only single-use tissues or sterile gauze shall be used.

(e) Any unused dye shall be discarded after each client.

(f) A list of dyes by manufacturer shall be submitted to the department. If new manufacturer is to be used, the tattoo establishment shall notify the department in writing with an updated list of manufacturers.

6.4. *Needles and attachments:*

(a) All needles and needle bars shall be single-use only.

(b) All needles and needle bars shall be sterilized prior to use.

(c) To resist temptation to reuse needles, a minimum of twenty-five (25) ready to use, sterilized needles shall be provided at all times on site.

(d) Only lead-free solder shall be used in conjunction with needles and needle bars.

(e) Needle tubes shall be single use; however, surgical stainless tubes may be used provided they are sterilized prior to each client.

(f) After use on each client, the needle shall be disposed of in accordance with these regulations.

(g) All equipment used in the tattoo process shall be designated to be nontoxic, easy to clean, nonabsorbent and corrosion resistant. Additionally, all equipment shall be sterilized and stored in accordance with these regulations.

6.5. *Sterilization:*

(a) In every tattoo establishment a steam sterilizer (autoclave) which meets the requirements of the United States Food and Drug Administration shall be provided. Chemical sterilizers or alternate method of sterilization may only be used upon prior approval from the department.

(b) In every tattoo establishment an ultrasonic cleaner that is resistant to chemical spills and cracking, constructed of stainless steel and capable of uniform cleaning of equipment shall be provided.

(c) All equipment to be sterilized shall be cleansed in the ultrasonic cleaner according to the manufacturer's recommendations, then packaged in individual peel packs, arranged in the autoclave in accordance with the manufacturer's recommendations and then sterilized for twenty (20) minutes at fifteen point nine (15.9) minimum pounds pressure at a minimum temperature of two hundred fifty (250) degrees Fahrenheit. A temperature-sensitive autoclave tape shall be included in every load that is placed in the autoclave. This tape shall indicate that the requirements of this section have been attained before use of the equipment sterilized.

(d) A test using a biological monitoring system that is processed through a licensed laboratory shall be conducted monthly to insure the sterility of the autoclave. The department must be notified within forty-eight (48) hours of receipt of test that indicates nonsterile conditions.

(e) After sterilization, all packages containing sterilized needles shall be stored in a sanitary manner.

(f) Packages shall be dated with the month, day and year of sterilization. Sterilized equipment shall be used within eight (8) months of the sterilization date.

(g) All equipment shall remain in the sterilized packages until the time of the tattoo. These packages shall be opened in front of the client to be tattooed. When opening the package and assembling the equipment, the tattoo artist shall wear gloves that meet the requirements of these regulations.

(h) All needles and equipment shall be stored and handled in a way that will prevent contamination.

6.6. *Aftercare of tattoo:*

(a) After completion of the tattoo, the area of skin tattooed shall be washed with a hospital grade germicidal solution or a seventy (70) percent alcohol solution from a single-service container or applied with single-use applicators.

(b) After air drying, the tattooed area shall have petroleum jelly or antibacterial ointment applied using a sterilize gauze in a manner to prevent contamination of the original container and its contents. A sterilize gauze shall be applied to the

tattooed area and affixed with adhesive tape.

(Ord. of 1-01)

Sec. 14-387. Body piercing procedures.

7.1. *Skin preparation:*

(a) Only healthy, intact body parts may be pierced.

(b) If shaving of the skin is required, only single-use razors shall be used. New razors for each client shall be used and disposed of after each use.

(c) The area of skin to be pierced shall first be washed with an antibacterial soap and hot water. The skin must be prepared for not less than forty five (45) seconds with a povodine-iodine solution prior to all piercing. A seventy (70) percent alcohol solution, applied for ninety (90) seconds, may be used as an alternative for clients sensitive to povodine-iodine.

(d) All solutions applied to the skin shall be allowed to air dry.

(e) Prior to all oral piercing, the client must rinse with an antibacterial mouthwash for at least sixty (60) seconds.

(f) All preparation solutions shall be applied in a sanitary manner. All cotton balls, swabs or other applicators shall be single use.

(g) Only single-use toothpicks may be used for marking in oral piercing.

(h) The use of styptic pencils and alum blockers is prohibited.

(i) Medical grade anticoagulants may be used but must first be approved by the department.

7.2. *Jewelry requirements:*

(a) Jewelry to be placed in the client must be corrosion resistant, free of scratches and designed for use in body piercing. Metal plated jewelry is prohibited.

(b) All jewelry shall be sterilized, by either the manufacturer or the body piercing establishment, prior to use on the client.

(c) After sterilization, all packages containing jewelry shall be kept in a sanitary manner.

(d) Jewelry previously worn by a person other than the client shall be sterilized prior to use.

7.3. *Body piercing needles and equipment:*

(a) Ear piercing guns are prohibited for use.

(b) All body piercing needles are for single use only and shall be sterilized prior to use.

(c) To resist temptation to reuse needles, a minimum inventory of twenty-five (25)

ready to use sterilized needles shall be provided at the body piercing establishments at all times.

(d) After each use the piercing needle shall be disposed of in accordance with the regulated and infectious waste requirement of these regulations.

(e) All instruments to be used during the body piercing procedure which will come in contact with a body or bodily fluids must be sterilized and kept in a sterile manner prior to use.

(f) Corks, rubber bands and other items that cannot be sterilized must be kept in a sanitary manner prior to use and be single use only.

7.4. *Body piercer's responsibilities:*

(a) Prior to the body piercing procedure, the body piercer shall wash his or her hands and any exposed areas of the arms by lathering with an antibacterial soap for at least twenty (20) seconds, rinsing under hot water and then drying with a single-use, disposable towel.

(b) Sterile technique shall be practiced throughout the body piercing procedure.

(c) Disposable, single-use, sterile examination gloves shall be worn throughout the body piercing procedure.

(d) Gloves shall be changed if they become contaminated during the piercing.

(e) In the event of blood flow, all products used to check the flow of blood or to absorb blood shall be single use, disposed of immediately after use in appropriate covered containers, unless the disposal products meet the definition of biomedical waste.

(f) The body piercer shall keep his or her fingernails clean.

(g) Outer garments worn by the body piercer shall be kept clean.

(h) The use of tobacco in the work area by either the body piercer or client is prohibited. The use of tobacco shall be limited to areas physically removed from the work area.

(i) The consumption of food or drink, by either the body piercer or client while in the work area is prohibited. The consumption of food or drink shall be limited to areas physically removed from the work area.

7.5. *Sterilization:*

(a) In every body-piercing establishment a steam sterilizer autoclave which meets the requirements of the United States Food and Drug Administration shall be provided. Chemical sterilizers or alternate methods of sterilization may only be used upon prior approval from the department.

(b) In every body piercing establishment an ultrasonic cleaner that is resistant to chemical spills and cracking, constructed of stainless steel and capable of uniform cleaning of equipment shall be provided.

(c) All equipment to be sterilized must be cleansed in the ultrasonic cleaner

according to the manufacturers' recommendations, then packaged in individual peel packs, arranged in the autoclave in accordance with the manufacturers' recommendations and then sterilized for twenty (20) minutes at fifteen point nine (15.9) pounds pressure at a minimum temperatures of two hundred fifty (250) degrees Fahrenheit. A temperature-sensitive autoclave tape shall be included in every load that is placed in the autoclave. This tape shall indicate that the requirements of this section have been attained before use of the equipment sterilized.

(d) A test with a biological monitoring system that is processed through a licensed laboratory shall be conducted monthly to insure the sterility of the autoclave. The department must be notified within forty-eight (48) hours of receipt of test that indicates nonsterile conditions.

(e) Packages shall be dated with the month, day and year they were sterilized. Sterilized equipment shall be used within eight (8) months of the sterilization date.

(f) All equipment shall remain in the sterilized packages until the time of the body piercing. All packages containing sterilized equipment must be opened, and handled with sterile technique. These packages shall be opened in front of the client.

7.6. *Aftercare of the piercing:*

(a) Prior to commencing, the body piercer shall explain and provide written instructions of the aftercare to each client. The body piercer shall review aftercare instructions upon completion of the piercing.

(b) The body piercer shall inform clients that latex barriers are recommended whenever the client will be placing their piercing into the body or bodily fluids of another person.

(Ord. of 1-01)

Sec. 14-388. Needlesticks.

8.1. Each tattoo/body piercing establishment shall have a written protocol for needlestick accidents. This protocol shall include, but is not limited to, treatment of the area and reporting the needlestick to the department for further evaluation.

8.2. This written protocol shall be submitted for approval to the department at the time of application for the body piercing establishment license.

(Ord. of 1-01)

Sec. 14-389. Prohibitions.

The following acts are prohibited:

9.1. It is prohibited to perform body art on any body part of person under the age of eighteen (18) without the written consent and presence of the parent or legal

guardian of such minor. This consent is to be given in person to the body artist or responsible person the facility by the rent or legal guardian at the tie the tattooing or piercing is to commence. Photographic identification of the parent of legal guardian is required.

9.2. It is prohibited to perform body art on a person who, in the opinion of the operator, is inebriated or appears to be under the influence of alcohol or drugs.

9.3. It is prohibited to own, operate, or solicit business as a body art establishment or operator without first obtaining the necessary permits and approvals from the department, unless specifically exempted by this code.

9.4. It is prohibited to obtain or attempt to obtain any body art establishment or operator permit by means of fraud, misrepresentation, or concealment.

(Ord. of 1-01)

Sec. 14-390. Penalties.

10.1. *Revocation:*

(a) The director of health may revoke the license of any person for serious or repeated violations of the provisions of this code. Written notice of intent to revoke the license, setting forth the violation(s), shall be delivered to the licensee at his/her establishment five (5) days prior to such revocation. The licensee may file a request for a hearing with the director of health within forty-eight hours (48) of receiving notice of intent to revoke the license. A license may be suspended for cause pending its revocation or a hearing relative hereto.

(b) The director of health may suspend the license of any person, establishment or temporary tattoo/body piercing event in the event of an emergency endangering the public health or failure of the holder to comply with the requirements of this article. The license holder or operator shall be notified in writing that the license is, upon service of the notice, immediately suspended, and that an opportunity for a hearing will be provided if a written request for a hearing is filed with the director of health by the license holder within two (2) business days.

(c) If the department has reasonable cause to suspect that a communicable disease is or may be transmitted by an operator, by use of unapproved or malfunctioning equipment, or by unsanitary or unsafe conditions that may adversely affect the health of the public, upon written notice to the owner or operator, the department may do any or all of the following:

a. Issue an order excluding any or all operators from the permitted body art establishment who are responsible, or reasonably appear responsible, for the transmission of a communicable disease until the department determines there is no further risk to public health.

b. Issue an order to immediately suspend the permit of the licensed establishment until the department determines there is no further risk to the public health. Such an order shall state the cause for the action.

(d) Violations of any provisions of this article shall be subject to a fine of not more than ninety dollars ($90.00).

(e) Hearings provided for by this article shall be conducted by the director at a time and place designated by the director. Hearings will be conducted within five (5) days of receipt of a request for same. A written report of the hearing decision shall be furnished to the license holder by the director of health.

(f) A suspended license will be reinstated when an inspection made by the department reveals that the conditions causing suspension of the license have been corrected. The inspection will be conducted within forty-eight (48) hours of a receipt for same from the licensee.

(Ord. of 1-01; Ord. No. 28269-2, 11-18-04)

Sec. 14-391. Unconstitutionality clause.

11.1. Should any section, paragraph, sentence, clause, or phrase of this code be declared unconstitutional or invalid for any reason, the remainder of said code shall not be affected thereby.

Sec. 14-392. Effective date.

12.1. This code becomes effective on passage.

12.2. A written plan of disposal for regulated and infectious waste must be submitted to the department for approval prior to issuance of the body piercing establishment license.

(Ord. of 1-01)

ARTICLE XVIII. LICENSE FOR DEALING IN OR REPAIRING MOTOR VEHICLES FOR DEALERS AND REPAIRERS

Sec. 14-393. Certificate of location approval--Required.

It shall be unlawful for any person to operate a motor vehicle repair facility or dealership without first obtaining a certificate of location from the zoning authority of the City of New Britain. The common council is the zoning authority pursuant to section 4-3 of the City Charter.

(Res. No. 29325-2, 11-8-06; Res. No. 29831-2, 10-24-07)

Sec. 14-394. Application; fee; contents.

(a) Any person seeking a certificate of location approval to operate a motor vehicle repair or dealership shall make an application for a certificate of location to the director of licenses, permits and inspections, and pay a filing fee of three hundred fifty dollars ($350.00), which shall not be refundable.

(b) The application for certificate of location shall set forth the proposed place of business and facilities, the name and address of the applicant and the name and address of the

owner of the property as stated on the land records. The information provided by applicant on the application should additionally include: zoning district; existing use(s) of the property; previous license approvals (if any) for the property, including date and petition number if hearing was held; and specific description of use. If exception or zoning variance is needed, it should be obtained from the zoning board of appeals prior to consideration by common council for certificate of approval. If this is a continuation of a nonconforming use, application should include a letter of verification from the director of licenses, permits and inspections that the use is nonconforming and has not been legally abandoned.

(c) In addition to the foregoing, any applicant seeking a site approval shall furnish the following information:

(1) Twenty (20) plot plans which accurately and adequately illustrate the new or existing building or the addition or alteration involved and shall be in accordance with the standards as set forth herein where applicable:

(A) All plot plans must conform with the Connecticut Department of Motor Vehicles Dealers and Repairers Division form entitled "License Application Drawings K-93 Rev. 10-2000 and as may be subsequently amended from time to time and must conform with the City of New Britain standards as determined by the city ordinances and zoning regulations.

In situations where the proposed improvements will be within one (1) foot of a property line, a class A-2 zoning location survey will be required. The zoning location survey must contain all of the information listed on the general location survey. Areas of pavement must be shown on all surveys. Property corners must be set as part of A-2 surveys.

(d) A copy of the application packet will be forwarded by the director of licenses, permits and inspections to city plan staff and department of public works for review, comment and determination of whether city standards are met.

(e) Within one (1) week of receipt of the application packet, city plan staff and the department of public works will provide to the director of licenses, permits and inspections their recommendations and opinion on whether the application meets city standards.

(f) If the director of licenses, permits and inspections determines that the city standards are met, the completed application will be forwarded to the common council. Otherwise the application will be returned to the applicant so that the necessary corrections can be made.

(g) If the director of licenses, permits and inspections determines that (1) any portion of the property affected by the common council's decision is within five hundred (500) feet of the boundary of the adjoining municipality; (2) a significant portion of the traffic to the completed project on the site will use streets within the adjoining municipality to enter or exit the site; (3) a significant portion of the sewer or water drainage from the project on the site will flow through and significantly impact the drainage or sewerage system within the adjoining municipality; or (4) water runoff from the improved site will impact

streets or other municipal or private property within the adjoining municipality, the director of licenses, permits and inspections will notify the clerk of the adjoining municipality of the pendency of the application. Such notice shall be made by certified mail, return receipt requested, and shall be mailed within two (2) days of when the application is completed. Such adjoining municipality may, through a representative, appear and be heard at any hearing on any such application.

(h) It will be the responsibility of the department of licenses, permits and inspections to insure that the applicant's sign is up during the applicable time period and that notice of the public hearing is properly published.

(Res. No. 29325-2, 11-8-06; Res. No. 29831-2, 10-24-07)

Sec. 14-395. Public hearing.

(a) The common council shall refer the application to the appropriate committee of the common council for a public hearing. The subcommittee will consider the application.

(b) The city plan commission or city plan staff are to provide the subcommittee with its written recommendation at least two (2) days prior to the subcommittee meeting.

(c) Notice of the date, time and place when a public hearing concerning a certificate of location is scheduled shall be published by the clerk/secretary in a newspaper which is widely circulated within the City of New Britain at least twice at intervals of not less than two (2) days, the first not more than fifteen (15) days nor less than ten (10) days, and the last not less than two (2) days before such hearing. The notice shall state the name of the applicant/appellant, the location of the property, and the date, time and place of the hearing.

(d) All applicants for certificates of location shall be required to erect a white-with-black lettering sign or signs measuring not less than three (3) feet long and two (2) feet high, which shall be prominently displayed on the premises facing each public street on which the property abuts, giving notice that an application, and the date, time and place where the public hearing will be held. The sign shall not be set back more than ten (10) feet from the property line and shall be not less than two (2) feet or more than six (6) feet above the grade at property line. The sign shall be made of one-eighth (1/8) inch pressed board or other durable material. It shall be displayed for a period of not less than fifteen (15) days immediately preceding the public hearing date or any adjourned date. In addition, the applicant must notify in writing all property owners within one hundred (100) feet of the subject property and submit an affidavit to that effect.

(e) The applicant shall file not later than the time the chairperson announces the commencement of the bearing concerning the application/appeal an affidavit stating that he/she has complied with the requirements set forth in subsection (d) of this section.

(f) The applicant must be present at the hearing.

(g) If the subcommittee approves the matter, notation of the date, approval, and stipulations must be noted on the map approved by the subcommittee.

(h) Upon the close of the hearing, the subcommittee will refer the matter back to the full

council with its recommendation. Upon approval, the certificate of location shall be signed by the clerk of the common council also noting the date, approval, and stipulations on map.

(i) The original certificate of location will be filed in the town clerk's office with copies forwarded by the town clerk to city plan and department of licenses, permits and inspections.

(j) If the public hearing is tabled, postponed or rescheduled due to the applicant, the council shall either deny the application without prejudice or mandate that the applicant pay the cost of publication for the next public hearing.

(Res. No. 29325-2, 11-8-06; Res. No. 29831-2, 10-24-07)

Chapter 15 MOTOR VEHICLES AND TRAFFIC*

***Cross references:** General penalty for Code violations, § 1-15; emergency power of mayor to stop traffic, § 2-346; placing commercial and noncommercial handbills on vehicles restricted, § 3-3; advertising vehicles prohibited, § 3-10; throwing litter from vehicles prohibited, § 11-34; truck loads causing litter, § 11-35; vehicles used for hauling trash, § 11-57; offenses and miscellaneous provisions, Ch. 16; traffic regulations in parks, § 17-41; police, Ch. 20; streets, sidewalks and public places, Ch. 21; vehicles for hire, Ch. 24.

State law references: Authority to regulate traffic generally, G.S. § 7-148(c)(7)(B)(ii); authority restricted, G.S. § 14-162.

Art. I. In General, §§ 15-1--15-25
Art. II. Traffic Committee, §§ 15-26--15-40
Art. III. Disposition of Abandoned Vehicles, §§ 15-41--15-65
Art. IV. Stopping, Standing and Parking, §§ 15-66--15-135
Div. 1. Generally, §§ 15-66--15-86
Div. 2. Parking Commission, §§ 15-87--15-100
Div. 3. Handicapped Parking, §§ 15-101--15-115
Div. 4. Snow Emergency Restrictions, §§ 15-116--15-135
Art. V. Motorcycles, Mopeds and All Terrain Vehicles, §§ 15-136--15-139
Art. VI. Procedure for Enforcement of Municipal Parking Ordinance for Operable Motor Vehicles, §§ 15-140--15-146
Art. VII. Motor Scooters, Minibikes, Pocket Bikes, Bicycles With Helper Motors, §§ 15-147, 15-148

ARTICLE I. IN GENERAL

Sec. 15-1. Definitions.

As used in this chapter:

Emergency repair shall mean any minor repair necessary to reinstate a temporarily disabled vehicle to operable condition.

Operator shall mean the person operating or in control of a vehicle.

Parking shall mean the standing of a vehicle upon a public highway or city owned

parking facility, whether occupied or not, other than temporarily, for the purpose of and while actually engaged in loading or unloading merchandise or passengers. Stops for any traffic regulations, signs or signals shall not be included in this definition.

Repair shall mean any labor performed on any vehicle, with or without compensation.

Traffic control program shall mean the program adopted by the traffic authority of the city for the promotion of free and unobstructed use of the streets, including the control of the use of parking spaces and the local use of motor vehicles.

Vehicle shall mean any device suitable for the conveyance, drawing or other transportation of persons or property, whether operated on wheels, runners or a cushion of air between it and the surface, or by any other means, except those propelled or drawn by human power or those used exclusively upon tracks.

(Code 1970, §§ 22-1, 22-1.1; Ord. of 2-74)

Cross references: Definitions and rules of construction generally, § 1-2.

Sec. 15-2. Repairing vehicles in street prohibited.

(a) No person shall repair or cause or permit to be repaired, except in an emergency, any vehicle within the city on any road, street, public passway, parkway, highway or upon any area used for vehicular travel.

(b) Any person convicted of violating any of the provisions of this section shall be fined not less than fifteen dollars ($15.00) or more than twenty dollars ($20.00).

(Code 1970, § 22-1.1; Ord. of 2-74)

Sec. 15-3. Operation of motor vehicles while intoxicated or drugged prohibited.

No person shall operate a motor vehicle in the city while under the influence of intoxicating liquor or drugs.

(Code 1970, § 22-2)

Cross references: Alcoholic beverages, Ch. 4.

Sec. 15-4. Racing in the streets.

No person shall race vehicles or animals upon any street, park or public place.

(Code 1970, § 22-3)

Sec. 15-5. Standing vehicle with engine running prohibited.

No person shall allow a motor vehicle to remain-standing upon a street or highway with the engine running, unless a competent person is in such vehicle.

(Code 1970, § 22-4)

Sec. 15-6. Unnecessary smoke from vehicles prohibited.

No person shall operate a motor vehicle in such a manner that oil used in such vehicle shall produce unnecessary and offensive smoke.

(Code 1970, § 22-5(b))

Cross references: Health, Ch. 12.

State law references: Equipment of automobiles, G.S. § 14-80.

Sec. 15-7. Driving on sidewalks prohibited.

No person shall operate any vehicle of any kind, except children's hand carriages and bicycles drawn by hand, upon any sidewalk or footpath, except in order to gain access to or egress from a driveway or alley.

(Code 1970, § 22-6)

Sec. 15-8. Railroad cars obstructing traffic.

No person shall leave any locomotive engine, car, or train of cars standing across any public street or highway longer than five (5) minutes.

(Code 1970, § 22-7)

Sec. 15-9. Assignment of policemen for direction of traffic at construction sites.

The chief of police shall, after study of traffic conditions caused by the construction or demolition of structures or the construction of highways within the city, determine and assign the number of policemen within such area of operation as shall in his sole opinion be necessary to the proper flow of traffic and the contractors of such operations shall pay the costs thereof.

(Code 1970, § 7-349; Ord. of 9-74)

Sec. 15-10. Courthouse.

The city hall commission is hereby empowered and directed to make such rules and regulations for the control of parking of motor vehicles and control of traffic in the parking area and land contiguous and adjacent to the courthouse on Franklin Square. Any person parking in violation of any such rule or regulation shall be subject to a fine of not more than five dollars ($5.00) for each offense.

(Code 1970, § 22-33)

Sec. 15-11. Parks.

The board of park and recreation commissioners are hereby empowered and directed to make such rules and regulations for the control of parking of motor vehicles and control of

traffic in the several parks of the city under the management of said park and recreation commissioners. The park police and the police department shall have the power to enforce the rules and regulations.

(Code 1970, § 22-34)

Cross references: Traffic regulations in parks, § 17-41.

Secs. 15-12--15-25. Reserved.

ARTICLE II. PEDESTRIAN, BICYCLE AND AUTOMOBILE TRAFFIC SAFETY AND EFFICIENCY.

***Cross references:** City boards, commissions, committees and authorities generally, § 2-126 et seq.

Sec. 15-26. Reserved.

Editor's note: Ord. No. 27181-1, adopted Oct. 9, 2002, repealed § 15-26, which pertained to traffic committee membership and derived from Code 1970, § 2-348.

Sec. 15-27. Road safety.

(a) The board of police commissioners shall recommend to the council ways and means of improving traffic circulation, traffic conditions and the administration and enforcement of traffic regulations generally, as well as coordinate such activities with the other branches and agencies of the city and state governments. The board of police commissioners, as traffic authority, shall have, but shall not be limited to, all the powers and duties defined in state law.

(b) (1) In all decisions regulating the flow of vehicular traffic within the city, the board of police commissioners shall give the highest priority to the safe and efficient travel of pedestrians, then priority to the safe and efficient travel of bicycles and then to the safe and efficient travel of automobiles.

(2) In making determinations on the placement and configuration of traffic control lights, stop signs, no parking signs and other vehicular controls, (A) the board of police commissioners shall consider the effect of such traffic control lights, stop signs, no parking signs and other vehicular controls, or lack thereof, on the speed of automobile travel and (B) said board shall order such placements and configurations as will likely suppress average automobile traffic speeds (i) below posted speed limits and (ii) below levels that will promote safe and efficient pedestrian and bicycle travel.

(3) The design of all street improvements carried out or approved by the city or any of its boards, commissions, departments or agencies shall give the highest priority to the safe and efficient travel of pedestrians, then priority to the safe

and efficient travel of bicycles and then to the safe and efficient travel of automobiles.

(4) The design of all street improvements carried out or approved by the city or any of its boards, commissions, departments or agencies shall include such design elements as shall (A) minimize the width of unbroken roadway over which crosswalks must traverse. (B) minimize the speed of automobile travel, (C) minimize the length of time it will take pedestrians to walk from place to place within the city, (D) maximize the safety of bicyclists traveling on the public roadways and (E) minimize the width of roadways.

(5) The board of police commissioners, of its own initiative or in response to common council petitions, shall review existing city roadway configurations and make recommendations consistent with the design standards provided in subdivisions (3) and (4) of this subsection. Said board shall provide such recommendations to the mayor. Common council and board of public works.

(Code 1970, § 2-349; No. 27118-1, 9-11-02)

Sec. 15-28. Reserved.

Editor's note: Ord. No. 27181-1, adopted Oct. 9, 2002, repealed § 15-28, which pertained to traffic committee's annual budget and derived from Code 1970, § 2-350.

Secs. 15-29--15-40. Reserved.

ARTICLE III. DISPOSITION OF ABANDONED VEHICLES*

***Editor's note:** An ordinance of January, 1988, repealed Article 111, Abandoned, Wrecked, Dismantled, or Inoperative Motor Vehicles, §§ 15-41--15-50, and added new provisions in lieu thereof, to read as herein set out. The former provisions derived from Code 1970, §§ 22-38.1--22-38.15; Ord. of March, 1973; and Ord. of November, 1978.

Cross references: Garbage, trash and refuse, Ch. 11; junkyard licensing regulations, § 14-81 et seq.; inoperable motor vehicles, § 16-110 et seq.

State law references: Abandoned motor vehicles, G.S. § 14-150.

Sec. 15-41. Vehicles that are a menace; removal.

Any officer attached to the New Britain Police Department, upon discovery of any motor vehicle, whether situated within or without any highway of the city, which due to its location is a menace to traffic or public health or safety, shall take such motor vehicle into his custody and cause the same to be taken to, and stored in, a suitable place.

(Ord. of 1-88; Ord. of 9-98, § 1)

State law references: Removal of abandoned motor vehicles by municipality, G.S. § 14.150a.

Sec. 15-42. Abandoned and apparently abandoned vehicles.

Any officer attached to the New Britain Police Department, upon discovery of any motor vehicle apparently abandoned or a motor vehicle without proper registration, whether situated within or without any highway of the city, shall affix to such motor vehicle a notification sticker in a manner so as to be readily visible. Such notification sticker 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 this section, if the motor vehicle is not removed within twenty-four (24) hours of the time the sticker was affixed, it may be taken into custody and stored at the owner's expense;

(3) The location and telephone number where additional information may be obtained;

(4) The identity of the affixing officer.

If the motor vehicle is not removed within such twenty-four (24) hour period, the police department may take such motor vehicle into its custody and cause the same to be stored in a suitable place.

(Ord. of 1-88)

Sec. 15-43. Police department to give notice.

Within forty-eight (48) hours of the time that a motor vehicle is taken into custody, the police department shall:

(1) Conduct an NCIC check to determine if the motor vehicle is stolen and prepare a notice of motor vehicle tow on a form as prescribed by the State of Connecticut Department of Motor Vehicles.

(2) Give notice by certified mail to the person who was the owner of the motor vehicle at the time the vehicle was taken into custody and to any lien holder, which notice shall state:

a. That the motor vehicle has been taken into custody and stored;

b. The location of storage of the motor vehicle;

c. That unless title has already vested in the City of New Britain pursuant to this article, such motor vehicle may be sold after fifteen (15) days if the market value of such motor vehicle does not exceed five hundred dollars ($500.00) or after ninety (90) days if the value of such motor vehicle exceeds five hundred dollars ($500.00);

d. That the owner has the right to contest the validity of such taking by making application for a hearing on a form prescribed by the

commissioner of motor vehicles, to the hearing officer named in such notice, within ten (10) days of the date of such notice.

(Ord. of 1-88; Ord. of 9-98, § 2)

Sec. 15-44. Garage owners to give notice.

If the owner of such motor vehicle placed in storage in accordance with the provisions of this article does not claim such motor vehicle within thirty (30) days, the owner of such garage or other place of storage shall, within forty (40) days of the date such motor vehicle was placed in storage with him, send a written notice to the commissioner, stating:

(1) The make, engine number and chassis number of such motor vehicle;

(2) The date that such motor vehicle was left with him for storage;

(3) The last registered owner's name;

(4) The registration number of the vehicle, if any number plates are on such motor vehicle.

Any sale under the provisions of this article shall be void unless the notice required by this section has been given to the commissioner.

(Ord. of 1-88)

Sec. 15-45. Title to vest in the City of New Britain.

If the motor vehicle has no registration marker plates, or invalid registration marker plates, and if an officer attached to the city police department makes a determination in good faith that: (1) the motor vehicle is apparently abandoned; (2) the market value of such motor vehicle in its current condition is one hundred dollars ($100.00) or less; and (3) the motor vehicle is so vandalized, damaged, or in disrepair as to be unusable as a motor vehicle, title to such motor vehicle shall, upon it being taken into custody, immediately vest in the City of New Britain.

(1) The city may sell or dispose of any vehicle of which it has obtained title pursuant to this section. The proceeds of such 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 the person who was the owner of said vehicle at the time of its abandonment, or his representatives within one year from the date of sale. If no claim is made for the balance of the proceeds within the specified period of time, said balance shall escheat to the City of New Britain.

(2) If the expenses incurred by the city for the towing and the sale or disposition of such motor vehicle exceed the proceeds of such sale or disposition, the last registered owner of such motor vehicle shall be liable to the city for the excess amount.

(Ord. of 1-88)

Sec. 15-46. Liens for storage charges, sale of vehicle.

The owner or keeper of any garage or other place where a motor vehicle is stored pursuant to this article shall have a lien upon the same for his storage charges, unless title has already been vested in the City of New Britain.

(1) If the current market value of such motor vehicle as determined in good faith by such owner or keeper does not exceed five hundred dollars ($500.00) and such motor vehicle has been stored for a period of not less than fifteen (15) days, such owner or keeper may, unless an application filed by the owner pursuant to section 15-49 of this article is pending and the owner of such motor vehicle has notified such owner or keeper that such application for hearing has been filed, sell the same for storage and towing charges owed thereon, provided a notice of intent to sell shall be sent to the commissioner of motor vehicles and the owner of such motor vehicle, if known, five (5) days before the sale of such vehicle.

(2) If the current market value of such motor vehicle as determined in good faith by such owner or keeper exceeds five hundred dollars ($500.00) and if such motor vehicle has been stored for a period of ninety (90) days, such owner or keeper shall, unless an application filed by the owner pursuant to section 15-49 of this article is pending and the owner or keeper that such application for hearing has been filed, sell the same at public auction for cash, at his place of business, and apply the avails of such sale toward the payment of his charges and the payment of any debt or obligation incurred by the city for placing the same in storage, provided such sale shall be advertised in a newspaper published or having circulation in the city at least three (3) times, commencing at least five (5) days before such sale.

(3) If the last place of abode of the owner of such motor vehicle is known to or may be ascertained by such garage owner or keeper by the exercise of reasonable diligence, notice of the time and place of the sale shall be given him by mailing such notice to him in a registered or certified letter, postage paid, at such last usual place of abode, at least five (5) days before the day of sale of such motor vehicle.

(Ord. of 1-88)

Sec. 15-47. Distribution of proceeds of sale.

The proceeds of such sale, after deducting the amount due such garage owner or keeper and all expenses connected with such sale, including the expenses incurred by the city in placing such motor vehicle in storage, shall be paid to the owner of such motor vehicle or his legal representatives, if claimed by him or them at any time within one year from the date of such sale. If such balance is not claimed within said period, it shall escheat to the City of New Britain.

(Ord. of 1-88)

Sec. 15-48. Sales report required.

The garage owner or keeper shall report the sales price, storing, towing and repair charges, if any; buyer's name and address; identification of the vehicle, and such other information as may be required in regulations which shall be adopted by the commissioner of motor vehicles in accordance with Chapter 54 of the Connecticut General Statutes, to the commissioner within fifteen (15) days of the sale of the motor vehicle.

(Ord. of 1-88)

Sec. 15-49. Appeals.

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 applications to determine whether or not the towing of a motor vehicle was authorized under the provisions of this article.

(1) If the hearing officer determines that the subject vehicle was not a hazard to public safety, abandoned or unregistered, the owner of such motor vehicle shall not be liable for any expenses incurred as a result of the taking and storage of such motor vehicle, the lien provisions shall not apply to such owner, and the city will be liable for such expenses.

(2) If the owner, prior to a determination of the hearing officer, pays the expenses and the storage charges of such motor vehicle, and it is determined at such hearing that the motor vehicle was not a hazard to public safety, abandoned or unregistered, the city shall be liable to such owner for the amount paid by such owner.

(3) Any person aggrieved by the decision of the hearing officer may, within fifteen (15) days of the notice of such decision, appeal to the Superior Court for the Judicial District of Hartford-New Britain.

(Ord. of 1-88)

Secs. 15-50--15-65. Reserved.

ARTICLE IV. STOPPING, STANDING AND PARKING*

***Cross references:** Procedure for enforcement of municipal parking ordinance for operable motor vehicles, § 15-140 et seq.

DIVISION 1. GENERALLY

Sec. 15-66. City hall--City hall commission authorized to regulate.

The city hall commission is hereby authorized to regulate the parking of vehicles in such areas in the rear and on the sides of city hall as are not equipped with parking meters, and to supply adequate insignia to the drivers or owners of vehicles permitted to park therein.

(Code 1970, § 22-31)

Sec. 15-67. Same--Parking in lot without a permit.

No person shall park any vehicle in the nonmetered areas behind and to the sides of the city hall building unless such vehicle is equipped with a current parking permit issued by the city hall commission in accordance with section 15-66.

(Code 1970, § 22-32)

Sec. 15-68. Parking in mutual driveways in business or industrial zones.

No person shall park any vehicle in a mutual driveway in any business or industrial district, as defined by the city zoning provisions.

(Code 1970, § 22-35)

Sec. 15-69. Parking on private property.

No person shall park any vehicle upon the premises of another when forbidden to do so by the property owner or his agent or in violation of any clear and legible sign posted upon such premises which prohibits parking thereon.

(Code 1970, § 22-36)

Sec. 15-70. Parking to obstruct exits.

No person shall park any vehicle in such a manner as to obstruct any means of egress from any building where the chief of the fire department or the fire marshal or the agent of either of them has posted signs forbidding parking in such location.

(Code 1970, § 22-37)

Sec. 15-71. Standing to load or unload; traffic obstruction.

No person shall cause or permit any vehicle to remain standing upon any highway in the city for the purpose of loading or unloading merchandise or for any other purpose in such a manner as to obstruct or block traffic.

(Code 1970, § 22-42)

Sec. 15-72. On-street parking restrictions for large and heavy weight vehicles and for commercial vehicles.

(a) Any other provision of the Code of Ordinances notwithstanding, no person shall park any motor or other vehicle which has a gross weight of over ten thousand (10,000)

pounds, or which exceeds thirty (30) feet in length and eight (8) feet in height, on any street for more than thirty (30) minutes, unless the vehicle is commercially engaged during the time the vehicle is parked. A fine of two hundred fifty dollars ($250.00) shall be imposed for each violation of this provision.

(b) Any other provision of the Code of Ordinances notwithstanding, no person shall park any commercial vehicle overnight on any city street. For purposes of this subsection, "commercial vehicle" is defined as any 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, and which bears the name of a business or enterprise or any advertisement relative to a business or enterprise. A fine of twenty-five dollars ($25.00) shall be imposed for each violation of this provision.

(Code 1970, § 22-42; Ord. of 5-74; Ord. of 10-88; Ord. of 9-00; No. 27504-1, 6-11-03)

Sec. 15-73. Street and restricted area parking violations; penalties and enforcement.

(a) Parking in any of the following ways on any street or in any city-owned garage or off-street parking facility within the city's territorial limits is prohibited and a penalty of ten dollars ($10.00) shall be imposed for each of the following violations:

(1) *Overtime parking.* In excess of the time posted by official sign. Each separate period of time equal to the original permitted parking time which occurs after the original permitted parking time shall constitute a separate offense and shall carry a separate fine.

(2) *Meters.* In violation of any parking meter regulation.

(3) *In opposite direction of traffic.* Facing against oncoming traffic on the side of the street on which the vehicle is parked.

(4) *Close to curb.* More than twelve (12) inches from a curb.

(b) Parking, in any of the following ways on any street or in any city-owned garage or off-street parking facility within the city's territorial limits is prohibited and a penalty of twenty dollars ($20.00) shall be imposed by the city's police department or its designee for each of the following violations:

(1) *Fire hydrant.* Within ten (10) feet of a fire hydrant.

(2) *Crosswalk.* Within ten (10) feet of a marked crosswalk.

(3) *Intersection.* Within fifteen (15) feet of an intersection.

(4) *Stop sign.* Within twenty-five (25) feet of a stop sign.

(5) *Restricted area.* In a restricted area including restricted areas designated and posted as restricted or reserved on city-owned property.

(6) *Bus stop.* Within a bus stop.

(7) *Loading zone.* Within a loading and reloading zone.

(8) *Traffic hazard zone.* In such a manner as to constitute a traffic hazard or to obstruct the free movement of traffic.

(9) *Double parking.* Upon a traveled portion of the highway adjacent to parked cars.

(10) *Driveway.* In such a manner as to obstruct a driveway.

(11) *Curb and sidewalk.* Within the area between the curb and the sidewalk and on the sidewalk.

(12) *Fire lane.* Within a fire lane.

(c) Parking in any area that is a temporary "No Parking" area so as to permit the removal of snow or ice is prohibited and a penalty of twenty dollars ($20.00) shall be imposed for each such violation.

(d) Parking by trespassing on private property is prohibited. The penalty for violation of this paragraph (d) of this section is thirty dollars ($30.00).

(e) Parking a vehicle on a front lawn or in any front or side yard of a building or dwelling unless such area is properly designed therefor and has proper access to a street or roadway shall carry a penalty of sixty dollars ($60.00).

(Code 1970, § 22-43; Ord. of 2-70; Ord. of 5-78; Ord. of 5-79; Ord. of 7-82; Ord. of 10-82; Ord. of 9-85, §§ 1, 2; Ord. of 7-86, § 1; Ord. of 9-86, § 1; Ord. of 12-91; Ord. of 1-95, No. 27075-1, 9-11-02; Res. No. 29316-2, 10-27-06)

Sec. 15-74. Registration plate prima facie evidence of ownership.

In any prosecution or proceeding under this chapter, the registration plate displayed on the motor vehicle shall constitute a prima facie presumption that the owner of such vehicle was the person who parked such vehicle at the place where such violation occurred.

(Code 1970, § 22-44)

State law references: Uniform Motor Vehicle Certificate of Title and Anti-Theft Act, G.S. § 14-165 et seq.

Sec. 15-75. Violations of parking regulations; citations; fines.

Wherever any vehicle is found parked or stopped in violation of any of the provisions of this Code, or rule or regulation of the traffic authority concerning parking, a police officer shall attach to such vehicle a notice to the owner or operator stating that the vehicle has been parked unlawfully. The notice, or citation, shall state the time, place and nature of the violation and the registration number of the vehicle involved. The citation shall require the registered owner of such vehicle to answer the charge against him within seven (7) days during the hours stated and at a place specified in the citation, or pay in person or remit by mail, in the form of a check or money order to "Treasurer, City of New Britain", the sum specified in accordance with section 15-73 as a penalty for and in full satisfaction of such violations. The failure of such owner to make such payment or appearance within the time specified shall make such owner liable to a penalty equal to three (3) times the amount of the penalty provided in section 15-73 in addition to the original fine.

(Code 1970, § 22-45; Ord. of 7-82; Ord. of 5-90)

Sec. 15-76. Towing and immobilization of motor vehicles against which there are outstanding parking citations.

(a) Whenever any vehicle shall be found parked in violation of any provision of this Code, in addition to the issuance of a parking citation, such vehicle may be removed under the direction of the police department to an authorized garage in the city, and such removal shall be at the risk of the owner.

(b) Whenever any vehicle is found parked upon the streets and public grounds of the city and where there are five (5) or more municipal parking citations issued for a violation of any municipal traffic ordinance, rule or regulation upon such vehicle or against the owner of such vehicle, which are delinquent, unpaid, otherwise unsettled and uncontested, then a member of the police department may place or direct a person or persons so authorized by the chief of police to place an immobilization device upon such vehicle or, in the alternative, the member of the police department may remove and convey such vehicle by means of towing or otherwise, to a city lot, or he may order such person or persons so authorized by the chief of police to remove and convey such vehicle by means of towing, or otherwise, to an authorized garage.

(c) Once an immobilization device has been placed upon a parked vehicle, said device may not be removed or otherwise tampered with by anyone who has not been authorized to do so.

(d) The owner of any vehicle impounded or otherwise rendered immobile by application of a mechanical device shall have the right to contest impoundment or immobilization by application to the parking ticket appeals board in accordance with section 15-144 by application on forms prescribed by the commissioner of motor vehicles within ten (10) days from the date of the notice provided the owner in accordance with section 15-77.

(Code 1970, § 22-46; Ord. of 12-90, § 1)

Sec. 15-77. Notice to owner of vehicle.

Within forty-eight (48) hours after towing or immobilization, the police department shall notify, by certified mail, the owner(s) of such vehicle and any lien-holder at the address listed with the Connecticut Department of Motor Vehicles of the impoundment or immobilization, as set forth in the provisions of section 15-43 of this chapter, the place it may be recovered and the conditions upon which it will be released and that the owner and/or lien-holder may contest the validity of the taking by making application for a hearing on a form prescribed by the commissioner of motor vehicles within ten (10) days from the date of the notice.

(Ord. of 12-90, § 2; Ord. of 9-98, § 3)

Sec. 15-78. Release of impounded and/or immobilized vehicle.

The owner or person in charge of any vehicle after providing sufficient identification of ownership to the police department shall be allowed to repossess or to secure the release of

such vehicle only alter paying the following fees by cash, money order or bank check:

(1) The cost of towing, in accordance with the amount approved by the motor vehicle department;

(2) The cost of storage, in accordance with the amount approved by the motor vehicle department, for each day that such vehicle is so stored beyond the first twenty-four-hour period;

(3) A booting fee of thirty-five dollars ($35.00) for the cost of placement and removal of the immobilization device; and

(4) All sums legally due for any city parking violation issued and outstanding against such vehicle.

(Ord. of 12-90, § 2)

Sec. 15-79. Records and receipts of motor vehicles.

(a) It shall be the duty of the chief or police, or his designee, to keep records of the names of the owners of all vehicles impounded and/or immobilized, the numbers of their state license plates, the place where each vehicle was impounded and the location of the garage where the vehicle is being stored.

(b) Before a person can receive their motor vehicle, they must sign a receipt acknowledging delivery.

(Ord. of 12-90, § 2)

Secs. 15-80--15-86. Reserved.

DIVISION 2. PARKING COMMISSION*

***Editor's note:** An ordinance of Nov. 6, 1996, amended Ch. 15, Art. IV by repealing Div. 2, Parking Authority, §§ 15-86--15-94, derived from Code 1970, §§ 22-16--22-20, and enacting new provisions set out herein as a new Div. 2, §§ 15-87--15-90.

Cross references: City boards, commissions, committees and authorites generally, § 2-126 et seq.

State law references: Parking authorities, G.S. § 7-202 et seq.; creation, G.S. § 7-203; powers, G.S. § 7-204; financing of city parking authority, G.S. 7-205; revenue bonds of city parking authority, G.S. § 7-206; rates and charges of municipality parking authority, G.S. § 7-207.

Sec. 15-87. Definitions.

As used herein:

(a) *Parking commission* shall mean the commission created and established under section 15-88 of this division.

(b) *Parking facilities* shall mean lots, garages, parking terminals or other structures and accommodations for the parking of motor vehicles open to public use with or without charge within the area described as the municipal parking district by the zoning ordinances of the City of New Britain. Such area bounded by a line parallel to Pearl Street and the boundary of the municipal parking district to the north, Badolato Drive to the east, Pearl Street to the south and Franklin Square/Elm Street to the west; and all properties fronting on both sides of Arch Street from Main Street south to Hart Street; and all properties fronting on Main Street along the west and northwest side of the street from the southern property line of the St. Mary's Roman Catholic Church to the intersection with Beaver Street; and all properties fronting on both sides of Broad Street from its intersection with Beaver Street west to its intersection with Booth Street.

(Ord. of 11-6-96)

Cross references: Definitions and rules of construction generally, § 1-2.

Sec. 15-88. Establishment; composition.

There shall be a parking commission. The commission shall consist of five (5) members of whom not more than three (3) shall be members of the same political party. To the extent possible, the members shall be property owners or tenants within the municipal parking district as defined above but shall be electors of the City of New Britain. The members shall select a chairman from among its members. The members of the commission shall serve without compensation but may be reimbursed for necessary expenses.

(Ord. of 11-96; Ord. of 7-01)

Sec. 15-88A. Term of membership.

Those first appointed shall be designated to service for one (1), two (2), three (3), or four (4) years respectively and thereafter a member shall be appointed annually to serve for four (4) years except that any vacancy shall be filled for the unexpired portion of the term.

(Ord. of 7-01)

Sec. 15-89. Power and duties of the commission.

The commission shall have the following powers and duties:

(a) The commission shall have the power and authority, in the name of the City of New Britain, to operate and secure all parking facilities and to rent, lease or purchase such equipment as may be required in the operation of facilities for parking with the advice of the department head.

(b) Said commission shall advise and consult with the department head as designated by the common council pertaining to the duties and conduct of the department charged with the responsibility of the parking division of the city. In

general, the commission shall be responsible for policy-making and evaluation with the advice of the department head(s) and shall be responsible for the issuance of citations for parking violations.

(Ord. of 11-96; Ord. of 7-01)

Sec. 15-90. Parking meters and parking limitations.

(a) The parking commission is authorized to collect and receive all revenue from parking meters and to establish metered parking zones and set a permit fee for the use of public parking lots. The revenues from such meters shall be used by such commission for the regulation and control of the parking of vehicles in on-street and off-street zones, for the cost of purchase, installation, operation, inspection, supervision and maintenance of parking meters, for acquiring, operating an maintaining off-street parking facilities.

(b) Parking permits may be obtained at city hall through the parking authority free of charge for a six-month period for residents of:

(1) Glen Street, north of W. Pearl Street;

(2) Arch Street, north of Grand Street;

(3) Prospect Street; and

(4) Camp Street, north of Grand Street.

Residents must show identification proving residency of the areas listed in this section and must show valid State of Connecticut registration for the vehicle that will be using the permit. One (1) free parking permit will be allowed for each resident showing proof of residency and valid vehicular registration. Additional parking permits may be purchased by residents for $15.00 per month per vehicle. Residents will be granted additional nonconcurrent six-month parking permits, without charge, as long as proof of residency is shown upon obtaining the permit.

(Ord. of 11-96; Ord. No. 28373-2, 2-25-05)

Sec. 15-91. Employees.

All personnel employed by the parking commission to enforce parking rules and regulations in parking facilities shall be deemed to be employees of the parking commission but shall be under the day to day supervision and direction of the city property manager who shall have all the powers with respect to such employees as is vested in department heads under the provisions of any collective bargaining agreement.

(Ord. of 11-96; Ord. of 6-98)

Editor's note: An ordinance adopted June 2, 1998, amended Ch. 15 by adding new provisions designated as § 15-90. Since said chapter already contained provisions designated as § 15-90, the editor, at his discretion, has redesignated these new provisions as § 15-91.

Secs. 15-92--15-100. Reserved.

DIVISION 3. HANDICAPPED PARKING*

***State law references:** Parking privileges of handicapped persons generally, G.S. § 14-253a; parking privileges of handicapped veterans, G.S. § 14-254.

Sec. 15-101. Applicability.

This division shall apply to all new and existing nonresidential sites that have a parking area for twenty (20) or more vehicles, including but not limited to, shopping centers, office buildings, commercial buildings, mercantile buildings, warehouses, storage buildings, manufacturing buildings, hospitals, convalescent homes, schools and public buildings. In addition, the traffic authority may designate handicapped parking spaces on city roads which shall be of such size and location as he may specify.

(Code 1970, § 22-40(a); Ord. of 6-80)

Sec. 15-102. Use of specially designated spaces restricted.

After establishment of specially marked parking spaces for handicapped persons, no person shall park a motor vehicle in such space unless a handicapped person is either a passenger or occupant of the vehicle, and the vehicle contains a designation issued by the commissioner of motor vehicles pursuant to the general statutes, which designation shall be visible as per the general statutes, or a handicapped designation issued by other governmental authority.

(Code 1970, § 22-40(b); Ord. of 6-80)

Sec. 15-103. Number of spaces to be provided; location.

(a) On each site having parking spaces for at least twenty (20) but not more than twenty-five (25) spaces, at least one space shall be specially designated and reserved for handicapped parking. Additional spaces for handicapped parking shall be in accordance with the following table:

TABLE INSET:

Total Parking on Site	Required Number of Handicapped Parking Spaces
26--50	2
51--75	3
76--100	4
101--150	5
151--200	6
201--300	7
301--400	8
401--500	9

Total Parking on Site	Required Number of Handicapped Parking Spaces
501--1000	2% of total
Over 1000	20 plus 1 for each 100 over 1000

(b) Parking spaces for the handicapped shall be located as close as possible to elevators, ramps, walkways and entrances, and so located that the handicapped person is not compelled to wheel or walk behind parked vehicles to reach entrances, ramps, walkways and elevators.

(c) The exact location of the parking spaces shall be designated by the traffic authority or his designee.

(Code 1970, § 22-40(c); Ord. of 6-80)

Sec. 15-104. City marking of spaces.

Each such space designated for handicapped parking shall be not less than fifteen (15) feet in width, including three (3) feet of cross hatch, unless otherwise required under the provisions of the state building code, or unless the same would create a nonconforming condition, in which event, the existing stall width shall be permitted for those spaces which exceed the required number of spaces under state law. Each space shall be designated by above grade signs with white lettering against a blue background and shall bear the words "HANDICAPPED PARKING STATE PERMIT REQUIRED" and "VIOLATORS WILL BE FINED." Such signs shall be erected, installed and maintained by, and at the expense of the owner of such site. In the event, the signs and markings called for herein are not installed within thirty (30) days after written direction of the traffic authority, the city may proceed to install the same and impose the costs thereof against the owner of the site. If the owner shall fail to reimburse the city for the cost of installation within thirty (30) days of receipt of a bill thereof, the board of police commissioners shall place a lien upon said property.

(Code 1970, § 22-40(d); Ord. of 6-80; Ord. of 11-94)

Sec. 15-105. Owner's responsibility for violations.

The registered owner of any vehicle parked in violation of this division shall be presumed to be the operator at the time of the violation.

(Code 1970, § 22-40(f); Ord. of 6-80)

Sec. 15-106. Penalties.

(a) Whenever any vehicle shall be found parked in violation of this division, any city police officer may issue a ticket for such violation, which ticket shall provide for a fine of ninety-nine dollars ($99.00) payable to the city, which fine remitted to the finance department within seven (7) days of the issuance of the ticket. If any such fine is not paid within seven (7) days, a penalty in an amount equal to three (3) times the fine shall immediately become due and payable in addition to the original fine and a warrant may be issued for the arrest of the violator.

(b) Any owner of property who shall fail to designate handicapped parking as required

under the provisions of this division, shall be subject to a fine of ninety-nine dollars ($99.00).

(Code 1970, § 22-40(e); Ord. of 6-80; Ord. of 5-81; Ord. of 6-90; Ord. of 9-92; Ord. of 11-94; Ord. of 11-96; Ord. No. 28269-2, 11-18-04; Res. No. 29316-2, 10-27-06)

Secs. 15-107--15-115. Reserved.

DIVISION 4. SNOW EMERGENCY RESTRICTIONS

Sec. 15-116. Definitions.

The following definitions shall apply in the interpretation and enforcement of this division:

Mayor means the chief executive officer of the city or, at his designation, the director of public works or the general superintendent of public works.

Roadway means that portion of a street or highway improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder.

Secondary streets are any streets which are not marked "snow emergency routes."

Snow emergency routes are those streets marked as such in accordance with the provisions of this division.

Street or *highway* means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

(Code 1970, § 22-41(1); Ord. of 2-83)

Cross references: Definitions and rules of construction generally, § 1-2.

Sec. 15-117. Parking on snow emergency routes and secondary streets restricted.

(a) Whenever the mayor finds, on the basis of falling snow, sleet or freezing rain, or on the basis of a forecast by the U.S. Weather Bureau or other weather service, of snow, sleet or freezing rain, that weather conditions will make it necessary that motor vehicle traffic be expedited and that parking on city streets be prohibited or restricted for snow plowing and other purposes, the mayor may put into effect a parking prohibition on parts of or all snow emergency routes and secondary streets, by declaring it in a manner prescribed by this division.

(b) While the prohibition by the mayor is in effect, no person shall park or allow to remain parked any vehicle on any street to which such prohibition applies.

(c) The mayor shall cause each declaration made by him, pursuant to this division to be publicly announced. Each public announcement shall describe the action taken by the mayor, including the time it became or will become effective.

(d) The mayor shall make or cause to be made a record of each time and date when any declaration is announced to the public in accordance with this section.

(e) Whenever the mayor shall find that the conditions which give rise to a parking prohibition in effect pursuant to this division no longer exist, he may declare the prohibition terminated, in whole or in part.

(Code 1970, § 22-41(2); Ord. of 2-83; Res. No. 29316-2, 10-27-06)

Sec. 15-118. Night parking on snow emergency routes.

(a) From December first through April fifteenth of each year, no person shall park, or allow to remain parked any vehicle on any "snow emergency route" between the hours of 1:00 a.m. and 5:00 a.m.

(b) On each street designated by this division as a snow emergency route, the mayor shall cause to have posted signs at appropriate intervals which shall be distinctive and uniform in appearance and shall be plainly readable to persons traveling on the street or highway.

(Code 1970, § 22-41(3); Ord. of 2-83; Ord. of 5-89; Res. No. 29316-2, 10-27-06)

Sec. 15-119. Stalled vehicles on snow emergency routes and secondary streets.

Whenever a vehicle becomes stalled for any reason, in violation of the mayor's parking ban or the ban of night parking on the snow emergency routes, the person operating or responsible for such vehicle shall take immediate action to have the vehicle towed or pushed off the roadway. Failure to take the necessary efforts to remove such stalled vehicle shall result in a violation of this division.

(Code 1970, § 22-41(4); Ord. of 2-83)

Sec. 15-120. Removal, impounding and return of vehicles.

(a) Members of the police department are hereby authorized to remove or have removed, a vehicle from a street to a garage or area designated or maintained by the police department or by the city when a vehicle is parked, stalled or abandoned in violation of this division.

(b) No person shall recover any vehicle removed in accordance with this section except as provided herein. Before the owner or person in charge of such vehicle shall be allowed to recover it from the place where it has been placed or impounded, he shall present to a member of the police department evidence of his identity and right to possession of the vehicle, shall sign a receipt for its return, and shall pay the cost of removal, the fine, and all costs of storage accrued.

(c) It shall be the duty of the police department to keep a record of each vehicle removed in accordance with this section. The record shall include a description of the vehicle, its license number, the date and time of its removal, where it was removed from, its location, the name and address of its owner and last operator, if known, its final

disposition and the parking violation involved.

(d) This section shall be supplemental to any other provisions of law granting members of the police department authority to remove vehicles.

(Code 1970, § 22-41(6); Ord. of 2-83)

Sec. 15-121. Snow emergency routes designated.

The following streets or portions of streets within the city are hereby designated snow emergency routes:

Alexander Street.

Allen Street.

Arch Street.

Beaver Street, from North Street to Farmington Avenue.

Black Rock Avenue.

Brittany Farms Road.

Broad Street.

Brown Street, excepting the south side thereof between High Street and Burritt Street.

Burritt Street.

Carlton Street.

Chestnut Street.

Child Street, from Newington Avenue to Connecticut Avenue.

Columbus Boulevard, from Cedar Street to Ellis Street.

Corbin Avenue.

Court Street.

Dwight Street.

East Main Street.

East Street.

Eddy Glover Boulevard.

Ella Grasso Road.

Farmington Avenue.

Franklin Square.

Governor Street, from Farmington Avenue to Corbin Avenue.

Grand Street.

Griswold Street, between Grand and Hart Streets.

Grove Street, between Myrtle and Broad Streets.

Hart Street.

Hartford Road.

Horse Plain Road.

John Downey Drive.

Jubilee Street.

Kensington Avenue.

Lafayette Street.

Lincoln Street, between Black Rock Avenue and West Main Street.

Main Street.

Market Street.

Martin Luther King Drive.

McClintock Street.

Myrtle Street.

North Street, from Main Street to Martin Luther King Drive.

Oak Street, from North Street to Allen Street.

Osgood Avenue, between Slater Road and Farmington Avenue.

Paul J. Manafort Drive

Prospect Street.

Russell Street.

Slater Road.

South High Street.

South Main Street.

South Street.

Stanley Street.

Veterans' Drive.

Village Square Drive.

Walnut Street.

Washington Street.

West Main Street.

Woodland Street, north side only.

(Code 1970, § 22-41(18); Ord. of 1-85; Ords. of 4-88(2); Ord. of 5-89; Ords. of 1-90(2); No. 26824-1, 2-27-02)

Sec. 15-122. Fines and storage charges for parking on snow emergency routes and secondary streets.

(a) Parking in violation of any section of this division shall be punishable by a fine of one hundred dollars ($100.00) for each violation. Under no condition shall such snow fine double.

(b) If the vehicle of any violator of this division is towed, and if the city has the duty and responsibility to watch and protect such illegally parked vehicle, the operator shall be subject to a twenty dollar ($20.00) a day storage charge if he fails to claim his vehicle within twenty-four (24) hours after the vehicle has been towed.

(c) The owner or operator of any vehicle parked in violation of this division shall be liable to the city for the payment of such fines and storage charges that accrue.

(Code 1970, § 22-41(5); Ord. of 2-83; Ord. of 2-7-90; Res. No. 29316-2, 10-27-06)

Sec. 15-123. Effect of division on other ordinances.

(a) Nothing in this division shall be construed to permit parking at any time or place where it is forbidden by any other provision of law.

(b) Any provision of this division which becomes effective by declaration of the mayor shall, while temporarily in effect, take precedence over other conflicting ordinances normally in effect, except that it shall not take precedence over provisions of law relating to traffic accidents, emergency travel of authorized emergency vehicles or emergency traffic directions by a police officer.

(Code 1970, § 22-41(7); Ord. of 2-83)

Secs. 15-124--15-135. Reserved.

ARTICLE V. MOTORCYCLES, MOPEDS AND ALL TERRAIN VEHICLES

Sec. 15-136. Definitions.

For the purposes of this article:

All terrain vehicle shall mean any vehicle so designed, built, modified or designed that it is capable of transporting persons or property over several types of surface or in areas where there is no paved roadway.

Moped shall mean a two-wheeled, pedal-assisted, motor-driven vehicle capable of carrying one or more persons at low rates of speed and shall include scooters, Vespas and other similar or related vehicles.

Motorcycle shall mean all two- or three-wheeled motor operated devices capable of transporting or carrying one or more persons and shall include all forms of modified vehicles such as "dirt-bikes," "trailbikes," "motorcross," "endurance," "flat-track" or similar.

Property of the city shall include, but not be limited to, all park, golfcourse, school, parking or municipal areas under the control of any city board or commission.

(Code 1970, § 22-47; Ord. of 6-80)

Cross references: Definitions and rules of construction generally, § 1-2.

Sec. 15-137. Operation restricted.

(a) *Municipal property.* No person shall operate or cause to be operated any motorcycle, vehicle, moped or all terrain vehicle upon the property of the city except on established roadways, paths, paved areas or streets where the operation of all motor vehicles is allowed either by state law, ordinance, rule or special permit.

(b) *Sidewalks.* No person shall operate or cause to be operated any motorcycle, moped or all terrain vehicle on any sidewalk or pedestrian walkway within the city except to cross the same or to place a moped upon such sidewalk for the purpose of parking same if the location where the moped is to be parked is such as it will not interfere with pedestrian traffic.

(c) *License required.* All motorcycles, mopeds or all-terrain vehicles operated within the city must bear appropriate license plates or markers as required by state law.

(d) *Private property.* No person shall operate or cause to be operated any motorcycle, vehicle, moped or all terrain vehicle upon any private property within the city except with express permission of the owner thereof.

(e) *Noise.* No person shall operate or cause to be operated any motorcycle, moped or vehicle, or all terrain vehicle which is so designed, modified, altered or broken as to emit unreasonably loud or offensive levels of noise.

(Code 1970, § 22-48; Ord. of 6-80)

Sec. 15-138. Penalties.

Violation of any section of this article shall result in the following penalties:

(1) For first violation, punishment as provided in section 1-15 of this Code.

(2) Notwithstanding subparagraph (1) of this section, any person found guilty of violation of this article where such violation caused damage to either private or municipal property, the individuals shall be liable to pay damages for the repair of same.

(Code 1970, § 22-49; Ord. of 6-80)

Sec. 15-139. Reserved.

ARTICLE VI. PROCEDURE FOR ENFORCEMENT OF MUNICIPAL PARKING ORDINANCE FOR OPERABLE MOTOR VEHICLES*

***Cross references:** Stopping, standing and parking, § 15-66 et seq.

State law references: Hearing procedure for parking violations, G.S. § 7-152b.

Sec. 15-140. Appointment of hearing officer.

In accordance with section 7-152b of the Connecticut General Statutes, the following procedure is established for the enforcement of parking ordinances of the City of New Britain. The parking violation hearing will be conducted by one (1) of the hearing officers appointed pursuant to subsection 1-17(a) of the Code of Ordinances. One (1) of such hearing officers shall be designated as chief hearing officer. No such hearing officer shall be a police officer, a person working in a police department or a person authorized to issue parking tickets, but any other municipal employee may be appointed as a parking violation hearing officer in addition to his or her other duties. No such hearing officer or person working under the direction of such hearing officer may otherwise directly or indirectly engage in the private business of collecting the fines, assessments or judgments imposed hereunder. All such parking violation hearing officers shall serve for a term of two (2) years.

(Ord. of 12-87, § 1; Res. No. 29536-2, 5-9-07)

Sec. 15-141. Notice to parking violators.

Within two (2) years after the expiration of the final period for the uncontested payment of fines, penalties, costs or fees for any alleged violation of any parking ordinance duly adopted by the city pursuant to the general statues, the finance director shall send notice to the motor vehicle operator, if known, or the registered owner of the vehicle, by first class mail at his address according to the registration records of the State of Connecticut Department of Motor Vehicles. Such notice shall inform the operator or owner:

(a) Of the allegation against him and the amount of the fines, penalties, and costs of fees due;

(b) That he may contest his liability before a parking violation hearing officer by delivering in person or by mail written notice within ten (10) days of the date thereof;

(c) That if he does not demand such a hearing, an assessment and judgment shall enter against him; and

(d) That such judgment may issue without further notice.

(Ord. of 12-87, § 1)

Sec. 15-142. Admission of parking violation.

If the person receiving the notice required pursuant to section 15-141 hereof does not either (a) pay the full amount of the fines, penalties, costs or fees without requesting a hearing, or (b) request a hearing as provided herein, within ten (10) days after the date of such notice, such person shall be deemed to have admitted liability and the finance director shall certify such person's failure to respond to the chief hearing officer. The chief hearing officer shall thereupon enter and assess the fines, penalties, costs or fees provided for by the applicable ordinance and shall follow the procedures set forth herein.

(Ord. of 12-87, § 1)

Sec. 15-143. Prima facie evidence.

Whenever a violation of such 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 limitation on the liability of a lessee under section 14-107 of the Connecticut General Statutes shall apply.

(Ord. of 12-87, § 1)

Sec. 15-144. Appeal process.

Any person receiving a notice pursuant to section 15-141 of this article may request a hearing by mailing or delivering such request in writing to the chief hearing officer at the place designated within ten (10) days after the date of such notice. The chief hearing officer shall promptly schedule a hearing and give notice of the date, time and place of such hearing to the person requesting it. Such hearing shall be held not less than fifteen (15) nor more than thirty (30) days from the date of the mailing of notice, provided the chief hearing officer shall grant any reasonable request by any interested party for postponement or continuance upon good cause shown. The presence of the policeman or issuing officer shall be required at the hearing if the person requesting the hearing so requests. A designated city official, other than the hearing officer, may present evidence on behalf of the city. If such person fails to appear at a hearing for which correct notice has been duly sent, the presiding hearing officer may enter an assessment of default against him, in the amount of the fines, penalties, costs or fees provided for by the applicable parking ordinance.

(Ord. of 12-87, § 1)

Sec. 15-145. Decision of hearing officer; failure to pay assessment.

The hearing officer presiding at any hearing convened in accordance with the provisions of this article shall announce his decision at the end of the hearing. If he determines the person is not liable, he shall dismiss the matter and enter his determination in writing accordingly. If he determines the person is liable for the violation, he shall forthwith enter and assess the fines, penalties, costs or fees against such person as provided by the applicable ordinance.

If such assessment is not paid on the date of its entry, the hearing officer shall send by

first class mail a notice of assessment to the person found liable and shall file, not less than thirty (30) days nor more than twelve (12) months after such mailing, a certified copy of the notice or assessment with the clerk of the superior court for the fifteenth geographical area, together with an entry fee of eight dollars ($8.00), or such other amount as may from time to time be required by law, and request that said clerk enter judgment against such person in favor of the city of New Britain as provided in this article.

(Ord. of 12-87, § 1)

Sec. 15-146. Right to judicial review.

The person against whom an assessment has been entered in accordance with this article is entitled to judicial review by way of appeal within thirty (30) days of the mailing of notice of assessment. The appeal shall be filed in accordance with Connecticut General Statutes section 7-152(b).

(Ord. of 12-87, § 1)

ARTICLE VII. MOTOR SCOOTERS, MINIBIKES, POCKET BIKES, BICYCLES WITH HELPER MOTORS

Sec. 15-147. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Motor scooter, minibike, pocket bike and *bicycle with helper motor* shall mean any wheeled device designed for the transport of one (1) or more persons which is powered by any type of motor, except:

(1) Any motorcycle or motorized bicycle as defined in state statutes;

(2) Any vehicle registered as a motor vehicle by the registrar of motor vehicles or lawfully exempt from such registration;

(3) Any wheelchair by a person with physical disabilities or Any similar mobility-assisting device used or by a person whose ambulatory mobility has been impaired by age, illness or physical ailment or electric personal assistive mobility devices;

(4) Any self-propelled snow plows, snow blowers and lawn mowers when used for the purposes for which they were designed and operated at speeds not exceeding four (4) miles per hour;

(5) Any moped or scooter which meets Federal Department of Transportation and State Department of Transportation guidelines for on-road transportation and whose owners-manual specifically indicates an ability to be driven on public roads.

(6) Any vehicle owned or leased by the City of New Britain.

(Ord. No. 28181-2, 9-14-04)

Sec. 15-148. Operations prohibited.

(a) Notwithstanding any other provision of this Code, any person who operates any motor scooter, minibike, pocket bike or bicycle with a helper motor on any portion of any public or private street shown on the official map of the city, including the sidewalk area of any such street, or on any other public property, including schools, playgrounds and parks, within the City of New Britain, shall be fined ninety dollars ($90.00).

(b) Any person who rides as a passenger on any motor scooter operated in violation of the above shall be fined fifty dollars ($50.00).

(c) Whenever any police officer observes any person in violation of this section, he or she may detain such person for purposes of the enforcement of this section and may remove such motor scooter to a secure area pending a disposition of such property by court order or otherwise by law.

(Ord. No. 28181-2, 9-14-04; Res. No. 28659-2, 8-18-05)

Chapter 16 OFFENSES AND MISCELLANEOUS PROVISIONS*

***Cross references:** General penalty for Code violations, § 1-115; alcoholic beverages, Ch. 4; massage establishments business regulations, § 14-106 et seq.; motor vehicles and traffic, Ch. 15; police, Ch. 20.

Art. I. In General, §§ 16-1--16-20
Art. II. Alarm Systems, §§ 16-21--16-60
Div. 1. Generally, §§ 16-21--16-40
Div. 2. User's Permit, §§ 16-41--16-60
Art. III. Loitering and Trespassing, §§ 16-61--16-75
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Art. V. Noise, §§ 16-101--16-109
Art. VI. Inoperable Vehicles and Unsightly Materials, §§ 16-110--16-119
Art. VII. Curfew for Minors, §§ 16-120--16-129
Art. VIII. Development Assistance Accountability, §§ 16-130--16-134

ARTICLE I. IN GENERAL

Sec. 16-1. Damage to property prohibited; generally.

No person shall injure, deface or soil any public or private property, real or personal.

(Code 1970, § 15-13)

Sec. 16-2. Reserved.

Editor's note: An ordinance of December, 1985, repealed § 16-2, concerning restriction of plantings near street lines, as derived from § 15-14 of the 1970 Code and an ordinance of January, 1982.

Sec. 16-3. Destruction of property; reward.

(a) *Limit on amount.* The council may, by resolution, offer a reward not to exceed one thousand five hundred dollars ($1,500.00) for information leading to the prosecution, arrest and conviction of any person who has injured or damaged real or personal property located within the city. Any person providing information leading to the prosecution, arrest and convictions of any person who has injured or damaged real or personal property located within the city shall receive a reward of five hundred dollars ($500.00).

(b) *Affidavit.* The person claiming the reward shall receive payment from the city after producing an affidavit from the chief prosecuting officer of the superior court that he or she furnished the information leading to the prosecution, arrest, and conviction of the defendant in question.

(c) *Investigator ineligible.* Any person who is employed to acquire or furnish such information to the proper authorities shall be ineligible for such a reward.

(d) *Definitions.* For the purposes of this section, "damaged" real or personal property includes property to which graffiti has been applied. "Graffiti" shall, for the purposes of this section, mean any marking left by spray paint, ink marker, adhesive material or some similar means forming some identifying name, message or picture incongruous with the general decorative scheme or usual form of the structure, object or surface upon which is appears.

(Code 1970, § 2-3; Ord. of 9-70; Ord. of 10-72; Ord. of 10-00; Ord. of 7-01)

Sec. 16-4. Care of city vehicles.

All city vehicles shall be locked up when not being driven on duty, to curb vandalism and wilful damage to radio equipment, and a record shall be kept of all city vehicles as to driver, condition of vehicle, service, if any, in order to check the driver's responsibility and to eliminate vandalism and wilful damage. A notice of this section shall be placed in all vehicles owned by the city.

(Code 1970, § 2-3A; Ord. of 6-73)

Sec. 16-5. Acceptance of bribe by city officer or contractor with city.

(a) No person holding any public office in the city or standing in any contractual relationship with the city shall accept or agree to accept any favors or anything of value offered to pervert his judgment, corrupt his conduct, or influence his behavior with respect to this office or relationship.

(b) No person shall offer any favors or anything of value in the circumstances described in paragraph (a) of this section.

(c) This provision shall be construed to include the accepting of any gifts or anything of value which might be reasonably construed as influencing the public office holder's judgment, conduct or acts.

(Code 1970, § 15-1)

Sec. 16-6. Abandoned or discarded refrigerators, etc.

(a) No person shall keep any ice box, refrigerator or other container which has an airtight door or lid, no longer used for the purpose of refrigeration, in any location where it might be accessible to children unless the door catch or locking device has been removed or otherwise rendered inoperative.

(b) No person shall dispose of any ice box or refrigerator unless the provisions of paragraph (a) of this section have been observed, except where a sale or trade-in is involved.

(Code 1970, § 15-6)

State law references: Similar provisions, G.S. § 53-215.

Secs. 16-7--16-20. Reserved.

ARTICLE II. ALARM SYSTEMS

DIVISION 1. GENERALLY

Sec. 16-21. Intent and purpose.

It is the intent and purpose of this article to provide minimum standards and set forth regulations applicable to users and installers of burglar, hold-up and automatic telephone dialer alarm systems within the city; to require permits therefor and to provide penalties for noncompliance.

It is the further intent to reduce the number of false alarms occurring within the city and the resulting waste of city resources by providing for corrective administrative action, including fees, disconnection of services, and civil penalties.

The provisions of this chapter become effective on July 1, 2003, and shall apply to all alarm users, businesses, employees and alarm systems which are installed, connected, monitored, operated or maintained on or prior to the date on which this section became effective, and subsequent thereto.

(Ord. of 9-82, § 1; Ord. of 12-89; No. 27319-1, 3-12-03)

Sec. 16-22. Definitions.

As used in this article:

Alarm administrator means individual or individuals designated by the mayor to issue

permits and enforce the provisions of this title.

Alarm business means any persons engaged in the business of selling, installing, planning the installation, assisting in planning the installation, servicing, maintaining, monitoring, repairing, replacing, moving or removing alarm systems in the city.

Alarm dispatch request means a notification to the city's public safety telecommunications center by the alarm business that an alarm, either manual or automatic, has been activated at a particular alarm site.

Alarm site means a single premises or location served by an alarm system or systems. Each tenancy, if served by a separate alarm system in a multitenant building or complex, shall be considered a separate alarm site.

Alarm system means any mechanism, equipment, or device which is designated to detect an unauthorized entry into any building or onto any property, or to direct attention to a robbery, burglary, or other emergency in progress, and to signal the above occurrences either by a local or audible alarm or by a silent or remote alarm. The following devices shall not constitute alarm systems within the meaning of this subsection:

(1) Devices, which do not register alarms that are audible, visible, or perceptible outside the protected premises;

(2) Devices which are not installed, operated or used for the purpose of reporting an emergency to the city's public safety telecommunications center;

(3) Alarm devices installed on a temporary basis by the police department.

Alarm user means the person, occupant, firm, partnership, association, corporation, company or organization of any kind in control of any building, structure or facility or portion thereof wherein an alarm system is maintained.

Apartment building means any building containing two (2) or more rental units.

Automatic dialing device means an alarm system which automatically sends over regular telephone lines, by direct connection or otherwise, a prerecorded voice-message indicating the existence of an emergency situation that the alarm system is designed to detect.

Central station means an office to which alarm systems are connected, where operators supervise the circuits on a continuous basis, and where there is a subsequent relaying of such messages by a live voice to the city's public safety telecommunications center.

Duress alarm means a silent alarm signal generated by the manual activation of a device intended to signal a crisis situation requiring police response.

Emergency means the commission or attempted commission of a robbery, burglary, other criminal act or fire.

Employee means any person who is employed by an alarm business and who sells, installs, services, maintains, repairs, or replaces alarm systems in the city.

Enhanced verification is the attempt by monitoring personnel to verify that no emergency exists, at the monitored premises, by means of more thorough procedures such as two (2) verification calls, live audio or video, cross zoning, other means or a combination of these procedures.

False alarm means the activation of an alarm system, which results in an arrival at the alarm site by the police department where an emergency does not exist. It includes an alarm signal caused by conditions of nature, which are normal for that area. "False alarm" does not include an alarm signal caused by extraordinarily violent conditions of nature such as tornadoes, floods and earthquakes.

High occupation density facility means a university, hospital or convalescent type facility which services in excess of one hundred seventy-five (175) individuals on a regular basis.

Holdup alarm means a silent alarm signal generated by the manual activation of a device intended to signal a robbery in progress.

Intrusion alarm system means an alarm system signaling an entry or attempted entry into the area protected by the system.

Local alarm means any alarm device audible at the alarm site.

Panic alarm means an alarm system signal generated by the manual activation of a device intended to signal a life threatening or emergency situation requiring law enforcement response.

Permittee means the person to whom an alarm user permit is issued.

Person means and includes natural persons, without regard to number or gender, and any partnership, corporation, and any other type of legal entity.

Private guard responder means a private guard company, an alarm company's guard, an alarm user, or a person or entity appointed by an alarm user to be responsible to confirm that an attempted or actual crime has occurred at an alarm site.

(Ord. of 9-82, § 2; Ord. of 12-89; Ord. of 5-90; No. 27319-1, 3-12-03)

Cross references: Definitions and rules of construction generally, § 1-2.

Sec. 16-23. To be installed by licensed person in accordance with technical regulations.

It is unlawful for any person to engage directly in the installing, servicing, maintaining, repairing, moving or removing, in or on any building or other property within the city, any intrusion, duress or other emergency alarm system, or monitoring and relaying calls for such system, unless such person satisfies all the requirements set forth in accordance with the building and electrical codes and the licensing board of the state.

(Ord. of 9-82, § 3(2); Ord. of 12-89; No. 27319-1, 3-12-03)

Sec. 16-24. Automatic telephone dialing device; prohibition; sunset.

(a) The use of automatic telephone dialing devices by users for the purposes covered under this article is prohibited as of October 1, 1999.

(b) Users having an automatic telephone dialing device shall comply with section 7-282b of the general statutes of the state (as may from time to time be amended) applying at

least ten (10) days prior to anticipated installation.

(c) Effective immediately, no new permits shall be issued for automatic telephone dialing devices. Automatic telephone dialing device is defined as any system which automatically dials the police, fire, or public safety telecommunications center department(s) and then relays any prerecorded message to report any robbery, burglary or other emergency.

(Ord. of 9-82, § 3(3); Ord. of 12-89; Ord. of 4-7-99; No. 27319-1, 3-12-03)

Sec. 16-25. User instructions.

Every alarm business selling, leasing or furnishing to any user an alarm system which is installed on premises located in the area subject to this chapter shall furnish the user with written instructions and training that provide information to enable the user to operate the alarm system properly and avoid false alarms. Written operating instructions and the phone number of the monitoring station, shall be maintained at each alarm site. The alarm business shall notify the alarm user of the permit requirements and this alarm article. Any alarm business including monitoring companies who report active alarm conditions to the public safety telecommunications center is required to provide secondary verification prior to requesting police response services and/or when requested by the city.

(Ord. of 9-82, 3(4); Ord. of 12-89; No. 27319-1, 3-12-03)

Sec. 16-26. Direct connections to police headquarters and fire emergency reporting center.

(a) Direct connections between alarm users and the police or fire departments or public safety telecommunications center shall be prohibited except as authorized herein. Direct connections between the police or fire departments and those alarm companies which receive prior approval for such direct connections shall be terminated as of October 1, 1999, except as authorized herein.

(b) High occupation density facilities are authorized to directly connect its fire alarm systems to the city's public safety telecommunications center provided they continue to utilize a monitored secondary means of notification and have twenty-four (24) hour on-site security. An annual fee for each facility having a direct connection to the fire department shall be two hundred fifty dollars ($250.00) and notice of such connection or installation shall be provided in writing at least ten (10) days prior to such connection or installation.

(c) The city shall not be liable for any defects in operation of any signal line system, for any failure or neglect to respond appropriately, upon receipt of an alarm from such source, for any failure or neglect of any person in connection with the installation, service, maintenance, managing, monitoring, disconnecting or removal of equipment, the transmission of alarm signals or the relying of such signals of messages.

(Ord. of 9-82, § 3(5); Ord. of 12-89; Ord. of 4-7-99; No. 27319-1, 3-12-03)

Sec. 16-27. Owner or lessee to maintain system.

Each owner or lessee, at his expense, is required to maintain all components of his alarm system in good working order at all times to ensure that the sensory mechanism used in connection with such device is adjusted to suppress false indications of hold-ups or intrusions or fire or smoke conditions so that the device will not be activated by impulses due to short flashes of light, wind, noise and vehicular noises unrelated to genuine alarms.

(Ord. of 9-82, § 3(6); Ord. of 12-89; No. 27319-1, 3-12-03)

Sec. 16-28. Testing not to be conducted without prior permission of director of public safety telecommunications center.

No alarm system designed to transmit emergency messages directly to the police or fire departments or public safety telecommunications center shall be tested without first obtaining permission from the director of the public safety telecommunications center.

(Ord. of 9-82, § 3(7); Ord. of 12-89; No. 27319-1, 3-12-03)

Sec. 16-29. Public safety indicator panel for direct connections.

(a) For direct connections, there shall be indicator panel(s) which shall meet the specifications and requirements of the director of the public safety telecommunications center Such panel(s) shall be installed and maintained by the alarm equipment supplier at no cost to the city.

(b) The number of indicators mounted in such panel shall be limited as the director of the public safety telecommunications center may deem practical and within the capacity of the communications center to monitor adequately.

(Ord. of 9-82, § 3(8); Ord. of 12-89; No. 27319-1, 3-12-03)

Sec. 16-30. Signal duration limiting device required.

All alarm systems as defined in this article which sound an audible signal which may be heard outside the protected premises shall be equipped with a device which shall limit the duration of such audible signal to not more than fifteen (15) minutes. This is in accordance with section 22a-69-5.1 of the administrative regulations of the department of environmental protection of the state (as may, from time to time, be amended).

(Ord. of 9-82, § 4(3); Ord. of 12-89; No. 27319-1, 3-12-03)

Sec. 16-31. Alarm activation/false alarms (fines).

An alarm user may have one (1) false alarm incident in any calendar year without suffering any penalties except as herein specified. Any user whose system causes two (2) false alarms in any calendar year shall be fined the sum of fifty dollars ($50.00) for the second false alarm and eighty dollars ($80.00) for any subsequent false alarm. The following procedures shall be employed to effectuate the purpose of this section:

(1) Each time that an employee of the city of New Britain is dispatched to a location to respond to an alarm, the ranking attending member of the responding

department shall complete an "alarm incident report".

(2) If such alarm was a false alarm, as determined by the individual responding, such fact shall be noted on such report in a conspicuous place.

(3) A copy or summary, notice of alarm incident reports shall be submitted to the alarm administrator and the city of New Britain finance department.

(4) A record shall be kept of all alarm incident reports in each calendar year in order that the general effectiveness of such systems may be analyzed and monitored and so that systemic problems can be identified and corrected.

(5) Any false information provided to the alarm administrator or to the public safety telecommunications center by an alarm user, central station, alarm company or private guard responder is a criminal offense under the Connecticut general statutes.

(6) A ninety dollar ($90.00) penalty per incident shall be charged to a central station or alarm company for each request for police or fire response from an alarm where no valid alarm user permit is provided to police dispatch by the central station. Police response to duress alarms shall be limited to alarms originating from a stationary building structure.

(7) In the case of false alarms, the following procedure shall be followed:

a. *First false alarm in any calendar year.* The alarm user shall be sent a notice that a false alarm incident occurred in regard to his system. Such notice shall urge the user to have his system checked and/or to employ greater care in the future. The alarm user shall be responsible for false alarms caused by any person having authorized access to the premises from the alarm user.

b. *Second false alarm in any calendar year.* The alarm user shall be sent a notice that a second false alarm has been received and that, pursuant to the provisions of this article, the user must transmit to the city finance department the sum of fifty dollars ($50.00) as a fine for violation of this article. If such fine is not paid within twenty-one (21) days from the date of notice, the user's alarm permit shall be revoked and, to the extent permitted by law, his alarm system shall be disconnected from the monitoring system. An additional fee of ten dollars ($10.00) shall be due for any late payments. In addition, the city may use such lawful means as are available to collect such penalties. In the event the city files an action in court to recover such penalties, the city shall be entitled to recovery of its costs and attorney fees in addition to the penalties due and owing.

c. Second and subsequent false alarms in calendar year. In any case involving a second or subsequent false alarm in any calendar year, the user, in addition to paying the fine as established herein, may be required by the alarm administrator to certify that his system has been checked by an independent licensed alarm service to ensure proper operation. Such certification shall bear the signature of the individual

servicing the alarm who shall certify that the system is operating correctly and that all defects have been corrected.

d. In the event the fine or penalty is assessed against a city department or the board of education, the director of finance is authorized to deduct said fine or penalty from the budget of the city department and/or board of education.

e. The alarm administrator may implement a false alarm prevention course. The course shall inform alarm users of the problems created by false alarm dispatches and how users may operate an alarm system without generating false alarm dispatches. Users who complete the course shall be issued a certificate worth the dismissal of one (1) false alarm penalty of up to ninety dollars ($90.00). No permittee shall be entitled to take such course and receive a penalty waiver more than once per year.

f. If an alarm system installed, or caused to be installed, by any tenant in an apartment building is monitored by an alarm business, the tenant shall provide to the alarm administrator the name of a representative of the apartment building owner or property manager who can grant access to the rental unit by police officers responding to an alarm dispatch. Such tenant shall obtain an alarm permit from the alarm administrator before operating or causing the operation of an alarm system in the tenant's rental unit.

A tenant who has contracted with an alarm business to monitor an alarm system at the tenant's alarm site shall be responsible for false alarm dispatches emitted from the alarm system at such alarm site.

g. All central stations or other answering services shall provide the public safety telecommunications center, at the time of filing the alarm report with the alarm user's permit number, with a toll-free telephone number for contacting the central station dispatchers and for obtaining the information required under this chapter.

h. No person shall cause to be transmitted any intrusion or physical duress alarm knowing the same to be false or without basis in fact. Central stations shall not request law enforcement officers to respond to alarm scenes when monitoring equipment indicates an alarm system malfunction signal.

i. Alarm businesses who request police response to alarm signals shall maintain a record of all police calls, stating the time, date and location of the alarm and the name, address and phone number of the alarm user. The records shall indicate the cause of the alarm, if known. This record shall be current and shall be made available to the city's public safety telecommunications center at any time during normal business hours.

(Ord. of 9-82, § 5; Ord. of 12-89; No. 27319-1, 3-12-03; Ord. No. 28269-2, 11-18-04)

Sec. 16-32. Appeal procedures.

(a) The mayor shall appoint such hearing officers as he or she deems appropriate to consider matters relating to violations of this chapter.

(b) Any alarm user shall have ten (10) business days from the date of the city's written notice of a penalty assessment under this chapter to request in writing by filing a sworn and notarized "security alarm fine objection statement" with the town and city clerk an appeal hearing before such hearing officer. The filing of an appeal with the town and city clerk shall stay the assessment of additional penalties for that violation until the hearing officer makes a final decision. The burden to prove any matter shall be upon the person raising such matter. It shall not be a defense to any penalty assessment that: 1) the false alarms were the result of faulty or malfunctioning equipment; 2) the false alarms were caused by electrical surges; or 3) the false alarms were caused by the fault of another person during noncriminal incidents. The hearing officer shall render a decision within ten (10) days after the appeal hearing is concluded. Following issuance of such decision, additional penalty assessments shall accrue until paid, as provided in this chapter. These forms will be available in the office of the town and city clerk. Hearings will be scheduled in late afternoon, if possible, to accommodate work schedules of the appellants. The filing of an appeal shall toll any fines and/or penalties until the decision is rendered by the hearing officer.

(c) If the hearing officer finds that no violation of this chapter occurred, or that a violation occurred but one or more of the defenses set forth in this section is applicable, the hearing officer may dismiss the penalty and release the alarm user from liability thereunder, or may reduce the penalty associated therewith as he or she shall determine. Such defenses are:

1. The false alarm for which the penalty has been assessed did not originate at the premises of the alarm user who has been assessed the fee;

2. The alarm for which the penalty has been assessed was, in fact, not false, but was rather the result of an actual or attempted burglary, robbery or other emergency;

3. The public safety telecommunications center was notified by the permit holder or the alarm company that the alarm was false prior to the arrival of a peace officer to the subject premises in response to the false alarm; or

4. Such other mitigating circumstances as may be approved by the city's office of corporation counsel.

(d) If the hearing officer finds that a false alarm did occur and no applicable defense exists, the alarm administrator may, in the interest of justice and on behalf of the city, enter into an agreement for the timely or periodic payment of the applicable fees and penalties.

(Ord. of 9-82, § 8; Ord. of 12-89; No. 27319-1, 3-12-03)

Sec. 16-33. Liability.

The city shall not be liable for any defects in operation of any alarm systems, for any failure or neglect to respond appropriately upon the receipt of an alarm nor for the failure or neglect of any person registered or issued a permit pursuant to this chapter in connection with the installation, operation or maintenance of the equipment necessary to or incident to the operation of such system. In the event the city finds it necessary to order the system disconnected, the city shall inure no liability for such action.

(Ord. of 9-82, § 10; Ord. of 12-89; No. 27319-1, 3-12-03)

Sec. 16-34. Administration and enforcement.

The provisions of this chapter shall be administered and enforced by the director of the public safety telecommunications center. The director, or his or her authorized representative, is authorized to make inspections of burglar, robbery and other emergency alarm systems and of the premises wherein said devices or systems are located. Such individual shall have authority at reasonable times and upon oral notice to enter upon any premises within the city to undertake such inspections and to determine whether such systems are being used in conformity with the provisions of this chapter.

Subject to the approval of the mayor, the director of the public safety telecommunications center, or his or her authorized representative, shall have power to make such reasonable rules and regulations as may, in the discretion of the director of the public safety telecommunications center, be deemed necessary to implement the provisions of this chapter.

(No. 27319-1, 3-12-03)

Sec. 16-35. Operational defects to be remedied.

(a) *Annual inspection:* All alarm users shall have the user's alarm system inspected by an alarm business annually.

(b) *Backup power supply:* All alarm systems shall have a sufficient backup power supply that will become effective in the event of power failure or outage in the source of electricity from the utility company. Said power supply shall last a minimum of three (3) hours.

(c) *One plus duress alarms:* After July 1, 2003, no alarm business shall program alarm systems so they are capable of sending One Plus duress alarms. Alarm businesses may continue to report One Plus duress alarms received from alarm systems programmed with this feature prior to July 1, 2003. However, after July 1, 2003, when performing a takeover or conversion, an alarm business shall remove the One Plus duress alarm capability from the alarm system being taken over or converted. Violation of this section shall result in a civil penalty of fifty dollars ($50.00) per incident.

(d) *Duress alarm activating device:* After July 1, 2003, alarm companies shall not install a device for activating a duress alarm, which has a single action, nonrecessed button. Violation of this section shall cause a civil penalty of one hundred fifty dollars ($150.00) per incident.

(e) *Prevention of false alarms:* It is the responsibility of the alarm business and technician to prevent false alarms during installation, system repairs, or system service. Proper notification shall be made to the monitoring company that the system is in a test mode to avoid dispatching of law enforcement. Violation of this section shall result in a civil penalty of one hundred fifty dollars ($150.00) per incident against the company employing the technician.

(f) *Vision-obscuring device:* It is unlawful for any person to install or use an alarm system or device that emits or produces real or simulated smoke, fog, vapor or any like substance that obscures vision. Use of this device shall result in no police response.

(No. 27319-1, 3-12-03)

Sec. 16-36. Response priority.

The director of the public safety telecommunications center is authorized to lower the priority of any individual request for alarm response service where the number of false alarms for that service exceeds six (6) within any consecutive twelve (12) month period or where the alarm operator has unpaid fines and/or penalties which exceed fifty dollars ($50.00). In addition, said director is authorized to refuse to provide response services to any location where the alarm operator has unpaid fines and/or penalties which exceed ninety dollars ($90.00) for more than ninety (90) days.

(No. 27319-1, 3-12-03; Ord. No. 28269-2, 11-18-04)

Sec. 16-37. Annual report.

The director of the public safety telecommunications center shall provide a report on alarm responses to the mayor and common council no later than the first regular meeting of the common council in March of each year. Said report is required to identify the number of alarm responses, the number of false alarm responses, fines/penalties assessed and paid, chronic alarm locations and the reduction of false alarms, if any, from the previous year.

(No. 27319-1, 3-12-03)

Sec. 16-38. Enhanced telephone verification of burglar alarm signals.

Enhanced verification. Enhanced verification is the attempt by monitoring personnel to verify that no emergency exists, at the monitored premises, by means of more thorough procedures such as two (2) verification calls, live audio or video, cross zoning, other means or a combination of these procedures.

(1) *Procedure.* For alarm signals received from non-certificated commercial burglar alarm systems or any residential alarm system signal such as a burglar, duress or panic, the following procedures shall be followed:

a. *Call 1.* The monitoring facility shall attempt telephone verification to the protected premises after receipt of the alarm signal.

b. *Call 2.* If a monitoring facility operator gets a busy signal or no answer on

the first call to the protected premises, a second call or calls shall be made to an alternate phone number such as a cellular, work or second number at the protected premises if such number is available.

c. *Answering machines.* If the first or second call reaches an answering machine a message should be left, clearly stating that it is the alarm company calling and leaving necessary information for the alarm user to promptly contact the monitoring facility.

d. *Person on premises without proper code.* If the operator reaches the protected premises on the first or second call and the person answering the phone does not have the proper pass code then the operator may attempt to make a 3-way call with the premises person retained as a party to the call. The 3-way call shall attempt to reach others on the call list to verify the authenticity of the person on the protected premises. If this process fails to resolve the issue then the operator should proceed to notify the dispatch authority.

e. *Scheduled events.* If an alarm signal is received in connection with a scheduled opening or closing event, additional numbers should be called on the call list in order to determine whether the alarm signal is caused by an opening or closing error.

f. *Verified false.* If the alarm is verified as being false during the first, second or succeeding call as a result of getting a valid pass code, the operator shall suspend activities relating to the specific signal being worked.

g. *Notification call.* Call to the public safety telecommunications center.

h. *Call lists and priority:* Following notification of law enforcement authorities, attention shall be placed on completing the emergency call list with priority to achieve a cancellation of the dispatch if it is verified that no emergency exists. Subsequent to dispatch of a sworn officer, the priority of notification calls to phone numbers in the customer's data base shall be first to numbers where there is a high probability of reaching an alarm user; the succeeding calls shall be made next to neighbors, then to non-premises people such as relatives, or secondary key holders.

i. *Verification phone accessibility guideline.* Care shall be taken to verify that the emergency call list phone numbers are to phones without call waiting, or alternately that *70 is programmed in front of the monitoring center phone number in the electronic digital communicator. The verification phones at the monitored premises shall be accessible after hours (not locked up in an office), such as in the vicinity of commonly used entrances and they shall not be sent to voice mail after hours so the after hours users and cleaning people can hear and answer the phone.

j. *Additional methods.* Audio verification, video verification, cross zoning or other electronic verification mediums shall be permitted in place of or in

addition to the second verification call and shall be considered in compliance with this enhanced verification standard.

(2) Hold-up and panic alarm signals.

a. *Commercial hold-up alarm.* Unless otherwise noted, the monitoring facility shall not call the protected premises but shall notify the authorities.

(No. 27319-1, 3-12-03)

Secs. 16-39, 16-40. Reserved.

DIVISION 2. USER'S PERMIT*

***Cross references:** Licenses, permits and miscellaneous business regulations, Ch. 14.

Sec. 16-41. Registration required to operate an alarm business; alarm user permits.

(a) It is unlawful for any person, partnership, corporation or association to own, manage, conduct or carry on the business of selling, leasing, installing, servicing, maintaining, repairing, replacing, moving or removing, or causing to be sold, leased, installed, serviced, maintained, repaired, replaced, moved or removed in or on any building or other property within city any device known as an intrusion or physical duress alarm system, or automatic dialing device connected to an answering service, unless there exists a current state license therefor, granted and subsisting in compliance with the provisions of the Connecticut general statutes, and the name, address and license number or I.D. card number registered with the alarm administrator. Alarm users and/or alarm companies attempting alarm permit registration listing alarm or monitoring companies not currently licensed with the state shall not be issued a permit number.

(b) Every alarm user shall have in his/her possession an alarm user permit issued by the director of the public safety telecommunications center. Such permit shall be issued upon filing by the user with the public safety telecommunications center a completed alarm permit application as provided for herein. A separate permit shall be required for each alarm site. The permit application shall be submitted to the alarm administrator prior to operation of the alarm system or prior to an existing system being taken over by a different alarm user or alarm company. The alarm user shall be responsible for the maintenance and operation of the alarm system. There will be fee of ten dollars ($10.00) for any changes or modifications subsequently made to the permit. There will be no charge for key holder changes provided forms approved by the director of the public safety telecommunications center are utilized.

(c) An alarm user permit shall continue in effect until there is a change in ownership of the alarm system, at which time the permit shall expire. An alarm business shall notify the alarm administrator of any alarm user who has canceled or otherwise terminated their

alarm services with the alarm business. Alarm permits shall not be transferable.

(d) An alarm permit application shall be completed by the user and submitted to the police department alarm administrator prior to the operation of the system.

(e) This permit application shall set forth the full name, address and telephone number of both the owner or lessee on whose premises the system will be installed, operated, connected, monitored or maintained, and the name of the person of licensed alarm system business installing, monitoring, maintaining or servicing the system. The permit application shall further contain the names, addresses and telephone numbers of three (3) individuals who may be contacted by peace officers responding to an alarm. The persons listed shall have authority to act for the alarm user in granting peace officers access to any portion of the premises concerned and shall be knowledgeable in the basic operation of the alarm system. The alarm permit shall contain such additional information as the director of the public safety telecommunications center shall reasonably deem necessary to properly identify and locate the user, the alarm business installing, servicing, monitoring or maintaining the alarm system, and the persons to be contacted in the event of the filing of an alarm report.

(f) The director of public safety telecommunications shall provide notice of issuance of a permit to the director of licenses, permits and inspections.

(Ord. of 9-82, §§ 3(1), 9; Ord. of 12-89; No. 27319-1, 3-12-03)

Sec. 16-42. Fees.

The fee for an alarm user's permit shall be twenty-five dollars ($25.00) for a residence and fifty dollars ($50.00) for a commercial establishment. Said fee shall be a one-time fee payable at the time of the issuance of a permit. If a permit should be revoked or suspended under the provisions of this article, there shall be a reinstatement fee of five dollars ($5.00) for a residence and ten dollars ($10.00) for a commercial establishment.

(Ord. of 12-89; Ord. of 4-92; No. 27319-1, 3-12-03)

Sec. 16-43. Denial.

An alarm user's permit shall be denied if the installer has not complied with the aforementioned state licensing requirements and/or if the installer or alarm user has not complied with the state electrical and building codes.

(Ord. of 9-82, § 6; Ord. of 12-89; No. 27319-1, 3-12-03)

Sec. 16-44. Suspension and revocation of permit; appeal.

(a) The following shall constitute grounds for suspension and revocation of an alarm user's permit.

(1) The violation of any of the provisions of this ordinance; or

(2) The failure to comply with standards or regulations pursuant to this article; or

(3) Where the applicant or permittee, his employees or agents, have knowingly

made any false, misleading or fraudulent statements of material fact in the application for a permit, or in any report or record required to be filed with any city agency; or

(4) Failure to pay any fines or penalties assessed herein within ninety (90) days of notification of said fine and/or penalty; or

(5) Where the number of false alarms for a particular location exceeds ten (10) within any consecutive twelve (12) month period.

(b) An alarm user may appeal any notice of false alarm incident, fine or permit decision affecting his denial, suspension or revocation status within ten (10) days of notification. Appeals shall be directed to the hearing officer in accordance with the provisions of section 16-32.

(Ord. of 9-82, § 7; Ord. of 12-89; No. 27319-1, 3-12-03)

Secs. 16-45--16-60. Reserved.

ARTICLE III. LOITERING AND TRESPASSING*

***Cross references:** Loitering after certain hours in public parks prohibited, § 17-53.

Sec. 16-61. Loitering generally.

(a) *Definitions:*

Loitering shall mean remaining idle in essentially one location and shall include the concepts of spending time idly, loafing, or walking about aimlessly, and shall also include the colloquial expression "hanging around."

Public place shall mean any place to which the general public has access and a right to resort for business, entertainment, or other lawful purpose, including parking garages and similar municipal facilities, but does not necessarily mean a place devoted solely to the use of the public.

(b) *Certain types of loitering prohibited.* No person shall loiter in a public place in such a manner as to:

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

(2) Create or cause to be created any disturbance or annoyance to the comfort and repose of any person;

(3) Obstruct the free passage of pedestrians or vehicles;

(4) Obstruct, molest, or interfere with any person lawfully in any public place.

This paragraph shall include the making of unsolicited remarks of an offensive, disgusting, or insulting nature or which are calculated to annoy or disturb the person to, or in

whose hearing, they are made.

(c) *Request to leave.* Whenever the presence of any person in any public place is causing any of the conditions enumerated in subsection (b), any police officer may order that 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.

(d) *Penalty.* Any person who violates any of the provisions of this section shall be subject to punishment as provided in section 1-15 of this Code.

(Code 1970, § 15-7; Ord. of 3-79; Ord. of 11-86)

Sec. 16-62. Loitering or trespassing on publicly owned property and utilities.

(a) No person shall trespass or loiter on any of the properties enumerated in paragraph (b) of this section, when such properties are posted with signs which have been approved by the chief of police as being sufficiently well designed and located as to apprise the public of the fact that the property is so restricted.

(b) The following properties shall be posted as provided in paragraph (a) of this section:

(1) Every reservoir, dam, pumping station, aqueduct, main canal or pipe line of a public water system;

(2) Every reservoir, dam, generating plant, receiving station, distributing station and transmission line of a company or agency furnishing electrical energy;

(3) Every gas generating plant, compressor plant, gas holder, gas tank, and gas main used for the production, storage and distribution of gas;

(4) Every plant or vital part thereof, including sewer mains, settling tanks and outfall sewers used for sewage disposal purposes;

(5) Every plant or vital part thereof or other principal property essential to rendering telephone or telegraph service;

(6) The non-public areas, as determined by the owners or operators, of radio and television broadcasting central plants or stations;

(7) Every railroad bridge or tunnel.

(Code 1970, § 15-17)

Sec. 16-63. Activities excepted from article.

Nothing in this article shall be construed to prohibit the entry onto restricted property by any law enforcement officer as described in section 16-62, in the normal course of his duties. Nothing in this article shall be construed to interfere with any lawful activities of any labor union or other body of individuals in peacefully disseminating information to its members, to non-members or to the public generally.

(Code 1970, § 15-18)

Secs. 16-64--16-75. Reserved.

ARTICLE IV. WEAPONS*

***Cross references:** Carrying or discharging firearms within public parks restricted, § 17-52.

Sec. 16-76. Permit for carrying weapons.

Any person who has reasonable grounds for fearing an unlawful attack upon his person or upon any member of his family, may apply to the chief of police for a permit to carry a firearm. If such permit is granted, it shall be for a limited period of time only, and the issuance of this permit shall be entered in a record kept for this purpose by the chief of police.

(Code 1970, § 15-8)

Cross references: Licenses, permits and miscellaneous business regulations, Ch. 14.

State law references: Carrying and sale of dangerous weapons, G.S. § 53-206.

Sec. 16-77. Discharging firearms prohibited; exceptions.

No person shall discharge any gun, pistol, cannon or other firearm of any sort or description within the city limits without a permit issued by the chief of police, or by order of a military officer on the occasion of military exercises or parades. The permit issued by the chief of police shall state the date, duration of such permit, and the name of the permittee. A record of such permits shall be kept by the chief of police in a book provided for this purpose.

(Code 1970, § 15-9)

State law references: Unlawful discharge, G.S. § 53-203.

Sec. 16-78. Sale or use of air rifles and slingshots prohibited.

No person shall carry, use or discharge within the city limits any slingshot, bow and arrow, or any air gun, air rifle or similar device for the discharge of shot, bullet or projectile by compressed air.

(Code 1970, § 15-10)

Sec. 16-79. Notice to police department of sale or entry of dangerous weapons.

(a) *Sale.* Any person who sells to another a sling shot, air rifle, BB gun, blackjack, sandbag, metal or brass knuckles, dagger, or any dirk knife or any switch knife, or any knife having an automatic spring release device by which the blade is released from the handle, having a blade of more than one and one-half (1 1/2) inches in length, or stiletto shall within twenty-four (24) hours give written notice to the chief of police of

such sale, describing the article sold and the name and address of the purchaser.

(b) *Entry.* Any person who enters the city with any of the weapons described in paragraph (a) of this section shall report such possession in the manner required by paragraph (a).

(Code 1970, § 15-11)

State law references: Report required, G.S. § 53-206(b).

Sec. 16-80. Carrying concealed weapons.

(a) No person shall wear under his clothes, or conceal upon or about his person any deadly or dangerous weapon including, but not limited to any pistol, dagger, metal knuckles, razor, slingshot, blackjack, sword or canegun. The provisions of this paragraph shall not apply to any person who is found with any such weapon or implement concealed upon his person while lawfully removing his household goods or effects from one place to another, or from one residence to another, nor to any person while actually and peaceably engaged in carrying any such weapon or implement from his place of abode or business to a place or person where or by whom such weapon or implement is to be repaired, or while actually and peaceably returning to his place of abode or business with such weapon or implement after the same has been repaired.

(b) This section shall not apply to any law enforcement officer in the discharge of his duty.

(Code 1970, § 15-12)

State law references: Similar provisions, G.S. § 53-206(a).

Secs. 16-81--16-100. Reserved.

ARTICLE V. NOISE*

***Editor's note:** An ordinance adopted in January, 1996, repealed former Art. V, §§ 16-101--16-107, relative to noise, and enacted a new Art. V to read as herein set out. The provisions of former Art. V derived from and ordinance adopted in June, 1985, and § 3 of an ordinance adopted in May, 1986.

Cross references: Creating disturbing noise on street prohibited, §§ 21-20, 21-21.

Sec. 16-101. Purpose.

It is recognized that people have a right to and should be ensured an environment free from excessive sound and vibration that may jeopardize their health, safety or welfare or degrade the quality of their lives. This article is enacted to protect, preserve and promote the health, safety, welfare and quality of life for the citizens of the city of New Britain through the reduction, control and prevention of noise.

(Ord. of 1-96)

Sec. 16-102. Definitions.

When used in this article, the terms below shall have the following meaning:

Audible: Sound having sufficient energy as to be heard by a natural person.

Background noise: Noise of a measurable intensity which exists at a point as a result of a combination of many distant sources individually indistinguishable.

Business zone: Those areas so designated under business zone of the zoning ordinances of the City of New Britain.

Chief of police: The chief of police of the City of New Britain or a duly authorized officer subject to his/her order.

Construction: The assembly, erection, substantial repair, alteration, demolition or site preparation for or of public or private rights-of-way, buildings or other structures, utilities or property.

Construction equipment: Any equipment or device operated by fuel or electric power used in construction or demolition.

Daytime hours: The hours between 7:00 a.m. and 9:00 p.m. Monday through Saturday and the hours between 9:00 a.m. and 9:00 p.m. on Sunday.

Decibel: A unit of measurement of the sound level, the symbol for which is "db."

Demolition: Any dismantling, intentional destruction or removal of structures, utilities, public or private right-of-way surfaces or similar property.

Emergency vehicle: Any motor vehicle authorized by any local authority to have sound warning devices, such as sirens and bells, which can lawfully be used when responding to an emergency.

Emergency work: Work made necessary to restore property to a safe condition following an emergency or work required to protect persons or property from exposure to imminent changes.

Excessive noise: Any sound, the intensity of which exceeds the standard set forth in section 16-105.

His/her premises: Premises owned, controlled or otherwise occupied or used by the person in question.

Impulse noise: Sound of short duration, usually less than one second, with an abrupt onset and rapid delay.

Industrial zone: Those areas so designated under the industrial zone of the zoning ordinances of the City of New Britain.

Intrusion alarm: A device with an audible signal and which, when activated, indicates an intrusion by an unauthorized person.

Motor vehicle: A vehicle as defined in subdivisions (30) and (31) of section 14-1 of the Connecticut General Statutes, revision of 1958, as amended.

Nighttime hours: The hours between 9:00 p.m. and 7:00 a.m. Sunday evening through Saturday morning and between 9:00 p.m. and 9:00 a.m. Saturday evening through Sunday morning.

Noise level: The sound-pressure level as measured with a sound-level meter using the A-weighting network. The sound level is designated "db(A)" or "db(a)."

Person: Any individual, firm, partnership, association, syndicate, company, trust, corporation, municipality, agency or political or administration subdivision of the state or other legal entity of any kind.

Premises: Any building, structure, land or portion thereof, including all appurtenances, owned, controlled or otherwise occupied or used by a person.

Property line: That real or imaginary line along the ground surface and its vertical extension which separates real property owned or controlled by any person from contiguous real property owned and controlled by another person and which separates real property from the public right-of-way.

Public right-of-way: Any street, avenue, boulevard, highway, sidewalk, alley, park, waterway, railroad, or similar place which is owned or controlled by a government entity.

Residential zone: Those areas so designated under residential zone of the zoning ordinances of the City of New Britain.

Sound: A transmission of energy through solid, liquid or gaseous media in the form of vibrations which constitute alteration in pressure or position of particle in the medium and which, in air, evoke physiological sensations, including but not limited to an auditory response when impinging on the ear.

Sound-level meter: An instrument used to measure sound levels. A "sound-level meter" shall conform, at a minimum, to the American National Standards Institute operation specifications for sound level meters S1.4-1971 (Type S2A).

Sound-pressure level: The A-weighted sound-pressure level, expressed in decibels (dBA), measured on a sound-level meter.

(Ord. of 1-96; Ord. of 10-00)

Sec. 16-103. Noise measurement procedures.

For the purpose of determining noise levels as set forth in this article, the following guidelines shall be applicable:

(a) A person conducting sound measurements shall have been trained in the techniques and principles of sound measuring equipment and instrumentation.

(b) Instruments used to determine sound-level measurement shall be sound-level meters as defined by this article.

(c) The following steps should be taken when preparing to take sound-level

measurements:

(1) The instrument manufacturer's specific instructions for the preparation and use of the instrument shall be followed.

(2) Measurements to determine compliance with section 16-105 shall be taken at a point that is located more or less one foot beyond the property line of the noise emitter's premises and within the noise receptor's premises.

(Ord. of 1-96)

Sec. 16-104. Classification of noise zones.

Noise zones within the City of New Britain shall be classified as to zoning applicable for the parcel or tract of land and the surrounding parcels or tracts. Noise zones specified herein shall correspond to the following zoning descriptions in the zoning ordinances and zoning map of the City of New Britain.

TABLE INSET:

Zone	Actual or Intended Use	Current Zoning**
A	Residential	S-1, S-2, S-3, T, A-1, A-2, A-3, RO
B	Commercial	OP, B-1, B-2, B-3, B-4, TP
C	Industrial	I-1, I-2, I-3

**Note: Based on the zoning ordinances and zoning map of the City of New Britain.

(Ord. of 1-96)

Sec. 16-105. Noise standards.

(a) It shall be unlawful for any person to emit or cause to be emitted any noise beyond the property lines of his/her premises in excess of the following noise levels:

TABLE INSET:

Emitter Noise Zone	*Receptor Noise Zone Class*			
	C	*B*	*A-Day*	*A-Night*
Class C	70 dBA	66 dBA	61 dBA	51 dBA
Class B	62 dBA	62 dBA	55 dBA	45 dBA
Class A	62 dBA	55 dBA	55 dBA	45 dBA

(b) Notwithstanding subsection (a) of this section, it shall be unlawful for any person to emit or cause to be emitted from a residence any noise that is audible more than three hundred (300) feet beyond the property lines of his/her premises during daytime hours or more than one hundred (100) feet beyond the property lines of his/her premises during nighttime hours.

(Ord. of 1-96; Ord. of 10-00)

Sec. 16-106. Exceptions.

(a) This article shall not apply to noise emitted by or related to:

(1) Natural phenomena.

(2) Any bell or chime from any building clock, school, or church.

(3) Any siren, whistle or bell lawfully used by emergency vehicles or any other alarm system in an emergency situation.

(4) A public emergency sound system.

(5) Warning devices required by the Occupational Safety and Health Administration or other state or federal safety regulations.

(6) Farming equipment or farming activity.

(7) An emergency.

(8) Snow removal equipment and sanding and sweeping of streets, sidewalks and parking lots.

(b) The following shall be exempt from this article, subject to special conditions as specified:

(1) Noise generated by any construction equipment which is operated during daytime hours, provided that the operation of construction equipment during nighttime hours shall not exceed the maximum noise levels as specified in section 16-105 of this article.

(2) Noise from domestic power equipment during daytime hours.

(3) Noise from demolition work conducted during daytime hours, provided that when considered emergency work, demolition shall be exempted at all times from the noise levels set in this article.

(4) Noise created by any aircraft flight operations which are specifically preempted by the Federal Aviation Administration.

(5) Noise created by any recreational activities which are permitted by law and for which a license or permit has been granted by the city, including but not limited to parades, sporting events, concerts and fireworks displays.

(6) Noise created by blasting, other than that conducted in connection with construction activities, shall be exempted provided that the blasting is conducted between 8:00 a.m. and 5:00 p.m. local time, at specified hours previously announced to the local public and provided that a permit for such blasting has been obtained from local authorities.

(7) Noise created by leaf, refuse and solid waste collection, provided that the activity is conducted during daytime hours.

(8) Noise created by fire or intrusion alarm shall, from time of activation of the audible signal, emit noise for a period of time not exceeding ten (10) minutes when such alarm is attached to a vehicle or thirty (30) minutes when attached to any building or structure.

(9) Noise generated by engine-powered or motor-driven lawn care or maintenance equipment on Class A property between the hours of 8:00 a.m. and 9:00 p.m., provided that noise discharged from exhausts is adequately muffled to prevent loud noises therefrom.

(10) Public-address systems used in election campaign activities during daytime hours only.

(Ord. of 1-96; Ord. of 10-00)

Sec. 16-107. Vehicle noise restrictions.

The following activities are prohibited:

(a) *Motor vehicle noise.* All motor vehicles operated within the limits of the City of New Britain shall be subject to the noise standards and decibel levels set forth in the regulations authorized in section 14-80a of the Connecticut General Statutes.

(b) *Motor vehicle sound-amplifying devices.* No sound-amplifying devices on or within motor vehicles shall emit noise in excess of the noise levels as specified in subsection (a) of section 16-105.

(c) *Unregistered recreational vehicle noise.* No person shall create or cause to be created any unreasonably loud or disturbing noise due to the operation of an unregistered recreational vehicle. A noise shall be deemed to be unreasonably loud and a violation of this article when the noise so generated exceeds the noise level standards set forth in subsection (a) of section 16-105 or is audible more than one hundred (100) feet from said vehicle.

(d) Notwithstanding subsections (a), (b) and (c) of this section, it shall be unlawful for any person to emit or cause to be emitted from a motor vehicle any noise other than the noise from the vehicle's engine that is audible more than three hundred (300) feet from said vehicle during daytime hours or more than one hundred (100) feet from said vehicle during nighttime hours.

(Ord. of 1-96; Ord. of 10-00)

Sec. 16-108. Penalties for offenses.

(a) Any person in violation of any of the sections of this article shall be fined in an amount not to exceed fifty dollars ($50.00). Each day that such violation continues after the time for correction of the violation given in an order shall constitute a continuing violation, and the amount of the fine for each day after the first shall be ninety-nine dollars ($99.00).

(b) Notwithstanding subsection (a) of this section, any person in violation of section 16-107 of these ordinances shall be fined ninety-nine dollars ($99.00) per instance of violation.

(Ord. of 1-96; Ord. of 10-00)

Sec. 16-109. Variances.

(a) Any person living or doing business in the City of New Britain may apply to the board of police commissioners for a variance of one or more of the provisions of this article which are more stringent than the Connecticut Department of Environmental Protection regulations for the control of noise, provided that the applicant supplies all of the following information to the chief of police at least twenty (20) days prior to the start of the activity for which the variance is sought:

(1) The location and nature of the activity;

(2) The time period and hours of operation of said activity; and

(3) The nature and intensity of the noise that will be generated.

(b) No variance from this article shall be granted unless it has been demonstrated that:

(1) The proposed activity will not violate any provisions of the Connecticut Department of Environmental Protection regulations;

(2) The noise levels generated by the proposed activity will not constitute a danger to the public health; and

(3) Compliance with this article constitutes an unreasonable hardship on the applicant.

(c) The application for a variance shall be reviewed and approved or rejected at least five (5) days prior to the start of the proposed activity. Approval or rejection shall be made in writing and shall state the condition(s) of approval, if any, or the reason(s) for rejection.

(d) Failure to rule on an application within the designated time shall constitute approval of the variance.

(Ord. of 1-96; Ord. of 10-00)

Sec. 16-109.1. More stringent provisions to apply.

All provisions of the zoning ordinances of the City of New Britain which are more stringent than those set forth herein shall remain in force. If, for any reason, any word, clause, paragraph or section of this article shall be held to make the same unconstitutional or be superseded by any state law or regulation, this ordinance shall not thereby be invalidated, and the remainder of this article shall continue in effect.

(Ord. of 1-96)

Editor's note: At the discretion of the editor, provisions enacted by an ordinance adopted in January, 1996, as § 16-110, have been redesignated as § 16-109.1 to avoid duplicative section numbering.

ARTICLE VI. INOPERABLE VEHICLES AND UNSIGHTLY MATERIALS*

***Editor's note:** This article derives from an ordinance adopted June 6, 1990, § 16-118 of which was omitted by the editor as being covered by the provisions of § 1-7, pertaining to severability.

Cross references: Garbage, trash and refuse, Ch. 11; health, Ch. 12; motor vehicles and traffic, Ch. 15; disposition of abandoned vehicles, § 15-41 et seq.

Sec. 16-110. Purpose.

The purpose of this article is to eliminate from the city unsightly materials and inoperable vehicles not under cover. These items have a blighting and deteriorating effect upon the enjoyment of properties nearby and the value of such properties and constitute a safety hazard to children in the neighborhood, and are hereby found to be a nuisance. Enforcement of this article shall be by the police department.

(Ord. of 6-90)

Sec. 16-111. Definitions.

[The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:]

Antique motor vehicle. A motor vehicle twenty-five (25) years old or older which is being preserved and which is not altered or modified from the original manufacturer's specifications.

Chief. The chief of police of New Britain or his designee.

Classic motor vehicle. A motor vehicle fifteen (15) to twenty-five (25) years old which is being preserved.

Graffiti. Any marking left by spray paint, ink marker or some similar means forming some identifying name, message or picture incongruous with the general decorative scheme or usual form of the structure, object or surface upon which it appears.

Inoperable. Inoperable, as used herein, shall be defined as a motor vehicle which is incapable of being legally operated on public roads without major work or modification. Missing parts or broken or severely damaged components shall be prima facie evidence of inoperability.

Inoperable motor vehicle. A motor vehicle located on private property which is inoperable. For the purpose of this definition, an inoperable motor vehicle includes iron, metal, glass, plastic, paper, cordage or other waste, or discarded or secondhand materials which have been a part or intended to be a part of any motor vehicle.

Major work or modification. Repairs and/or modifications necessary to render a motor

vehicle operable, the cost of which repairs, in the reasonable opinion of the police officer, exceed five hundred dollars ($500.00) if done by a commercial establishment.

Modified antique motor vehicle. A motor vehicle twenty-five (25) years old or older which has been modified for safe road use including, but not limited to, modifications to the drive train, suspension, braking system and safety or comfort apparatus.

Motor vehicle. Any vehicle propelled or drawn by any power other than muscular, as defined in Connecticut General Statutes section 14-1(30), as amended.

Under cover. Completely enclosed in a garage or other building serving the purpose of a garage.

Unsightly material. Parts of motor vehicles as defined in this section, as well as, but not limited to, unusable and/or discarded household appliances, furniture, equipment, building materials, junk and refuse, as well as any other material which is unsanitary or causing a nuisance.

Vehicle appeals board (VAB). The vehicle appeals board shall consist of the board of police commissioners of the city.

(Ord. of 6-90; Ord. of 10-00)

Sec. 16-112. Exemptions.

The following shall be exempt from the application of this article:

(1) Motor vehicles under cover;

(2) Motor vehicle junkyards, licensed pursuant to Connecticut General Statutes section 14-67i, not in violation of any zoning regulations of the city;

(3) Motor vehicles stored in a place or depository maintained in a lawful space and manner by the city;

(4) Antique, classic, modified antique and other motor vehicles in the active process of being restored and/or repaired to operable condition, under the following conditions:

a. Only one such other motor vehicle shall be permitted at any time on the property;

b. All automobile parts used for the restoration must be stored in the vehicle or in a structure, as permitted under city zoning regulations;

c. Restoration and/or repair work is not to be done in the front yard or side lot areas as determined by the city's zoning regulations;

d. All such motor vehicles shall be covered with an opaque tarpaulin whenever work is not being performed; and

e. One additional inoperable motor vehicle may be maintained on the premises of such property for use as replacement parts for a similar antique, classic or modified antique vehicle being repaired. Such replacement parts vehicle may be kept on such property for a period not

to exceed thirty (30) days with one thirty-day extension from the police chief allowed during any one calendar year. Storage of such vehicle will not be done in the front yard or side areas, as determined by the city's zoning regulations, and, if such vehicle is not under cover, it shall be covered with an opaque tarpaulin whenever work is not being actively performed thereon.

(5) Farm equipment used on a property, the principal use of which is agricultural whether for gain or private consumption either by owner or tenant, is excluded from the effect of this article. The term "farm equipment" does not include any type of motor vehicle licensed by the state for travel on the public highway except vehicles bearing farm plates. The term "farm" includes stock, dairy, poultry, fruit and truck farms.

(Ord. of 6-90)

Sec. 16-113. Violation and penalty.

Inoperable motor vehicles not under cover are prohibited within the limits of the City of New Britain. Anyone responsible for causing or permitting an inoperable motor vehicle not under cover to exist within the city shall be subject to a fine of twenty-five dollars ($25.00) per day for each day or part thereof that the condition continues on private property for a period in excess of fifteen (15) days after a notice of violation has been served in accordance with the provisions of section 16-114(c) of this article.

Each additional day or part thereof the vehicle shall remain following the expiration of the time for removal provided for in the notice of violation shall constitute a new and separate offense, punishable under the provisions of this article.

All fines imposed pursuant to this article are deemed to be costs recoverable pursuant to section 16-116 of this article.

(Ord. of 6-90; Ord. of 4-98)

Sec. 16-114. Notice of violation; procedure for removal.

(a) When it is determined that a motor vehicle is located for a period longer than twenty-four (24) consecutive hours on a public highway, public property, or on private property without the consent of the owner, the provisions of Connecticut General Statutes Chapter 246, Part VII, as amended, and/or Article III of Chapter 15 of the Code of Ordinances of the city shall apply.

(b) Prior to the implementation of section 16-114(c), and when the police officer receives a complaint and determines that an inoperable vehicle is located on private property, the police officer, or the chief shall serve a written warning by personal service or certified mail, return receipt requested, to the person in possession or control of such property and the owner of such property and the owner of such vehicle, if known. The written warning shall advise the recipient of the presence of an inoperable motor vehicle on the property and that, if the motor vehicle is present on such property after the expiration often (10) days from the date of issuance of the written warning, the provisions of section 16-114(c) shall be implemented.

(c) When a written warning has been served pursuant to section 16-114(b) and the police officer determines that an inoperable motor vehicle is still located on private property ten (10) days thereafter, the police officer, or the chief or his designee, shall serve a written notice of violation by personal service or certified mail, return receipt requested, to the person in possession or control of such property, the owner of such property and/or the owner of such vehicle, if known, to remove such motor vehicle within fifteen (15) days after the notice of violation has been served. If such owner or person remains in violation of this article after the expiration of the time period provided in this subsection, the chief, or his designee, may remove and dispose of the motor vehicle as if such vehicle was subject to the provisions of Connecticut General Statutes section 14-145, as amended.

(Ord. of 6-90; Ord. of 4-98)

Sec. 16-115. Appeal.

Any person aggrieved by a written notice of violation of this article by a police officer shall have the right to file an appeal to the vehicles appeal board within ten (10) days of the receipt of such notice. A hearing on the appeal shall be held at the next scheduled regular meeting of the board of police commissioners, provided that an appeal shall have been filed to least fifteen (15) days prior to the date of the next scheduled regular meeting of the board of police commissioners. In the event an appeal is filed later than fifteen (15) days prior to the scheduled regular meeting of the board of police commissioners, the hearing shall be held at the next scheduled regular meeting of the board of police commissioners which is scheduled at least fifteen (15) days after the date of the filing of the appeal.

At all such hearings, the party filing the appeal shall have the burden of proving, by a preponderance of the evidence, that the motor vehicle(s) described in the notice of violation is/are not in violation of this article.

A decision of the board shall be rendered at the conclusion of the hearing unless good cause shall exist for deferring a decision.

Enforcement of this article shall be stayed during the pendency of an appeal.

When applicable, the chief or his designee shall enforce decisions of the vehicle appeals board within ten (10) days of the rendering of the decision.

(Ord. of 6-90; Ord. of 4-98)

Sec. 16-116. Cost of removal.

The city shall have the right to collect from any owner of an inoperable motor vehicle, or from the person in possession or control, or owner of the property where such motor vehicle is located, who is in violation of this article, the costs incurred in removing and/or disposing of the inoperable motor vehicle. A bill for the city's costs of removal and disposal shall be promptly sent by the police department to the appropriate person. Such costs shall be reduced by any net proceeds of any sale of such motor vehicle. Where the full amount of costs due the city is not paid by the appropriate person within thirty (30) days after the bill for such costs has been submitted, the city may file an action in the appropriate court against any such person to

recover all costs remaining unpaid, including reasonable attorney fees.

(Ord. of 6-90)

Sec. 16-117. Unsightly materials.

No person shall deposit or cause to be deposited on his own land or shall permit to remain on his own land or land that is in his custody or under his care any unsightly material for a period exceeding fifteen (15) days. Sections 16-113, 16-114(b), 16-114(c), 16-115 and 16-116 as violation, penalty, notice of violation, procedure for removal, appeal and costs, respectively, shall also apply to this section.

(Ord. of 6-90)

Secs. 16-118, 16-119. Reserved.

ARTICLE VII. CURFEW FOR MINORS.

Sec. 16-120. Purpose and findings.

The common council has found that the incidence of crimes committed by and against minors or juveniles is increasing and has determined that a curfew ordinance is necessary and desirable in order to:

(1) Protect minors from each other and other persons on the street during nocturnal hours;

(2) Assist the police in crime prevention;

(3) Promote parental supervision and authority over minors;

(4) Protect the public from nocturnal crime and mischief by minors;

(5) Promote the furtherance of family responsibility and for the public good, safety and welfare.

(Ord. of 2-74)

Sec. 16-121. Definitions.

For the purpose of this article, the following terms, phrases, words and their derivation shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number, the plural number. The word "shall" is always mandatory and not merely directory.

City is the City of New Britain with administrative offices at 27 West Main Street, New Britain, Connecticut 06051.

Custodian is a person over the age of eighteen (18) who has been authorized by the parent of a minor to take the parent's place in accompanying said minor for a designated period of time and purpose within a specified area.

Minor or *juvenile* is any person under the age of sixteen (16) or any person fifteen (15) or less years of age.

Nocturnal hours shall mean the hours between 10:00 p.m. and 5:00 a.m. based upon the prevailing time, i.e., Eastern Standard Time or Eastern Daylight Savings Time, within the city.

Parent is any person having legal custody of a minor (1) as a natural or adoptive parent, (2) as a legal guardian, or (3) as a person to whom legal custody has been given by order of a court.

Public place shall mean any street, alley, highway, sidewalk, park, playground or place to which the general public has access and a right to resort for business, entertainment, or other lawful purpose. A public place shall include but not be limited to any store, shop, restaurant, tavern, bowling alley, cafe, theater, drugstore, pool room, shopping center and any other place devoted to amusement, entertainment or accommodation of the general public. It shall also include the front or immediate area of such premises.

Remain means to stay behind, to tarry and to stay unnecessarily upon the streets, including the congregation of groups (or on interacting of minors) totalling four (4) or more persons in which any minor involved would not be using the streets for ordinary or serious purposes, such as mere passage or going home. To implement that thought with additional precision or precaution, numerous exceptions are expressly defined in section 16-122, so that this is not a mere prohibitory or presence type curfew ordinance.

(Ord. of 2-94)

Sec. 16-122. Violations of curfew.

It shall be unlawful for any minor to remain, idle, wander, stroll, or be in any public place either on foot or in a vehicle between the hours of 10:00 p.m. and 5:00 a.m. unless accompanied by a parent, or by a duly authorized custodian, except that a minor may be in a public place under the following circumstances:

(1) While returning home by a direct route, and within a reasonable time following the termination of a special function or activity conducted by a school, church, club, recreational or other organization sponsoring a function or activity for minors;

(2) While on an emergency errand or specific business or activity directed or permitted by the parent of such minor;

(3) While returning home by a direct route, and within a reasonable time of leaving a place where such minor is employed;

(4) While attending or travelling directly to or from an activity involving the exercise of first amendment rights of free speech, freedom of assembly or free exercise of religion;

(5) When a minor, with parental consent, is in a motor vehicle engaged in bona fide interstate travel;

(6) When a minor is on the property or the sidewalk directly adjacent to where such minor resides or the property immediately adjacent thereto if the owner of the adjacent property does not communicate an objection to the minor or the police officer.

(Ord. of 2-94)

Sec. 16-123. Parental responsibility.

It shall be unlawful for the parent of a minor to knowingly permit or by insufficient control to allow a minor to be or remain in a public place under circumstances not constituting an exception to, or otherwise beyond the scope of, this article. The term "knowingly" includes knowledge which a parent should reasonably be expected to have concerning the whereabouts of a minor in the legal custody of the parent.

(Ord. of 2-94)

Sec. 16-124. Police procedures.

(a) A police officer who has probable cause to believe that a minor is in violaton of this article shall:

(1) Ascertain the name of the minor;

(2) Verbally warn the minor that the minor is in violation of this article;

(3) Order the minor to go promptly home by a direct route.

(b) If a minor does not heed the order of the police officer to return home or, if in the judgment of the police officer, based on the age of the minor or other attendant circumstances, it would be in the best interest of such minor, the police officer shall transport said minor to his/her home. The police officer shall advise the parent of such minor that such minor is in violation of this article and shall issue a warning to the parent of such minor that any subsequent violation will result in a full enforcement of this article, including enforcement of parental responsibility and applicable penalties.

(c) Notwithstanding paragraph (a) of this section, a police officer who has probable cause to believe that the minor is in violation of this article shall transport the minor to the police department if the police officer has reasonable cause to believe that the minor has engaged in delinquent conduct.

(d) When a minor is taken to the police department, the minor's parent shall be immediately contacted and requested to come to the police department to pick up to the minor. The police officer shall advise the parent that the minor is in violation of this article and shall issue a warning to the parent that any subsequent violation will result in full enforcement of this article, including enforcement of parental responsibility and applicable penalties. If the parent is unavailable, or unable to pick the minor up, the police officer shall transport the minor home or turn said minor over to the custody of the appropriate juvenile authorities.

(e) If the police officer is unable to advise the parent of the violation of the ordinance

and/or to issue the warning as set forth in subsections (b) or (d) of this section in person, the chief of police or his/her designee shall send a certified letter to the parent of such minor advising such parent of the violation and including a warning with respect to any subsequent violations.

(Ord. of 2-94)

Sec. 16-125. Penalties.

Inasmuch as it is the primary intent of this article to assure that minors are provided with appropriate parental supervision for their own protection and for the protection of the community, the penalties for violation(s) are intended to be corrective rather than punitive in nature. Accordingly, if after a warning notice pursuant to section 16-124, a parent of a minor violates section 16-123 of this article in connection with a second violation by such minor, the youth bureau of the police department shall make a referral to the appropriate juvenile authorities of the State of Connecticut for an investigation with respect to whether said minor is (a) beyond the control of his/her parent or (b) neglected.

(Ord. of 2-94)

Sec. 16-126. Construction and severability.

Severability is intended throughout and within the provisions of this article. If any provision, including, inter alia, any exception, part, phrase or term or the application to any person or circumstances is held to be invalid, other provisions or the application to other persons or circumstances shall not be affected thereby. It is intended that the ordinance would not be applied where its application would be unconstitutional.

(Ord. of 2-94)

Secs. 16-127--16-129. Reserved.

ARTICLE VIII. DEVELOPMENT ASSISTANCE ACCOUNTABILITY

Sec. 16-130. Definitions.

As used in sections this article:

(a) *Administering authority* means the awarding authority, except that when the awarding authority is the common council or a volunteer board or commission, the administering authority shall be the city director of finance or such other city office or agency as the mayor shall deem appropriate.

(b) *Assistance period* means the length of time over which a business shall be held responsible for fulfilling requirements of this chapter. The assistance period shall be:

(1) One year for every five thousand dollars ($5,000.00) of development assistance provided as grants;

(2) The term of repayment of any development assistance provided as loans;

(3) One year for every ten thousand dollars ($10,000.00) of development assistance provided as loan guarantees; and

(4) Twice the period of any tax abatement or deferral.

Notwithstanding any other provision of this subsection, the maximum assistance period shall be twenty (20) years.

(c) *Awarding authority* means the city assessor, the mayor, the common council or any other office, agency or entity authorized or acting to provide development assistance to a business.

(d) *Development assistance* means any grant, loan, loan guarantee, tax abatement, tax deferment or combination thereof provided to a business by the city valued, in aggregate, at no less than twenty-five thousand dollars ($25,000.00), but shall not include funds administered by the department of municipal development nor tax abatements provided to incubator businesses pursuant to subsection (q) of section 22-10.

(e) *Effective wage* means, for a worker not paid on an hourly basis, his/her income from the employer in question for the most recent full pay period divided by the number of hours he/she worked during that pay period.

(f) *[Living wage.]* The living wage shall be equal to the living wage defined in section 2-625.

(g) *[Living wage phase-in.]* In the first year of the assistance period, the "living wage phase-in" shall be equal to the state minimum wage. In the second year of the assistance period, the "living wage phase-in" shall be the state minimum wage plus one-fifth of the difference between the living wage and the state minimum wage. In the third year of the assistance period, the "living wage phase-in" shall be the state minimum wage plus two-fifths of the difference between the living wage and the state minimum wage. In the fourth year of the assistance period, the "living wage phase-in" shall be the state minimum wage plus three-fifths of the difference between the living wage and the state minimum wage. In the fifth year of the assistance period, the "living wage phase-in" shall be the state minimum wage plus four-fifths of the difference between the living wage and the state minimum wage. In the sixth year, the employer shall be required to pay at least the living wage. The living wage phase-in shall only apply to businesses that form and commence operations during the year that the development assistance is provided.

(h) *Tax abatement* means any decision by the city to reduce the amount of property taxes owed by a business.

(i) *Tax deferral* means any decision by the city to allow a business to delay payment of property taxes for a certain period of time or until a certain event occurs.

(j) *Business* means an enterprise with an owner or owners who may receive profit from the operation of the business.

(No. 26702-1, 10-24-01)

Sec. 16-131. Objectives.

The city's public policy objectives, in granting development assistance, shall be to increase the economic vitality and quality of life in the City of New Britain, using strategies which include, but need not be limited to, retaining existing businesses in the city; retaining existing jobs in the city; expanding the level of economic activity by existing businesses in the city; expanding employment opportunities with existing businesses in the city; attracting new jobs to the city; providing jobs for underemployed persons, laid-off workers and public assistance recipients; increasing, enhancing and updating the capacity of businesses in the city; increasing, enhancing and updating employee skills and employee training in the city; increasing city tax revenues; and providing other benefits to the community, citizens and employees.

(No. 26702-1, 10-24-01)

Sec. 16-132. Development assistance.

No business shall receive any development assistance from the city unless it has signed a contract with the city providing that the business agrees that it shall comply with the applicable provisions of sections 16-130 to 16-134, inclusive, and that it shall, during the assistance period, either:

(a) Pay all of its workers in New Britain a wage or effective wage that is equal to or higher than the lower of the living wage or the living wage phase-in; or

(b) Comply with cost-benefit standards provided for by the common council.

(No. 26702-1, 10-24-01)

Sec. 16-133. Requirements of businesses receiving assistance.

(a) Notwithstanding any other provisions of the Code of Ordinances, any business receiving development assistance of a projected cost to the city of at least twenty-five thousand dollars ($25,000.00) shall, should need arise during the assistance period for the business to hire workers to perform work within the city or within ten (10) miles of the boundaries of the city, the business shall mail to each local job agency provided pursuant to sections 2-625 and 2-628 a notice of the job opening(s) at least two (2) business days prior to the date that any final hiring decision is made. Each such notice shall include a description of the work to be performed, the pay and benefits to be paid for such work and the date(s), time(s), place(s) and manner by which one may apply for such employment, including any application form(s) that may be used. The business shall also agree to give first preference to hiring any person referred by a local job agency whose qualifications are at least equal to those of all other applicants. This shall not apply when an employer is hiring someone from within their current organization.

(b) Each company receiving development assistance shall inform employees who might be eligible of their possible right to the federal Earned Income Credit ("EIC") under Section 32 of the Internal Revenue Code of 1954, 26 U.S.C. Section 32, and shall make

available to employees forms informing them about the EIC and forms required to secure advance EIC payments from the employer.

(No. 26702-1, 10-24-01)

Sec. 16-134. Right of refusal.

Notwithstanding any other provision of the Code of Ordinances, any business which would otherwise be eligible for development assistance from the city may refuse such development assistance, in which case the city shall not provide such development assistance to said business.

(No. 26702-1, 10-24-01)

Chapter 17 PARKS AND RECREATION*

***Cross references:** Board of public works, § 2-166 et seq.; amusements, Ch. 5; flood and erosion control, Ch. 9; garbage, trash and refuse, Ch. 11; motor vehicles and traffic, Ch. 15; planning, Ch. 19; streets, sidewalks and public places, Ch. 21; zoning regulations, App. A.

Art. I. In General, §§ 17-1--17-15
Art. II. Board of Park and Recreation Commissioners, §§ 17-16--17-35
Art. III. Park Use Regulations, §§ 17-36--17-60
Art. IV. Fairview Cemetery Commission, §§ 17-61--17-68
Art. V. Department of Parks and Recreation Funds, §§ 17-69--17-76

ARTICLE I. IN GENERAL

Sec. 17-1. Director.

A director of parks and recreation shall be appointed subject to the provisions of the Charter.

(Code 1970, § 2-230; Ord. of 7-01)

Sec. 17-2. Public hearing required before selling or leasing any park land.

(a) The common council may not vote on any resolution that provides for the donation, sale or lease of any city-owned park property without first holding a public hearing. Such public hearing must not be more than thirty (30) days nor less than three (3) days prior to the consideration of such resolution.

(b) If a public hearing is scheduled, the city shall, in addition to any other applicable notice requirements, place a sign on each street frontage of the property that is the subject of the hearing. The sign(s) must be two (2) foot high and three (3) feet long (twenty-four (24) inches high by thirty-six (36) inches long), with black lettering on a white background. The sign must be made of one-eighth (1/8) inches thick pressed board or other durable material. Each sign shall be clearly visible from the street closest to the

subject property and not be set back more than ten (10) feet from the property line and between two (2) and six (6) feet above grade at the property line.(Ord. of 9-00, § 19-52; Ord. No. 27946-1, 1, 4-28-04)

Editor's note: An ordinance adopted Sept. 6, 2000, enacted provisions designated as § 19-52. In order to provide for better classification and to facilitate indexing, reference and use, the editor has redesignated said provisions as § 17-2.

Secs. 17-3--17-15. Reserved.

ARTICLE II. BOARD OF PARK AND RECREATION COMMISSION*

***Charter references:** Park commission, § 1701 et seq.; recreation commission, § 1771 et seq.

State law references: Authority to provide for entertainment, amusements, concerts, celebrations and cultural activities, G.S. § 7-148(c)(4)(B); authority to establish, maintain, etc., parks, playgrounds, playfields, etc., G.S. § 7-148(c)(6)(A)(i).

Sec. 17-16. Creation.

There is hereby established a board of park and recreation commissioners and a development of parks and recreation, each of which shall function with the powers and responsibilities provided in this chapter. For the purposes of this chapter, "commission" shall mean the board of park and recreation commissioners and "department" shall mean the department of parks and recreation.

(Code 1970, § 2-229; Ord. of 7-01)

Sec. 17-17. Establishment; composition.

There shall be a parks and recreation commission. The commission shall be composed of nine (9) members of whom not more than six (6) shall be members of the same political party. The mayor shall appoint each member as present terms expire.

(Code 1970, § 2-231; Ord. of 7-01)

Sec. 17-18. To control, manage, and improve parks.

The board of park and recreation commissioners is hereby empowered to control, manage, and improve all the parks and public places in the city.

(Code 1970, § 2-232)

Sec. 17-19. Board rules to have force and effect of law.

The board of park and recreation commissioners is hereby empowered to adopt rules

and regulations for the control, management, and improvement of all parks and public places under its jurisdiction, including regulations concerning the speed of vehicles, and such rules and regulations, when approved by the council and posted conspicuously in such parks and public places, shall have the force and effect of law.

(Code 1970, § 2-233)

Sec. 17-20. Council to approve regulations.

The council, in approving, amending, or repealing any rule orregulation concerning the control, management, or improvement of such parks and public places, shall do so by ordinance.

(Code 1970, § 2-234)

Sec. 17-21. Disposition of land.

No powers or rights herein granted to the board of park and recreation commissioners shall include the right or authority to sell, lease or in any other manner dispose of any of the real estate comprising the city parks, or to remove for any purpose any of the earth, soil or land comprising such parks, without prior approval of the council.

(Code 1970, § 2-237)

Sec. 17-22. Tree warden; powers and duties.

The commission is appointed tree warden of the City of New Britain and shall have all the powers and perform all the duties of tree wardens by law provided. Said commission may permit the removal, trimming or repair of trees within highway limits of the city, or adjacent thereto, by owners of abutting property and may order such owners to remove, repair or trim trees, hedges or shrubs, or to cut and remove the roots thereof, which may in any way endanger travelers upon the public highways and sidewalks within said city or upon private ways and walks permitted by the owners of the abutting land to be used by the public, or which damage or threaten to damage public water, sewer or other pipes, mains or conduits, and it may order such owners to remove or trim trees or to cut and remove the roots thereof, whether such trees are located within the highway limits or in such proximity to the highways as to endanger public travel or such public conduits, mains or pipes and may order that the expense thereof be paid by the owner or owners of such abutting property. If the owner or owners of any such land shall fail to carry out any such order in such manner and within such time as said commission shall direct, said commission shall cause such work to be done and shall ascertain the expense thereof and order the same to be paid by such owner or owners. The authority conferred upon the common council and the board of public works, by sections of the charter relating to the repair of sidewalks, is conferred upon the commission in relation to the collection, by lien or otherwise, of the expense of work or materials in carrying out such orders.

(Ord. of 7-01)

Sec. 17-23. Care of trees and shrubs; private property.

The commission is authorized to plant, trim, spray, care for and preserve shrubs and

ornamental or shade trees within the limits of any public highway, or grounds under its control and, with the written consent of the owner thereof, upon land adjoining such highway or grounds if not more than ten (10) feet therefrom, for the purpose of shading or ornamenting such highway or grounds. All shrubs and trees planted under the provisions of this section shall be deemed public shrubs and trees and shall be under the care and control of said commission and may be removed only upon a written permit from it.

(Ord. of 7-01)

Sec. 17-24. Fines and penalties relating to violation of park rules.

The commission may, with the approval of the common council, make, change, or alter such rules and regulations as they shall deem necessary for the regulation and management of all parks and the use thereof by the public, and the violation of such rules and regulations so approved by the common council for the use of such parks, by any person and said common council shall by ordinance prescribe punishment for said offense; provided that no such penalty shall exceed the maximum fine permitted by the general statutes.

(Ord. of 7-01)

Secs. 17-25--17-35. Reserved.

ARTICLE III. PARK USE REGULATIONS*

***Cross references:** City boards, commissions, committees, and authorities generally, § 2-126 et seq.; free use of Veterans Memorial Stadium by honored and/or wounded veterans and Gold Star Parents, § 2-242.

Sec. 17-36. Definitions.

For the purposes of this article, the following terms, phrases and words shall have the meaning given in this section:

Park is any city-owned parkland or open space.

Vehicle is any conveyance, whether wheeled or not, that is motor-powered, animal-drawn, or self-propelled.

Cross references: Definitions and rules of construction generally, § 1-2.

Sec. 17-37. Permits.

(a) *Required.* A permit shall be obtained from the board of park and recreation commissioners or its authorized agent for the following purposes:

(1) Reservation of any area or place in any park for special or private use.

(2) Uses of any park by groups in excess of twenty-five (25) persons.

(3) Performance of scientific or educational experiments or activities on a continuing basis.

(4) Performance of special programs of a recreational, educational or conservation nature by private groups.

(5) Relief from the regulations of this article where permitted, such as parking, building fires in certain locations, operation of vehicles, use of water areas for swimming, wading or bathing, camping activities, use of any park beyond stated hours, sale of refreshments or other items, or fishing events.

(b) *Application.* No permit shall be issued until an application has been filed with the board of park and recreation commissioners or its authorized agent stating:

(1) Name and address of the applicant;

(2) Name and address of the person sponsoring the activity, if any;

(3) Day or days and hours for which the permit is desired;

(4) The area of a park for which such permit is desired;

(5) Estimate of the anticipated attendance or number of persons participating;

(6) Any other information required by the board of park and recreation commissioners or its authorized agent necessary to determine whether a permit should be issued.

(c) *Findings prerequisite to issuance.* The board of park and recreation commissioners or its authorized agent shall issue a permit when it finds:

(1) That the proposed activity or use will not interfere with or detract from the general public enjoyment of the park;

(2) That the proposed activity or use will not entail unusual or extraordinary expense to the city;

(3) That the area or facilities desired have not been reserved for other use at the time requested in the application;

(4) That the proposed activity or use will not cause damage to the park or tend to violations of park regulations;

(5) That the proposed activity or use is not solely for the purpose of advertising, profit-making, or fund-raising.

(d) *Appeal from denial.* If the board of park and recreation commissioners or its authorized agent shall refuse to issue a permit, the applicant may appeal in writing within ten (10) days of the notice of such refusal to the common council which shall hear such appeal and render a decision within fifteen (15) days from the filing of such appeal.

(e) *Permittee liable for damages.* The person to whom a permit is issued shall be liable for any loss, damage, or injury sustained by any person whatever by reason of the negligence of the person or persons to whom such permit shall have been issued.

(f) *To be exhibited upon request.* No person shall fail to produce and exhibit any permit which he claims to have upon request of the board of park and recreation commissioners or its authorized agent who shall desire to inspect the same for the purpose of enforcing compliance with any ordinance or regulation.

(g) *Unreasonable interference with permittee prohibited.* No person shall disturb or interfere unreasonably with any person occupying any area, or participating in any activity, under the authority of a permit.

(h) *Revocation.* The board of park and recreation commissioners or its authorized agent may revoke a permit upon a finding of violation of any ordinance or regulation, conditions of the permit, or for good cause shown.

(i) *To become void in certain circumstances.* Any permit shall become void upon official state closing of woodlands, or if in the opinion of the fire marshal the fire hazard warrants such action.

(Code 1970, § 2-235(m))

Cross references: Licenses, permits and miscellaneous business regulations, Ch. 14.

Sec. 17-38. Entering, walking in parks generally.

No person shall enter or leave a city park except by the regular approaches thereto; nor walk upon any grass border of any walk or driveway; nor walk among or through shrubs, flowers, or other plantings; nor climb any terrace or bank; nor cross any lawn whenever a notice shall be conspicuously posted forbidding such crossing.

(Code 1970, § 2-235(a))

Sec. 17-39. Damaging, defacing, etc., park property.

(a) No person shall, in any park willfully mark, deface, disfigure, injure, tamper with, or displace or move any building, bridges, tables, benches, fireplaces, railings, paving or paving material, water lines, or other public utilities or parts or appurtenances thereof, signs, notices or placards, whether temporary or permanent, monuments, stakes, posts, boundary markers, fences, or other structures or equipment, facilities or park property or appurtenances whatsoever, either real or personal.

(b) No person shall dig or remove any sand, soil, rock, stones, trees, shrubs, or plants, down-timber, or other wood or materials or make any excavation by tool, equipment, or other means or agency, in any park.

(c) No person shall damage, cut, carve, transplant, or remove any tree or plant or injure the bark, or pick the flowers or seeds of any tree or plant, and no person shall dig in or otherwise injure or impair the natural beauty or usefulness of any area in any park.

(d) No person shall climb any tree or walk, stand or sit upon monuments, railings, fences, or any other property not designated or customarily used for such purposes in any park.

(e) Nothing in this section shall prevent the board of park and recreation commissioners or its authorized agents from carrying out proper maintenance of any park, constructing

facilities and improvements as authorized by responsible city agencies, or issuing special permission to groups, both public and private, to carry out projects of an educational, conservation or recreational nature.

(Code 1970, § 2-235(e), (f), (g))

Sec. 17-40. Wildlife.

(a) *Hunting, molesting etc.* No person shall hunt, molest, harm, frighten, kill, trap, chase, tease, shoot, or throw missiles in any park at any animal, reptile, or bird; nor shall he remove, collect, or have in his possession the young of any animal, or the eggs or nest or young of any reptile or bird; nor shall any person fish in any park.

(b) *Poisoning.* No person shall give or offer, or attempt to give to any animal or bird in any park any poison or other known noxious substance.

(c) *Use of firearms and weapons.* No person shall hunt, trap, or pursue wildlife at any time in any park, and no person shall use, carry or possess firearms, air-rifles, spring guns, bows and arrows, slings, or any kind of trapping device, or any other weapons potentially inimical to wildlife and dangerous to human safety.

(Code 1970, § 22-235(i))

Sec. 17-41. Traffic regulations.

(a) No person shall operate any vehicle on any trail or road in any park except to and from parking areas or as expressly permitted by the board of park and recreation commissioners or its authorized agent.

(b) No person shall fail to obey all traffic officers or city employees authorized and instructed to direct traffic in any park or on highways immediately adjacent thereto.

(c) No person shall park a vehicle in any park other than in a designated parking area except as expressly permitted by the board of park and recreation commissioners or its authorized agent.

(d) No motorcycles, automobiles or other vehicles shall be driven in any park at a rate endangering the public and under no conditions faster than fifteen (15) miles an hour.

(e) No person shall drive or lead any heavy team, business wagon, cart or other vehicle, unless upon park business, upon any of the park drives.

(Code 1970, § 2-235(c), (d))

Sec. 17-42. Sleeping on benches, etc.

No person shall sleep upon, lie upon or overturn any seat in the park.

(Code 1970, § 2-235(h); No. 26942-1, 5-8-02)

Sec. 17-43. Picnicking and camping.

(a) No person shall picnic or lunch in an area in any park other than those designated for the purpose, nor shall he fail to obey directions of the board of park and recreation commissioners or its authorized agent when issued to prevent congestion and secure maximum use of such areas.

(b) No person shall use any portion of the picnic areas in any park or any buildings or structures therein for the purpose of picnicking to the exclusion of other persons, nor shall any person use such area and facilities for an unreasonable time if facilities are crowded, except as expressly permitted by the board of park and recreation commissioners or its authorized agent.

(c) No person shall leave a picnic area in any park before any fire lighted or used by him is completely extinguished.

(d) No person shall camp in areas in any park other than those designated for camping and unless a special permit has been obtained from the board of park and recreation commissioners or its authorized agent, such permits to be issued only to organized youth groups.

Sec. 17-44. Sanitation.

(a) All persons shall use restrooms as provided in any park and shall cooperate in maintaining restrooms in a neat and sanitary condition.

(b) No person shall throw, discharge, or otherwise place or cause to be placed in any streams, springs, or ponds in any park, any substance, matter or thing, liquid or solid, which will or may result in the pollution of such waters.

(c) No person shall dump or deposit bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage, refuse, or other trash in any park.

(d) No person shall leave any such trash or refuse in any park that may originate from picnicking or other activities, except in proper receptacles provided for the purpose; where receptacles are not provided, all such refuse or trash shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere.

(e) The use of public drinking water faucets in the park for any washing purposes is prohibited.

(Code 1970, § 2-235(k))

Sec. 17-45. Recreational activities.

(a) No person shall swim, bathe, or wade in any springs, streams, or ponds in any park except at such times and in such places as the board of park and recreation commissioners or its authorized agent may designate by proper signs or notices or as specifically authorized by a special permit issued by the board of park and recreation commissioners or its agent.

(b) No person shall take part in or abet the playing of any game in any park involving

horseshoes, arrows, stones, balls, or other propelled objects except in areas set apart for such activities.

(c) No person shall ride a horse except on designated bridle paths. No riding of horses into streams or ponds shall be permitted. No horse shall be allowed to graze or go unattended.

(d) No person shall hike or walk in nature study areas or areas where educational and scientific activities or experiments are carried out in any park except along paths and trails laid out and marked accordingly.

(e) No person shall go onto the ice on any of the ponds in any park except as such areas are designated for skating and ruled safe by the board of park and recreation commissioners or its authorized agent.

(f) No person shall interfere with various recreational programs in the park as from time to time may be sponsored by the city.

(Code 1970, § 2-235(i), (r))

Sec. 17-46. Intoxicating liquors restricted.

No alcoholic beverages shall be brought into parks for the purpose of sale without approval of the department of parks and recreation. Alcoholic beverages shall not be consumed in parks by individuals or groups with the exception of a formally designated picnic area in A. W. Stanley Park, and only with a permit issued by the department of parks and recreation. The department of parks and recreation shall have the power to issue permits authorize the sale of alcoholic beverages in facilities in the Willow Brook Park Sports Complex.

(Code 1970, § 2-235(m); No. 26942-1, 5-8-02)

Cross references: Alcoholic beverages, Ch. 4.

Sec. 17-47. Allowing dogs or pets to run at large prohibited.

No person shall permit dogs or pets to run at large in any park. Dogs shall be permitted only when leashed or tethered. This section shall not apply to any dog park or use approved by the parks and recreation commission and the common council.

(No. 27484-1, 5-14-03)

Cross references: Animals, Ch. 6.

Sec. 17-48. Building fires restricted.

No one shall build or attempt to build a fire in any park except in fireplaces at picnic areas or at such other locations as may be specifically permitted by the board of park and recreation commissioners or its authorized agent.

(Code 1970, § 2-235(p))

Cross references: Fire prevention and protection, Ch. 8.

Sec. 17-49. Dropping matches, burning cigarettes, etc., prohibited.

No person shall drop, throw, or otherwise scatter matches, burning cigarettes or cigars, or any other burning material within any park.

Cross references: Fire prevention and protection, Ch. 8.

Sec. 17-50. Disorderly conduct.

No person shall use loud, boisterous, threatening, abusive or insulting language or engage in any disorderly conduct or breach of the peace in the park.

(Code 1970, § 2-235(l))

Sec. 17-51. Peddling.

No person shall expose or offer for sale in any park any article or thing, advertise or call attention to any article or service, or post signs of any nature in any location, except as expressly permitted by the board of park and recreation commissioners or its authorized agent.

(Code 1970, § 2-235(o))

Cross references: Itinerant vendors, § 14-211 et seq.

Sec. 17-52. Carrying, discharging firearms and fireworks.

(a) No person shall discharge or carry firearms, nor discharge firecrackers, torpedoes or fireworks within the park, without approval from the board of park and recreation commissioners.

(b) Within the parks of the city, no person shall:

(1) Discharge fireworks commencing between the hours of 10:30 p.m. and 9:00 a.m.

(2) Discharge fireworks in any manner inconsistent with section 29-357 of the Connecticut General Statutes.

(c) If, in the opinion of the chief of police, the discharge of fireworks produces any need for police services, such services shall be provided at the expense of the person discharging said fireworks.

(d) Trespassing on private property in order to view fireworks is hereby prohibited.

(e) Any person found to be in violation of subsections (a), (b), or (d) of this section or who fails to comply with the requirements of subsection (c) of this section shall be fined two hundred dollars ($200.00) for each violation. Enforcement of this section shall be as directed by the mayor.

(f) The definition of "person" in section 1-2 shall apply to this section. The provisions of section 16-102 of the Code of Ordinances shall apply to this section. Such portions of any other ordinance of the city, resolution of the common council or any rule, policy or

order of or license granted by the city or any of its boards, commissions, officers or agents falling in conflict with this section is hereby null and void.

(g) Any fireworks display presented by or under contract from the city in celebration of Independence Day or any other special event officially observed by the city shall not be subject to the provisions of this section.

(Code 1970, § 2-235(p); Ord. of 8-01)

Cross references: Weapons regulations generally, § 16-76 et seq.

Sec. 17-53. Loitering after certain hours.

There shall be no loitering in any park between the hours of 11:00 p.m. and 6:00 a.m., but this shall not prohibit persons from using the regular walks and driveways in passing from one part of the city to another; provided, however, the A. W. Stanley Park shall be closed to the general public and to all pedestrian and vehicular traffic between the hours of 10:00 p.m. and 7:00 a.m.; further provided that there shall be no loitering in Washington Park between the hours of 10:00 p.m. and 6:00 a.m., and the Willow Street Park, aka Roberto Clemente Park, shall be closed to the general public and to all pedestrian and vehicular traffic from dusk to 6:00 a.m. The board of park and recreation commissioners will have the prerogative of opening facilities at A. W. Stanley Park as special circumstances may dictate.

(Code 1970, § 2-235(q); Ord. of 1-75; Ord. of 1-9-98; Ord. of 10-98)

Cross references: Loitering and trespassing generally, § 16-61 et seq.

Sec. 17-54. Swimming pools use restricted to city residents and guests.

Use of the city swimming pools shall be reserved for city residents and their guests.

(Code 1970, § 2-235; Ord. of 9-74)

Sec. 17-55. Stanley Golf Course restrictions.

(a) Nonplayers are prohibited from being on Stanley Golf Course at any time except with the explicit permission of the park and recreation commission.

(b) No person shall practice on the Stanley Golf Course except under the direct control of the golf pro or his agent.

(c) No person shall commence play except at the first or tenth tee. No jumping or starting on other holes is permitted.

(d) Violations of this section shall be punishable by suspension of the right to play the Stanley Golf Course for such period as the park and recreation commission may determine.

(Code 1970, § 2-235(t)--(w); Ord. of 5-75)

(e) In addition to any other penalty applicable to a violation of the rules and regulations pertaining to play, the director of parks and recreation, the greenskeeper, the golf rangers, and the starters shall have the authority to order anyone who shall be in

violation of posted rules and regulations to be removed from the course and to have his/her rights to play be suspended from the remainder of the day on which such violation occurred.

(Code 1970, § 2-235(t)--(w); Ord. of 5-75; Ord. of 10-88)

Secs. 17-56--17-60. Reserved.

ARTICLE IV. FAIRVIEW CEMETERY COMMISSION

Sec. 17-61. Establishment; composition.

There shall be a Fairview Cemetery Commission. The commission shall be composed of five (5) members who shall be appointed by the mayor as present terms expire. The term of appointment shall be for three (3) years commencing on the first day of January. Members of the Fairview Cemetery Commission shall comply with the Code of Ethics as set forth in sections 2-446 through 2-453 of the City of New Britain Code of Ordinances.

(Ord. of 7-01; Res. No. 28874-2, 2-22-06; Res. No. 29832-2, 10-24-07)

Sec. 17-62. Management by others.

The commission may enter into agreements with another city department or agency to provide management and/or maintenance services if approved by the mayor and the common council. The cost of said services shall be drawn from the accounts of the Fairview Cemetery Fund.

(Ord. of 7-01)

Secs. 17-63--17-68. Reserved.

ARTICLE V. DEPARTMENT OF PARKS AND RECREATION FUNDS

Sec. 17-69. Stanley Municipal Golf Course.

(a) The financial accounting for the Stanley Municipal Golf Course shall be as a separate fund and shall be administered by the city's finance department.

(b) The operation and management of the course shall be vested with the department of parks and recreation.

(c) The commission shall have the authority to establish policies regarding the conduct of play, set the annual and daily rates, and other matters relating to the successful operation of a municipal golf course.

(d) The commission shall further have the authority to employ professional services to assist in the management and operation of the course. Five (5) per cent of all revenue received shall be deposited in the general fund.

(No. 26942-1, 5-8-02)

Sec. 17-70. Cornelius B. Erwin Trust Fund/Walnut Hill Park.

The commission shall dedicate the net annual income from the Cornelius B. Erwin Trust Fund for the specific purpose of annually maintaining, improving, and beautifying Walnut Hill Park in accordance with the bequest to the city of New Britain by Cornelius B. Erwin. The accounting procedure for the investment and expenditure of said funds shall be in a manner satisfactory to the trustees of the trust fund.

(No. 26942-1, 5-8-02)

Sec. 17-71. Stanley Park Fund.

In accordance with the provisions of the land deed to the city by Alix W. Stanley dated December 22, 1927, all funds generated from any sale of said property shall be placed in a special "Stanley Park Fund" with the income only utilized for the development and maintenance of Stanley Park.

(No. 26942-1, 5-8-02)

Sec. 17-72. Willow Brook Park Sports Complex Operating Fund.

This fund shall consist of revenue from parking fees collected at Willow Brook Park events. Fifty-one (51) per cent of the revenue, less expenses, shall be used for maintenance of Willow Brook Park Sports Complex. The balance of the revenue shall be deposited in the general fund.

(No. 26942-1, 5-8-02)

Sec. 17-73. Recreation amusement fund.

This fund shall consist of revenue received from the sale, lease or rental of recreation equipment. Five (5) per cent of all revenue received shall be deposited in the general fund for administrative and related expenses. Fifty (50) per cent of the remaining revenue, less expenses, shall be used to maintain and/or purchase new equipment and the other fifty (50) per cent shall be used for various youth programs administered by the department of parks and recreation.

(No. 26942-1, 5-8-02)

Sec. 17-74. Youth services fund.

This fund shall consist of revenue received in the form of all gifts and donations, fees and/or funds received from any entity or event for the youth services program and Commission on Youth Services Annual Awards Breakfast.

(Res. No. 29121-2, 9-13-06)

Sec. 17-75. Persons with disabilities fund.

This fund shall consist of revenue received in the form of all gifts and donations, fees and/or funds received from any entity or event for the Commission on Persons with Disabilities, Americans with Disabilities Annual Celebration and Commission on Persons with Disabilities, Employment of Persons with Disabilities Annual Awards Breakfast or any like event or services for the advancement of persons with disabilities.

(Res. No. 29121-2, 9-13-06)

Sec. 17-76. Parks and recreation fund.

This fund shall consist of revenue received in the form of gifts and donations to the department of parks and recreation to be used for any program administered by the department.

(Res. No. 29121-2, 9-13-06)

Chapter 18 PEST CONTROL*

***Cross references:** Animals, Ch. 6; buildings and building regulations, Ch. 7; fire prevention and protection, Ch. 8; food and food establishments, Ch. 10; garbage, trash and refuse, Ch. 11; health regulations, Ch. 12; housing, Ch. 13; licenses, permits and miscellaneous business regulations, Ch. 14; sewers and sewage disposal, § 23-16 et seq.

Sec. 18-1. Definitions.

As used in this chapter:

Building shall mean any structure, public or private, that is used for residential or business purposes of any kind.

Director of health shall mean the city health officer or his duly authorized representative.

Occupant shall mean the individual, partnership or corporation that uses or occupies any building or part or fraction thereof; whether the actual owner or tenant. In case of vacant buildings or vacant portions thereof, the owner, agent or custodian shall have the responsibility as occupant.

Owner shall mean the individual, partnership or corporation who:

(1) Shall have legal title to any building with or without accompanying actual possession thereof; or

(2) Shall have charge, care or control of any building, as owner or agent of the owner, or as executor, executrix, administrator, administratrix, trustee, or

guardian of the estate of the owner. Any such person thus representing the owner shall be bound to comply with the provisions of this chapter to the same extent as if he were the owner. The lessee shall be construed as the owner when building lease agreements hold the lessee responsible for maintenance and repairs.

Rat, or any term including the word rat, shall include mice.

Rat eradication shall mean the elimination or extermination of rats within buildings by poisoning, fumigating, trapping or any other suggested measure.

Rat harborage shall mean any condition which provides shelter or protection for rats, thus favoring their multiplication and continued existence in, under, or outside of any structure.

Ratproofing shall mean a procedure by which all of the existing and potential points of entry into a building are closed and sealed off, so as to prevent the entry of rats into buildings from the exterior, or from one building to another. It consists of sealing all existing openings with materials impervious to rat gnawing, as well as blocking or reinforcing potential areas of rat entry, in exterior walls, ground or first floors, basements, roofs and foundations to a height of forty-eight (48) inches above existing exterior ground level or any areas that may be reached by rats from the ground by climbing or burrowing.

(Code 1970, § 16-1)

Cross references: Definitions and rules of construction generally, § 1-2.

Sec. 18-2. Buildings to be ratproof and free of rats.

(a) All buildings shall be ratproofed, freed of rats, and maintained in a ratproof and rat-free condition in a manner satisfactory to the director of health. Repairs to the ratproofing system shall be made by the owners of all buildings whenever necessary, and without a specific order from the director of health to do so.

(b) No person shall remove and fail to restore to its original condition the ratproofing from any building or to make any new openings that are not closed or sealed against the entrance of rats.

(Code 1970, § 16-2)

Sec. 18-3. Inspections; notice of evidence of rat infestation, rat harborage or inadequate ratproofing.

(a) The director of health is empowered to make periodic inspections of the interior and exterior of buildings, in accordance with the requirements of chapter 13, to determine whether or not there is any evidence of rat infestation, new breaks, or openings. When any evidence is found indicating the presence of rats or openings through which rats may enter any buildings the director of health shall inform the owners or occupants of such premises of this condition and shall order the deficiencies corrected by written notice.

(b) The director of health is empowered to make such additional inspections as may be necessary to determine whether the conditions stated in any notice are being or have

been remedied, and whether rat control measures are being continuously maintained in a satisfactory manner.

(Code 1970, § 16-3)

Sec. 18-4. Required compliance with notice--To ratproof.

Upon receipt of the written notice containing the order from the director of health, the owner of any building specified therein shall take immediate measures to ratproof the building. Unless the ratproofing work is completed by the owner in the time specified in the written notice, which in no event shall be less than fifteen (15) days, or within such additional time granted by any extension made by the director of health, the owner shall be in violation of this section.

(Code 1970, § 16.4)

Sec. 18-5. Same--As to rat eradication.

Whenever the director of health has notified the owner or occupant of a building in writing that there is evidence of rat infestation of the building, such owner or occupant shall immediately institute rat eradication measures and shall continuously maintain such measures in a satisfactory manner until the premises are declared by the director of health to be free of rat infestation. Unless such measures are undertaken within five (5) days after receipt of notice, the occupant or owner shall be in violation of this section.

(Code 1970, § 16-5)

Sec. 18-6. Same--As to rat harborage.

(a) *Occupied premises.* Whenever conditions inside or under occupied buildings provide extensive harborage for rats, the director of health is empowered, after due notification, to close such buildings until the conditions are abated by ratproofing and harborage removal, including any major repairs necessary to facilitate rat eradication.

(b) *Unoccupied premises.* Whenever conditions inside or under unoccupied buildings provide extensive harborage for rats, the director of health is empowered to require compliance with the provisions of section 18-2 of this chapter and, if such conditions are not corrected within sixty (60) days, or within such additional time granted by any written extension made by the director of health, the director of health is empowered to take such corrective measures as may be necessary to abate such conditions.

(c) *Expense to be borne by owner of property.*

Expense of such action by the director of health shall constitute a lien against the property by the city, and shall be paid with the annual tax bill; if unpaid, it shall bear interest and penalty charges the same as the regular tax bill.

(Code 1970, § 16-6)

Sec. 18-7. Ratproofing when building is constructed, repaired or remodeled.

No person shall construct, repair or remodel any building, dwelling, or other structure whatsoever, unless such construction, repair or remodeling shall render the structure ratproof.

(Code 1970, § 16.7)

Sec. 18-8. Storage of feed.

All feed used for chickens, cows, pigs, horses and other animals shall be stored in rat-free and ratproof containers, compartments or rooms, unless stored in a ratproof building.

(Code 1970, § 16-8)

Sec. 18-9. Accumulation of garbage, rubbish or trash.

No person shall deposit or permit to accumulate any garbage, rubbish, or trash in any building or on any premises, improved or vacant, or on any open lot or alley so that the same shall or may afford food or harborage for rats. Containers must be of metallic or heavy plastic material, and be provided with tight-fitting covers.

(Code 1970, § 16-9)

Sec. 18-10. Emergency abatement of rat infestation.

Whenever the director of health finds that a public health emergency exists due to rat infestation of any structure or premises which is likely to cause the spread of plague, typhus fever, rat-bite fever or other disease to residents, he may summarily abate such condition without prior notice to owners or occupants.

(Code 1970, § 16-10)

Sec. 18-11. Effect of non-compliance.

Upon failure of the owner or occupant of a building to comply with notice to abate rat infestation given by the director of health, the city shall have the authority to take whatever measures are deemed necessary by the director of health to remedy the condition found to exist, and the cost and expense thereof shall constitute a lien upon the real property upon which such work is done.

(Code 1970, § 16-11)

Chapter 19 PLANNING*

***Cross references:** Buildings and building regulations, Ch. 7; fire prevention and protection, Ch. 8; flood and erosion control; Ch. 9; housing, Ch. 13; parks and recreation, Ch. 17; streets, sidewalks and public places, Ch. 21; utilities, Ch. 23.

Art. I. In General, §§ 19-1--19-15
Art. II. Plan Commission, §§ 19-16--19-30

Art. III. Conservation Commission, §§ 19-31--19-39
Art. IV. Housing Site Development Agency, §§ 19-40--19-44
Art. V. Economic Development Revolving Loan Fund, §§ 19-45--19-49
Art. VI. Building Zone Regulations, §§ 19-50--19-70
Art. VII. Subdivisions, §§ 19-71--19-100
Art. VIII. Zoning Board of Appeals, §§ 19-101--19-129
Art. IX. Schedule of Fees §§ 19-130--19-149

ARTICLE I. IN GENERAL

Secs. 19-1--19-15. Reserved.

ARTICLE II. PLAN COMMISSION*

***Charter references:** Plan commission, § 3101.

State law references: Municipal planning commission, G.S. §§ 8-18--8-30a; creation of planning commissions, G.S. § 8-19; plan of development, G.S. § 8-23; requirement that municipal improvement proposals must be referred to planning commission, G.S. § 8-24; requirement that proposals concerning subdivisions of land be approved by planning commission, G.S. § 8-25; requisite of approval of subdivision plans by planning commission, G.S. § 8-26; appeals from planning commission, G.S. § 8-30; municipal redevelopment generally, G.S. §§ 8-124--8-139; authority for urban renewal projects. G.S. § 8-141; urban renewal plan, G.S. § 8-142; powers of redevelopment agency, G.S. § 8-143; powers of municipality concerning urban renewal, G.S. § 8-144; state aid for city redevelopment and urban renewal, G.S. §§ 8-151--8-162; federal aid for city redevelopment and urban renewal, G.S. §§ 8-163--8-169.

Sec. 19-16. Meetings.

The city plan commission shall meet regularly at 7:30 p.m. on the first Monday of each month. When necessary, special meetings may be scheduled upon the call of the chairman.

(Code 1970, § 2-289)

Sec. 19-17. Alternate members.

(a) *Appointment.* The mayor shall appoint three (3) alternate members to the city plan commission for a term of three (3) years and each shall serve until his successor shall be appointed and qualified.

(b) *Powers.* Such alternate members, when seated, shall have all the powers and duties set forth in the general statutes or any special act relating to the city for such commission or its members.

(c) *Qualifications.* An alternate member must be an elector of the city and shall not be a member of any other commission or of the zoning board of appeals.

(d) *Functions.* If a regular member of the city plan commission is absent or if he is disqualified, the chairman of the commission shall designate an alternate to so act, choosing alternates in rotation so that they shall act as nearly equal a number of times as possible. If any alternate is not available in accordance with such rotation, such fact shall be recorded in the minutes of the meeting.

(Code 1970, § 2-290)

Sec. 19-18. Membership.

There shall be in the City of New Britain a city plan commission, composed of seven (7) electors of said city, two (2) of whom shall be appointed annually by the mayor. Any vacancy occurring before the expiration of the full term term of an appointed member shall be filled by the mayor for the remainder of such term pursuant to section 5-2(e) of the Charter. The commission shall, each June, designate a chair from its membership and shall adopt rules for the transaction of business. The commission shall meet at least once each month and shall keep a public record of its activities and in reporting its action upon any matter referred to it by the common council, shall report the number voting for it and the number voting against it. No member of the commission shall vote on any measure in which he shall have any special pecuniary interest. The commission shall file an annual report with the mayor and common council summarizing the findings and recommendations made by the commission during the preceding year.

(Ord. of 7-01; No. 26897-1, 12-11-02)

Sec. 19-19. Master plan.

It shall be the duty of the commission to prepare, adopt and amend a master plan for the City of New Britain embodying its recommendations for the development of the city in such manner as to best promote health, safety and general welfare as well as efficiency and economy in the process of development. The master plan shall include but shall not be limited to the following:

(1) The commission's recommendation for the most desirable future use of land within the municipality for residential, recreational, commercial, industrial and other purposes; for the most desirable density of population in the several parts of the municipality;

(2) The general future location, character and extent of all streets and other public ways, bridges, parks, parkways, squares, playfields, playgrounds and recreational facilities, and the removal, relocation, widening, narrowing, vacating or changing of the use thereof;

(3) The general future location of all municipally owned buildings and structures including off-street parking facilities; for the general location and extent of public utilities and terminals whether publicly or privately owned; and the removal, relocation, vacation, abandonment, change of use, alteration and extension thereof;

(4) The general proposed locations for slum clearance, public housing projects and

neighborhood rehabilitation projects;

(5) A revision of the existing zoning map which shall be consistent with the proposed development of the city;

(6) Such other recommendations may be made by the commission and included in the plan as will, in its judgment, be beneficial to the municipality. The plan shall be based on studies of physical, social, economic and governmental conditions and trends.

(Ord. of 7-01)

Sec. 19-20. Publicity and development of plan.

It shall be the duty of the commission to promote public interest in and understanding of the general plan, and to that end it may publish and distribute copies of the plan or any report relating thereto and use such other means of publicity as it may deem proper. All public officials shall upon request furnish to the commission within a reasonable time such available information as it may require for its work. The commission may request additional assistance for special survey work, in which case the mayor may, at his discretion, assign to the commission members of the staff of any city department or direct such department to make such special studies. The commission shall work cooperatively with other city and town plan commissions in areas adjacent to the city in order to promote better understanding and planning of common physical problems. The commission in the performance of its duties may enter upon any land in the city for the purpose of making examinations and surveys. No statue, monument, memorial or other work of art shall be accepted by the city as a gift, or purchased to be placed or erected in any street, park, square or other outdoor public place in the city, until the design thereof has been submitted to the plan commission for its suggestions and recommendations.

(Ord. of 7-01)

Sec. 19-21. Adoption of master plan.

The commission may adopt the master plan as a whole by a single resolution or may by successive resolutions adopt successive parts of the plan corresponding with major geographical or topographical sections of the city or with functional subdivisions of the subject matter of the plan, and may from time to time adopt amendments or extensions or additions thereto. Before the adoption of the plan or any part thereof, or any amendment thereof, or any amendment, extension or addition thereto, the commission shall file in the office of the town clerk a copy of such plan or part thereof, or amendment thereto, and shall hold at least one public hearing thereon, at least fifteen (15) days' notice of the time and place of which shall be given by publication at least once in a daily newspaper of general circulation in the city, as well as being posted on the City of New Britain website, which notices shall make reference to the filing of such records in the office of the town clerk. The action of the commission shall be taken by the vote of not less than a majority of its members in the form of a resolution which shall expressly constitute part of the plan. Any plan or part thereof or amendment thereto shall, upon adoption by the commission, be filed in the office of the town clerk and shall become effective at a time established by the commission not less than sixty (60) days after such filing, provided notice thereof shall be published in a newspaper having general circulation in the

municipality prior to such effective date and provided the common council shall not have disapproved said plan, part thereof or amendment.

(Ord. of 7-01; Ord. No. 28482-2, 5-5-05)

Sec. 19-22. Effect of adoption.

From and after the adoption of the general plan or part thereof by the common council, no action shall be taken by any municipal agency or legislative body except in accordance with the following: No street or other public way shall be accepted, widened, narrowed or vacated; no park, parkway, square, playfield, playground or recreational or off-street parking facility acquired or developed; or public building or structure, and no public utility, whether publicly or privately owned, shall be constructed, removed, relocated, vacated, abandoned, altered or extended in the city or in the planned section or sections thereof, until and unless the general location, character and extent thereof has been submitted to the commission for a report. All proposals for the acquisition of land within or without the corporate limits of the city for public purposes and the sale of any public building or land shall likewise be submitted to the commission for a report. The commission shall, within a reasonable time, report its action in any of the instances above enumerated to the common council which shall have power to overrule such action by a majority vote. The approval of the commission shall not be required in the case of pipes or conduits in any existing street or other public way, nor for the pavement of or other work in any existing street or public way.

(Ord. of 7-01)

Sec. 19-23. Capital improvement program.

All recommended capital projects or improvement programs pursuant to article XI of the city charter shall be submitted to the city plan commission for a report.

(Ord. of 7-01)

Secs. 19-24--19-30. Reserved.

ARTICLE III. CONSERVATION COMMISSION*

***State law references:** Conservation commissions, G.S. § 7-131a.

Sec. 19-31. Creation and composition.

There shall be a conservation commission composed of seven (7) electors of the city, not more than four (4) of whom shall be members of any one political party.

(Code 1970, § 2-291; Ord. of 7-01)

Sec. 19-32. Appointment and term.

Appointment. All members of the conservation commission shall be appointed by the mayor. During the month of August of each year, the mayor shall appoint an elector of the city to fill any vacancy arising on the commission.

(Code 1970, § 2-292; Ord. of 7-01; No. 26897-1, 12-11-02)

Sec. 19-33. Adoption of state law by reference.

Sections 7-131a and 7-131b of the general statutes, as amended to date and from time to time amended, are hereby made a part of this article as fully as if set forth herein.

(Code 1970, § 2-293)

Sec. 19-34. Authorized to act as inland wetlands agency.

The conservation commission, in addition to its other duties and functions, is hereby authorized to act as the inland wetlands agency of the city and shall have all rights and perform all the duties and functions provided for in sections 22a-36 through 22a-45 of the general statutes, as amended, as it may be amended.

(Code 1970, § 2-291.1; Ord. of 7-18-73)

Sec. 19-35. Inland wetland and watercourse regulations.

(a) *Title and authority.*

(1) The inland wetlands and watercourses of the state are an indispensable and irreplaceable but fragile natural resource with which the citizens of the state have been endowed. The wetlands and watercourses are an interrelated web of nature essential to an adequate supply of surface and underground water; to hydrological stability and control of flooding and erosion; to the recharging and purification of groundwater; and to the existence of many forms of animal, aquatic and plant life. Many inland wetland and watercourses have been destroyed or are in danger of destruction because of unregulated use by reason of the deposition, filling or removal of material, the diversion or obstruction of water flow, the erection of structures and other uses, all of which have despoiled, polluted and eliminated wetlands and watercourses. Such unregulated activity has had, and will continue to have, a significant, adverse impact on the environment and ecology of the state and has and will continue to imperil the quality of the environment thus adversely affecting the ecological, scenic, historic and recreational values and benefits of the state for its citizens now and forevermore. The preservation and protection of the wetlands and watercourses from random, unnecessary, undesirable and unregulated uses, disturbance or destruction is in the public interest and is essential to the health, welfare and safety of the citizens of the state. It is, therefore, the purpose of these regulations to protect the citizens of the state by making provision for the protection, preservation, maintenance and use of the inland wetlands and watercourses by minimizing their disturbance and pollution; maintaining and improving water quality in accordance with the highest standards set by federal,

state or local authority; preventing damage from erosion, turbidity or siltation; preventing loss of fish and other beneficial aquatic organisms, wildlife and vegetation and the destruction of the natural habitats thereof; deterring and inhibiting the danger of flood and pollution; protecting the quality of wetlands and watercourses for their conservation, economic, aesthetic, recreational and other public and private uses and values; and protecting the state's potable fresh water supplies from the dangers of drought, overdraft, pollution, misuse and mismanagement by providing an orderly process to balance the need for the economic growth of the state and the use of its land with the need to protect its environment and ecology in order to forever guarantee to the people of the state, the safety of such natural resources for their benefit and enjoyment and for the benefit and enjoyment of generations yet unborn.

(2) These regulations shall be known as the "Inland Wetlands and Watercourses Regulations of the City of New Britain."

(3) The conservation commission of the city was established in accordance with city ordinance 2-291 adopted in 1964. On July 18, 1973, the conservation commission, by virtue of ordinance 2-291.1 (now [Code section] 19-34) of the New Britain City Ordinances, was given power and responsibility to act as the "inland wetland agency" of the city. These regulations shall implement the purposes and provisions of the Inland Wetland and Watercourses Act in the city.

(4) These regulations have been adopted and may be amended, from time to time, in accordance with the provisions of the Inland Wetlands and Watercourses Act and these regulations.

(5) The conservation commission shall enforce all provisions of the Inland Wetlands and Watercourses Act and shall issue, issue with modifications, and deny permits for all regulated activities on inland wetlands and watercourses in the city pursuant to sections 22a-36 to 22a-45, inclusive, of the general statutes, as amended.

(b) *Definitions.* As used in these regulations:

Act means the Inland Wetland and Watercourses Act, section 22a-36 through 22a-45 of the general statutes, as amended.

Agency means the conservation commission of the city.

Bogs are usually distinguished by evergreen trees and shrubs underlain by peat deposits, poor drainage, and highly acidic conditions.

Clear-cutting means the harvest of timber in a fashion which removes all trees down to a two-inch diameter at breast height.

Commission member means a member of the conservation commission of the city.

Commissioner of Environmental Protection means the commissioner of the state department of environmental protection.

Deposit includes, but shall not be limited to, fill, grade, dump, place, discharge or emit.

Designated agent means an individual designated by the agency to carry out its functions and purposes.

Discharge means emission of any water, substance, or material into wetlands or watercourses whether or not such substance causes pollution.

Disturbing the natural and indigenous character of the land means that the activity will significantly alter the inland wetland and watercourses by reason of removal or deposition of material, clear-cutting, alteration or obstruction of water flow, or will result in the pollution of the wetland or watercourse.

Farming means use of land for the growing of crops, raising of livestock or other agricultural use.

License means the whole or any part of any permit, certificate of approval or similar form of permission which may be required of any person by the provisions of these regulations under the authority of the conservation commission.

Marshes are areas with soils that exhibit aquic moisture regimes that are distinguished by the absence of trees and shrubs and are dominated by soft-stemmed herbaceous plants. The water table in marshes is at or above the surface throughout the year, but seasonal fluctuations are encountered and areas of open water six (6) inches or more in depth are common.

Material means any substance, solid or liquid, organic or inorganic, including, but not limited to, soil, sediment, aggregate, land, gravel, clay, bog, peat, mud, debris, sand, refuse or waste.

Municipality means the City of New Britain, Hartford County, Connecticut.

Nurseries means land used for propagating trees, shrubs or other plants for transplanting, sale, or for use as stock for grafting.

Permit means the whole or any part of any license, certificate or approval or similar form of permission which may be required of any person by the provisions of these regulations under the authority of the conservation commission.

Permittee means the person to whom such permit has been issued.

Person means any person, firm, partnership, association, corporation, company, organization or legal entity of any kind, including municipal corporations, governmental agencies or subdivisions thereof.

Pollution means harmful thermal effect or the contamination or rendering unclean or impure of any waters of the state by reason of any waste or other materials discharged or deposited therein by any public or private sewer or otherwise so as directly or indirectly to come in contact with any waters. This includes, but is not limited to, erosion resulting from any filling or excavation activity.

Regulated activity means any operation within or use of a wetland or watercourse involving removal or deposition of material; or any obstruction, construction, alteration or pollution, of such wetlands or watercourses, but shall not include the specified activities in subsection (d) of these regulations.

Regulated area means any inland wetland or watercourse as defined in these regulations.

Remove includes, but shall not be limited to, drain, excavate, mine, dig, dredge, suck, grub, clear-cut timber, bulldoze, dragline or blast.

Rendering unclean or impure means any alteration of the physical, chemical or biological properties of any waters of the state, including, but not limited to, change in odor, color, turbidity or taste.

Significant activity means any activity, including, but not limited to, the following activities which may have a major effect or significant impact on the area for which an application has been filed or on another part of the inland wetland or watercourse system:

(1) Any activity involving a deposition or removal of material which will or may have a major effect or significant impact on the regulated area or on another part of the inland wetland or watercourse system;

(2) Any activity which substantially changes the natural channel or may inhibit the natural dynamics of a watercourse system;

(3) Any activity which substantially diminishes the natural capacity of an inland wetland or watercourse to support desirable fisheries, wildlife, or other biological life, prevent flooding, supply water, assimilate waste, facilitate drainage, provide recreation or open space or other functions;

(4) Any activity which causes substantial turbidity, siltation or sedimentation in a wetland or watercourse;

(5) Any activity which causes a substantial diminution of flow of a natural watercourse, or groundwater levels of the regulated area;

(6) Any activity which causes or has the potential to cause pollution of a wetland or watercourse; or

(7) Any activity which destroys unique wetland or watercourse areas having demonstrable scientific or educational value.

Soil scientist means an individual duly qualified in accordance with standards set by the office of personnel management (formerly the U.S. Civil Service Commission.)

Swamps are areas with soils that exhibit aquic moisture regimes and are dominated by wetland trees and shrubs.

Submerged lands means those lands which are inundated by water on a seasonal or more frequent basis.

Town means the City of New Britain, Hartford County in the State of Connecticut.

Waste means sewage or any substance, liquid, gaseous, solid or radioactive, which may pollute or tend to pollute any of the waters of the town.

Watercourses means rivers, streams, brooks, waterways, lakes, ponds, marshes, swamps, bogs and all other bodies of water, natural or artificial, vernal or intermittent, public or private, which are contained within, flow through or border upon the town or any portion

thereof not regulated pursuant to sections 22a-28 through 22a-35 of the general statutes, as amended.

Wetlands means land, including submerged land as defined herein, not regulated pursuant to sections 22a-28 through 22a-35, inclusive, of the general statutes, which consists of any of the soil types designated as poorly drained, very poorly drained, alluvial and floodplain by the national cooperative soils survey, as it may be amended from time to time, of the soil conservation service of the U.S. Department of Agriculture (USDA). Such areas may include filled, graded, or excavated sites which possess an aquic (saturated) soil moisture regime as defined by the USDA Cooperative Soil Survey.

(c) *Inventory of regulated areas.*

(1) *Map.* The map of regulated areas, entitled "Inland Wetlands and Watercourses Map, New Britain, Connecticut," prepared in 1974 delineates the general location and boundaries of inland wetlands and the general location of watercourses. Copies of this map are available for inspection in the office of the town clerk and the city plan department. In all cases, the precise location of regulated areas shall be determined by the actual character of the land, the distribution of wetland soil types, and locations of watercourses. Such determinations shall be made by field inspection and testing conducted by a soil scientist where soil classifications are required, or where watercourse determinations are required, by other qualified individuals.

(2) *Dispute of designation; petition for map change.* Any property owner who disputes the designation of any part of his or her land as a regulated area on the inland wetlands and watercourses map may petition the agency to change the designation. All petitions for a map change shall be submitted in writing and shall include all relevant facts and circumstances which support the change. The petitioner shall be submitted in writing and shall include all relevant facts and circumstances which support the change. The petitioner shall provide proof that the designation is inapplicable. Documentation in accordance with subsection (n) of these regulations may be required of property owner when the agency requires an accurate delineation of regulated areas.

(3) *Inventory, maintenance of records; amendments to map.* The inland wetland agency or its designated agent(s) shall inventory and maintain current records of all regulated areas within the town. The agency may amend its map, from time to time, as information becomes available relative to more accurate delineation of wetlands and watercourses within the town. Such map amendments are subject to the public hearing process outlined in subsection (n) of these regulations.

(d) *Permitted uses as of right; nonregulated uses.*

(1) The following operations and uses shall be permitted in inland wetlands and watercourses, as of right:

a. Grazing, farming, nurseries, gardening and harvesting of crops and farm ponds of three (3) acres or less essential to the farming operation. The provisions of this subsection shall not be construed to include road

construction or the erection of buildings not directly related to the farming operation, relocation of watercourses with continual flow, filling or reclamation of wetlands or watercourses with continual flow, clear-cutting of timber except for the expansion of agricultural crop land, or the mining of top soil, peat, sand, gravel or similar material from wetlands or watercourses for the purposes of sale;

b. A residential home (i) for which a building permit has been issued for (ii) on a subdivision lot, provided the permit has been issued or the subdivision has been approved by a municipal planning, zoning or planning and zoning commission as of the effective date of promulgation of the municipal regulations pursuant to subsection (b) of section 22a-42a, or as of July 1, 1974, whichever is earlier, and further provided no residential home shall be permitted as of right pursuant to this subsection unless the building permit was obtained on or before July 1, 1987. The individual claiming a use of wetlands permitted as a right under this subsection shall document the validity of the right by providing a certified copy of the building permit and a site plan showing proposed and existing topographic contours, house and well locations, septic system, driveway, approval dates or other necessary information to document his entitlement;

c. Boat anchorage or mooring, not to include dredging or dock construction;

d. Uses incidental to the enjoyment or maintenance of residential property, such property defined as equal to or smaller than the largest minimum residential lot site permitted anywhere in the municipality and containing a residence. Such incidental uses shall include maintenance of existing structures and landscaping, but shall not include removal or deposition of substantial amounts of material from or into a wetland or watercourse, or diversion or alteration of a watercourse.

e. Construction and operation, by water companies as defined by section 16-1 of the general statutes or by municipal water supply systems as provided for in Chapter 102 of the general statutes, of dams, reservoirs and other facilities necessary to the impounding, storage and withdrawal of water in connection with public water supplies except as provided in sections 22a-401 and 22a-410 of the general statutes.

(2) The following operations and uses shall be permitted as nonregulated uses in wetlands and watercourses, provided they do not disturb the natural and indigenous character of the wetland or watercourse by removal or deposition of material, alteration or obstruction of water flow or pollution of the wetland or watercourse:

a. Conservation of soil, vegetation, water, fish, shellfish, and wildlife. Such operation or use may include, but is not limited to, minor work to control erosion, or to encourage proper fish, wildlife and silviculture management practices.

b. Outdoor recreation including the use of play and sporting areas, golf courses, field trials, nature study, hiking, horseback riding, swimming, skin and scuba diving, camping, boating, waterskiing, trapping, hunting, fishing and shell-fishing and cross-country skiing where otherwise legally permitted and regulated.

(3) All activities in wetlands or watercourses involving filling excavation, dredging, clear-cutting, grading and excavation or any other alteration or use of a wetland or watercourse not specifically permitted by this subsection shall required a permit from the agency in accordance with subsection (f) of these regulations

(4) To carry out the purposes of this section, any person proposing to carry out a permitted or nonregulated operation or use of a wetland or watercourse, which may disturb the natural and indigenous character of the land, shall, prior to commencement of such operation or use, notify the agency on a form provided by it, and provide the agency with sufficient information to enable it to properly determine that the proposed operation and use is a permitted or nonregulated use of the wetland or watercourse. The agency or its designated agent shall rule that the proposed operation or use is a permitted or a nonregulated use of operation or that a permit is required. Such ruling shall be in writing and shall be made no later than the next regularly scheduled meeting of the agency following the meeting at which the request was received. The designated agent for the agency may make such ruling on behalf of the agency at any time.

(e) *Activities regulated by state.*

(1) In addition to any permit or approval required by the agency, the commissioner of environmental protection shall regulate activities in or affecting wetlands or watercourses subject to the following jurisdiction:

a. Construction or modification of any dam pursuant to sections 22a-401 through 22a-410 of the general statutes, as amended;

b. Construction or placement of any obstruction within stream channel encroachment lines pursuant to sections 22a-342 through 22a-349 of the general statutes, as amended;

c. Construction or placement of any structure or obstruction within the tidal, coastal or navigable waters of the state pursuant to sections 22a-359 through 22a-363 or in designated tidal wetlands pursuant to sections 22a-28 through 22a-35 of the general statutes, as amended;

d. Diversion of water in excess of fifty thousand (50,000) gallons per day or any surface waters of the state where the tributary watershed area above the point of diversion is one hundred (100) acres or larger pursuant to sections 22a-365 through 22a-378 of the general statutes, as amended;

e. Dischargers into the waters of the state pursuant to sections 22a-430 of the general statutes, as amended;

f. Discharge of fill or dredged materials into the wetlands and watercourses

of the state pursuant to section 401 of the Federal Clean Water Act, as amended, for activities regulated by the U.S. Army Corps of Engineers under Section 404 of the Federal Clean Water Act.

(2) The commissioner of environmental protection shall have exclusive jurisdiction over regulated activities and other activities, in or affecting wetlands or watercourses, undertaken, by any department, agency or instrumentality of the state, except any local or regional board of education, (1) after an advisory decision on such license or permit has been rendered to the commissioner by the wetland agency of the municipality within which such wetland is located or (2) thirty-five (35) days after receipt by the commissioner of such application, whichever occurs first.

(3) The commissioner of environmental protection shall have exclusive jurisdiction over tidal wetlands designated and regulated pursuant to sections 22a-28 through 22a-35 of the general statutes.

(f) *Regulated activities to be licensed; inland wetlands permit required.* No person shall conduct or maintain a regulated activity without first obtaining a permit for such activity from the conservation commission of the city.

The agency shall regulate any operation within or use of a wetland or watercourse involving removal or deposition of material, or any obstruction, construction, alteration or pollution, of such wetlands or watercourses and any other regulated activity, unless such operation or use is permitted or nonregulated pursuant to subsection (d) of these regulations.

Any person found to be conducting or maintaining a regulated activity without the prior authorization of the conservation commission of the city or violating any other provision of these regulations, shall be subject to the enforcement proceedings and penalties prescribed in subsection of these regulations and any other remedies as provided by law.

(g) *Application requirements.*

(1) *Form.* Any person wishing to undertake a regulated activity shall apply for a permit on a form entitled "City of New Britain Conservation Commission--Application for permit." An application shall include an application form and such information as prescribed by subsection (g)(4) and, in the case of a significant activity, by subsection (g)(5) herein. Application forms may be obtained in the offices of the city plan department in the city.

(2) *Information required generally.* All applications shall contain such information that is necessary for a fair and informed determination of the issues.

(3) *Reapplication meeting.* The agency and the applicant may hold a preapplication meeting to determine whether or not the proposed application involves a significant activity. Whenever possible the determination relative to significant activities should be made at the preapplication meeting. The agency should state the reasons why the activity was deemed significant in writing.

(4) *Specific information.* All applications shall include the following information in writing:

a. The applicant's name, home and business address and telephone

numbers;

b. The owner's name, address and telephone number and written consent if the applicant is not the owner of the property involved in the application;

c. Applicant's interest in the land;

d. The geographical location of the property which is to be affected by the proposed activity, including, but not limited to, a description of the land in sufficient detail to allow identification of the inland wetlands and watercourses, a computation of the area(s) (in acres or square feet) of wetland or watercourse disturbance, soil type(s) and vegetation;

e. The purpose and a description of the proposed activity;

f. Alternatives considered by the applicant and why the proposal to alter wetlands set forth in the application was chosen;

g. A site plan showing existing and proposed conditions in relation to wetlands and watercourses;

h. Names and addresses of adjacent property owners;

i. Certification that the applicant is familiar with all the information provided in the application and is aware of the penalties for obtaining a permit through deception or through inaccurate or misleading information;

j. Authorization for the commissioners and agents of the agency to inspect the property, at reasonable times, both before and after a final decision has been issued;

k. Any other information the agency deems necessary to the understanding of what the applicant is proposing;

l. Submission of the appropriate filing fee based on the fee schedule established in subsection (g)(9) herein.

(5) *Additional information.* If the proposed activity involves a significant activity as determined by the agency and defined in subsection (b) of these regulations, additional information, based on the nature and anticipated effects of the activity, including, but not limited to, the following is required:

a. Site plans for the proposed use or operation and the property which will be affected, which show existing and proposed conditions, wetland and watercourse boundaries, land contours boundaries of land ownership, proposed alterations and uses of wetlands and watercourses, and other pertinent features of the development drawn by a licensed surveyor, professional engineer or landscape architect registered in the state or by such other qualified person;

b. Engineering reports and analyses and additional drawings to fully describe the proposed project and any filling, excavation, drainage or hydraulic modifications to watercourses;

c. Mapping of soil types consistent with the categories established by the national cooperative soil survey of the U.S. Soil Conservation Service (the agency may require the applicant to have the wetlands delineated in the field by a soil scientist and that the filed delineation be incorporated onto the site plans);

d. Description of the ecological communities and functions of the wetlands or watercourses involved with the application and the effects of the proposed regulated activities on these communities and wetland functions;

e. Description of how the applicant will change, diminish, or enhance the ecological communities and functions of the wetlands or watercourses involved in the application, and with each alternative, and a description of why each alternative considered was deemed neither feasible nor prudent;

f. Analysis of chemical or physical characteristics of any fill material;

g. Measures which mitigate the impact of the proposed activity. Such measures include, but are not limited to, plans or actions which avoid destruction or diminution of wetland or watercourse functions, recreational uses and natural habitats, which prevent flooding, degradation of water quality, erosion and sedimentation and obstruction of drainage, or which otherwise safeguard water resources.

(6) *Certification required of applicant.* The applicant shall certify whether:

a. Any portion of the property on which the regulated activity is proposed is located within five hundred (500) feet of the boundary of an adjoining municipality;

b. Traffic attributable to the completed project on the site will use streets within the adjoining municipality to enter or exit the site;

c. Sewer or water drainage from the project site will flow through and impact the sewage or drainage system within the adjoining municipality; or

d. Water runoff from the improved site will impact streets or other municipal or private property within the adjoining municipality.

(7) *Copies of application to be submitted.* Four (4) copies of all application materials shall be submitted to comprise a complete application or as is otherwise directed, in writing, by the conservation commission.

(8) *Extension of expiration date of previously issued permit.* Any application to extend the expiration date of a previously issued permit or amend an existing permit shall be filed with the agency at least sixty-five (65) days prior to the expiration date for the permit in accordance with subsections (h)(4) through (h)(8) of these regulations. Any application for amendment, renewal or extension shall be made in accordance with this section provided:

a. The application may incorporate by reference the documentation and record of the original application;

b. The application shall state the reason why the authorized activities were not initiated or completed within the time specified in the permit;

c. The application shall describe any changes in facts or circumstances involved with or affecting wetlands or watercourses or the property for which the permit was issued;

d. The agency may accept an untimely application to extend the expiration date of a permit if the authorized activity is ongoing and allow the continuation of work beyond the expiration date if in its judgment, the permit is likely to be extended and the public interest or environment will be best served by not interrupting the activity. The application shall describe the extent of work completed at the time of filing and schedule for completing the activities authorized in the permit.

e. The agency shall evaluate the application pursuant to subsection (j) of these regulations and grant the application as filed, grant it with any terms or limitations, or deny it.

(9) *Fees.* The fee for the filing of an application for an inland wetlands permit shall be fifty dollars ($50.00). An additional fee of one hundred dollars ($100.00) shall be charged for any application which requires a public hearing. The purpose of the additional fee is to defray the cost of publication.

(h) *Application procedures.*

(1) Applications and copies of these regulations shall be available in the office of city plan. All applications together with filing fees shall be filed and maintained with the office of city plan.

(2) In the case of any application where any portion of the property on which the regulated activity is proposed is located within five hundred (500) feet of the boundary of Berlin, Newington, Farmington, Plainville, or Southington, the applicant shall give written notice, in accordance with Public Act 87-533, of the proposed activity, certified mail return receipt requested, to the adjacent municipal wetland agency on the same day of filing an inland wetland permit application with the conservation commission. Documentation of such notice shall be provided to the conservation commission.

(3) The agency shall, in accordance with Public Act 87-307, notify the clerk of any adjoining municipality of the pendency of any application to conduct a regulated activity when:

a. Any portion of the property on which the regulated activity is proposed is located within five hundred (500) feet of the boundary of an adjoining municipality;

b. A significant portion of the traffic to the completed project on the site will use streets within the adjoining municipality to enter or exit the site;

c. A significant portion of the sewer or water drainage from the project site will flow through and significantly impact the sewage or drainage system within the adjoining municipality; or

d. Water runoff from the improved site will impact streets or other municipal or private property within the adjoining municipality.

Notice of the pendency of such application shall be made by registered mail and shall be mailed within seven (7) days of the date of receipt of the application. For purposes of this subsection, the city plan department shall be the designated agent of the agency and shall prepare and deliver all applicable notices.

(4) The date of receipt of any application shall be the day of the next regularly scheduled meeting of the agency immediately following the day of submission to the agency, provided such meeting is no earlier than six (6) business days after receipt, or thirty-five (35) days after such submission, whichever is sooner.

(5) At any time during the review period, the agency may require the applicant to provide additional information about the regulated area or regulated activity which is the subject of the application, or wetlands or watercourses affected by the regulated activity. (The agency shall not exceed the required sixty-five-day time limit in taking action on an application pending the receipt of additional information as stated in subsection (k)(2) of these regulations.)

(6) All applications shall be open for public inspection.

(7) Incomplete applications may be denied.

(i) *Public hearings.*

(1) *When required.* A public hearing shall be held on all applications involving a significant activity. A public hearing may be held on applications which do not involve significant activities if the agency determines it is in the public interest. A petition containing the signatures of twenty-five (25) or more persons shall be considered as adequate public interest for the purposes of scheduling a public hearing. All applications and maps and documents relating thereto shall be open for public inspection. Any person may appear and be heard at any public hearing.

(2) *Publication of notice.* Notice of the public hearing shall be published at least twice at intervals of not less than two (2) days, the first not more than fifteen (15) days and not fewer than ten (10) days, and the last not less than two (2) days before the date set for the hearing in a newspaper having a general circulation in each town where the affected wetland add watercourse is located, as well as being posted on the City of New Britain website.

(3) *Delivery of notice.* Notice of the public hearing shall be mailed to the owner(s) of record of abutting land no less than fifteen (15) days prior to the day of the hearing. For purposes of this subsection, the city plan department shall be the designated agent of the agency and shall prepare and deliver all applicable notices.

(4) *Notice of pendency of application.* In the case of any application which is subject to the notification provisions of subsection (h)(3) of these regulations, a public hearing shall not be conducted until the clerk of the adjoining municipalities has received notice of the pendency of the application. Proof of such notification shall be entered into the hearing record.

(j) *Considerations for decision.*

(1) The agency may consider the following in making its decision on an application:

a. The application and its supporting documentation;

b. Public comments, evidence and testimony from a public hearing;

c. Reports from other agencies and commissions including but, not limited to, the City of New Britain:

1. Planning commission and city plan department.

2. Planning, zoning, or planning and zoning commissions.

3. Building official.

4. Health officer.

5. Engineering department.

6. Public works department.

d. The agency may also consider comments on any application from the Hartford County Soil and Water Conservation District, the Central Connecticut Regional Planning Agency or other regional organizations (i.e. council of elected officials); agencies in adjacent municipalities which may be affected by the proposed activity, or other technical agencies or organizations which may undertake additional studies or investigations.

e. Nonreceipt of comments from agencies and commissions listed in (j)(1)c above within the prescribed time shall neither delay nor prejudice the decision of the agency.

(2) Standards and criteria for decision. The agency shall consider all relevant facts and circumstances in making its decision on any application for a permit, including but not limited to the following:

a. The environmental impact of the proposed action, including the effects on the inland wetland's and watercourse's capacity to support fish and wildlife, to prevent flooding, to supply and protect surface and ground waters, to control sediment, to facilitate drainage, to control pollution, to support recreational activities, and to promote public health and safety.

b. The alternatives to the proposed action including a consideration of alternatives which might enhance environmental quality or have a less detrimental effect, and which could feasibly attain the basic objectives of the activity proposed in the application. This consideration should

include, but is not limited to, the alternative of requiring actions of different nature which would provide similar benefits with different environmental impacts, such as using a different location for the activity.

c. The relationship between the short term uses of the environment and the maintenance and enhancement of long term productivity, including consideration of the extent to which the proposed activity involves tradeoffs between short-term environmental gains at the expense of long-term losses, or vice versa, and consideration of the extent to which the proposed action forecloses or predetermines future options.

d. Irreversible and irretrievable commitments of resources which would be involved in the proposed activity. This requires recognition that the inland wetlands and watercourses of the state are an indispensable, irreplaceable and fragile natural resource, and that these areas may be irreversibly destroyed by deposition, filling, and removal of material, by the diversion, diminution or obstruction of water flow including low flows, and by the erection of structures and other uses.

e. The character and degree of injury to, or interference with, safety, health, or the reasonable use of property, including abutting or downstream property, which would be caused or threatened by the proposed activity, or the creation of conditions which may do so. This includes recognition of potential damage from erosion, turbidity, or siltation, loss of fish and wildlife and their habitat, loss of unique habitat having demonstrable natural, scientific or educational value, loss or diminution of beneficial aquatic organisms and wet land plants, the dangers of flooding and pollution, and the destruction of the economic, aesthetic, recreational and other public and private uses and values of wetlands and watercourses to the community.

f. The suitability of the activity to the area for which it is proposed. This requires a balancing of the need for the economic growth of the city and the use of its land, with the need to protect its environment and ecology for the people of the city and the benefit of generations yet unborn.

g. Measures which would mitigate the impact of any aspect of the proposed regulated activit[ies]. Such measures include, but are not limited to, actions which would avoid adverse impacts or lessen impacts to wetlands and watercourses and which could be feasibly carried out by the applicant and would protect the wetland's or watercourse's natural capacity to support fish and wildlife, prevent flooding, supply water, control sedimentation, prevent erosion, assimilate wastes, facilitate drainage, and to provide recreation and open space.

(3) In the case of any application which received a public hearing, a permit shall not be issued unless the agency finds that a feasible and prudent alternative does not exist. In making this finding, the agency shall consider the facts and circumstances set forth in this subsection. This finding and the reasons therefor shall be stated on the record in the decision of the agency.

(4) In reaching its decision on any application after a public hearing, the agency shall base its decision on the record of that hearing. Documentary evidence or other material not in the hearing record shall not be considered by the agency in its decision. However, the agency is not precluded from seeking advice from its own experts on information already in the record of the public hearing.

(5) The agency is authorized to designate the city plan department of the city as its agent for purposes of providing technical and professional information to the agency concerning any inland wetland application.

(k) *Decision process; permit issuance or denial; duration and renewal.*

(1) The agency may grant the application as filed; grant it upon such terms, conditions, limitations or modifications necessary to carry out the purposes of the Act; or deny it.

(2) No later than sixty-five (65) days after receipt of an application, the agency may hold a public hearing on such application. The hearing shall be completed within forty-five (45) days of its commencement and action shall be taken on applications within thirty-five (35) days after completion of a public hearing. In the absence of a public hearing, action shall be taken on applications within sixty-five (65) days from the date of receipt of the application. (The agency does not have the authority to table or reject an application for incompleteness. An application deemed incomplete by the agency must either be withdrawn by the applicant or denied by the agency.)

(3) The agency shall state upon its record the reasons and bases for its decision and, in the case of any public hearing, such decision shall be based fully on the record of such hearing and shall be in writing and shall incorporate a statement relative to the consideration of feasible and prudent alternatives.

(4) The agency shall notify the applicant and any named parties to the proceeding of its decision within fifteen (15) days of the date of the decision by certified mail, return receipt requested, and the agency shall cause notice of its order in the issuance or denial of the permit, in a newspaper having general circulation in the town wherein the inland wetland or watercourse lies. A copy of all agency decisions shall be forwarded to the commissioner of environmental protection in such a form as prescribed by the commissioner. A copy of all agency decisions shall be placed on file in the office of the city plan and a copy forwarded to the town clerk. All notification under this subsection shall be made by the city plan department at the direction of the agency.

(5) If an activity authorized by the inland wetland permit also involves an activity or project which requires zoning or subdivision approval, a special zoning permit, variance or special exception, a copy of the decision and report on the application shall be filed with the city planning commission, zoning commission, or zoning board of appeals within fifteen (15) days of the date of the decision.

(6) If the agency denies the permit, or if it grants a permit with terms, conditions, limitations or modifications, the applicant may attempt to modify the proposal to the agency's satisfaction. The agency shall determine whether the proposed

modification requires the filing of a new application. The rejection of a modified or corrected application by the agency shall be equivalent to the denial of an application for the purposes of appeal.

(7) If the agency denies a permit, the application shall not be resubmitted unless the proposal is modified in a fashion that substantially changes the impacts which resulted in the denial. Such submittal shall take the form of a new application.

(8) The duration of any permit shall be for three (3) years unless otherwise specified in the permit or extended by the agency. Unless it is renewed by the agency, the permit shall expire if the activity authorized therein not initiated within one year from the date the permit was issued. Permit renewal and extension shall be at the discretion of the agency and may be subject to the calling of an additional public hearing. All permits shall expire upon the completion of the acts specified therein.

(9) No permit shall be assigned or transferred without the written permission of the agency.

(10) If a bond or insurance is required in accordance with subsection (e) of these regulations, no permit shall be issued until such bond or insurance is provided.

(11) General provisions in the issuance of all permits:

a. In evaluating applications in which the agency relied in whole or in part on information provided the applicant, if such information subsequently proves to be false, deceptive, incomplete or inaccurate, the permit may be modified, suspended or revoked.

b. All permits issued by the agency are subject to and do not derogate any present or future rights or powers of the agency or the city, and convey no rights in real estate or material nor any exclusive privileges, and are further subject to any and all public and private rights and to any federal, state, and municipal laws or regulations pertinent to the property or activity.

c. If the activity authorized by the inland wetland permit also involves an activity or a project which requires zoning or subdivision approval, special permit, variance or special exception, no work pursuant to the wetland permit may begin until such approval is obtained.

d. The permittee shall take such necessary steps consistent with the terms and conditions of the permit, to control stormwater discharges and to prevent erosion and sedimentation and to otherwise prevent pollution of wetlands and watercourses.

(l) *Bond and insurance.* Upon approval of the application and prior to issuance of a permit, the applicant may, at the discretion of the agency, be required to file a bond with such surety in such amount and in a form approved by the agency. The bond or surety shall be conditioned on compliance with all provisions of these regulations and the terms, conditions and limitations established in the

permit. The agency may require the applicant to certify that it has public liability insurance against liability which might result from the proposed operation or use of the wetlands or watercourses covering any and all damage which might occur within two (2) years of completion of such operations, in an amount to be determined by the agency commensurate with the regulated activity.

(m) *Enforcement.*

(1) The agency may appoint an agent or agents to act in its behalf with the authority to inspect property except a private residence, and issue notices of violation or cease and desist orders and carry out other actions or investigations necessary for the enforcement of these regulations.

(2) As a condition of a permit, the agency or its agent may make regular inspections, at reasonable hours, of all regulated activities for which permits have been issued under these regulations.

(3) If the agency or its duly authorized agent finds that any person is conducting or maintaining any activity, facility or condition which is in violation of the Act or these regulations, the agency or its duly authorized agent may:

a. Issue a written order by certified mail, return receipt requested, to such person conducting such activity or maintaining such facility or condition to immediately cease such activity or to correct such facility or condition. Within ten (10) calendar days of the issuance of such order the agency shall hold a hearing to provide the person an opportunity to be heard and show cause why the order should not remain in effect. The agency shall consider the facts presented at the hearing and, within ten (10) days of the completion of the hearing, notify the person by certified mail that the original order remains in effect, that a revised order is in effect, or that the order has been withdrawn. The agency shall publish notice of its decision in a newspaper having general circulation in the municipality. The original order shall be effective upon issuance and shall remain in effect until the agency affirms, revises or withdraws the order. The issuance of an order pursuant to this subsection shall not delay or bar an action pursuant to section 22a-44(b) of the general statutes, as amended;

b. Suspend or revoke a permit if it finds that the applicant has not complied with the terms, conditions or limitations set forth in the permit or has exceeded the scope of the work as set forth in the application including application plans. Prior to revoking any permit, the agency shall issue notice to the permittee, personally or by certified mail, return receipt requested, setting forth the facts or conduct which warrants the intended action. At the public hearing the permittee shall be given an opportunity to show that it is in compliance with its permit and any and all requirements for retention of the permit. The permittee shall be notified of the agency's decision to suspend, revoke, or maintain a permit by personal service or certified mail within fifteen (15) days of the date of its decision;

c. Issue a notice of violation to such person conducting such activity or maintaining such facility or condition, stating the nature of the violation, the jurisdiction of the agency, and prescribing the necessary action and steps to correct the violation including, without limitation, halting work in wetlands or watercourses. The agency may request that the individual appear at the next regularly scheduled meeting of the agency to discuss the unauthorized activity, and/or provide a written reply to the notice or filing a proper application for the necessary permit. Failure to carry out the action(s) directed in a notice of violation may result in issuance of the order provided in subsection (m)a. or other enforcement proceedings as provided by law.

(4) For purposes of this subsection, the agency has designated the city plan department and/or the department of licenses, permits and inspections to act as its designated agent and to make inspections and issue reports to the agency at the request of the agency. The city plan department and department of licenses, permits and inspections shall bring to the attention of the agency any possible violations of these regulations which are discovered during the course of their day-to-day activities.

(n) *Amendments.*

(1) These regulations and the inland wetlands and watercourses map for the city may be amended, from time to time, by the agency in accordance with changes in the general statutes or regulations of the state department of environmental protection, or as new information regarding soils and inland wetlands and watercourses becomes available.

(2) These regulations and the city inland wetlands and watercourses map shall be amended in the manner specified in section 22a-42a of the general statutes, as amended. The agency shall provide the commissioner of environmental protection with a copy of any proposed regulations and notice of the public hearing to consider any proposed regulations or amendments thereto, except determinations of boundaries, at least thirty-five (35) days before the public hearing on their adoption. Application forms and fee schedules shall be considered as part of the agency regulations.

(3) Petitions requesting changes or amendments to the "Inland Wetlands and Watercourses Map, New Britain Connecticut" shall contain at least the following information:

a. The applicant's name, address and telephone number;

b. The owner's name (if not the applicant), address, telephone number, and a written consent to the proposed action set forth in the application;

c. Applicant's interest in the land;

d. The geographic location of the property involved in the petition including a description of the land in sufficient detail to allow identification of the disputed wetland or watercourse areas;

e. The reasons for the requested action;

f. The names and addresses of adjacent property owners; and

g. A map showing proposed development of the property.

(4) The conservation commission may require the property owner to present documentation by a soil scientist that the land in question does not have a soil type classified by the national cooperative soils survey as poorly drained, very poorly drained, alluvial, or floodplain. Such documentation includes a map of the land in question signed by a soil scientist on which the flag locations defining the boundaries of the regulated soil types are depicted.

(5) Watercourses shall be delineated by a soil scientist, geologist, ecologist or other qualified individual.

(6) A public hearing shall be held on petitions to amend the inland wetland and watercourses map. Notice of the hearing shall be published in a newspaper having substantial circulation in the municipality at least twice at intervals of not less than two (2) days, the first not more than twenty-five (25) days nor less than fifteen (15) days, and the last not less than two (2) days, before such hearing, as well as being posted on the City of New Britain website. A copy of such proposed boundary change shall be filed in the office of the town clerk, for public inspection at least ten (10) days before such hearing.

(7) Within ninety (90) days after receipt of a petition for a change in the mapped boundaries of any wetland or watercourse, the agency shall hold a public hearing to consider the petition. The agency shall act upon the changes requested in such petition within sixty (60) days after the close of the hearing. The public hearing shall be concluded within forty-five (45) days.

(8) The agency shall make its decision and state, in writing, the reasons why the change in the inland wetland and watercourses map was made.

(o) *Appeals; notice.* Appeal on actions of the agency shall be made in accordance with the provisions of section 22a-43 of the general statutes, as amended. Notice of such appeal shall be served upon the agency and the commissioner of environmental protection.

(p) *Conflict and severance;* If there is a conflict between the provisions of these regulations, the provision which imposes the most stringent standards for the use of wetlands and watercourses shall govern. The invalidity of any word, clause, sentence, section, part, subsection or provision of these regulations shall not affect the validity of any other part which can be given effect without such valid part or parts.

(q) *Other permits.* Nothing in these regulations shall obviate the requirements for the applicant to obtain any other assents, permits or licenses required by law or regulation by the city, the state and the Government of the United States, including any approval required by the state department of environmental protection and the U.S. Army Corps of Engineers. Obtaining such assents, permits or licenses is the sole responsibility of the applicant.

(r) *Staff-assistance.* For purposes of carrying out these regulations, the agency shall be authorized to designate the city plan department as its designated agent to provide clerical and secretarial assistance to the agency.

(s) *Effective date of regulations* These regulations, including the inland wetlands and water. courses map, application forms, fee schedule and amendments thereto, shall become effective upon filing in the office of the town clerk and publication of a notice of such action in a newspaper having general circulation in the city.

(Ord. of 1-89, §§ 1--19; Ord. No. 28482-2, 5-5-05)

Cross references: Building and building regulations, Ch. 7; flood and erosion control, Ch. 9; licenses, permits and miscellaneous business regulations, Ch. 14; utilities, Ch. 23.

Secs. 19-36--19-39. Reserved.

ARTICLE IV. HOUSING SITE DEVELOPMENT AGENCY*

*Housing, Ch. 13.

Sec. 19-40. Designation of city improvement commission.

Pursuant to section 8-216b of the Connecticut General Statutes, the city improvement commission is designated as the New Britain Housing Site Development Agency.

(Ord. of 6-90)

Sec. 19-41. Development projects.

The New Britain Housing Development Agency is designated, pursuant to section 8-216b of the Connecticut General Statutes, to carry out the following development projects and is authorized to enter into contracts with the state commissioner of housing, or its successor, to provide financial assistance in the form of a grant-in-aid to carry out such projects:

Beaver Street project.

(Ord. of 6-90)

Secs. 19-42--19-44. Reserved.

ARTICLE V. ECONOMIC DEVELOPMENT REVOLVING LOAN FUND

Sec. 19-45. Declaration of policy.

It is hereby found and declared that the maintenance and continued development of

commercial properties is important to the economic welfare of the City of New Britain and to the retention and creation of job opportunities within the city; that an economic development revolving loan fund will enable the City of New Britain to invest in commercial properties and provide seed funding for economic development; and that this process will enable the City of New Britain to sell these commercial properties and ensure that said properties are properly maintained and developed.

(Ord. of 10-00)

Sec. 19-46. Procedure for loan request.

The mayor shall present to the common council a written statement articulating the policy objectives for the commercial project and economic benefit to the City of New Britain. Said statement shall include the specific commercial project and contemplated use, the amount of loan requested, a detail projected budget and loan payment schedule. A vote of two-thirds (2/3) of the members of the common council present and voting is required to approve the mayor's request for a loan. The request for funding should be approved only if the proposed project is intended to maintain or increase the value of the fund.

(Ord. of 10-00)

Sec. 19-47. Use of fund.

The economic development revolving loan fund shall be established by the director of finance and funded by the common council. The fund can not be used to supplement the general fund or for any other expenditure which is not related to the goals and objectives of the economic development revolving loan fund except that the director of finance may invest undesignated or unencumbered monies on a short term basis at his discretion. The fund can not be used as a grant for developers, can not be dissolved and no more than fifty (50) percent of the money in the fund can be used for any one project.

(Ord. of 10-00)

Sec. 19-48. Reimbursement to fund.

All money loaned to a designated economic development project must be returned in its entirety to the fund in accordance with the terms of the loan payment schedule approved by the common council.

(Ord. of 10-00)

Sec. 19-49. Audit.

The annual audit conducted by the City of New Britain shall include a detailing [detailed] accounting of this fund.

(Ord. of 10-00)

ARTICLE VI. BUILDING ZONE REGULATIONS

Sec. 19-50. Establishment of building districts.

For the purpose of promoting health, safety, morals or the general welfare of the community or the comfort, happiness and prosperity of the inhabitants thereof, the common council of the City of New Britain is empowered to establish building districts and restrictions. For and in each of such districts, said common council may regulate and restrict the height, number of stories and size of buildings and other structures, the percentage of lot area that may be occupied, the size of yards, courts and other open spaces, the density of population and the number of families per building and the location and use of buildings, structures and land for trade, industry, residence or other purposes.

(Ord. of 7-01)

Sec. 19-51. Restrictions on use; uniformity.

For the aforesaid purpose the common council may divide the City of New Britain into districts of such number, shape and area as may be deemed best suited to carry out the purposes of this chapter; and within such districts it may regulate and restrict the erection, construction, reconstruction, alteration, repair or use of buildings, structures or land. All such regulations shall be uniform for each class or kind of buildings, structures and use of land throughout each district, but the regulations in one district may differ from those in another district.

(Ord. of 7-01)

Sec. 19-52. Reserved.

Editor's note: Ord. No. 27946-1, § 2, adopted Apr. 28, 2004, repealed § 19-52, which pertained to public hearing before sale or lease of park land. For complete derivation, see the Code Comparative Table at the end of this volume.

Sec. 19-53. Public hearing.

The common council of the City of New Britain shall, in accordance with provisions herein contained, provide for the manner in which such regulations and restrictions and the boundaries of such districts shall be determined, established and enforced, and from time to time amended, supplemented or changed; but no such regulation, restriction or boundary shall become effective until after a public hearing in relation thereto, at which parties in interest, including all citizens, shall have an opportunity to be heard. Notice of the time and place of such hearing shall be published in the form of a legal advertisement appearing on the City of New Britain website, as well as in a newspaper having a substantial circulation in said city at least twice at intervals of not less than two (2) days, the first not more than fifteen (15) days nor less than ten (10) days, and the last not less than two (2) days, before such hearing. By requiring the applicant to erect a white with black lettering sign or signs measuring not less than three (3) feet long and two (2) feet wide, which shall be prominently displayed on the premises facing each public street on which the property abuts, giving notice that an application for an appeal or special exception use or a change in the zoning map is pending, and the date, time and place where the public hearing will be held. The sign shall not be set

back more than ten (10) feet from the property line and shall not be less than two (2) or more than six (6) feet above the grade at the property line. The sign shall be made of one-eighths inch pressed board or other durable material. It shall be displayed for a period of not less than fifteen (15) days immediately preceding the public hearing date or any adjourned date. In all cases, regardless of the origin of the proposed zone change, the proponents shall, in addition, give written notice of the proposed zone change to all property owners within five hundred (500) feet of the boundary lines of the property subject of the petition within the city limits. The applicant shall file an affidavit that he has complied with the provisions of this section.

Notice of the final decision of such hearing or hearings shall be published in the form of a legal advertisement appearing in a newspaper having a substantial circulation in said city.

(Ord. of 7-01; Ord. No. 28482-2, 5-5-05)

Sec. 19-54. Amendments and changes.

Such regulations restrictions and boundaries may, from time to time, be amended, supplemented, changed, modified or repealed, but only after notice and public hearing, as hereinbefore provided for the initial districts and regulations. (Proposed zoning regulations or boundaries or changes thereof shall be referred to the city plan commission (for a report) at least thirty (30) days prior to the date assigned for a public hearing to be held thereon.) The failure of the city plan commission to report prior to or at the hearing shall be taken as approval of such proposals. A statement of the vote of the city plan commission approving, disapproving or proposing a modification of such proposal shall be publicly read at any public hearing held thereon. The full report of the city plan commission regarding such proposal shall include the result of the commission's vote thereon and shall be incorporated into the records of any public hearing held thereon. In case of an unfavorable report of the city plan commission or a report of the city plan commission recommending modification, such proposed change shall not become effective except by a vote of not less than two-thirds of the entire membership of the common council. In case of a report of the city plan commission recommending a modification in the proposal, the common council may modify the proposal as recommended by the commission but such modified proposal shall not be adopted until after notice and public hearing as herein before provided for the initial districts and regulations. In case of a protest against any such change filed by the owners of twenty (20) per centum or more either of the areas of the lots included in such proposed change, or of areas immediately contiguous thereto and within five hundred (500) feet therefrom, not including publicly-owned areas in any case, such proposed change shall not become effective except by a vote of not less than three-fourths (2/3) of the entire membership of the common council.hn0;(Ord. of 7-01)

Secs. 19-55--19-70. Reserved.

ARTICLE VII. SUBDIVISIONS

Sec. 19-71. Approval of subdivision plans.

No subdivision of land shall be made until a map of such subdivision has been approved by the commission. All plans for subdivision shall be submitted to the commission in accordance with its regulations with an application in a form to be prescribed by it. The

commission may hold a public hearing regarding any subdivision proposal if, in its judgment, the specific circumstances require such action. No plan of resubdivision shall be acted upon by the commission without a public hearing. Notice of the public hearing shall be given not less than seven (7) days before the date of the hearing by publication once in a daily newspaper of general circulation in the city, by posting public hearing on the City of New Britain website, and by sending a copy thereof by registered mail to the applicant. The commission shall approve, modify and approve, or disapprove a subdivision plan within sixty (60) days after the submission of the final plan thereof. The failure of the commission to act thereon shall be considered as an approval, and a certificate to that effect shall be issued by the commission on demand, provided an extension of this period may be had with the consent of the applicant. The grounds for disapproval shall be stated in the records of the commission.

(Ord. of 7-01; Ord. No. 28482-2, 5-5-05)

Sec. 19-72. Definitions.

Subdivision means the division of a tract or parcel of land into three (3) or more parts or lots for the purpose, whether immediate or future, of sale or building development expressly excluding development for municipal, conservation or agricultural purposes and includes resubdivision.

Resubdivision means a change in a map of an approved or recorded subdivision if such change (a) affects any street layout shown on such map, (b) affects any area reserved thereon for public use, or (c) diminishes the size of any lot shown thereon and creates an additional building lot, if any of the lots shown thereon have been conveyed after the approval or recording of such map.

(Ord. of 7-01)

Sec. 19-73. Penalties.

Any person, firm or corporation making any subdivision of land without the approval of the commission shall be fined not more than two hundred dollars ($200.00) for each lot sold or offered for sale or so subdivided.

(Ord. of 7-01)

Sec. 19-74. Filing of plans.

All plans for subdivision shall, upon approval, be filed or recorded in the office of the town clerk, and any plan, not so filed or recorded within ninety (90) days following its approval by the commission or within ninety (90) days of the date upon which such plan is taken as approved by reason of the failure of the commission to act, shall become null and void. No such plan shall be recorded or filed by the town clerk or other officer duly authorized to record or file plans until its approval has been endorsed thereon, and the filing or recording of a subdivision plan without such approval shall be void.

(Ord. of 7-01)

Sec. 19-75. Adoption of regulations.

Before exercising the powers granted in this article, the commission shall adopt regulations covering the subdivision of land. No such regulations shall become effective until after a public hearing, notice of time, place and purpose of which shall be given by publication in a daily newspaper of general circulation, as well as being posted on the City of New Britain website, in the city at least seven (7) days prior to the date of such hearing. Such regulation shall provide that the land to be subdivided shall be of such character that it can be used for building purposes without danger to health, that proper provision shall be made for water supply, drainage and sewerage, that the proposed streets are in harmony with existing or proposed principal thoroughfares shown in the plan of development as described in section 3102 of the Charter, especially in regard to safe intersections with such thoroughfares, and so arranged and of such width as to provide an adequate and convenient system for present and prospective traffic needs, and, in places deemed proper by the planning commission, open spaces for parks and playgrounds shall be shown on the subdivision plan. The commission may also prescribe the extent to which and the manner in which streets shall be graded and improved and public utilities and services provided, and in lieu of the completion of such work and installments previous to the final approval of a plan the commission may accept a bond in an amount calculated to cover the cost of the specified improvements as estimated by the city engineer or his authorized agent and with surety and conditions satisfactory to its securing to the municipality the actual finished construction and installation of such improvements and utilities within a period specified in the bond.

(Ord. No. 28482-2, 5-5-05)

Secs. 19-76--19-100. Reserved.

ARTICLE VIII. ZONING BOARD OF APPEALS

Sec. 19-101. Membership.

There shall be in said city a zoning board of appeals which shall consist of seven (7) members, electors of said city, not more than four (4) of whom shall belong to any one political party. During the month of April of each year the mayor shall appoint one (1) or more members as the terms expire or vacancies occur for a four-year term starting on the succeeding May 1. Appointments to fill vacancies shall be for the unexpired portion of the term. All appointments to said board of appeals shall be subject to the approval of the common council. Any member of the board may be removed for cause after a public hearing, by a two-thirds (2/3) vote of the entire membership of the common council.

(Ord. of 7-01; Ord. No. 27609-1, 9-10-03)

Sec. 19-102. Reserve members.

There shall also be appointed by the mayor during the month of April, in each year, subject to the approval of the common council, to take office from the succeeding first day of May, for the term of one (1) year, three (3) reserve members of the board of adjustment, electors of said city. Should any member of the zoning board of appeals be unable to act, or

be disqualified in any particular matter, at any time, the chairman or acting chairman of the zoning board of appeals may designate a reserve member to act in his or her place, who shall have all the powers and duties of a member of the zoning board of appeals during the period of such inability to act or of such disqualification.

(Ord. of 7-01)

Sec. 19-103. Powers of board.

The zoning board of appeals shall have the following powers:

(1) To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the administrative officer in the enforcement of any ordinance adopted pursuant to this chapter;

(2) To hear and decide special exceptions to the terms of any such ordinance, in accordance with rules and limitations therein contained;

(3) To authorize upon appeal in specific cases such variance from the terms of such ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of such ordinance will result in unnecessary hardship, and so that the spirit of the ordinance shall be observed and substantial justice done.

(Ord. of 7-01)

Sec. 19-104. Rules; meetings; minutes.

The zoning board of appeals shall adopt rules in accordance with the provisions of any ordinance of the common council adopted pursuant to the Charter. 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 or her absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the board shall be open to the public. 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 keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board and shall be a public record.

(Ord. of 7-01)

Sec. 19-105. Appeals to board.

Appeals to the zoning board of appeals may be taken by any person aggrieved or by any officer, department, board or bureau of the municipality affected by any decision of the administrative officer charged with the enforcement of the provisions of any ordinance enacted under the authority of the Charter. Such appeal shall be taken within a reasonable time, as provided by the rules of the board, by filing with such administrative officer and with the board a notice of appeal specifying the grounds thereof. The administrative officer shall forthwith transmit to the board all the papers constituting the record of the action upon which the appeal was taken. Notice of appeal shall automatically suspend any construction or use of property involved, unless the administrative officer shall certify to the zoning board of appeals that, by

reason of facts stated in such certificate, such suspension will cause imminent peril to life or property, and also unless upon receipt of such certificate the board shall direct such construction or use as may be necessary to eliminate such peril. The board shall fix a reasonable time for the hearing of the appeal, and give due notice thereof to the parties in interest. Notice of the time and place of such hearing shall be posted on the City of New Britain website, as well as being published in a newspaper having a substantial circulation in said city at least twice at intervals of not less than two (2) days, the first not more than fifteen (15) days, nor less than ten (10) days, and the last not less than two (2) days before such hearing. Said board shall decide such appeal within sixty (60) days after the hearing. Upon the hearing any party may appear in person or by agent or by attorney.

(Ord. of 7-01; Ord. No. 28482-2, 5-5-05)

Sec. 19-106. Affirmance or reversal; vote.

In exercising the above-mentioned powers the board may, in conformity with the provisions of the Charter and of any ordinances enacted thereunder, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the administrative officer. The concurring vote of five (5) members of the board shall be necessary to reverse any order, requirement, decision or determination of the administrative officer, or to decide in favor of the applicant as against the city, on any matter upon which it is required to pass.

(Ord. of 7-01)

Sec. 19-107. Appeals from board; stay; costs.

Any person or taxpayer or any officer, department, board or bureau of the municipality, jointly or severally, aggrieved by any decision of the zoning board of appeals, may, within fifteen (15) days of the filing of such decision, make application in the nature of an appeal therefrom to the court of common pleas for Hartford County setting forth that such decision is illegal, in whole or in part and specifying the grounds of such illegality, which application shall be accompanied by a citation to the said board to appear before such court. Such citation shall be signed by the same authority and such appeal shall be returnable at the same time and served and returned in the same manner as is required in the case of a summons in a civil action. Such appeal shall stay proceedings upon the decision appealed from, but the court, on application, on notice to the board and on due cause shown, may provide that such appeal shall not so operate. If, upon such appeal, it shall appear to the court that testimony is necessary for the proper disposition of the matter, it may take evidence or appoint a committee to take such evidence. The court may reverse or affirm, wholly or partly, or modify the decision appealed from or may review the decision appealed from and refer the matter back to the zoning board of appeals with instructions as to its further action in the premises. The court shall try such appeals de novo. Costs shall not be allowed against the city unless it shall appear to the court that the board acted with gross negligence, or in bad faith, or with malice in making the decision appealed from. The above provisions shall not deprive any person aggrieved by any decision of the zoning board of appeals from proceeding by any other civil action permitted by the common law or statutes of this state, in lieu of the above appeal.

The common council may also provide by ordinance that the zoning board of appeals may grant special exceptions to the terms of the zoning ordinance and likewise permits under such exceptions, as to the construction and maintenance of buildings and the use of property in the several zoning districts of the city in all cases in which the conditions of real estate relating to zoning are not the same nor substantially the same throughout the entire zoning district, or if the execution of the law strictly presents practical difficulties, or if by reason of growth, change, development or other circumstances the granting of the exception or permit shall, in the judgment of said board, be not detrimental to the zoning district, nor to a contiguous district. The common council may also provide that the zoning board of appeals shall have the power to grant such exceptions or permits, subject to such reasonable terms and conditions as said board may deem in any specific case to be appropriate or necessary. All decisions of the zoning board of appeals pursuant to the powers granted to it by this section shall be final, without approval of the common council.

(Ord. of 7-01)

Secs. 19-108--19-129. Reserved.

ARTICLE IX. SCHEDULE OF FEES

Sec. 19-130. Land use application fees.

In accordance with the authority provided under Section 8-1c of the Connecticut General Statutes, the following land uses fees shall apply:

TABLE INSET:

Zoning Petitions		
	Amendments to the Zoning Ordinance	$380.00
	Changes to the Zoning Map	380.00
Zoning Board of Appeals Applications		
	Appeal of the Decision of Building Official	230.00
	Variances	230.00
	Special Exceptions	230.00
	Alcohol Permit (whether by variance or special exception)	380.00
	Motor Vehicle Sales and/or Repairs (whether by variance or special exception, and including variances to site requirements)	380.00
	Request for Postponement*	230.00

(*No additional fee assessed if postponement is due to attendance of fewer than seven (7) members of the ZBA. No additional fee assessed if postponement is requested more than fifteen (15) days prior to a scheduled hearing date.)

TABLE INSET:

City Plan Commission		
	Subdivision fees	$155.00 base fee,
		plus 25.00 per lot
Conservation Commission		
	Inland Wetlands Permit, basic (no hearing required)	$130.00
	Inland Wetlands Permit, Significant impact determined (public hearing required)	plus 100.00
	Amendment to Inland Wetlands Map	190.00

NOTE: All fees above are inclusive of the sixty dollar ($60.00) state land use fees, mandated under Section 22a-27j of the Connecticut General Statutes.

(Res. No. 30857-2, 2-24-10)

Secs. 19-131--19-149. Reserved.

Chapter 20 POLICE*

***Charter references:** Board of police commissioners, § 1901; police department, §§ 1901--1906.

Cross references: Police guards required for street obstructions, etc., § 21-33.

State law references: Board of police commissioners, G.S. § 7-274; meetings of commission, G.S. § 7-275; police departments, G.S. §§ 7-274--7-294f.

Art. I. In General, §§ 20-1--20-20
Art. II. Police Department, §§ 20-21--20-79
Div. 1. Generally, §§ 20-21--20-24
Div. 1A. The Police Commission, §§ 21-25--21-30
Div. 2. Duties of Officers, §§ 20-31--20-40
Div. 3. Duties of All Policemen, §§ 20-41--20-50
Div. 4. Supernumeraries, §§ 20-51--20-69
Div. 5. Special Police Duty, §§ 20-70--20-76
Div. 6. Volunteers in Police Substations, §§ 20-77--20-79
Art. III. Fee for Second Responses, § 20-80

ARTICLE I. IN GENERAL

Sec. 20-1. Unauthorized use of police call box; possession of key.

(a) No person shall open any signal-box connected with the police alarm telegraph, except by the authority of and with the key furnished by the chief of police.

(b) No person shall have in his possession any signal-box key without permission from the chief of police.

(Code 1970, § 15-16)

Secs. 20-2--20-20. Reserved.

ARTICLE II. POLICE DEPARTMENT

DIVISION 1. GENERALLY

Sec. 20-21. Composition.

The police department shall consist of a chief of police, and such other officers and employees as may be determined by the council and civil service commission from time to time.

(Code 1970, § 2-93)

Secs. 20-22--20-24. Reserved.

DIVISION 1A. THE POLICE COMMISSION

Sec. 20-25. Establishment; composition.

There shall be a police commission. The commission shall consist of five (5) members appointed by the mayor of whom not more than three (3) shall belong to the same political party.

(Ord. of 7-01)

Sec. 20-26. Term of membership.

Every member of the board shall be appointed to serve a term of four (4) years from the succeeding first day of June.

(Ord. of 7-01)

Sec. 20-27. Reserved.

Sec. 20-28. Appointments.

The board of police commissioners shall have the authority to interview candidates for appointment to all positions within the police department and to make recommendations for

appointment to the appointing authority.

(No. 26866-1, 3-27-02)

Secs. 20-29--20-30. Reserved.

DIVISION 2. DUTIES OF OFFICERS*

***State law references:** Powers of police commissioners, G.S. § 7-276.

Sec. 20-31. Duties of chief.

The chief of the police department shall administer and supervise the department generally, and perform all duties set forth in the job description of the chief of police.

(Code 1970, § 2-99; Ord. of 7-01)

Secs. 20-32--20-40. Reserved.

DIVISION 3. DUTIES OF ALL POLICEMEN

Sec. 20-41. Duty to inform victims of rights.

In addition to the general duties of all policemen to guard the city at all times and to preserve the public peace, all policemen shall, upon the filing of a complaint by an injured or wronged party for the felony arrest of another, issue to such complainant a card, printed in American-English, containing the following:

"As a victim of a felonious crime and pursuant to section 20-41 of the ordinances of the common council of the City of New Britain, Connecticut, you are hereby advised of your rights as such:

(1) You have the right to seek just compensation for personal injury.

(2) You have the right to seek just compensation for damage to your property.

(3) You have the right to police protection against intimidation.

(4) The following service agencies may offer you appropriate aid: ( )"

Nothing herein contained shall create any rights or liability by the complainant against the individual police officer, police department, or the city, for failure to comply with this section.

(Code 1970, § 2-102; Ord. of 3-76)

Sec. 20-42. Duty to assist sealer.

Every police officer shall assist the sealer of weights and measures in the enforcement of any provision regulating the use of weights and measures and report to him any violations of such provisions within his knowledge.

(Code 1970, § 2-103)

Sec. 20-43. Duty to report defective sidewalks.

(a) *Report to chief.* Any police officer who discovers any violation of any ordinance dealing with keeping sidewalks free from snow and ice or maintaining them in reasonably safe condition, shall report violations and their duration to the chief of police who will enter the name of the violator in a book kept for that purpose.

(b) *Notice to violator.* Any police officer who discovers a violation as described in paragraph (a) of this section shall immediately leave a written notice upon the premises to the effect that the owner or occupant has become liable to prosecution under the provisions of this Code and that the city shall prosecute such owner or occupant, unless the situation is corrected. This notice shall be so left that it is reasonably certain to be seen and received by the owner or occupant.

(Code 1970, § 2-104)

Sec. 20-44. Report street lights.

(a) *Report of malfunction.* Any officer who observes any malfunction in the street lamps in the city shall report this fact to the chief on forms provided for the purpose.

(b) *Duty to inspect.* Every officer shall make every effort to find any malfunction as described in paragraph (a) of this section in any area on his post or beat.

(Code 1970, § 2-105)

Secs. 20-45--20-50. Reserved.

DIVISION 4. SUPERNUMERARIES*

***State law references:** Special constables, G.S. § 7-92.

Sec. 20-51. Special police when called by board; pay.

(a) *Generally.* In addition to the regular police the chief of police may appoint such number of supernumeraries, to be called special police-as it may be necessary, subject, however, to the limitations of section 20-55, whose official duties shall be prescribed by the chief.

(b) *Paid by private party.* When such supernumeraries are in service at the request of any person, they shall be paid by the person they are serving.

(c) *Paid by the city.* When such supernumeraries are on duty at the request of, or for the benefit of any department of the city, they shall be paid from the funds of the hiring department.

(Code 1970, § 2-117; Ord. of 7-01)

Sec. 20-52. Special guard.

The chief of police may appoint a such further number of supernumerary police to be known as a special guard, as such board may deem necessary, and while such special guards are on duty they shall receive no pay unless by authority of a special resolution of the council.

(Code 1970, § 2-118; Ord. of 7-01)

Sec. 20-53. Term of appointment.

Any appointment as a special policeman or special guard may be made for a definite and limited period of time and upon the expiration of such time the rights and duties of such appointee shall cease.

(Code 1970, § 2-119)

Sec. 20-54. Waiver of requirements for policemen.

Appointments to the special police or special guard may be made without reference to the age of the appointee, and without requiring a physical or mental examination or any other qualifications or test provided by ordinance or otherwise in relation to the appointment of regular and supernumerary police.

(Code 1970, § 2-120)

Sec. 20-55. Compulsory retirement.

Supernumerary policemen upon reaching the age of fifty (50) years shall be automatically dropped from the service, but this provision shall not apply to such officers in the employ of the city prior to 1960.

(Code 1970, § 2-121)

Sec. 20-56. Mayor may summon.

The special guard and special police may be called out by the mayor or acting mayor and shall be subject to his order.

(Code 1970, § 2-122)

Sec. 20-57. Powers.

Special policemen or special guards shall have all the powers of regular policemen.

(Code 1970, § 2-123)

Sec. 20-58. Annual leave; clothing allowance.

Each supernumerary policeman working a minimum of two hundred (200) days per fiscal year shall receive one week annual leave with pay and a clothing allowance of seventy-five dollars ($75.00) per fiscal year.

(Code 1970, § 2-124)

Secs. 20-59--20-69. Reserved.

DIVISION 5. SPECIAL POLICE DUTY

Sec. 20-70. Authorized use of special police duty.

The police chief is authorized and directed to render special police duty assignments through the licensing bureau to owners or occupants of premises within the city limits on the terms and conditions set forth in this division.

(Ord. of 1-93)

Sec. 20-71. Payment for use of special police duty.

Such services shall be rendered only to those who shall have signed an agreement as provided by the board of police commissioners and shall have paid in advance in cash, bank, personal, business or certified check the rates prescribed by the board of police commissioners. The fee for such services shall be an amount equal to the compensation to which a police officer is entitled pursuant to the provisions of the collective bargaining agreement between the City of New Britain and Local 1165 as of the date such services are provided plus a surcharge of ten (10) per cent of such amount to cover costs of administration involved in providing such services, and an additional fee for the assignment of a police vehicle in conjunction with the special duty assignment in the amount of fifty dollars ($50.00) per four (4) hour period or any part thereof. The chief of police is authorized to grant extended terms of payment for good cause to commercial vendors who have established credit history with the city. Extended terms may be revoked by the chief of police at his discretion for failure to make payments within twenty (20) days of billing.

(Ord. of 1-93; Res. No. 28618-2, 8-18-05)

Sec. 20-72. Emergency special police duty.

No such special police services shall be offered to any party who has not strictly complied with this division unless the chief of police or his designee has determined that an emergency condition exists. In the case of an emergency need for special police services, the office of administration shall bill the user and payment shall be directed to be made within twenty (20) days of billing. Failure of the user to pay for police services within the specified time period shall result in interest being added to the bill at a rate equal to one and one-half (1

1/2) per cent per month.

(Ord. of 1-93)

Sec. 20-73. Police reserve program.

(a) *Establishment.* The board of police commissioners may initiate a police reserve program utilizing volunteers to perform certain police functions including, but not limited to, traffic control, parade duty and routine paper work; provided, however, the volunteers in any such police reserve program shall not be vested with the powers of arrest nor shall be permitted to carry firearms, and, further provided that all volunteers shall be required to be trained in accordance with the educational and training standards established by the Municipal Police Training Council.

(b) *Workers' compensation.* Any volunteer serving in the police reserve program shall be considered an employee of the city for purposes of workers' compensation benefits under the provisions of chapter 568 of the Connecticut General Statutes.

(c) *Indemnification.* Any volunteer serving in the police reserve program shall be protected and saved harmless from financial loss and expense, including legal fees and costs, if any, arising out of any claim, demand, suit or judgment by reason of alleged negligence, or for alleged infringement of any person's civil rights, on the part of such volunteer while acting in the discharge of his/her duties to the extent that such protection is provided for municipal officers and employees under the provisions of section 7-101a and 7-465 of the Connecticut General Statutes.

(Ord. of 3-95)

Secs. 20-74--20-76. Reserved.

DIVISION 6. VOLUNTEERS IN POLICE SUBSTATIONS

Sec. 20-77. Police substation volunteer program.

(a) *Establishment.* The Board of Police Commissioners may initiate a police substation volunteer program utilizing volunteers to perform certain services in police substations as set forth in the policy adopted by the board effective as of March 8, 1995, numbered 3.64, provided, however, that the volunteers shall not be vested with the powers of arrest nor shall be permitted to carry firearms, and, further provided that if under the educational and training standards established by the municipal police training standards established by the municipal police training council, training of volunteers is required, all volunteers shall be trained in accordance with such standards.

(b) *Workers' compensation.* Any volunteer serving in the police substation volunteer program shall be considered an employee of the City of New Britain for purposes of workers' compensation benefits under the provisions of chapter 568 of the Connecticut General Statutes if injured while performing services which volunteers are authorized to perform under the policy governing police substations and their uses.

(c) *Indemnification.* Any volunteer serving in the police substation volunteer program shall

be protected and saved harmless from financial loss and expense, including legal fees and costs, if any, arising out of any claim, demand, suit or judgement by reason of alleged negligence, or for alleged infringement of any person's civil rights, on the part of such volunteer while acting in the discharge of his/her duties to the extent that such protection is provided for municipal officers and employees under the provisions of sections 7-101a and 7-465 of the Connecticut General Statutes.

(Ord. of 6-95)

Secs. 20-78, 20-79. Reserved.

ARTICLE III. FEE FOR SECOND RESPONSES

Sec. 20-80. Fee for excessive responses by the police department.

(a) *Purpose.* It is the purpose of this article to recover the city's costs for excessive responses for neighborhood impact violations by the police department. Excessive calls for neighborhood impact violations are a drain on personnel and resources often leaving other areas of the city without adequate levels of police protection which creates a hazard to the public, requires resources over and above the level of police services normally provided and constitutes a public nuisance, the costs for which should be paid by the responsible person.

(b) *Definitions.* For the purpose of this article, the following definitions shall apply:

(1) *Fine* means ninety-nine dollars ($99.00).

(2) *Costs* shall include an amount equal to the rate of compensation to which the responding city employees are paid under the terms of the applicable collective bargaining agreement as of the date of such response plus a surcharge of ten (10) per cent of such amounts to cover the costs of administration in providing such municipal response.

(3) *Neighborhood impact violations* include but are not limited to disturbance of the peace in violation of Sections 53a-181, 53a-181a, or 53a-182 of the General Statutes; abandoned vehicles, loud music, party, drug use or sale and/or prostitution.

(4) *Non-owner occupied* means the property is not inhabited by the owner of record.

(5) *Owner of property* means the owner of record.

(6) *Party* includes a gathering or event where a group of persons have assembled or are assembling on private property for a social occasion or social activity which may constitute a disturbance of the peace in violation of Connecticut Penal Code sections 53a-181, 53a-181a and 53a-182.

(7) *Responsible person* is the person or persons who are in charge of the premises or who organized the party. If the responsible person is a minor, then the minor's parents or guardians will jointly and severally be liable for the costs.

(8) *Verified police response* means a response by the police department to a complaint of a neighborhood impact violation where the responding officer confirms that a violation is in fact occurring.

(9) *Second or subsequent responses* as used in this section means and includes any verified police response and shall be limited in its application to any "responsible person" as defined herein.

(10) *Excessive responses* as used in this section means and includes any verified police response and shall be limited in its application to the property owner.

A. Response schedule:

1. *Single-family:* Over two (2) responses in a twelve-month period.

2. *Two-family:* Over four (4) responses in a twelve-month period.

3. *Three-family:* Over six (6) responses in a twelve-month period.

4. *Four-family or more:* Over eight (8) responses in a twelve-month period.

B. This section applies to rental dwelling units whether or not owner-occupied.

(c) *Notice, fine and registration of unit.* For any second or subsequent response as defined in subsection (b)(8) herein and for any excessive response as defined in subsection (b)(9) herein, the police department shall deliver to the responsible person and/or owner of the property as applicable a "notice of violation: final response" which shall state substantially as follows:

"This notice of violation is given to you as a result of a final response by the City of New Britain for a neighborhood impact violation. You will be charged ninety-nine dollars ($99.00) as a result of any subsequent verified police response to this location."

The notice may also contain such other information as deemed necessary by the chief of police to accomplish the purposes of this section. In addition any property containing three or more housing units requiring a verified police response as defined herein after the above-described final notice shall be required to register said property with the director of licenses, permits and inspections within twenty (20) days of said verified police response. The police department shall notify the director of licenses, permits and inspections within twenty (20) days of the verified police response after the final notice of the property address and name of the owner of the property required to be registered as well as the property owner. Upon registration, the property shall be inspected by the department of licenses, permits and inspections and the fire department to confirm that said property is in compliance with the building code and fire code. In addition the department of licenses permits and inspections and fire department shall inspect the property every six (6) months for the twelve-month period following the date of registration of the property with the director of licenses, permits and inspections. If during this twelve-month period the property has no more verified police responses, the registration and inspection process will cease. If, however, during this twelve-month period the property has had additional verified police responses, the registration and inspections shall continue until such time as the property completes a twelve-month period without any verified police response. Upon the registration of the property, the owner shall pay

an inspection fee of thirty-five dollars ($35.00) per apartment unit.

(d) *[Retaining funds.]* All funds collected under subsection (c) of this section for subsequent responses by the police shall be retained by the police department. All funds collected under subsection (c) of this section for registration and inspections shall be retained within the department of license permits and inspections for the exclusive use of administration and enforcement of this section.

(e) *[Exceptions.]* No provision of the section shall be applicable to cooperative housing associations whereby all units are owner-occupied.

(f) *[Reports to mayor and common council.]* The director of licenses, permits and inspections shall report to the mayor and the common council no later than October 1 of each year thereafter the number of registrations and inspections performed.

(g) *[Rent recovery.]* Any owner or lessor whose property is required to be registered with the department of licenses, permits and inspections under subsection (c) cannot recover rent unless said registration is obtained. Any owner who recovers rent for the occupation of any apartment or dwelling unit for which a registration has not been obtained, shall be liable for a fine of twenty dollars ($20.00) per day for not more than two hundred (200) days for such period of unlawful occupation. Failure to pay this fine within sixty (60) days shall constitute a debt in favor of the city.

(h) *[Effective date.]* This section shall become effective on August 15, 2007.

(i) *Bill for costs.* If the city is required to make a second or subsequent or excessive responses as defined herein to a party and a "notice of violation: final response" has been delivered to the responsible person and/or the property owner as applicable, then the city shall compute the costs of such response. A bill for the costs incurred by the city for each chargeable response shall be prepared and delivered to the responsible person and/or property owner as applicable who shall be liable for its payment. The amount of the charges shall be deemed a debt to the city of the responsible person and/or property owner as applicable who shall be liable in an action brought in the name of the city for recovery of such amount, including reasonable attorney's fees.

(j) *Enforcement.*

(1) The chief of police shall notify the finance director in writing upon the rendering of such police services, of the name and address of the responsible person and/or property owner as applicable, the date and time of the incident and the services performed and the costs thereof and such other information as maybe required. The finance director shall thereafter cause appropriate billings to be made.

(2) The finance director is authorized to adopt appropriate procedures for billing and other matters necessary for the administration of this section. All billing invoices shall be mailed within thirty (30) days.

(k) *Appeal.* Any person aggrieved by any decision of the finance director to bill for costs of subsequent responses may appeal pursuant to section 1-17 of the Code of Ordinances.

(Ord. of 1-92; Ord. of 10-98; No. 27117-1, 9-11-02; Res. No. 29495-2, 4-25-07)

Chapter 20.5 SPECIAL DISTRICTS

Art. I. In General, §§ 20.5-1--20.5-20
Art. II. Downtown Special Services District, §§ 20.5-21--20.5-29

ARTICLE I. IN GENERAL

Secs. 20.5-1--20.5-20. Reserved.

ARTICLE II. DOWNTOWN SPECIAL SERVICES DISTRICT*

***Editor's note:** An ordinance adopted Oct. 19, 1983, and amended Nov. 21, 1984, and Feb. 21, 1990, set out provisions intended for use as Chapter 25. In order to preserve the alphabetical order of the chapters of this Code, and with the permission of the City, these provisions have been included as §§ 20.5-21--20.5-29. Amendments adopted since Feb. 21, 1990, will be included in parenthetical history notes at the ends of the affected sections.

Sec. 20.5-21. Purpose and intent.

In accordance with Chapter 105a of the Connecticut General Statutes, the City of New Britain is establishing a special services district within its confines, to be created and operated according to the procedures set out in Chapter 105a. The purpose of the district shall be to prevent further deterioration of the central business district; to enhance the environment in which people shop, live and work in the central business district; to demonstrate private commitment to the central business through physical, economic, and social improvements; to work with the government of the City of New Britain to maximize the usefulness of available public funds by consolidating and coordinating private efforts to assist the city's downtown revitalization program; and to maintain physical, economic and social improvements to the central business district through a long-term operations strategy allocating organizational and financial responsibility.

Sec. 20.5-22. Definitions.

For the purposes of this article, the following terms, phrases, words, and their derivations shall have the meaning given herein:

Assessed value of real property for each fiscal year shall be the value of real property as listed on the grand list of the municipality, in effect as of October of the prior year.

Board of commissioners shall be the executive body elected by the holders of record of a taxable interest in real property to govern the district.

Commissioner shall be any single member of the board of commissioners, with the exception of the ex-officio members.

District shall be the municipal special services district established according to Chapter

105a of the Connecticut General Statutes, whose boundaries are delineated in subsection 20.5-24(1) of this article, including amendments made according to subsection 20.5-24(2).

Ex-officio shall denote a nonvoting member.

Fiscal year shall be July 1 to June 30, unless it is changed by vote of the board of commissioners and approved by majority vote of the holders of record of a taxable interest in real property.

Holder of record of a taxable interest in real property shall be the corporation, partnership, unincorporated association, trustee, fiduciary, guardian, conservator, or other form of entity or any combination thereof as identified in the records of the City of New Britain.

Lessee of property shall be the tenant occupying and in possession of premises located on a property in the district.

Property shall be real property within the district that is identified in the tax records of the City of New Britain as a parcel of land and/or building for which there is a map and lot number assigned by the Assessor's Office of the City of New Britain, exclusive of tax-exempt property as defined in subsection 20.5-24(1)(b).

Property owner shall be the holder of record of a taxable interest in real property.

Sec. 20.5-23. Powers of district.

(1) *District legal status.* The district is a body politic and corporate subject to such statutes and regulations that govern such a legal body.

(2) *Powers.* The district shall have the following powers:

(a) To sue and be sued;

(b) To acquire, hold and convey any real estate, real or personal;

(c) To contract;

(d) To borrow money, provided any obligation incurred for this purpose shall be discharged not more than one (1) year after it was incurred, and such district may pledge any tax levies to be received against any such obligation;

(e) To recommend to the legislative body of the municipality in which such district is located the imposition of a levy upon the taxable interests in real property within such district, the revenues from which may be used in carrying out any of the powers of such district;

(f) To construct, own, operate and maintain public improvements;

(g) To provide, within such district, some additional services which such municipality is authorized to provide therein, such as security services or cleaning services, provided that such services are not now being provided within any portion of the area included in such district by the municipality or any multi-town body or authority;

(h) To retain legal counsel;

(i) To buy, lease, and operate buses, mini-buses or other transportation for shuttle service in the downtown area;

(j) To receive and use gifts and donations for the purposes of the district;

(k) To construct, acquire, or obtain leasehold interests in motor vehicle parking facilities within such district;

(l) To operate a motor vehicle parking facility within such district;

(m) To enter into, fund, and perform agreements which reduce the cost of motor vehicle parking to residents and visitors of such district;

(n) To operate revenue-sharing facilities or events and to use the revenues for district purposes.

Sec. 20.5-24. Boundary of district.

(1) *Description.*

(a) The boundary of the district shall be all that certain piece or parcel of land bounded and described as follows, to wit:

Commencing at the intersection of the north street line of Pearl St. with the west street line of Badolato Dr.; thence westerly along the north street line of Pearl St. and across Franklin Sq., a distance of 900 feet, more or less, to a point on the west street line of Franklin Sq.; thence northerly along the west street line of Franklin Sq., a distance of 390 feet, more or less, to a point; thence westerly along the north line of the Bethany Covenant Church, a distance of 150 feet, more or less, to a point; thence northerly along the east line of the Y.W.C.A., a distance of 80 feet, more or less, to a point; thence northerly along the north line of the Y.W.C.A. and across Glen St., a distance of 170 feet, more or less, to a point on the west street line of Glen St.; thence southerly along the west street line of Glen St., a distance of 10 feet, more or less, to a point; thence northerly along the south line of No. 3-5-7 Glen St., a distance of 75 feet, more or less, to a point; thence southerly along the east line of No. 52 Main St., a distance of 40 feet, more or less, to a point; thence northerly along the south line of No. 52 Main St., a distance of 55 feet, more or less, to a point; thence southerly along the east line of the South Congregational Church, a distance of 40 feet, more or less, to a point; thence westerly along the south line of the South Congregational Church, a distance of 160 feet, more or less, to a point on the east street line of Arch St.; thence northerly along the east street line of Arch St., a distance of 220 feet, more or less, to a point; thence westerly across Arch St. and along the south line of No. 25-43 Arch St. a distance of 140 feet, to a point; thence northerly along the west line of No. 25-43 Arch St. and across Walnut St., a distance of 125 feet, more or less, to a point on the north street line of Walnut St.; thence westerly along the north street line of Walnut St., a distance of 60 feet, more or less, to a point; thence northerly along the west lines of No. 17 Walnut St. and No. 168-178 Main St. partly by each, a distance of 350 feet, more or less, to a point on the south street line of Court St.; thence

easterly along the south street line of Court St., a distance of 20 feet, more or less, to a point; thence northerly across Court St. and along the west line of No. 200-212 Main St., a distance of 150 feet, more or less, to a point; thence westerly along the south line of No. 224 Main Street., No. 66, 88, 94 and 102 West Main St., a distance of 350 feet, more or less, to a point; thence southerly along the east line of No. 120 West Main Street, a distance of 30 feet, more or less, to a point; thence westerly along the south line of No. 120 West Main St., a distance of 210 feet, more or less, to a point on the east street line of South High St.; thence northerly along the east street line of South High St. and across West Main St., a distance of 290 feet, more or less, to a point on the north street line of West Main St.; thence westerly along the north street line of West Main St., a distance of 50 feet, more or less, to a point; thence northerly along the east street line of High St., a distance of 215 feet, more or less, to a point; thence easterly along the north line of the Christian Pentecostal Church, No. 115 and No. 97-103 West Main St. partly by each, a distance of 230 feet, more or less, to a point; thence southerly along the east line of No. 97-103 West Main St., a distance of 50 feet, more or less, to a point; thence easterly along the north line of No. 97-103 and No. 85 West Main St. and across Washington St. partly by each, a distance of 235 feet, more or less, to a point on the east street line of Washington St.; thence northerly along the east street line of Washington St. and across Columbus Blvd., a distance of 420 feet, more or less, to a point on the north street line of Columbus Blvd.; thence easterly along the north street line of Columbus Blvd., a distance of 430 feet, more or less, to a point; thence northerly across land of Boston and Maine R.R. and the west line of No. 318-326 Main St., a distance of 120 feet, more or less, to a point; thence easterly along the north line of No. 318-326 Main St., a distance of 75 feet, more or less, to a point on the west street line of Main St.; thence northerly along the west street line of Main St., a distance of 550 feet, more or less, to a point on the north street line of Myrtle St.; thence westerly along the north street line of Myrtle St., a distance of 170 feet, more or less, to a point; thence northerly, a distance of 310 feet, to a point on the north street line of Lafayette St.; thence westerly along the north street line of Lafayette St., a distance of 25 feet, more or less, to a point; thence northerly, a distance of 160 feet, more or less, to a point; thence easterly, a distance of 300 feet, more or less, to a point on the east street line of Main St.; thence northerly along the east street line of Main St., a distance of 250 feet, more or less, to a point; thence easterly along the north line of Newbrite Plaza, a distance of 440 feet, more or less, to a point on the west street line of Clark St.; thence southerly and easterly along the west street line of Clark St. and the south street line of Winter St., a distance of 990 feet, more or less, to a point; thence southerly across land of Newbrite Plaza, a distance of 285 feet, more or less, to a point on the west street line of Martin L. King Dr.; thence southerly along the west street line of Martin L. King Dr., across East Main St. and the west street line of Harry S. Truman Overpass, partly by each, a distance of 1,070 feet, more or less, to a point; thence easterly along the north line of No. 327 Main St., a distance of 210 feet, more or less, to a point on the west street line of Elm St.; thence southerly along the west street line of Elm St., a distance of 230 feet, more or less, to a point on the north street line of Columbus Blvd.; thence easterly and southerly along the north street line

of Columbus Blvd., a distance of 940 feet, more or less, to a point; thence westerly across Columbus Blvd. and along the south street line of Chestnut St., a distance of 585 feet, more or less, to a point; thence southerly along the west line of the Post Office, a distance of 325 feet, more or less, to a point; thence easterly along the south line of the Post Office, a distance of 80 feet, to a point; thence southerly along the west line of the Post Office and the west street line of Badolato Dr. partly by each, a distance of 610 feet, more or less, to point of beginning.

All in accordance with a map entitled "Map Showing Municipal Special Services District, 13 Sept. 1983, Scale 1"=200', Edwin Szymanoski Acting City Engineer, Sheet 1 of 1".

(b) All property therein shall be included in the district. For the purpose of this district, except that the property owners of tax exempt property within the district will not be eligible to vote, nor will they be subject to any tax levies, unless the tax exempt status changes. For the purposes of this section, tax-exempt property shall be defined as that property owned by an entity who is exempt from local property tax or is exempt from federal taxes under Section 501(c) of the Internal Revenue Code, if such property is owned as of the effective date of the downtown special services district. If the tax exempt status should change and the property owner no longer qualifies for local property tax exemption or the 501(c) status, the property shall be subject to the district tax levy in accordance with Section VI of this article, and such levy shall be prorated to cover the period from the change of the tax status to the end of the fiscal year.

(2) *Procedure for additions to district.*

(a) Any property owner(s) whose property(ies) has at least one (1) boundary that is contiguous with the district boundary may elect to join the district.

(b) Such owner(s) shall notify the board of commissioners in writing of their intention to join the district. This request must be signed by the property owner(s) having fifty (50) percent interest in said property, or a representative of the owner(s) authorized to sign such a request.

(c) The board of commissioners shall notify the appropriate persons in the City of New Britain and place a copy of the written notification on file at the town clerk's office.

(d) The tax levy imposed on a property that joins the district after its inception must be pro-rated to cover the period from the first meeting of the board of commissioners after the notification is received to the end of that fiscal year.

(3) *Zone boundaries.*

(a) For the purposes of determining the representation on the board of commissioners, the district shall be divided into zones. These zones are not subdistricts as described in Section 7-339r(b) of Chapter 105a.

(b) For the purposes of the first year of operation, the district zones shall be all that certain piece or parcel of land bounded and described as follows, to wit:

1. *Zone I.* Commencing at the intersection of the north street line of Pearl St. with the west street line of Badolato Dr.; thence westerly along the north street line of Pearl St. and across Franklin Sq., a distance of 900 feet, more or less, to a point on the west street line of Franklin Sq.; thence northerly along the west street line of Franklin Sq., a distance of 390 feet, more or less, to a point; thence westerly along the north line of the Bethany Covenant Church, a distance of 150 feet, more or less, to a point; thence northerly along the east line of the Y.W.C.A., a distance of 80 feet, more or less, to a point; thence northerly along the north line of the Y.W.C.A. and across Glen St., a distance of 170 feet, more or less, to a point on the west street line of Glen St., thence southerly along the west street line of Glen St., a distance of 10 feet, more or less, to a point; thence northerly along the south line of No. 3-5-7 Glen St., a distance of 75 feet, more or less, to a point; thence southerly along the east line of No. 52 Main St., a distance of 40 feet, more or less, to a point; thence northerly along the south line of No. 52 Main St., a distance of 55 feet, more or less, to a point; thence southerly along the east line of the South Congregational Church, a distance of 40 feet, more or less, to a point; thence westerly along the south line of the South Congregational Church, a distance of 160 feet, more or less, to a point on the east street line of Arch St.; thence northerly along the east street line of Arch St., a distance of 220 feet, more or less, to a point; thence westerly across Arch St. and along the south line of No. 25-43 Arch St., a distance of 140 feet, to a point; thence northerly along the west line of No. 25-43 Arch St. and across Walnut St., a distance of 125 feet, more or less, to a point on the north street line of Walnut St.; thence westerly along the north street line of Walnut St., a distance of 60 feet, more or less, to a point; thence northerly along the west lines of No. 17 Walnut St. and No. 168-178 Main St. partly by each, a distance of 350 feet, more or less, to a point on the south street line of Court St.; thence easterly along the south street line of Court St. and across Main St., a distance of 315 feet, more or less, to a point on the east street line of Main St.; thence southerly along the east street line of Main St., a distance of 90 feet, more or less, to a point; thence easterly across One Park Plaza and Scalise Dr., a distance of 285 feet, more or less, to a point on the east street line of Scalise Dr.; thence southerly along the east street line of Scalise Dr. and across Chestnut St., a distance of 320 feet, more or less, to a point on the south street line of Chestnut St.; thence easterly along the south street line of Chestnut St., a distance of 825 feet, more or less, to a point; thence southerly along the west line of the Post Office, a distance of 325 feet, more or less, to a point; thence easterly along the south line of the Post Office, a distance of 80 feet, more or less, to a point; thence southerly along the west line of the Post Office and the west street line of Badolato Dr. partly by each, a distance of 610 feet, more or less, to point of beginning.

2. *Zone II.* Commencing at the intersection of the south street line of Chestnut St. with the east street line of Columbus Blvd.; thence westerly

across Columbus Blvd. and along the south street line of Chestnut St., a distance of 1,410 feet, more or less, to a point; thence northerly across Chestnut St. and along the east street line of Scalise Dr., a distance of 320 feet, to a point; thence westerly across One Park Plaza, a distance of 285 feet, more or less, to a point on the east street line of Main St.; thence northerly along the east street line of Main St., a distance of 90 feet, more or less, to a point; thence westerly across Main St., a distance of 150 feet, more or less, to a point on the west street line of Main St.; thence northerly along the west street line of Main St., a distance of 355 feet, more or less, to a point on the south street line of West Main St.; thence westerly along the south street line of West Main St., a distance of 40 feet, more or less, to a point; thence northerly across West Main St., along the east line of No. 55 West Main St. and the Municipal Parking Garage and across Columbus Blvd., a distance of 485 feet, more or less, to a point on the north street line of Columbus Blvd.; thence easterly and southerly along the north street line of Columbus Blvd., a distance of 2,475 feet, more or less, to point of beginning.

3. *Zone III.* Commencing at the intersection of the south street line of Court St. with the west street line of Main St.; thence westerly along the south street line of Court St., a distance of 145 feet, more or less, to a point; thence northerly across Court St. and along the west line of No. 200-212 Main St., a distance of 150 feet, more or less, to a point; thence westerly along the south line of No. 224 Main St., No. 66, 88, 94 and 102 West Main St., a distance of 350 feet, more or less, to a point; thence southerly along the east line of No. 120 West Main St., a distance of 30 feet, more or less, to a point; thence westerly along the south line of No. 120 West Main St., a distance of 210 feet, more or less, to a point on the east street line of South High St.; thence northerly along the east street line of South High St. and across West Main St., a distance of 290 feet, more or less, to a point on the north street line of West Main St.; thence westerly along the north street line of West Main St., a distance of 50 feet, more or less, to a point; thence northerly along the east street line of High St., a distance of 215 feet, more or less, to a point; thence easterly along the north line of the Christian Pentecostal Church, No. 115 and No. 97-103 West Main St. partly by each, a distance of 230 feet, more or less, to a point; thence southerly along the east line of No. 97-103 West Main St., a distance of 50 feet, more or less, to a point; thence easterly along the north line of No. 97-103 and No. 85 West Main St. and across Washington St. partly by each, a distance of 235 feet, more or less, to a point on the east street line of Washington St.; thence northerly along the east street line of Washington St. and across Columbus Blvd., a distance of 420 feet, more or less, to a point on the north street line of Columbus Blvd.; thence easterly along the north street line of Columbus Blvd., a distance of 145 feet, more or less, to a point; thence southerly across Columbus Blvd., along the east line of the Municipal Parking Garage and No. 55 West Main St. and across West Main St., a distance of 485 feet, more or less, to a point on the south

street line of West Main St.; thence easterly along the south street line of West Main St., a distance of 40 feet, more or less, to a point; thence southerly along the west street line of Main St., a distance of 355 feet, more or less, to point of beginning.

4. *Zone IV.* Commencing at the intersection of the north street line of Columbus Blvd. with the west street line of Elm St., thence westerly along the north street line of Columbus Blvd., a distance of 1,250 feet, more or less, to a point; thence northerly across land of Boston and Maine R.R. and the west line of No. 318-326 Main St., a distance of 120 feet, more or less, to a point; thence easterly along the north line of No. 318-326 Main St., a distance of 75 feet, more or less, to a point on the west street line of Main St.; thence northerly along the west street line of Main St., a distance of 550 feet, more or less, to a point on the north street line of Myrtle St.; thence westerly along the north street line of Myrtle St., a distance of 170 feet, more or less, to a point; thence northerly, a distance of 310 feet, to a point on the north street line of Lafayette St.; thence westerly along the north street line of Lafayette St., a distance of 25 feet, more or less, to a point; thence northerly, a distance of 160 feet, more or less, to a point; thence easterly, a distance of 300 feet, more or less, to a point on the east street line of Main St.; thence northerly along the east street line of Main St., a distance of 250 feet, more or less, to a point; thence easterly along the north line of Newbrite Plaza, a distance of 440 feet, more or less, to a point on the west street line of Clark St.; thence southerly and easterly along the west street line of Clark St. and the south street line of Winter St., a distance of 990 feet, more or less, to a point; thence southerly across land of Newbrite Plaza, a distance of 285 feet, more or less, to a point on the west street line of Martin L. King Dr.; thence southerly along the west street line of Martin L. King Dr., across East Main St. and the west street line of Harry S. Truman Overpass, partly by each, a distance of 1,070 feet, more or less, to a point; thence easterly along the north line of No. 327 Main St., a distance of 210 feet, more or less, to a point on the west street line of Elm St.; thence southerly along the west street line of Elm St., a distance of 230 feet, more or less, to point of beginning.

(c) These zones may be changed by majority vote of property owners attending the annual meeting of the district.

Sec. 20.5-25. Procedure for referendum establishing district.

(1) *Referendum; voting procedure.*

(a) Within sixty (60) days of the passage of this article by the common council, a ballot shall be prepared and mailed to all holders of record of taxable interest in real property within the district boundary as established by section 20.5-24 of this article.

(b) The ballot shall be mailed to the address used by the Tax Collector of the City of New Britain for tax collection purposes. The ballots are to be returned by mail or

in person to the town clerk within fifteen (15) business days of the initial mailing.

(c) Each property owner shall be entitled to cast one (1) ballot which will be so counted in determining whether the necessary majority of property owners have voted in favor of the referendum.

(d) The ballot shall be signed by the property owner(s) having fifty (50) percent interest in said property, or a representative of the owner(s) duly authorized to cast such ballot.

(2) *Referendum; oversight and tabulation of results.*

(a) The referendum ballot shall be overseen by three (3) supervisors appointed by the mayor. The supervisors shall count ballots, and determine results of the referendum, and shall rule on any contested ballots.

(b) For the purposes of determining whether the majority of property owners has voted in favor of the resolution, each ballot will be counted two (2) ways. An abstention will be considered to oppose the district.

i. Each ballot will be counted as a single vote for or against the district.

ii. Each ballot will be weighted by the assessed value of the property for which the ballot is cast.

(c) A majority of the property owners by number and by assessed value must vote in favor of the district for the district to be approved.

(d) If the district is not approved, this article shall be null and void.

(3) *Referendum; appeal.*

a. Ballots cast for a property owner shall be available for inspection by holders of record of a taxable interest in the property at the office of the town clerk for five (5) business days after the close of the referendum period.

b. Holders of record of a taxable interest in the property may contest in writing the ballot cast to the supervisors of the referendum. All appeals must be submitted within five (5) business days of the close of the referendum period.

c. The supervisors shall evaluate the validity of the ballot as representing the position of a majority interest in said property. The supervisors will review evidence submitted by the voter and the appellant in making their determination which shall be final. They may change the ballot if sufficient evidence of improper vote is presented by the appellant.

Sec. 20.5-26. District organization and operations.

(1) *Commencement of district operations.*

(a) Within twenty (20) business days of the referendum results creating a district, the mayor shall call a general meeting to nominate and elect the board of commissioners.

(b) The board of commissioners shall meet within twenty (20) business days of the

general meeting to prepare the bylaws governing their operations and those of subsequent general meetings.

(c) The board of commissioners shall prepare the first year's budget for the district, and submit it for consideration to the general meeting of the property owners by March of 1984, and submit the recommended tax levy for common council approval by April 1984.

(2) *Board of commissioners.*

(a) The board of commissioners shall have eleven (11) members, four (4) ex-officio members, and five (5) alternates. One (1) commissioner shall be elected from each zone as described in section 20.5-24(3) of this article. The other seven (7) positions on the board will be elected at large from the entire district. Five (5) alternates shall also be elected, to substitute for absent commissioners on a rotating basis. The four (4) ex-officio members will be the Mayor, the Council Majority Leader, the President of the Chamber of Commerce and the President of the Municipal Action Council, Inc.

(b) The board of commissioners shall be the executive body governing the day-to-day operations of the district. The board shall make administrative decisions and interpret policy for the district.

(c) At the first meeting of the board of commissioners, bylaws shall be drafted for the operating procedures of the board. The operating bylaws may expand upon the procedures necessary to perform district functions.

(d) The term of the eleven (11) commissioners and the five (5) alternates shall be two (2) years.

(e) With the exception of the first election of the board of commissioners, a nominating committee shall be appointed by the board to prepare nominations for the biennial election. Nominations may also be made at the time of the general meeting.

(f) Commissioners shall be elected by a plurality vote of a quorum of property owners present at the general meeting.

(g) The board of commissioners shall elect officers. The positions shall be determined at the first meeting of the board after the district is created and incorporated into the operating bylaws.

(h) The board of commissioners shall hire such staff assistance as is considered necessary to perform their duties and as is approved in the budget submitted to the general meeting.

(i) The board of commissioners and its staff shall be authorized to conduct the business of the district in a responsible manner.

(3) *General meetings of property owners.*

(a) There shall be an annual meeting of district property owners to approve the yearly budget and to conduct other such business as is determined necessary.

(b) Special meetings may be called by the board of commissioners to conduct business that can not be postponed until the annual meeting.

Sec. 20.5-27. District revenue and budget.

(1) *District budget.*

(a) The district shall adopt an annual budget at a general meeting of property owners and lessees of property and shall file the budget with the Treasurer of the City of New Britain on or before May 1 each year. The annual budget may be amended as provided in the bylaws of the district. Amended budgets must be filed with the treasurer within fifteen (15) days of adoption.

(b) The board of commissioners shall recommend to the Common Council of the City of New Britain, on or before May 1 of each year, a levy upon taxable interests in real property within such district. In accordance with Section 7-339r(d) of the Connecticut General Statutes, it shall be the obligation of the common council to impose the recommended levy as a municipal levy and such levy shall be in addition to the regular municipal levy and it shall be the obligation of the city to collect such levy for the benefit of the district.

(c) Any revenue of the district generated by other than the levy upon taxable interests in real property in the district shall be paid into the general fund of the city where an account shall be maintained for the benefit of the district.

(2) *Tax levy imposition.*

(a) Notwithstanding subsection (1)(a) of this section, the levy upon taxable interests in real property in the district shall be set at ten and one-tenth (10.1) percent of the regular municipal levy for the municipal fiscal year beginning July 1, 1984.

(b) Increases in the levy recommended by the board of commissioners may not exceed twenty (20) percent, and the levy may not exceed fifteen (15) percent of the regular municipal levy in any fiscal year.

(3) *Collection of levy.*

(a) The levy upon taxable interests in real property in the district shall be due and payable in two (2) parts, on July 1 and January 1, following the adoption of the levy for the fiscal year. On or before July 1 and January 1 each year, the Tax Collector of the City of New Britain shall bill holders of taxable interest in real property in the district.

(b) Delinquent interest charges shall be assessed on late district tax payments and shall be computed in the same manner as used for establishing delinquent charges on regular property tax bills of the city.

(c) The Tax Collector of the City of New Britain shall collect the district tax and shall deposit monies received in a special account within the general fund of the city to be maintained by the treasurer of the city for the benefit of the district.

(4) *Disbursement of funds.*

(a) The treasurer of the city may disburse funds from the account of the district only upon written request of a duly authorized representative of the district and only in accordance with the then current approved annual budget of the board of commissioners of the district. The district shall set forth in its bylaws procedures for approving disbursement of funds and for requesting such disbursement from the treasurer of the city.

(b) All orders on contracts for expenditures approved by the board of commissioners on behalf of the district which meet the criteria established in Section 7-339q of the Connecticut General Statutes shall be awarded to the lowest responsible bidder only after public invitation to bid, which shall be advertised in a newspaper having circulation in such special services district.

Sec. 20.5-28. Municipal obligations.

(1) *Maintenance of effort and services.* Notwithstanding the powers of the district defined in subsection 20.5-23(2) of this article, the city shall continue to be obligated to provide existing municipal services within the district. Further, in keeping with the intent of this article, which is to improve the district through a cooperative effort of the city and the property owners of the district, the city agrees to maintain the existing level of municipal services provided within the district.

(2) *Municipal regulations.* The district shall be subject to such articles of the city as apply to private organizations conducting business with the municipality (e.g., zoning, inland wetland regulation, etc.). The city may waive local fees which may apply to activities conducted by the district.

(3) *Taxation.* All personal property owned by the district shall not be subject to the municipal property tax.

(Res. No. 30124-2, 6-25-08)

Sec. 20.5-29. Dissolution of district.

The district may be dissolved as provided in Section 7-339s of Chapter 105a of the Connecticut Statutes.

Chapter 21 STREETS, SIDEWALKS AND PUBLIC PLACES*

***Cross references:** Board of public works, § 2-166 et seq.; throwing or distributing handbills in public places restricted, § 3-2; throwing or depositing litter in public places prohibited, § 11-31; motor vehicles and traffic, Ch. 15; parks and recreation, Ch. 17; planning, Ch. 19; police, Ch. 20; vehicles for hire, Ch. 24.

State law references: Power of city to control the excavation of the highways and streets, G.S. § 7-148(c)(6)(C)(iii); to lay out, construct, etc., streets, sidewalks, etc., G.S. § 7-148(c)(6)(C)(i); to provide for lighting the streets, etc., G.S. § 7-148(c)(4)(F); to provide for the planting, etc., of shade and ornamental trees on the streets and public grounds, G.S. §

7-148(c)(6)(A)(v); to keep open, etc., the streets, sidewalks, etc., G.S. § 7-148(c)(6)(C)(ii); to require owners or occupants of land adjacent to any sidewalk to remove snow, etc., G.S. § 7-148(c)(6)(C)(v); to regulate and prohibit the excavation, etc., of sidewalks, etc., G.S. § 7-148(c)(6)(C)(iv); to prohibit and regulate the discharge of drains from roofs of buildings over or upon the sidewalks, streets, etc., G.S. § 7-148(c)(6)(B)(iv); to keep the streets, sidewalks and public places free from undue noises and nuisances, etc., G.S. § 7-148(c)(7)(F)(i); highways and bridges, G.S. § 13a-1 et seq.

Art. I. In General, §§ 21-1--21-45
Art. II. Cellarways and Doorways, §§ 21-46--21-60
Art. III. Curbs and Sidewalks, §§ 21-61--21-85
Art. IV. Excavations, §§ 21-86--21-105
Art. V. Numbering of Buildings, §§ 21-106--21-120
Art. VI. Street Improvements, §§ 21-121--21-140
Art. VII. Street Lighting, §§ 21-141--21-160
Art. VIII. Street and Driveway Construction, §§ 21-161--21-189
Art. IX. Disposition of Lost, Stolen or Abandoned Shopping or Laundry Cards, §§ 21-190--21-209
Art. X. Newsracks, §§ 21-210--21-234
Art. XI. Removal of Graffiti from Public Places and Property, §§ 21-235, 21-236

ARTICLE I. IN GENERAL

Sec. 21-1. Basic lines to designate grades of streets.

The basic lines to designate the grades of streets shall be the sidewalk grades on each side of the street. City profiles and descriptions shall hereafter show sidewalk grades and where such sidewalk grades only are designated, the curb grades shall be taken to be three and one-half (3 1/2) inches below such sidewalk grade in the absence of a designation to the contrary. In the absence of any special designation, the grade of the street between curbs shall be such as to conform to good practice of road building, having regard to the material used and location conditions.

(Code 1970, § 20-2)

Sec. 21-2. Construction and repairs to be done under supervision of department of public works and city engineer.

All sidewalks, curbs within the limits of street lines, and streets shall be constructed and repaired under the supervision of and to the satisfaction of the department of public works and the city engineer.

(Code 1970, § 20-3; No. 26824-1, 2-27-02)

Sec. 21-2.1. Inspection of curbs, sidewalks and driveway walks.

All curbs, sidewalks and driveway walks within the limits of the street lines shall be inspected and approved by the department of public works and the city engineer before use.

(Code 1970, § 20-4; No. 26824-1, 2-27-02)

Sec. 21-3. City engineer to specify grade and line.

The city engineer shall, upon receiving an application, specify the grade and line of all new streets, curbs, sidewalks and driveway walks within the limits of the street lines.

(Code 1970, § 20-5)

Sec. 21-4. Reserved.

Editor's note: Section 21 of an ordinance of May, 1986, repealed § 21-4, pertaining to liability insurance as a substitute for bond, as derived from § 20-6 of the 1970 Code.

Sec. 21-5. Unsafe streets to be made safe.

Whenever any street becomes unsafe for public travel due to the presence of vegetation or refuse on property adjacent to such street, notice by registered mail of such condition shall be given to such property owner by the department of public works, or by the police department if such condition impairs free and unobstructed vision at highway intersections. The property owner or person in control of the property shall remove or abate such conditions within fifteen (15) days after receipt of the notice.

(Code 1970, § 20-7; No. 26824-1, 2-27-02)

Sec. 21-6. Carting machinery in streets.

No person shall cart any timber, machinery or other heavy objects through any public street, unless the same is raised and supported on wheels so as to avoid contact of such objects with the streets.

(Code 1970, § 20-8)

Sec. 21-7. Removing and trimming trees.

No person shall cut down or remove any tree or trim any of the trees located in the public streets without the permission of the board of park and recreation commissioners.

(Code 1970, § 20-12)

Sec. 21-8. Removal of snow or ice from sidewalks.

(a) *Generally.* The owner, tenant or custodian responsible for the maintenance of property located adjacent to sidewalks on public streets shall, within six (6) hours of daylight following the accumulation of ice or snow upon the sidewalks, have such accumulation removed. If such accumulation cannot be completely removed, sand or other gritty material shall be sprinkled on the sidewalk.

(b) *[Throwing or placing ice or snow in streets.]* No person shall throw or place or cause to be thrown or placed, any ice or snow into a city street from private land or property without the authority or permission of the department of public works; and every person

who shall throw or place, or caused to be thrown or placed, any ice or snow into any city street from the sidewalks or gutters of such streets shall cause the same to be broken into small pieces and spread evenly on the surface of such street.

(c) *Penalty for violation.* Any person failing to remove snow or ice as required under subsections (a) and (b) of this section shall be fined fifty dollars ($50.00) for each day he/she shall fail to remove any accumulation of snow or ice from the public sidewalk adjacent to the property he/she owns, occupies or over which he/she has control or custody. In addition such person shall be responsible for the cost of removal by the city as provided for in section 21-17 of this chapter.

(Code 1970, § 20-13; Ord. of 2-88, § 1; No. 26824-1, 2-27-02)

Sec. 21-8.1. Liability for snow and ice on public sidewalks.

(a) Pursuant to the provisions of section 7-163a of the Connecticut General Statutes, notwithstanding the provisions of section 13a-149 or any other general statute or special act, the City of New Britain shall not be liable to any person injured in person or property caused by the presence of ice or snow on a public sidewalk unless the City of New Britain is the owner and exercises control of land abutting such sidewalk; other than land used as a highway or street, provided the city shall be liable for its affirmative acts with respect to such sidewalks.

(b) 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 ice and snow on such sidewalk toward the portion of the sidewalk abutting his property as the municipality had prior to the effective date of this ordinance and shall be liable to persons injured in person or property where a breach of said duty is the proximate cause of said injury.

(c) No action to recover damages for injury to the person or to property caused by the presence of ice and snow 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.

(Ord. of 1-96)

Editor's note: An ordinance adopted in January, 1996, amended the Code by the addition of § 21-8a, which provisions have been redesignated at the discretion of the editor and included herein as § 21-8.1.

Sec. 21-9. Deposit of earth, gravel, and sand prohibited.

No person shall permit any earth, gravel, sand or other mineral matter to escape from any pile, bank or mound and fall upon any street or right-of-way by action of the weather, or through the negligent operation of a loaded vehicle containing such substances.

(Code 1970, § 20-14)

Sec. 21-10. Littering streets prohibited.

No person shall throw or deposit any refuse or garbage on any street. Violation of this

section shall be punishable as provided in section 1-15 of this Code.

(Code 1970, § 20-17; Ord. of 2-77)

Sec. 21-11. Rain water leaders not to discharge on streets.

No person shall construct or maintain any rain water leader, spout or drain from any building so as to discharge upon any street or sidewalk.

(Code 1970, § 20-18)

Sec. 21-12. Numbering of telegraph and other poles.

All telegraph, telephone or electric poles located in a street shall be numbered and marked with the name of the owner.

(Code 1970, § 20.19)

Sec. 21-13. Street decorations.

The installation of the Shenandoah Unit System, or of a similar system of street decoration near the curb of the street, is permitted; provided, such decoration does not make the street or sidewalk unsafe.

(Code 1970, § 20-20)

Sec. 21-14. Conducting business in streets prohibited.

No person shall stand in any street or public square with a wagon, wheelbarrow or other vehicle, or shall erect any booth or other structure for the sale of any article or for the exercise of any business or calling unless licensed by the council.

(Code 1970, § 20-21)

Cross references: Licenses, permits and miscellaneous business regulations, Ch. 14.

Sec. 21-15. Obstruction of streets prohibited.

(a) Without a permit from the department of public works, no person shall obstruct any street or any other public place by:

(1) Depositing refuse or placing fences or any impediment whatsoever on such streets;

(2) Constructing any bridge over such street;

(3) Filling any canal, drain, or gutter;

(4) Obstructing or altering the course of any run of water;

(5) Using any hydrant; or

(6) Filling any catch basin.

(b) No permit shall be issued to any person to obstruct any street, as provided in paragraph (a) of this section, until such person has filed a bond satisfactory in form with the department of public works, securing the city against any claim for damages from accidents resulting from such obstructions.

(Code 1970, § 20-23(a), (c); No. 26824-1, 2-27-02)

Sec. 21-16. Storing building materials on streets.

(a) No person shall place or maintain any building material on any street without a building permit from the department of public works.

(b) Any person permitted to store such material in any street shall:

(1) Provide a safe and convenient passage for public travel around or over the material and keep the passage free from all refuse and debris;

(2) Permit the free flow of water in the street gutters;

(3) Place and maintain, from sunset of each day to sunrise of the next day, a sufficient number of battery-powered lighting devices around the stored material to provide for public safety. The use of lighting by gasoline, kerosene, or other flammable type lamps is prohibited; and

(4) Assume all responsibility for any damage caused by failure to comply with subparagraphs (b)(1), (2) or (3) of this section and hold the city harmless from such responsibility.

(c) Each permit for the storage of such material in any street while erecting or repairing any building shall expire one month after the date it is issued. The department of public works may approve the extension of a permit for successive periods of one month each upon certification in writing by the chief of police that such storage does not constitute an unreasonable interference with traffic.

(Code 1970, § 20-24; No. 26824-1, 2-27-02)

Cross references: Buildings and building regulations, Ch. 7.

Sec. 21-17. Effect of refusal to pay costs of work performed by city.

Whenever the owner of land or buildings fronting on streets, sidewalks, curbs or gutters refuses to pay for the cost or expense of any work done by the city pursuant to any provisions of this chapter, the fact of nonpayment shall be recorded and shall constitute a lien against the property, and the matter of nonpayment shall be referred to the corporation counsel for appropriate action to ensure the collection of debt owed to the city.

(Code 1970, § 20-25)

Sec. 21-18. Permission required for removing and trimming trees.

No person shall cut down or remove any tree or trim any of the trees located on or along the public streets of the city, without the permission of the board of park and recreation

commissioners.

(Code 1970, § 2-236)

Sec. 21-19. Throwing objects and playing games in streets prohibited.

(a) No person shall throw, kick or project in any manner whatever any stone, ball or other object likely to injure any person on any street or public square.

(b) No person shall play or practice athletic games on any street or public square.

(Code 1970, § 15-3)

Sec. 21-20. Creating disturbing noise on street prohibited--Generally.

(a) No person shall make any disturbing noise, including but not limited to, outcrys, blowing of horns, ringing of bells, or singing, in any street or public square.

(b) The operation of any business establishment between 11:00 p.m. and 7:00 a.m. in such a manner as to create loud and disturbing noises of such a frequency or such volume as to annoy or disturb the quiet and comfort of any neighborhood or of persons therein, and particularly the creating of disturbing noises of such frequency or volume as to annoy or disturb the quiet, comfort, peace, or repose of the persons in any dwelling, hotel, boarding house or other type of residence is prohibited.

(Code 1970, § 20-22; Ord. of 12-81)

Sec. 21-21. Same--By use of sound trucks, loudspeakers, etc.

(a) *Sound trucks prohibited.* No person shall operate for any purpose on any public street or highway of the city any device known as a sound truck, loud speaker or sound amplifier, or any instrument of any kind which emits loud or raucous noises and is attached to any vehicle moving or stationary.

(b) *Sound devices prohibited in public places.* No person shall operate sound-producing devices in public streets or places, including but not limited to radios, musical instruments, phonographs, loud speakers, sound amplifiers or recorders in such a manner that the sound from these devices can be heard to the annoyance or inconvenience of persons in such public streets or places, or of persons in neighboring premises.

(c) *Exceptions.* The provisions of this section shall not apply to the use of such devices:

(1) Within an industrial zone as established by the zoning ordinances;

(2) By departments or agencies of the municipal, state and national governments.

(Code 1970, § 15-4)

Cross references: Noise in generally, 16-101 et seq.

Sec. 21-22. Council authority required for alteration of established grades.

The department of public works shall not alter the grade of any street, highway or sidewalk already established, except by order of the council.

(Code 1970, § 2-261; No. 26824-1, 2-27-02)

Sec. 21-23. Subways--Power lines to be located in conduits.

All persons owning or operating electric wires over or along the streets and highways in the city where main conduits are built and constructed, are hereby required to place such electric wires underground in such conduits and to remove the poles carrying only such wires within two (2) months after written notice thereof has been given to such persons by the clerk, except for such wires as are used in operating signals on any railroad, or wires used in connection with the operation of any railroad by means of electricity upon a third rail system.

(Code 1970, § 2-268)

Sec. 21-24. Same--Installation of cable TV systems.

(a) *Generally.* In all streets in the city there shall be permitted the laying of a system of wires, cables, conduits and electrical devices and equipment necessarily appurtenant thereto for the purpose of carrying audio and video signals which system is commonly known and referred to as "cable TV." In cases where this system is placed in an existing conduit or subway system owned by the city a fee for the use of such conduit or subway system will be charged to the owner of the system, the charge to be determined by the same formula which is used to fix charges for other utilities using the conduit or subway system. However, nothing herein or in any other city ordinance shall require such system to be placed into existing conduit or subways and, if the owner of the system so chooses the system may be installed on a "direct bury" basis.

(b) *Layout and location.* Any owner of a cable TV system desirous of making a "direct bury" of cable TV equipment in the city shall provide to the department of public works a detailed plan or map showing the location of all proposed installations. The department of public works shall review the proposed installation and forward it to the common council with comments within thirty (30) days of receipt. Upon receipt of the report of the department of public works, the common council, may grant whatever licenses, easements or permissions as are necessary to allow the construction of such a system. Upon completion of the system, the owner shall provide to the city engineer an "as built" plan showing the final location of all installations, and shall update and revise such plan accordingly whenever modifications or changes in the system result in the movement of such installation. "As built" drawings shall be submitted on reproducible mylar prints of city block map. For the purpose of this article an owner may use city block maps to illustrate the proposed and final location of all installations. Nothing herein shall be construed so as to exempt the owner of such a system from the payment of usual permit fees for building trenching and such as required by city ordinance.

(Code 1970, § 2-268(a), (b); Ord. of 8-81; Ord. of 5-86, § 1; No. 26824-1, 2-27-02)

Sec. 21-25. Same--Approval required for operation by public utility.

Subject to the approval of the department of public works, any public utility may, singly or jointly, own, construct, operate, and manage subways consisting of conduits and manholes for the maintenance of through or trunk circuits beneath the streets.

(Code 1970, § 2-269; No. 26824-1, 2-27-02)

Sec. 21-26. Same--Approval of construction plans.

The company proposing to construct a subway consisting of conduits and manholes shall submit to the city engineer detailed plans and specifications showing the location of the subway, the materials to be used, and the method of construction. Upon the approval of the city engineer construction may begin. Such construction shall be done under the supervision and to the satisfaction of the city engineer and shall conform as closely a practicable to the plans and specifications. Upon the completion of such construction such company shall file a final, detailed plan showing the construction as actually built.

(Code 1970, § 2-270)

Sec. 21-27. Same--Condemnation of facilities owned by public utilities.

If the city constructs a subway with conduits in any street in which an existing subway is already located, so much of the latter subway as is located within the limits of such street shall be condemned by the city, and thereafter managed and operated by the city. The city shall pay to the subway owner its fair market value. Thereafter, such company shall have the right to continue to use such subway, but subject to the regulations concerning city-owned subway systems.

(Code 1970, § 2-271)

Sec. 21-28. Management and construction.

The department of public works is authorized and empowered to attend to the construction, supervision, care and management of the city's subway conduits and connecting laterals, and shall exercise any additional powers conferred upon it by the council.

(Code 1970, § 2-272; No. 26824-1, 2-27-02)

Sec. 21-29. Same--Rentals of city-owned conduits.

Any utility company wishing to use the city owned subway conduits shall pay a rental fee to the city in an amount to be determined by resolution of the council.

(Code 1970, § 2-273)

Sec. 21-30. Collection of rentals.

The department of public works shall be responsible for renting and collecting the rent from the subway conduit users. The department of public works shall turn over the rental receipts to the city treasurer to be credited to the subway fund.

(Code 1970, § 2-274; No. 26824-1, 2-27-02)

Sec. 21-31. Same--Rules and regulations.

The rules and regulations relating to the use and occupancy of the subway system, adopted by the council, February 21, 1901, and by the subway commission February 23, 1901, and as amended by certain changes therein May 29, 1901, and adopted by the council, are hereby adopted, ratified, and confirmed.

(Code 1970, § 2-276)

Sec. 21-32. Accidents from defects, snow or ice on sidewalks; reports; investigations; settlement of claims.

(a) *Report of accident.* Any department having knowledge of any personal injury or property damage caused by a defect in or snow or ice on any sidewalk or highway in the city shall immediately report such knowledge to the corporation counsel's office stating the name, address and age of the person injured, how and where the accident occurred and the extent of injury or damages, if any.

(b) *Investigations.* Upon receipt of notice pursuant to paragraph (a) of this section, the corporation counsel or his authorized agent shall be authorized to conduct an investigation of the accident without further notice being given. The corporation counsel shall request a medical examination in any case he deems necessary and any party making a claim against the city for personal injuries or property damage on the basis of any cause described in this section shall provide the corporation counsel with copies of all his medical reports, bills, statements of lost working time and property damage at least one month prior to a hearing before the committee on claims.

(Code 1970, § 2-25; No. 26824-1, 2-27-02)

Sec. 21-33. Police guards required for obstructions, etc.

(a) When any excavation, construction or repair of or on any highway, road, street or sidewalk in such city, or destruction of any building, creates or may create a hazard to vehicular or pedestrian traffic or in any way causes or may cause a hazard to the public safety, the person so engaged in any excavation, construction, repair or destruction must provide adequate protection, as the chief of police in his discretion may require. If the chief of police determines that the site may be adequately protected by placement of barricades, the person engaged in any such work shall provide such barricades and barricade warning lights as the chief of police shall require. All barricades and barricade warning lights shall comply with the standards of the most recent edition of the "Manual on Uniform Traffic Safety Control Devices for Streets and Highways."

(b) If the chief of police, or his designee, in his discretion, determines that the public safety requires the use of a flagman, the person engaged in such work shall utilize regular members of the police department of the city and the expense of such police protection shall be paid by the person engaged in such excavation, construction, repair or destruction.

(c) If no regular member of the police department of the city is available to guard such excavation, construction, repair or destruction, the person so engaged shall provide a flagman equipped with a reflective vest whose sole function shall be to control vehicular and pedestrian traffic during all hours when work is being done or when a hazard to such traffic or to public safety exists.

(d) When such flagman has not been provided and a hazard to pedestrian and vehicular traffic does exist, a police officer or designee of the department of public works shall order the excavation closed and made safe until adequate police protection or a flagman has been provided.

(Code 1970, § 20-38.1; Ord. of 3-73; Ord. of 1-90, § 1; No. 26824-1, 2-27-02)

Cross references: Police generally, Ch. 20.

Sec. 21-34. Preservation of monuments.

Any monument set for the purpose of locating or preserving the lines of any street, survey reference point, or a permanent survey bench mark shall not be removed or disturbed without first obtaining permission in writing from the city engineer. Permission to remove or disturb such monuments, reference points or bench marks shall only be granted upon condition that the person applying for such permission shall pay all expenses incident to the proper replacement of this monument by the city engineer.

(Ord. of 5-86, § 18)

Secs. 21-35--21-45. Reserved.

ARTICLE II. CELLARWAYS AND DOORWAYS

Sec. 21-46. Cellar doors and doorways.

(a) *Construction.* No person shall construct a cellar doorway in [a] sidewalk, or projecting into [a] sidewalk beyond the street line, without the permission of the department of public works.

(b) *Removal.* No person shall continue to maintain an existing cellar door or doorway in a sidewalk beyond the street line after the passage of an order by the council providing for the removal of such door or doorway.

(Code 1970, § 20-51; No. 26824-1, 2-27-02)

Sec. 21-47. Basement entrances.

Every uncovered entrance or flight of steps descending from or near the line of any street into a cellar or basement story of building shall be guarded in the following manner:

(1) *Railing or chains.* The entrance or flight steps shall be enclosed with a permanent railing on each side at least three (3) feet high from the top of the sidewalk or pavement and a gate which opens inwardly, or by two (2) iron

chains placed across the front of the entrance way, one near the top of the railing, the railing or chains to be constructed in a manner satisfactory to the department of public works; and

(2) *Closing at night; exception.* The gate or chains shall be closed during the night, unless a light has been lit over the steps.

(Code 1970, § 20-52; No. 26824-1, 2-27-02)

Sec. 21-48. Iron covers and doors.

(a) The upper surfaces of coal hole covers and iron plates on cellar or trap doors on sidewalks shall be made and maintained with an anti-skid material so as to prevent slipping and danger to pedestrians.

(b) No trap door or iron cover on any coal hole shall extend above the surface of the sidewalk.

(c) No person shall have open any trap door or coal hole in any sidewalk unless it is properly guarded against injury to pedestrians.

(Code 1970, § 20-53)

Secs. 21-49--21-60. Reserved.

ARTICLE III. CURBS AND SIDEWALKS

Sec. 21-61. Conformance to standards.

All sidewalks and curbs in the city shall conform to the standards promulgated by the city engineer which standards are on file in the bureau of engineering.

(Code 1970, § 20-40; Ord. of 1-90, § 2; No. 26824-1, 2-27-02)

Sec. 21-62. Curbs required when crosswalks are laid.

Whenever the council shall order a crosswalk on any street, the department of public works shall not carry out the order until the property owners at such places have put in a curb and have laid stones to the curb. Such curb, if at a corner, shall extend ten (10) feet each way from the corner; if in front of the property other than at a crosswalk, the curb shall extend five (5) feet each way from the center of the crosswalk.

(Code 1970, § 20-41; No. 26824-1, 2-27-02)

Secs. 21-63--21-68. Reserved.

Editor's note: Section 1 of an ordinance adopted Jan. 3, 1990, repealed the provisions of §§ 21-63--21-68, which pertained to specifications and materials for flag, amiesite and concrete sidewalks and concrete curbs, and derived from Code 1970, §§ 20-42, 20-43, 20-45, 20-45.1; Ord. of 2-73; Ord. of 10-80; and Ord. of 5-86, §§ 1--5.

Sec. 21-69. Curbs or sidewalks other than of flag or concrete.

Any property owners, except owners of developments or subdivisions, desiring to lay sidewalks or curbs made of material other than flag or concrete, must obtain written permission from the department of public works prior to such construction.

(Code 1970, § 20-46; No. 26824-1, 2-27-02)

Sec. 21-70. Sidewalks--Repair and maintenance generally.

(a) The owner or custodian of any building or lot of land bordering upon any street where there is a sidewalk shall:

(1) Keep the sidewalk in a condition safe and convenient for the use of the public;

(2) Repair all defects in the sidewalk which in any way endanger or hamper the movement of public traffic; and

(3) Remove without delay any and all obstructions that may be placed or found on the sidewalk.

(b) If such owner or custodian neglects to repair any defects after due notice, the department of public works shall make such repair at the expense of the owner or custodian.

(c) In repairing flag walks, a new excavation shall be made and filled with cinders, broken stones or processed gravel to such a depth as prevent future heaving by frost or other irregularities on the surface of the walk.

(Code 1970, § 20-47; No. 26824-1, 2-27-02)

Sec. 21-71. Same--Maintenance of glass and iron sidewalks.

The owner of any property having a sidewalk adjacent thereto constructed of glass, iron, or any material which might become slippery through use shall maintain such walk in a slip-proof condition at all times.

(Code 1970, § 20-48)

Sec. 21-72. Neglect to lay sidewalks or curbs, lien.

If the owner of any land or building fronting on any highway or street in the city shall neglect or refuse to perform the thing or things required by any order of the common council or the department of public works for making, grading, paving, flagging, curbing, or repairing any sidewalks in the city adjacent to such land or building in the manner and within the time specified in such order, the same shall be done by and under the supervision, of the department of public works, and the expense thereof shall be borne by such property owner and the same shall be and remain (until paid in full with interest) as hereinafter provided, a lien upon such premises and property to be enforced and collected as other city liens; provided however, such department of public works may, upon approval by the common council,

recommend that bonds or notes shall issue to permit the property owner to pay the expenses of such making, grading, paving, flagging, curbing, or repairing over a period not to exceed five (5) years. It shall be the duty of the director of the department of public works or his/her designee to cause a certificate of such lien to be recorded within sixty (60) days after the completion of such work, unless the expense thereof shall have been previously paid. It shall be the duty of the sidewalk inspector to provide the claims committee or its chairman with a copy of any order for the repair of sidewalks.

(Code 1970, § 20-49; Ord. of 9-72; No. 26824-1, 2-27-02)

Sec. 21-73. License requirements for contractors engaged in sidewalk construction business.

No person shall engage in the business of constructing or repairing concrete walks or curbs without a license. In order to obtain such a license the following requirements must be met:

(1) *Evidence of experience.* The owner of such a business, or an employee designated by such owner, shall present evidence of at least five (5) years' experience in performing such work in accordance with municipal and state standards and specifications.

(2) *Written and oral test.* Such applicant shall pass a written and oral test to be given by or under the director of public works, who shall be authorized to fix the qualifications for engaging in such business.

(3) *Application and fee.* The application for a license shall be made by the owner of such business on a form furnished by the department of public works, together with a fee to be recommended by the department of public works, and approved by the common council which shall be in payment for the initial license if the applicant passes the written and oral test.

(4) *Expiration and renewal.* All such licenses shall expire annually on March 31. No license shall be renewed unless a renewal fee as set by the department of public works has been paid on or before April 1.

(5) *Surety bond.* No license shall be issued unless the licensee has filed a surety bond with the department of public works in an amount set by said department of public works issued by a surety company authorized to do business in the state, indemnifying the city against any loss or expense in repairing or correcting the work performed by the licensee if such work is defective or not in accordance with the provisions of this Code.

(6) *Designation of successor.* Should the person who passed the test described in subparagraph (2) of this section terminate his ownership of or employment by such business, the business shall designate a successor to take a new written and oral test. Failure to designate such a successor or the failure of the successor to satisfy the requirements set forth in subparagraphs (1) and (2) of this section shall bar the business from continuing to construct and repair concrete walks and curbs.

(7) The director of public works is authorized, after a hearing held upon five (5) days' written notice, to revoke or suspend any license for failure to comply with the applicable ordinances or its rules and regulations, or failure to remedy any defective work upon order of the city engineer.

(8) The director of public works shall adopt, and may from time to time amend rules and regulations consistent with this article, governing the issuance, revocation and suspension of licenses and the inspection, approval and rejection of all work performed by licensees; and said rules and regulations and the amendments thereto shall be published by the director of public works and made available to licensees and to the public.

(Code 1970, § 20-50; Ord. of 5-86, §§ 6--9; No. 26824-1, 2-27-02)

Cross references: Licenses, permits and miscellaneous business regulations, Ch.14.

Secs. 21-74--21-85. Reserved.

ARTICLE IV. EXCAVATIONS

Sec. 21-86. Permit required; fee.

Before any excavation shall be made in any street for any purpose, the person, firm or corporation engaged to do the work shall first obtain from the department of public works, upon payment of a fee recommended by the department of public works, and approved by the common council a written permit to make such excavation, signed by the director of the department of public works. A copy of such permit is to be kept at the site of the excavation during all times when work is being done and shall be subject to inspection by any police officer and/or any official of the department of public works. Failure to obtain a permit or to have such permit present for inspection shall subject the excavator to punishment as provided in section 1-15 of this Code. In addition, the person, firm or corporation engaged in excavation shall be liable for payment of the permit fee. The permit shall indicate if the chief of police requires a flagman be present at site.

(Code 1970, § 20-34(a); Ord. of 3-72; Ord. of 5-86, § 10; Ord. of 1-90, § 2; No. 26824-1, 2-27-02)

Cross references: Licenses, permits and miscellaneous business regulations, Ch. 14.

Sec. 21-87. City to be reimbursed for overtime costs.

In addition to any license or permit fees that may be required by the ordinances of the City of New Britain or by the rules and regulations of any department thereof, any person, firm or corporation or combination thereof, who shall perform any work on any Saturday, Sunday, legal holiday or any other day when city departments are not working or who shall perform any work on any day at such times as necessitate the employment of city personnel beyond eight (8) hours in any day or forty (40) hours in any week, shall pay to the City of New Britain or the proper department thereof any extra costs incurred by the city or any department of the city for inspection, supervision or employment of city personnel.

(Code 1970, § 20-34(b); Ord. of 5-86, § 11)

Sec. 21-88. Bond required.

No permit to excavate a street or streets shall be issued to any person until such person has filed a bond or obligation with the department of public works, satisfactory to the department in order to:

(1) Secure the city against any claim for damages resulting from accidents caused by the presence of excavation; and

(2) Ensure that the excavation is kept in proper repair, satisfactory to the department of public works, for two (2) years after the acceptance by the department of public works of the permanent pavement repair.

(Code 1970, § 20-35; Ord. of 5-86, § 12; No. 26824-1, 2-27-02)

Sec. 21-89. Removal of sod, turf, excavated material or manure; prohibited.

(a) No person shall cut, dig or remove any sod or turf from a street, except by direction of the department of public works or the city engineer.

(b) No person shall take or remove any excavated material from the roadway of any street, nor take or remove any earth or manure collected from any street without the authority of the department of public works.

(Code 1970, § 20-36; No. 26824-1, 2-27-02)

Sec. 21-90. Notification of police department and department of public works.

Before undertaking any excavation work in any public street, the person intending to do such work shall notify the police department at least twenty-four (24) hours prior to commencing the excavation. In the event of any emergency, no excavation work shall commence until after the police department and the department of public works have been notified. Any person violating this section shall be subject to penalties as provided in section 1-15 of this Code.

(Code 1970, § 20-37; Ord. of 1-90, § 3)

Sec. 21-91. Barricades; lighting.

(a) Any person by or for whom an excavation is made in any street, shall place sufficient barricades around the excavation so as to enclose the excavation and any earth, gravel or other material thrown therefrom into the street, and shall maintain the barricades during the time the excavation is open, and shall also place and maintain battery-powered lighting devices on the barricades around such excavation from sunset of each day until sunrise of the next day until the excavation is refilled and the road repaired in accordance with the provisions of this article. All barricades and barricade warning lights shall comply with the standards of the most recent edition of the "Manual on Uniform Traffic Control Devices for Streets and Highways." In no event shall any

flammable fuel including, but not limited to, gasoline or kerosene be used for barricade warning lights.

(b) All barricades shall have the contractor's name and telephone number clearly visible. Any order concerning the number or position of barricades and barricade warning lights issued by the department of public works or the chief of police shall be complied with by the person by or for whom the excavation is made.

(c) Whenever any order of the department of public works or the chief of police, or his designee, with respect to the number or position of barricades or barricade warning lights is not complied with, or if it is determined by the chief of police that the site of the excavation constitutes a danger to public safety, any designee of the department of public works or any police officer shall order the excavation closed and made safe until sufficient barricades and/or sufficient barricade warning lights are provided.

(d) In the event the person by or for whom an excavation is made does not comply with an order to close an excavation and/or such person does not eject and maintain barricades around a closed excavation, the department of public works may do or cause to be done any such work as is deemed necessary to make the excavation site safe and shall submit a bill to the person by or for whom the excavation is made and to the owner of the property for whom the excavation is made. If such bill is not paid within thirty (30) days of its submission, the department of public works shall cause a lien to be placed on the property for which the excavation is made. The owner of such property shall be liable for the costs incurred by the department of public works in closing the excavation and/or installing and maintaining adequate barricades and for any costs of collection including reasonable attorney fees and lien fees.

(Code 1970, § 20-38; Ord. of 1-90, § 4; No. 26824-1, 2-27-02)

Sec. 21-92. Backfilling.

(a) *Specifications.* Each person who shall by authority of a license and excavation permit, excavate or take up any portion of any highway in the City of New Britain between street lines or in easement in right-of-way:

(1) In the case of main line and laterals consisting of PVC (polyvinyl chloride) plastic sanitary or stormwater sewer pipe shall place a layer of three-quarters of an inch of trap rock six (6) inches under the pipe for support in order to bring the pipe up to the proper grade and also place trap rock twelve (12) inches on either side of the pipe and twelve (12) inches over the top of the pipe. A layer of six-mil polyethylene plastic or filter fabric over the stone to a minimum width of one foot wider than the trench.

(2) In the case of main line sewer and water shall place a layer of three-quarters of an inch trap rock under the pipe to bring the pipe up to proper grade and also place trap rock around the pipe to its spring line. Said trap rock shall be wall tamped to prevent the pipe from shifting.

(3) In the case of water and gas laterals and cable TV shall encase the same in a one-foot sand cushion.

(4) In the case of a situation where material is found which is unsatisfactory to support the base the excavation shall be carried to a point of firm material provided that such point does not exceed a depth of twelve (12) inches below the pipe. Processed gravel shall be set in the excavation which layer shall be at least six (6) inches in depth. Filter fabric shall be laid over said processed stone and encompass all of the required three-quarters-inch stone as specified in subsection (1) and (2) above and shall overlap on top a minimum of eighteen (18) inches. If firm material is not found at a depth of twelve (12) inches below the pipe, the director of public works shall be notified immediately and he shall then direct the procedure which will be required.

(b) *Compaction.*

(1) From the top of the three-quarters of an inch stone on sewer, water or gas mains and over the services to buildings, there shall be a layer of fine material free from stone over one inch, twelve (12) inches over the top of the pipe. This material is to be tamped with a vibratory compactor in layers not to exceed six (6) inches in depth. The remainder of the backfill from twelve (12) inches above the top of pipe to twenty-eight (28) inches shall be backfilled with approved gravel in layers not to exceed twelve (12) inches and shall be compacted with a vibratory compactor to a dry density of ninety-five (95) per cent of dry density achieved by A.A.S.H.O. T-180, Method D.

(2) Compaction of the backfill by jetting or puddling shall not be allowed unless so directed by the director of public works, in order to obtain the necessary compaction. Any trench improperly backfilled, or where settlement occurs within or beyond the trench lines, shall be reopened to the depth required for proper compaction, then refilled with processed gravel and compacted until the surface is restored to the required grade and compaction, at the permittee's expense.

(c) *Back fill material.* Approved bank run gravel or approved excavated material shall be used for backfilling up to twenty-eight (28) inches below the road surface. The next twenty-five (25) inches will be filled with processed stone. The contractor shall furnish all the bank run gravel, backfill, processed gravel backfill and all materials necessary for the temporary repairs and maintain such until permanent pavement, sidewalk and curb repairs are made.

(d) *Temporary road repairs.* All trenches excavated in roadways will be carefully backfilled, and then provided with a temporary surface of three (3) inches bituminous material firm enough to prevent scattering and raveling. As the fill settles, new bituminous must be added and compacted. Trenches in traveled roads must not be crowned up above the adjoining surface. The director of public works may order a temporary surface specified above the roadways in any location where he deems public convenience requires it.

(e) *Permanent repairs to pavement.*

(1) Permanent repairs to pavement shall be made in any trench within the traveled roadway and shall not be made until such time as daily temperatures are forty (40) degrees Fahrenheit or higher and only after such time as the temporary road repairs have been subjected to vehicle traffic or other means so as to

thoroughly consolidate the fill in the trenches. If temperature conditions permit, permanent pavement repairs will be made no earlier than sixty (60) days after completion of excavation and no later than ninety (90) days thereafter or as soon as possible thereafter, coincident with temperature considerations. Restoration of cuts is to be made during the months of April through November 15, so as to have a minimum of unrestored cuts during the winter months.

(2) When daily temperatures are below forty (40) degrees Fahrenheit, permanent repairs to pavement shall not be made.

(3) For permanent repairs to pavement the trench shall be restored by cutting out square and excavating a section at least twenty-four (24) inches wider than the original width, twelve (12) inches, plus on both sides of the trench, and shall also include pavement damaged in surrounding area because of construction activity, trench failure due to lack of trench support, cracking of pavement, etc., in the immediate areas of the excavation. Depth of excavation shall be four (4) inches below the adjoining pavement. All edges shall be tack coated with liquid asphalt prior to being filled with permanent paving material to the full depth of the existing undisturbed pavement of the trench. In the trench excavation shall be placed a two and one-half (2 1/2) inch course, when compacted of a bituminous concrete state highway specification Class I Binder Course. Then the finish course of one and one-half (1 1/2) inches, when compacted, of bituminous concreted state highway Specification Class 2, shall be brought flush with the adjoining pavement and finished to match it and shall be in accordance with the general practice for the construction of a four-inch bituminous concrete pavement. The binder and surface course shall be rolled to compaction with a minimum of ten (10) ton tandem roller or an equivalent vibratory roller. Trench edges shall be sealed with a joint sealing material conforming to the State of Connecticut Department of Transportation Form 813 Section MO4.02 Joint Seal Material.

(f) *City to take action to repair trench excavation when excavator fails to do so after being notified.* Upon the failure of the person to restore the street excavation within sixty (60) to ninety (90) days or as directed by the director of public works, the director shall notify the contractor's surety company to have the excavation repaired. If in the opinion of the director an emergency exists requiring the immediate repair of the trench, the same shall be restored and resurfaced by the department of public works or its hired contractor after notice to the contractor and its surety. The expense of restoring such pavement and of any repairs thereto made necessary during the maintenance period after such restoration due to the settling of the fill of such excavation shall be paid to the department of public works by the contractor by whom such pavement was taken up or such excavation made. Such expense shall constitute a debt recoverable by the city from the contractor and his surety. No person while indebted to the city for such expense shall make any excavations or take up any pavement under any license or permit then outstanding or to be issued nor shall any license or permits be issued to said person until said indebtedness is paid in full to the city.

(g) *Specifications available for inspection.* General specifications of the city for all the above are available at the department of public works.

(Code 1970, § 20-44(a)--(d), (f)--(h); Ord. of 5-86, 13; No. 26824-1, 2-27-02)

Sec. 21-93. Bracing.

A person excavating a street under this article shall furnish, put in place and maintain such sheeting, bracing, etc., as may be required to support the sides and roof of the excavation and prevent any movement which in any way shall injure the structure, delay the work and endanger adjacent pavement, buildings, or other structures. If the director of public works is of the opinion that at any point sufficient or proper supports have not been provided, he may order additional supports put in at the expense of the person, and in compliance with such orders shall not release the person from his responsibility for the sufficiency of such supports.

(Code 1970, § 20-44(e))

Sec. 21-94. Private excavations.

In the interest of public safety, the council may order the owner of a lot of land which abuts upon a public street to erect and maintain on the line of the lot adjoining the street a fence to guard a private excavation. Such fence shall be constructed in a manner satisfactory to the department of public works. When the property owner neglects to erect such fence after being ordered to do so by the council, the department of public works shall erect the fence at the expense of the property owner and such expense shall be a lien upon such lands in favor of the city, until paid in full with interest. The lien shall be enforced and collected as other city liens.

(Code 1970, § 20-39; No. 26824-1, 2-27-02)

Sec. 21-95. Adoption of additional excavation regulations authorized.

The department of public works may, from time to time, adopt such reasonable general rules, regulations and specifications for such excavation or digging, and may reasonably rule, regulate or specify any said particulars with respect to any particular excavation or digging as aforesaid.

(Ord. of 5-86, § 14; No. 26824-1, 2-27-02)

Sec. 21-96. License requirements for contractors engaged in sewer, water, subway, CATV, electric and telephone underground construction business.

(a) No person or firm shall engage in the underground utility construction business without a license. In order to obtain such a city license the following requirements must be met:

(1) *Evidence of experience.* The owner of such a business, or an employee designated by such owner shall present evidence of at least five (5) years' experience in performing such work in accordance with municipal and state standards and specifications.

(2) *State license.* A valid drain layer's license to construct sewers must be obtained

from the State of Connecticut Department of Consumer Protection State Board of Occupational Licensing.

(3) *Application and fee.* The application for a city license shall be made by the owner of such business on a form furnished by the department of public works, together with a fee recommended by the department of public works and approved by the common council.

(4) *Expiration and renewal.* All such licenses shall expire annually on March 31. No license shall be renewed unless a renewal fee as set by the department of public works has been paid on or before April 1.

(5) *Surety bond.* No license shall be issued or renewed unless the licensee has filed a certificate of public utility insurance and a surety bond with the department of public works in an amount specified by the department and issued by a surety company authorized to do business in the state, indemnifying the city against any loss or expense in repairing or correcting the work performed by the licensee if it is defective or not in accordance with the provisions of this Code. The contractor must submit a letter from the surety company that it will provided for a thirty-day notice to the city in case of cancellation and/or restrictive amendment of the insurance or bond. Cancellation automatically suspends said license. The bond shall be in force for a period of two (2) years after the acceptance by the department of public works of the permanent pavement repair.

In lieu of the required surety bond, the contractor may deposit a cash amount set by the director for each excavation permit to insure the repair and maintenance of the excavation for two (2) years after the acceptance by the department of public works of the permanent pavement repair. Fifty (50) per cent of this cash deposit will be released to the contractor after approval of the permanent repair and the remaining fifty (50) per cent a the end of the maintenance period, provided the trench repair remains in good condition.

(b) The department of public works is authorized, after a hearing held upon five (5) days' written notice, to revoke or suspend any license for failure to comply with the applicable ordinances or its rules and regulations, or failure to remedy any defective work upon order of the director.

(Ord. of 5-86, § 15; No. 26824-1, 2-27-02)

Sec. 21-97. Excavation repair prior to issuance of certificate of occupancy.

Before a certificate of occupancy can be issued, the department of public works shall submit a report certifying that the utility excavations have been repaired in accordance with city standards.

(Ord. of 3-89; No. 26824-1, 2-27-02; No. 26986-1, 6-12-02)

Secs. 21-98--21-105. Reserved.

ARTICLE V. NUMBERING OF BUILDINGS

Sec. 21-106. Street numbers.

(a) *Purpose.* The purpose of this section shall be to promote public safety and convenience through the street numbering system, which is essential to the quick and efficient response of firefighting personnel, police officers and emergency medical services.

(b) *Requirements.*

(1) Each property owner shall number or renumber his or her premises in accordance with the number designations established by the city.

(2) It shall be the duty of owners of all buildings existing at the effective date of the passage of this section to affix numerals indicating the street identification number which has previously been assigned to the building by the city.

(3) The building department shall not issue a certificate of occupancy or approve final inspection to any new constructed building or any building being renovated or any building requiring a permit from the building department until the requirements of this section are satisfied.

(4) The fire department, office of the fire marshal, shall not approve any permit or license until the requirements of this section are satisfied.

(5) On buildings which contain more than three (3) dwelling units which have entrances from interior passages, numerals shall be affixed within five (5) feet of every door by which access is gained.

(c) *Penalty for violation.* If the property owner shall refuse or neglect to comply with these provisions for more than thirty (30) days after notice, the property owner shall be fined five dollars ($5.00) a day for each and every day of such refusal or neglect. It shall be the duty of the department of public works, fire department, building department and police department to report to the city's corporation counsel any case of such refusal or neglect at the end of the thirty-day period after the issuance of such notice.

(d) *Specifications for type and location of numbers.*

(1) The street identification number of buildings shall be located on the exterior front of the building which they identify or on a post, column, sign or mailbox located between the street and building. The numerals shall be four (4) inches in height and shall be of a color contrasting with the background to which they are affixed. They shall be not less than four (4) feet nor more than twelve (12) feet from ground level when affixed.

(2) The size and location of numerals shall be sufficient to assure their legibility when viewed from the center line of the street on which the building fronts.

(3) If the building is set back from the street more than one hundred (100) feet from the center line of the street on which it fronts, or if obstructions do not permit

legibility of the numerals, the aforesaid numerals shall be affixed to post, column, sign or mailbox or any other device which shall be located within ten (10) feet of the driveway or walkway to the building.

(Code 1970, § 20-31; Ord. of 10-84)

Editor's note: This section is effective May 1, 1985.

Sec. 21-107. Notice of altering numbers or renumbering to be given.

Before altering the number or numbers of any building or lot upon a street, or renumbering the same, the department of public works shall give notice by advertisement, at least five (5) days before the date fixed for the hearing, to all interested persons to appear and be heard concerning the advisability of the proposed changes. After the hearing has been held, the numbers established by the department of public works with the approval of the council shall be final until altered pursuant to the provisions of this chapter.

(Code 1970, § 20-32; No. 26824-1, 2-27-02)

Sec. 21-108. Property owners to place numbers.

Each property owner shall number or renumber his premises in accordance with the number designations established by the department of public works with the approval of the council. If such property owner shall neglect or refuse to do so within a reasonable time after notice from the department of public works, the department of public works shall be authorized to remove any old number and place upon the premises the new numbers. The expense of this action by the city may be collected as provided for in section 21-17 of this chapter.

(Code 1970, § 20-33; No. 26824-1, 2-27-02)

Secs. 21-109--21-120. Reserved.

ARTICLE VI. STREET IMPROVEMENTS*

***State law references:** Appropriations for road maintenance, G.S. § 7-125a.

Sec. 21-121. Permanent nature of fund.

The existing street improvement fund, created for the purpose of defraying the expenses of laying, or repairing sidewalks, curbs or gutters when an owner or occupant of land or building fronting on such sidewalks, curbs and gutters has neglected or refused to comply with the order of the council to lay or repair the same, together with all sums of money now due to the city for such work, and such further sums as the city shall hereafter appropriate for such purpose, shall be and remain a permanent fund, to be known as the street improvement fund.

(Code 1970, § 20-54)

Sec. 21-122. Contractors to be paid from fund.

When the city contracts with a third party for the laying or repairing of a sidewalk, curb or gutter after the owner or occupant of the land or buildings fronting on such areas has refused or neglected to comply with the order of council in relation thereto, the city shall pay for such work with the street improvement fund.

(Code 1970, § 20-55)

Sec. 21-123. Deposit of receipts.

All sums now due and all sums to become due to the city for the work of constructing or improving the streets, sidewalks, curbs or gutters where the abutting land owner or occupant has declined to obey the order of the council to make the improvements, shall, when collected, be deposited into the street improvement fund.

(Code 1970, § 20-56)

Sec. 21-124. Assessments and damages.

(a) *Assessments.* Assessments on abutting property owners or occupants for street or public walk improvements shall be deposited into the street improvement fund.

(b) *Damages.* Damages paid in the condemnation of any property used in the improvement of any street or public walk shall be paid out of the street improvement fund.

(Code 1970, § 20-57)

Sec. 21-125. Excess of assessment or damages.

(a) *Excess assessment.* Where the amount of any assessment for benefits conferred under section 21-124(a) exceeds the amount of the damages paid for property condemned, the excess shall be transferred to the street department to pay for the maintenance of the street or public walk involved.

(b) *Excess damages.* Where the amount of damages paid in condemnation under section 21-124(b) exceeds the amount of the assessments for benefits conferred by the construction or improvement of a street or public walk, the council shall replenish the street improvement fund.

(Code 1970, § 20-58)

Sec. 21-126. Treasurer to report.

The city treasurer shall include in his annual report to the council, a statement of the receipts, disbursements and balance of the street improvement fund.

(Code 1970, § 20-59)

Sec. 21-127. Effect of refusal to pay for street improvement expenses.

Whenever the owner of land or buildings fronting on sidewalks, curbs and gutters refuses to pay for the laying or repairing of such areas, and the city has paid for such work from the street improvement fund, the fact of nonpayment shall be recorded and shall constitute a lien, against the property and the matter of nonpayment referred to the corporation counsel for appropriate action to ensure the collection of the debt owed the city.

(Code 1970, § 20-60)

Secs. 21-128--21-140. Reserved.

ARTICLE VII. STREET LIGHTING

Sec. 21-141. Supervision over public street lamps.

The public street lamps shall be under the care and control of the department of public works, subject to the orders and instructions of the council. No public street lamp shall be erected, changed, altered or removed without the consent of the council.

(Code 1970, § 20-36; No. 26824-1, 2-27-02)

Sec. 21-142. Destruction of street lamps prohibited.

It shall be unlawful for any person to wilfully damage or destroy any electric light, lamp, lantern, post or frame erected or maintained by the city for the purpose of lighting the streets and public places, or light or extinguish any public lamp or other light without proper authority, or in any way wilfully interfere with the proper use and management of the public lights in the city.

(Code 1970, § 20-27)

Sec. 21-143. Designating lamps in reports to council.

Whenever the department of public works reports any matter to the council relating to the erection, change, alteration or removal of any street lamp, it shall include the number and location of the lamp referred to in its report.

(Code 1970, § 20-28; No. 26824-1, 2-27-02)

Sec. 21-144. Map of street lamps; record.

The department of public works shall have a map of the city made showing the location of and denoting by a number each public street lamp, which number shall be duplicated in stencil on the lamp pole. This number shall be preceded by the number of the ward where the lamp is located. The department shall also keep a record book containing the number and location of each lamp within the city, the date each lamp was ordered erected by the council, and all changes, alterations or removals of such lamp. This book shall be kept by the clerk

when not in use by the department of public works and shall be a part of the city records.

(Code 1970, § 20-29; No. 26824-1, 2-27-02)

Sec. 21-145. Sign poles and posts in street; prohibited.

Except as provided by law, no sign pole or post, or other pole or post, except those lawfully erected for the support of wires used by electric light, power, telegraph and telephone companies shall be placed, erected or maintained upon or near any curb in the streets.

(Code 1970, § 20-30)

Secs. 21-146--21-160. Reserved.

ARTICLE VIII. STREET AND DRIVEWAY CONSTRUCTION

Sec. 21-161. Laying out and opening streets.

(a) *Approval of council.* No proposed street or highway shall be laid out or opened to the public within the limits of the city until the grade, layout, location, width and improvements of such streets or highway, including building lines, have received the approval of the council and such approval has been filed in the office of the clerk.

(b) *Unapproved streets to be closed.* The department of public works shall immediately close any street or highway opened or laid out in violation of this section and keep the same closed until the grade, layout, location, width and improvements thereof have received the approval required in paragraph (a) of this section.

(c) *Applicability to city agencies.* The terms of this provision shall apply to and include the activities of all agencies of the city government.

(Code 1970, § 20-61; No. 26824-1, 2-27-02)

Sec. 21-162. Expense of grading, working and laying out street; approval required.

No approval or acceptance of any proposed street or highway shall be given unless the expense of grading, working and laying out of such street or highway in the manner approved by the council has been provided for by one of the following methods:

(1) The street or streets shall be graded in accordance with the requirements set forth in the city subdivision regulations;

(2) The property owner or person applying for the approval of such street or highway may undertake and agree to grade and work the street, executing such instruments and giving such security for the performance of the agreement as shall be satisfactory to the city plan commission;

(3) The street or highway shall be laid out in accordance with the provisions of the charter, and the assessment for damages and benefits shall be made in

accordance with the charter.

(Code 1970, § 20-62)

Sec. 21-163. Map and plan required by department of public works.

Prior to the approval of a proposed street or highway the property owner or person applying for such approval shall submit a map and plan of the same to the department of public works. The department of public works shall examine the map, the premises and surrounding property, and shall consider the following factors:

(1) Location, grade and layout;

(2) Future extensions and connections with other streets;

(3) Connections with the sewer and water services of the city and their extensions; and

(4) The present and future growth of the city.

(Code 1970, § 20-63; No. 26824-1, 2-27-02)

Sec. 21-164. Recommendation by the department of public works.

After examining the map and plan required by section 21-163 of this article, the department of public works shall recommend to the council such layout, width, grade, location or relocation, building lines and improvements of the street or highway as it shall deem proper, together with its recommendation as to which of the financing methods described in section 21-162 shall be adopted.

(Code 1970, § 20-64; No. 26824-1, 2-27-02)

Sec. 21-165. Monuments required.

Prior to the approval of any proposed street or highway, the property owner or the person applying for the approval shall have a sufficient number of monuments erected so as to define the proposed street lines. The monuments shall conform to the department of public works specifications.

(Code 1970, § 20-65; Ord. of 5-86, § 16; No. 26824-1, 2-27-02)

Sec. 21-166. Building permits and laying of pipes; approval required.

No permit for the construction of building abutting on a proposed street and not abutting on any other approved street shall be issued until approval for the proposed street has been given, and no water main, water pipes, sewer or sewer pipes or street lights shall be laid or erected in such proposed street until such approval has been given, except by special permission of the council on recommendation of the department of public works.

(Code 1970, § 20-66; No. 26824-1, 2-27-02)

Cross references: Licenses, permits and miscellaneous business regulations, Ch. 14.

Sec. 21-167. New streets; opening and acceptance.

(a) No person shall lay out or open a new city street unless such street has been accepted and approved by the council.

(b) No new city street shall be accepted by the council or opened to public use unless the following requirements have been met:

(1) The street has been properly graded, and grade, street, and building lines have been established thereon; and

(2) Maps showing the proper grade, street and building lines have been filed with the department of public works.

(c) No grade of any existing or proposed street, highway or sidewalk shall be altered except by order of the council.

(d) Where new streets have not been accepted by the city, the department of public works shall give an estimated proper grade, but this shall not be considered an acceptance of such street. As a condition precedent to the acceptance of the street, such grade shall be subject to change by the council at any time.

(Code 1970, § 20-67; No. 26824-1, 2-27-02)

Sec. 21-168. Connections with sewer, water and gas lines.

(a) *Property owners to make connections.* If a street is to be paved or repaired with a hard surface, each abutting property owner shall be notified by the department of public works, by mail to the last known address of such owner or by notice published in a city newspaper at least two (2) weeks before the paving or repairs are commenced. Thereafter, every such owner shall connect his premises with the main lines of sewers, water and gas by service pipes from such mains in the street to be paved or repaired to the inside of the curb or paving line of the street. The property owner shall also lay a curb in front of such premises, if not already laid.

(b) *Failure of property owner to make connections.* If a property owner fails to make the required connections within the time specified in the notice, the work may be done by the department of public works, and the expense thereof shall be borne by the property owner and the same shall be and remain a lien upon the property to be enforced and collected as other city liens. The department of public works shall see that a certificate of the lien is recorded within sixty (60) days after the completion of the work, unless the expense shall have been previously paid.

(Code 1970, § 20-68; No. 26824-1, 2-27-02)

Sec. 21-169. Property owner to pay for storm water connections made by city.

No property owner along a street in which a storm water sewer is laid who fails to connect his premises with such sewer before such street is paved or repaired with a hard surface shall be permitted to connect with such sewer until he has paid to the city the expense

of the connection with such sewer to the curb line in front of his property together with interest from the time the city completed such connection.

(Code 1970, § 20-69)

Sec. 21-170. Bituminous concrete driveways.

(a) Any contractor constructing a bituminous concrete driveway to a city street shall:

(1) File a certificate of public liability insurance with minimum coverage as specified by the department of public works; and

(2) Obtain a written permit for the construction of such driveway from the department of public works.

(b) The construction of a bituminous concrete driveway shall meet the following specifications:

(1) Where cement concrete curbs and cement concrete walks exist, the apron between the sidewalk and the curb shall be constructed with a concrete monolithic pour according to the sidewalk specifications and shall be not less than six (6) inches in thickness. Cement concrete herein referred to shall be in accordance with sections 21-65 and 21-73 of this Code.

(2) Where concrete curbs exist and there is no opening left for a driveway, the section at the curb to be used for the driveway must be removed for a depth of ten (10) inches and for a width of five (5) feet wider than the width of the bituminous concrete driveway to be constructed. It must be formed and reconstructed with cement poured concrete leaving a recess of three and one-half (3 1/2) inches below the top of the curb grade. No bituminous concrete driveway shall be laid over the recess in the concrete curb.

(3) Where there are no cement curbs or sidewalks, the bituminous concrete driveway shall not extend into the street beyond the proposed curb line.

(4) The concrete driveway apron, curb and sidewalk shall be constructed in one monolithic pour.

(5) A fee recommended by the department of public works and approved by the common council will be charged for each permit.

(Code 1970, § 20-79; Ord. of 2-73; Ord. of 5-86, § 17; No. 26824-1, 2-27-02)

Secs. 21-171--21-189. Reserved.

ARTICLE IX. DISPOSITION OF LOST, STOLEN OR ABANDONED SHOPPING OR LAUNDRY CARTS

Sec. 21-190. Purpose.

The proliferation of lost or stolen shopping or laundry carts abandoned or discarded on

public and private property causes blighting conditions in the community, results in the obstruction of free access to public and private sidewalks, streets, parking lots and other ways, and impedes emergency services. For the aforesaid reasons, such lost, stolen or abandoned shopping or laundry carts are hereby declared to be a public nuisance which shall be subject to abatement in the manner set forth in this article. The purpose of this article is to set forth reasonable regulations for the removal of lost or abandoned shopping or laundry carts from public or private property, to complement and supplement provisions of state law, and to adopt local regulations to the extent not otherwise preempted by state statute.

(Ord. of 10-00)

Sec. 21-191. Definitions.

For the purposes of this article, the following definitions shall apply:

Shopping cart means a basket which is mounted on wheels or a similar device generally used in a retail establishment by a customer for the purpose of transporting goods of any kind. The term "shopping cart" includes a laundry cart.

Laundry cart means a basket which is mounted on wheels and used in a coin-operated laundry or dry-cleaning retail establishment by a customer and an attendant for the purpose of transporting fabrics and the supplies necessary to process them.

Police officer means a police officer employed by the City of New Britain.

Public works employee means an employee of the department of public works of the City of New Britain.

Required identification means all the information required to identify the name of the owner. The identification should be permanently affixed with the following information:

(a) Identifying the owner of the cart or the retailer, or both.

(b) Notifying the public of the procedure to be utilized for authorized removal of the cart from the premises.

(c) Notifying the public that the unauthorized removal of the cart from the premises or parking area of the retail establishment, or the unauthorized possession of the cart, is a violation of law.

(d) Listing a valid telephone number or address for returning the cart removed from the premises or parking area to the owner or retailer.

(Ord. of 10-00)

Sec. 21-192. Enforcement.

The provisions of this article shall be enforced by any police officer or public works employee. To the extent otherwise permitted by law, said City of New Britain police officers may enter onto any public or private property in the city to retrieve, remove, store and dispose of any lost, stolen or abandoned shopping or laundry cart, or any part thereof. To the extent otherwise permitted by law, said City of New Britain public works employees may enter onto any public or private property in the city to retrieve, remove, store and dispose of any lost,

stolen or abandoned shopping or laundry cart, or any part thereof.

(Ord. of 10-00)

Sec. 21-193. Retrieval of shopping or laundry carts.

The city may immediately retrieve any lost, stolen or abandoned shopping or laundry cart where the cart causes blighting conditions in the community, result in the obstruction of free access to public and private sidewalks, streets, parking lots and other ways, and impede emergency service.

(Ord. of 10-00)

Sec. 21-194. Storage and disposal of shopping or laundry carts.

(a) Any shopping or laundry cart retrieved by the City of New Britain pursuant to section 21-193, retrieval of shopping or laundry carts, shall be impounded and removed to the transfer station.

(b) Any shopping or laundry cart which does not have identification affixed thereto and is impounded by the City of New Britain shall be stored and disposed as follows:

(1) The personnel retrieving the shopping or laundry cart shall attach a tag thereto, or make a written report, identifying the date, time and general location from where the shopping cart was removed as well as the name of the personnel who retrieved the shopping or laundry cart.

(2) The shopping or laundry cart shall be delivered and custody thereof given to the custodian at the transfer station.

(c) If the shopping or laundry cart has the name, address, telephone number, or other identifying marks of any retail establishment or person thereon, the city shall attempt to notify such establishment of the retrieval and location of the shopping or laundry cart and provide an opportunity for such establishment or person to establish ownership or the right to possession of the retrieved shopping or laundry cart to the custodian.

(d) The shopping or laundry cart shall be released to any establishment or person who submits evidence satisfactory to the custodian to prove ownership or the right to possession of the shopping or laundry cart. The shopping or laundry cart shall be released only upon payment of the fifteen dollar ($15.00) retrieval fee by cash or certified check payable to the City of New Britain.

(e) If the owner or other person or establishment entitled to possession of the shopping or laundry cart does not appear and present evidence satisfactory to the custodian for the release of the shopping or laundry cart within two (2) calendar days excluding Saturday and Sunday following the date of the notice of violation provided pursuant to subsection (c) above, the shopping or laundry cart may be sold or disposed of by the custodian.

(Ord. of 10-00)

Sec. 21-195. Criminal prosecution.

Any person who wrongfully removes a shopping or laundry cart from the owner shall be subject to criminal prosecution as provided for in the Connecticut General Statutes.

(Ord. of 10-00)

Secs. 21-196--21-209. Reserved.

ARTICLE X. NEWSRACKS

Sec. 21-210. Intent and purpose.

The common council of the City of New Britain finds and declares that:

(a) *Findings:*

(1) The uncontrolled placement and maintenance of newsracks in public rights-of-way presents an inconvenience and danger to the safety and welfare of persons using such rights-of-way; including pedestrians, persons entering and leaving vehicles and buildings, and persons performing essential utility, traffic control and emergency services.

(2) Newsracks so located as to cause an inconvenience or danger to persons using public rights-of-way, and unsightly newsracks located therein, constitute public nuisances.

(3) It is a matter of public necessity that the City of New Britain protect children and unconsenting adults in and on its public streets, sidewalks, transportation facilities and other public rights-of-way from viewing public displays of offensive sexual material. Such displays are thrust indiscriminately upon unwilling audiences of adults and children and constitute assaults upon individual privacy.

(4) These factors constitute an unreasonable interference with and obstruction of the use of public rights-of-way, constitute an unwarranted invasion of individual privacy, are injurious to health, offensive to the senses, and constitute such an obstruction of the free use of property as to interfere in the comfortable enjoyment of life and property by the entire community.

(5) The common council recognizes, however, that the use of such rights-of-way is so historically associated with the sale and distribution of newspapers and publications that access to those areas for such purposes should not be absolutely denied. The common council further finds that these strong and competing interests require a reasonable accommodation which can only be satisfactorily achieved through the means of this article which is designed to accommodate such interests regulating the time, place and manner of using such newsracks.

(b) *Purpose.* The purpose of this article is to provide uniform guidelines for and to regulate the installation, operation and maintenance of newsracks in public rights-of-way in the

City of New Britain so that such newsracks shall not unduly obstruct sidewalks, interfere with the public's right to unhampered passage therein, create traffic congestion or illegal parking or stopping by motorist in order to purchase newspapers, damage municipal property because of the chaining of newsracks to poles, traffic standards, trees or other fixtures, interfere with the performance of municipal services, create unsightly conditions and endanger the safety and welfare of the inhabitants of the City of New Britain so as to:

(1) Provide for pedestrian and driving safety and convenience;

(2) Ensure no unreasonable interference with the flow of pedestrian or vehicular traffic, including ingress to, or egress from, any place of business or from the street to the sidewalk;

(3) Provide reasonable access for the use and maintenance of sidewalks, poles, posts, traffic signs and signals, hydrants, mailboxes, and similar appurtenances, and access to locations used for public transportation purposes;

(4) Reduce visual blight on the public rights-of-way, protect the aesthetics and value of surrounding properties, and protect the quiet of residential areas;

(5) Reduce exposure of the city to personal injury or property damage claims and litigation; and

(6) Protect the right to distribute information protected by the United States and Connecticut Constitutions through use of newsracks.

(c) *Preservation of constitutional rights.* It is not the intent of this article to in any way discriminate against, regulate, or interfere with the publication, circulation, distribution, or dissemination of any printed material that is constitutionally protected.

(Ord. of 10-00)

Sec. 21-211. Definitions.

For the purposes of this article, the following words and phrases shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural include the singular and words in the singular include the plural.

(a) *Chief of police:* The head of the New Britain Police Department or his duly designated representative.

(b) *Distributor:* Any person responsible for the installation, operation or maintenance of a newsrack in a public right-of-way.

(c) *Newsrack:* Any self-service or coin-operated box, container, storage unit or other dispenser installed, operated, or maintained for the display and sale of newspapers, periodicals or other printed matter.

(d) *Person:* An individual person, firm, corporation or other entity.

(e) *Public right-of-way:* Any area owned and/or maintained by the City of New Britain or any other governmental entity, open for use of the public for vehicular or pedestrian

travel, including but not limited to roadways, sidewalks, streets, alleys, public grounds or other rights-of-way.

(f) *Roadway:* That portion of any highway improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder.

(g) *Sidewalk:* That portion of a street between the curb lines or lateral lines of a roadway and the adjacent property lines and any surface provided for exclusive use by pedestrians.

(h) *Street:* The entire area encompassed by a roadway and a sidewalk.

(Ord. of 10-00)

Sec. 21-212. Newsracks prohibited.

(a) No person shall install, use, or maintain any newsrack which projects onto, into, or which rests, wholly or in part, upon the roadway of any public street.

(b) No person shall install, use, or maintain any newsrack which in whole or in part rests upon, in, or over any public sidewalk or parkway:

(1) When such installation, use, or maintenance endangers the safety of persons or property;

(2) When such site or location is used for public utility purposes, public transportation purposes, or other governmental use;

(3) When such newsrack unreasonably interferes with or impedes the flow of pedestrian or vehicular traffic, including parked or stopped vehicles; the ingress in or egress from any residence or place of business; the use of poles, posts, traffic signs or signals, hydrants, mailboxes, or other objects permitted at or near said location;

(4) When such newsrack interferes with the cleaning of any sidewalk by the use of mechanical sidewalk cleaning machinery; or

(5) In any other manner inconsistent with or in violation of the provisions of this article.

(Ord. of 10-00)

Sec. 21-213. Permit required.

It shall be unlawful for any person, firm or corporation to erect, place, maintain or operate, on any public street or sidewalk, or in any other public way or place, in the City of New Britain any newsrack without first having obtained a permit from the chief of police specifying the exact location of such newsrack. One permit may be issued to include any number of newsracks, and shall be signed by the applicant.

(Ord. of 10-00)

Sec. 21-214. Application for permit.

(a) Application for such permit shall be made, in writing, to the chief of police upon such form as shall be provided by him and shall contain the name and address of the applicant, the proposed specific location of said newsrack, and shall be signed by the applicant.

(b) From the above application information the chief of police shall approve or reject the locations and shall be guided therein solely by the standards and criteria set forth in this article. In any case where the chief of police disapproves of a particular location, such disapproval shall be without prejudice to the registrant designating a different location or locations.

(c) The chief of police shall assign a number to each such permit issued.

(Ord. of 10-00)

Sec. 21-215. Conditions for permit.

(a) Such newsrack or newsracks and the installation, use or maintenance thereof shall be conditioned upon observance of the provisions of this article. Permits shall be issued within seventy-two (72) hours (excluding Saturday, Sunday and legal holidays) after the application has been filed. A permit fee of fifteen dollars ($15.00) shall be required for each proposed location.

(b) Such permits shall be valid for three (3) years and shall be renewable pursuant to the procedure for original applications referred to in section 21-214 and upon payment of the fifteen dollar ($15.00) permit fee.

(Ord. of 10-00)

Sec. 21-216. Hold harmless.

Every owner of a newsrack who places or maintains a newsrack on a public sidewalk or parkway in the City of New Britain shall file a written statement with the chief of police in a form satisfactory to the corporation counsel, whereby such owner agrees to indemnify and hold harmless the city, its officers, and employees, from any loss, liability, or damage, including expenses and costs, for bodily or personal injury, and for property damage sustained by any person as a result of the installation, use and/or maintenance of a newsrack within the City of New Britain. Such statement shall also certify the newsrack owner's agreement that the city is not liable for any damage to such newsracks.

(Ord. of 10-00)

Sec. 21-217. Insurance.

Every owner of a newsrack who places or maintains a newsrack on a public sidewalk or parkway shall provide the City of New Britain with a certificate of liability insurance coverage issued by an insurance company licensed to do business in the state of Connecticut insuring the applicant and the City of New Britain against all claims for damages to bodily injury, including death, and property which could arise in connection with the installation, operation or maintenance of a newsrack in the City of New Britain. The minimum coverage of such policy

shall be one million dollars ($1,000,000.00) aggregate personal injury claims, five hundred thousand dollars ($500,000.00) aggregate property damage claims and two hundred fifty thousand dollars ($250,000.00) per each occurrence. The policy, by its terms, shall not be cancelable prior to the expiration date of the permit without thirty (30) days' written notice to the city.

(Ord. of 10-00)

Sec. 21-218. Newsrack identification required.

Every person who places or maintains a newsrack on the streets of the City of New Britain shall have his permit number, name, address and telephone number affixed to the newsrack in a place where such information may be easily seen. Prior to the designation of location by the chief of police under section 21-219 herein, the registrant shall present evidence of compliance with this section.

(Ord. of 10-00)

Sec. 21-219. Location, placement of and number of newsracks.

Any newsrack which rests in whole or in part upon, or on any portion of a public right-of-way or which projects onto, into, or over any part of a public right-of-way shall be located in accordance with the provisions of this section:

(a) No newsrack shall be used or maintained which projects onto, into, or over any part or the roadway of any public street, or which rests, wholly or in part upon, along, or over any portion of the roadway of any public street.

(b) No newsrack shall be chained, bolted, or otherwise attached to any fixture located in the public right-of-way, except to other newsracks.

(c) Newsracks may be placed next to each other, provided that no group of newsracks shall extend for a distance of more than five (5) feet along a curb, and a space of not less than three (3) feet shall separate each group of newsracks.

(d) No newsrack shall be placed, installed, used or maintained:

(1) Within five (5) feet of any marked crosswalk.

(2) Within fifteen (15) feet of the curb return of any unmarked crosswalk.

(3) Within five (5) feet of any fire hydrant, fire call box, police call box or other emergency facility.

(4) Within five (5) feet of any driveway.

(5) Within three (3) feet ahead or twenty-five (25) feet to the rear or any sign marking a designated bus stop.

(6) Within five (5) feet of the outer end of any bus bench.

(7) At any location whereby the clear sidewalk space for the passageway of pedestrians is reduced to less than six (6) feet.

(8) Within three (3) feet of or on any public area improved with lawn, flowers, shrubs, trees or other landscaping, or within three (3) feet of any display window of any building abutting the sidewalk or parkway or in such a manner as to impede or interfere with the reasonable use of such window for display purposes.

(9) Within five hundred (500) feet of any other newsrack containing the same issue or edition of the same publication, within a commercial or business district.

(10) Within one thousand five hundred (1,500) feet of any other newsrack containing the same issue or edition of the same publication, within a residential district.

(11) On any access ramp for disabled persons.

(e) No more than eight (8) newsracks shall be located on any public right of way within a space of two hundred (200) feet in any direction within the same block of the same street; provided, however, that no more than sixteen (16) newsracks shall be allowed on any one block. In determining which newsracks shall be permitted to be located or to remain if already in place, the chief of police shall be guided solely by the following criteria:

(1) First priority shall be daily publications (published five (5) or more days per week).

(2) Second priority shall be publications published two (2) to four (4) days per week.

(3) Third priority shall be publications published one day per week.

(Ord. of 10-00)

Sec. 21-220. Standards for maintenance and installation.

Any newsrack which in whole or in part rests upon, in or over any public sidewalk or parkway, shall comply with the following standards:

(a) No newsrack shall exceed four (4) feet in height, two (2) feet in width, or two (2) feet in thickness.

(b) No newsrack shall be used for advertising signs or publicity purposes other than that dealing with the display, sale, or purchase of the newspaper or news periodical sold therein.

(c) Each newsrack shall be equipped with a coin-return mechanism to permit a person using the machine to secure an immediate refund in the event the person is unable to receive the paid for publication. The coin-return mechanism shall be maintained in good working order. This subsection shall not apply to newsracks for publications offered free of charge.

(d) Each newsrack shall have affixed to it in a readily visible place so as to be seen by anyone using the newsrack, a notice setting forth the name and address of

the distributor and the telephone number of a working telephone service to call to report a malfunction, or to secure a refund in the event of a malfunction of the coin-return mechanism, or to give the notices provided for in this article.

(e) Each newsrack shall be maintained in a neat and clean condition and in good repair at all times. Specifically, but without limiting the generality of the foregoing, each newsrack shall be serviced and maintained so that:

(1) It is reasonably free of dirt and grease;

(2) It is reasonably free of chipped, faded, peeling and cracked paint and graffiti in the visible painted areas thereof;

(3) It is reasonably free of rust and corrosion in the visible unpainted metal areas thereon;

(4) The clear plastic or glass parts thereof, if any, through which the publications therein are viewed are unbroken and reasonably free of cracks, dents, blemishes and discoloration;

(5) The paper or cardboard parts or inserts thereof are reasonably free of tears, peeling or fading; and

(6) The structural parts thereof are not broken or unduly misshapen.

(Ord. of 10-00)

Sec. 21-221. Display of certain matter prohibited.

Publications offered for sale from newsracks placed or maintained on or projecting over the street or sidewalk shall not be displayed or exhibited in a manner which exposes to public view from the street or sidewalk any of the following:

(a) Any statements or words describing explicit sexual acts, sexual organs, or excrement where such statements or words have as their purpose sexual arousal, gratification, or affront;

(b) Any picture or illustration of a person's genitals, pubic hair, perineum, anus, or anal region where such picture or illustration has as its purpose sexual arousal, gratification, or affront; or

(c) Any picture or illustration depicting explicit sexual acts where such picture or illustration has as its purpose sexual arousal, gratification, or affront.

(Ord. of 10-00)

Sec. 21-222. Violations.

Upon determination by the chief of police that a newsrack has been installed, used or maintained in violation of the provisions of this article, an order to correct the offending condition shall be issued to the distributor of the newsrack. Such order shall be telephoned to the distributor and confirmed by mailing a copy of the order by certified mail, return receipt requested. The order shall specifically describe the offending condition, suggest actions

necessary to correct the condition, and inform the newsrack distributor of the right to appeal. Failure to properly correct the offending condition within five (5) days (excluding Saturdays, Sundays, and legal holidays) after the mailing date of the order or to appeal the order within three (3) days after its receipt shall result in the offending newsrack being summarily removed and processed as unclaimed property. If the offending newsrack is not properly identified as to owner under provisions of section 21-208 hereof, it shall be removed immediately and processed as unclaimed property. An impound fee, which shall be measured by the city's cost and expense of impounding, shall be assessed against each newsrack summarily removed. The chief of police shall cause inspection to be made of the corrected condition or of a newsrack reinstalled after removal under this section. The distributor of said newsrack shall be charged a twenty-five dollars ($25.00) inspection fee for each newsrack so inspected. This charge shall be in addition to all other fees and charges required under this article.

(Ord. of 10-00)

Sec. 21-223. Appeals.

Any person or entity aggrieved by a finding, determination, notice, order or action taken under the provisions of this article may appeal and shall be appraised of his right to appeal to the city's board of police commissioners. An appeal must be perfected within three (3) days after receipt of notice of any protested decision or action by filing with the office of the corporation counsel a letter of appeal briefly stating therein the basis for such appeal. Any elector of the city wishing to appeal the decision of the chief of police to grant a permit for a newsrack placement shall, if he or she did not receive written notice of said decision, shall be authorized to submit such a letter of appeal within three (3) days after the placement of the newsrack in question. A hearing shall be held on a date not more than thirty (30) days after receipt of the letter of appeal. The appellant shall be given at least five (5) days' notice of the time and place of the hearing. The board of police commissioners shall give the appellant, and any other interested party, a reasonable opportunity to be heard, in order to show cause why the determination of the chief of police should not be upheld. At the conclusion of the hearing, the board of police commissioners shall make a final and conclusive decision. This decision shall be immediately appealable to a court of competent jurisdiction.

Nothing contained in this article shall be interpreted to limit or impair the exercise by the City of New Britain of its police powers to remove any newsrack which presents a clear and present danger of imminent personal injury or property damage to users of the public rights-of-way.

(Ord. of 10-00)

Sec. 21-224. Existing newsracks.

This article shall apply to existing newsracks within the City of New Britain, except that the distributors thereof shall have sixty (60) days within which to comply with its provisions or within such additional time as may be allowed in the discretion of the chief of police.

(Ord. of 10-00)

Sec. 21-225. Abandonment.

In the event that a newsrack remains empty for a period of thirty (30) continuous days, the same shall be deemed abandoned, and may be treated in the manner as provided in section 21-222 for newsracks in violation of the provisions of this article.

(Ord. of 10-00)

Sec. 21-226. Severability.

If any section, subsection, sentence, clause, or phrase of this article is for any reason held to be invalid of unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this article.

(Ord. of 10-00)

Secs. 21-227--21-234. Reserved.

ARTICLE XI. REMOVAL OF GRAFFITI FROM PUBLIC PLACES AND PROPERTY*

***Cross references:** City antiblight program, §7-40 et seq.; antigraffiti procedures, § 7-60 et seq.; selling separate spray paint nozzles prohibited, § 14-301; destruction of property, § 16-3.

Sec. 21-235. Definitions.

(a) *City street* means any street owned or otherwise controlled by the city, including, adjacent to said street, all light posts, utility posts, traffic signs, traffic signal lights and associated equipment, street signs, etc.

(b) *Control or custody of a building or property* refers to the city department or agency normally responsible for maintenance of a city-owned building or property.

(c) *Graffiti* means any marking left by spray paint, ink marker, adhesive material or some similar means forming some identifying name, message or picture incongruous with the general decorative scheme or usual form of the structure, object or surface upon which it appears.

(d) *Remove (graffiti)* means causing graffiti to no longer be visible by painting it over or removing it using solvents, sand blasting, scrubbing or other similar means.

(e) *State road* means any roads owned or otherwise controlled by the state, including, adjacent to said road, all light posts, utility posts, traffic signs, traffic signal lights and associated equipment street signs, etc.

(Ord. of 10-00, § (a))

Sec. 21-236. Removal of graffiti from public places and property.

(a) The city department or agency which has control or custody of a particular building or

property shall remove all graffiti appearing on buildings and property under its control or custody within thirty (30) days of discovering or being notified of it.

(b) Within available appropriations, the department of public works shall remove all graffiti from all city streets.

(c) Within available appropriations, the department of public works shall seek and obtain permission from the appropriate state department(s) for the city to remove graffiti from state property, including state roads, located within the city.

(Ord. of 10-00, § (a))

Chapter 22 TAXATION*

***Cross references:** Board of compensation and assessment, § 2-141 et seq.; city finances generally, § 2-476 et seq.; licenses, permits and miscellaneous regulations, Ch. 14.

Art. I. In General, §§ 22-1--22-25
Art. II. Collector of Taxes, §§ 22-26--22-38
Div. 1. Generally, §§ 22-26--22-35
Div. 2. Duties, §§ 22-36--22-38

ARTICLE I. IN GENERAL

Sec. 22-1. Grand list of the basis of taxation.

The grand list of the city when completed by the city assessor, perfected by the board of assessment appeals, and certified by them as being correct and in accordance with the law, shall be lodged in the office of the city assessor, and shall be the basis of taxation by the city.

(Code 1970, § 9-3; Ord. of 3-01)

Sec. 22-2. Taxes; how levied.

Whenever the city shall lay a tax it shall be levied upon the polls and ratable estate liable to taxation, as set and entered in the last made and completed assessment list of the city, unless otherwise specified in the vote laying such tax.

(Code 1970, § 9-4)

Sec. 22-3. Collector of taxes to make rate bill.

It shall be the duty of the collector of taxes to make out a rate bill consisting of two (2) or more books, setting forth the amount of tax on each parcel of real estate and the total tax on personal property which each taxable person or corporation is legally obliged to pay. This rate bill shall be completed within thirty (30) days of the adoption of the budget by the common council each year. The total amount of assessments in the rate bill shall agree with the total assessments on the grand list.

(Code 1970, § 9-5; Ord. of 3-01)

Sec. 22-4. Warrant for the collection of taxes to be issued by the mayor.

On receipt of the rate bill prepared by the collector of taxes, the mayor shall issue to the collector of taxes a warrant for their collection and payment to the city treasurer.

(Code 1970, § 9-6; Ord. of 3-01)

Sec. 22-5. Errors in rate bill; how corrected.

Where errors are discovered in the rate bill after it has been completed and the warrant for payment and collection issued to the collector of taxes, the collector shall report such errors to the committee on finance and supplies and printing, who shall investigate such errors and report its recommendation on the matter to the council.

(Code 1970, § 9-7)

Sec. 22-6. Tax bill to be mailed to taxpayer; notice of interest charges and lien included.

On or before August 5 of each year the collector of taxes shall mail to each taxpayer a bill for the amount of his taxes, itemized as to each separate parcel of real estate, with a printed notice thereon that interest at the legal interest rate shall be added to such taxes for the period they remain unpaid. The unpaid taxes plus accrued interest shall remain a lien upon the real estate to which the taxes apply from the time of the recording of the lien. Failure to give notice of the interest charges and lien shall not invalidate such taxes.

(Code 1970, § 9-8)

Sec. 22-7. Council may relieve taxpayer in hardship.

Where the provisions of section 22-38 would work a special hardship on a debtor, the period for the payment of the assessment may be extended, but for a period not to exceed a maximum of two (2) years, by a vote of three-fourths of the entire membership of the council upon the appeal of such aggrieved debtor. If the extension is granted, the debtor's name shall be omitted from the annual report submitted by the collector of taxes to the corporation counsel.

(Code 1970, § 2-190)

Sec. 22-8. Urban rehabilitation homeownership; deferral of increase in assessment due to rehabilitation.

(a) A portion of the city, including census tracts 4153, 4156, 4159, 4160, 4161, 4162, 4163, 4166, 4171, 4172 and 4173, is hereby eligible for certain tax benefits in accordance with the provisions of this section. Section 81 of Public Act 01-9 enables municipalities which qualify for the urban rehabilitation homeownership program to provide by ordinance that any increase in assessment as a result of a rehabilitation of a

qualified residential property may be deferred for a five year period from the date such rehabilitation is completed.

(b) For the purposes of this section, "residential property" is defined as a property consisting of four units or less. The dwelling or at least one of the units of the dwelling must be occupied by an owner of the property as that owner's legal residence. The owner occupant must have an ownership interest of at least fifty (50) percent in the property and must be the applicant for benefits. No part of the property may be designated for commercial or any use other than residential use.

(c) Residential property which is rehabilitated through the Urban Rehabilitation Homeownership Program shall be eligible for an assessment exemption equal to the increase in assessment which results from such rehabilitation for a five (5) year period from the date such rehabilitation is completed. Such rehabilitation must be undertaken pursuant to a building permit for improvements and repairs which have an estimated cost of no less than five thousand dollars ($5,000.00). The completion of the rehabilitation shall be accomplished no later than one (1) year after the issuance of the building permit. It shall be the responsibility of the property owner to contact the department of licenses, permits and inspections and to contact the health department for the appropriate inspections. The department of licenses, permits and inspections shall certify that the rehabilitation has been completed within this time period and in conformance with applicable provisions of the state building and local housing code. The health department shall certify that the rehabilitation has been completed within this time period and in conformance with applicable provisions of the state and local health codes.

(d) In order to qualify for assessment exemption under this section, the property owner must file an application for assessment exemption on forms available from the city assessor. This application must be filed with the city assessor prior to the date of issuance of a certificate of occupancy due to the rehabilitation. However, if no certificate of occupancy is issued, the form must be filed no later than November first following the date that completion of the rehabilitation is certified by the department of licenses, permits and inspections and by the health department. If such property owner fails to file an application prior to the issuance of the certificate of occupancy or on or before November first as provided above, such owner shall have until December 15 to file a late application and to pay a late filing fee of fifty dollars ($50.00) to apply for this exemption. If a property owner fails to file an application within the time provided by this section, the property owner shall have waived his/her right to the exemption provided in this section.

(e) In order to qualify for assessment exemption under this section, the property owner must not be delinquent in any property taxes owed to the City of New Britain. The tax collector must certify at the time of final approval that the property owner who is the subject of the application has no property tax due to the City of New Britain on any property located in the city, including real property and personal property. No one who has delinquent or due property taxes shall have an application for property tax exemption under this section approved until all installments due are paid in full. Such payment of taxes must be made in a timely manner to meet all other deadlines contained in this article. Failure to pay taxes in a timely manner shall not provide in any instance an extension of other deadlines.

(f) The application form provided by the city assessor shall require documentation that the applicant is a participant in the urban rehabilitation homeownership program and is to rehabilitate residential property with assistance provided by the Connecticut Housing Finance Authority. It shall require that a copy of the building permit for the rehabilitation be attached to the application. It shall provide a section for the department of licenses, permits and inspections to state the date of completion and that the rehabilitation has been completed in conformance with applicable provisions of the state building and the local housing code. It shall provide a section for the health department to state the date of completion and that the rehabilitation has been completed in conformance with the applicable provisions of the state and local health codes. It shall require that the property owner, who is applying for exemption, attest to the fact that the property that is the subject of the exemption is the legal residence of such property owner. It shall provide a section for the tax collector to certify that the owners of the property that is the subject of the application have no property tax due to the City of New Britain on any property, both real or personal, in the city.

(g) To renew the exemption, each property owner on or before November first of each year must file an affidavit of legal residence, on a form supplied by the city assessor, to attest that such property owner continues to occupy the property that is the subject of the exemption as his/her legal residence. If such property owner fails to file such affidavit on or before November first, such owner shall have until December 15 to file such affidavit and to pay a late filing fee of fifty dollars ($50.00) to renew this exemption. If a property owner fails to file an affidavit of legal residence within the time provided by this section, the property owner shall have waived his/her right to the exemption provided in this section for that assessment year and shall be liable for property taxes for said assessment year without this exemption benefit.

(h) This assessment exemption is not transferable.

(i) Any property which qualifies for exemption under this section shall not be eligible for the benefits provided in section 22-10 or section 22-12 of these Ordinances of the City of New Britain.

(j) In the event that any owner of qualified residential property under this section fails to pay real property taxes on the property receiving this exemption, within sixty (60) calendar days of the date an installment becomes due and payable, the exemption shall cease and be removed as of the due date of the next tax bill or next tax installment. No further exemption or continuation of the abatement may occur without specific approval of the restoration by the city assessor, which approval shall be granted when the owner of real property shall have paid in full all delinquent taxes, together with interest and penalties, provided such payment is made prior to the due date of the next tax bill or the next tax installment. The city assessor shall restore the exemption only after the complete payment of all taxes due, together with interest and penalties, and only prior to the due date of the next tax bill or tax installment.

(k) In the event of a general revaluation in the year in which such rehabilitation is completed, resulting in any increase in the assessment on such property, only that portion of the increase resulting from such rehabilitation shall be deferred. In the event of a general revaluation in any year after the year in which such rehabilitation is completed, such exemption 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.

(l) No exemption provided under this section shall apply to an assessment on any grand list of the city after the grand list of October 1, 2012.

(No. 27195-1, 10-9-02)

Editor's note: An ordinance adopted March 4, 1992, repealed § 22-8. Former § 22-8 pertained to abatement of taxes for the poor and derived from Code 1970, §§ 2-191, 2-191c and an ordinance of 12-81.

Sec. 22-9. Abatement of taxes for owners of low income housing.

(a) *Definitions.* As used in this section:

Low and moderate income housing means housing the construction or rehabilitation of which is aided or assisted in any way by any federal or state statute, which housing is subject to regulation or supervision of rents, charges or sales prices and methods of operation by a governmental agency under a regulatory agreement or other instrument which restricts occupancy of such housing to persons or families whose incomes do not exceed prescribed limits.

Owner means a person or persons, partnership, joint venture, or corporation who or which has executed, or will execute a regulatory agreement or other instrument with a governmental agency, either federal, state, or local, which limits occupancy of the low and moderate income housing owned or to be owned by such person or persons, partnership, joint venture or corporation to persons or families whose income does not exceed prescribed limits.

(b) *Contracts for abatement.* The mayor, with the approval of the council, may enter into contracts for the city with owners of low and moderate income housing, granting abatement, in whole or in part, of the taxes on the real estate used for such low and moderate income housing. The amount of such abatement shall be established in each such contract, giving due consideration to the purpose or purposes to which the money equivalent of the taxes so abated is to be applied. Each such contract shall require that the money equivalent of the taxes so abated will be applied to one or more of the following specified purposes:

(1) To reduce rents below the levels which would be achieved in the absence of abatement.

(2) To improve housing quality and design.

(3) To effect occupancy by persons and families of varying income levels, within prescribed limits.

(4) To provide necessary related facilities or services.

(c) *Term of abatement.* The abatement shall become effective on the date specified in the contract between the city and an owner of low and moderate income housing. The terms of abatement shall extend for the remainder of the fiscal year in which the abatement becomes effective and may continue for a period not to exceed thirty-nine (39) consecutive fiscal years thereafter; provided that, such abatement shall terminate

at any time when the property for which tax abatement has been granted is not used solely for low and moderate income housing; and provided, further, that, the continuation of such abatement may be conditioned upon the continuation of state reimbursement to the city for such abatement. The abatement authorized herein shall be granted only for low and moderate income housing upon which construction or rehabilitation commenced after July 1, 1967.

(d) *State assistance.* The mayor shall, with the approval of the council, execute on behalf of the city contracts with the state for financial assistance by the state in the form of reimbursement for the tax abatement granted to an owner of low and moderate income housing in accordance with this section.

(Code 1970, § 2-192; Ord. of 12-70)

Sec. 22-10. Enterprise zone benefits.

(a) A portion of the city, including census tracts 415900 and 417100 and certain bordering areas as defined by the enterprise zone boundary map prepared by the city plan commission and approved by the state commissioner of economic and community development and on file in the office of city plan, City of New Britain, and in the office of the state department of economic and community development, is hereby designated an enterprise zone pursuant to section 32-70 of the Connecticut General Statutes.

(b) Residential and commercial property, including industrial properties, in the enterprise zone which is either newly constructed or rehabilitated subsequent to November 1, 1982, shall be eligible for deferral of assessment increases resulting from such construction or rehabilitation for a seven-year period in accordance with the schedule contained in subsection (c) of this section. Furthermore, construction or rehabilitation projects which are undertaken pursuant to a building permit first issued after March 1, 1984, but before October 1, 2010, and which involve real property improvements whose cost exceeds one hundred thousand dollars ($100,000.00) will also be eligible for personal property exemptions on personal property new to the grand list of the city which is housed and used within the newly constructed or renovated building as described in subsection (c) of this section. Such personal property exemptions shall be granted for up to a two-year period in accordance with the personal property tax abatement schedule contained in subsection (c) of this section; however, no such real property deferrals and personal property exemptions shall apply to assessment on any grant list of the municipality after the grand list of 2017.

(c) For the first two (2) years following completion of the rehabilitation or construction one hundred (100) per cent of the increase in real property assessment attributable to such rehabilitation or construction shall be deferred; in the third year fifty (50) per cent of such increase shall be deferred; in the fourth year forty (40) per cent of such increase shall be deferred; in the fifth year thirty (30) per cent of such increase shall be deferred; in the sixth year twenty (20) per cent of such increase shall be deferred; in the seventh year ten (10) per cent of such increase shall be deferred; thereafter the property owner will be responsible for taxes on the full assessment of the property as determined by the normal assessment practices of the city then in effect. Personal property which is new to the grand list of the city and housed and used within a qualifying facility as

defined in subsection (b) of this section may qualify for one of the following personal property exemptions:

(1) If the real property renovations or new construction involve real estate improvements which exceed the cost of five hundred thousand dollars ($500,000.00), the personal property which is new to the grand list and which is housed and used in such renovated or newly constructed facility may be one hundred (100) per cent exempt in the first year and fifty (50) per cent exempt in the second year, the city assessor may require documentation of real property expenditures for such renovations or new construction; and

(2) If the real property renovations or new construction involve real estate improvements which exceed the cost of one hundred thousand dollars ($100,000.00), the personal property which is new to the grand list and which is housed and used in such renovated or newly constructed facility may be fifty (50) per cent exempt in the first year, the city assessor may require documentation of real property expenditures for such renovations or new construction.

(d) Assessment deferrals for residential properties shall cease if:

(1) For any residential rental property, any dwelling unit in such property is rented to any person whose income exceeds two hundred (200) per cent of the median family income of the municipality; or

(2) For any conversion condominium declared after the designation of the enterprise zone, any unit is sold to any person whose income exceeds two hundred (200) per cent of the median family income of the municipality.

(e) In the event of a general revaluation in the year in which such improvement is completed, resulting in any increase in the assessment on such property, only that portion of the increase resulting from such improvement 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.

(f) No improvements to any real or personal property which qualifies as a manufacturing facility under section 32-9p(d) of the Connecticut General Statutes shall be eligible for any enterprise zone benefits pursuant to this section, nor shall any new machinery or equipment in a manufacturing facility which qualifies for exemption under section 12-81(72) of the Connecticut General Statutes be eligible for any enterprise zone benefits pursuant to this section.

(g) In order to qualify for assessment deferral under this section a project consisting of real property improvements, rehabilitations or new construction, must be undertaken pursuant to a building permit first issued for the project subsequent to November 1, 1982. Furthermore, in order to qualify for property tax deferral under this section the property owner must file an application for enterprise zone assessment increase deferral on forms available from the city's enterprise zone coordinator or assessor's office. This application must be filed with the assessor's office no later than the date of

issuance of a certificate of occupancy for the renovated or newly constructed building. If the real property owner fails to file an application no later than the date of the issuance of the certificate of occupancy, the property owner shall have until December 15 following the issuance of the certificate of occupancy to file a late application and to pay a late filing fee of fifty dollars ($50.00) to apply for enterprise zone benefits. If the real property owner fails to file an application for benefits as provided in this section, the property owner shall have waived the right to any such benefits. If a personal property owner wishes to claim personal property tax assessment exemption under this section, such personal property owner must submit an application for such exemption. This application must be filed on or before November 1 for each year the exemption is claimed. If the personal property owner fails to file an application on or before November 1, the property owner shall have until December 15 to file a late application and to pay a late filing fee of fifty dollars ($50.00) to apply for enterprise zone benefits. In addition, each personal property owner applying for exemption under this section shall be required to file the standard personal property declarations required by the assessor's office of the city. If a personal property owner shall fail to file the standard personal property declaration on or before November 1, the personal property owner may file such standard declarations no later than December 15 and shall have the penalty added to his personal property assessment as provided in section 22-16 of these ordinances. This penalty shall not be reduced by the exemption provided in subsection (c) of this section. Failure to file the application for exemption or failure to file the standard personal property declaration forms each year as provided in this section shall constitute a waiver of the right to the exemption for that assessment year. The construction or rehabilitation will be determined to have been completed, and the real property assessment deferral therefore will commence, either the first full tax year following the issuance of a certificate of occupancy for the newly constructed or renovated building or at the option of the applicant at the date of any partial assessment levied upon construction in process prior to the issuance of a certificate of occupancy. In either case, however, the assessment deferral shall not be granted in more than seven (7) assessment periods. Assessment exemption for personal property under this section will commence at the time of commencement of the real property tax deferral unless the building will be occupied by multiple tenants in which case the personal property tax exemption will commence on the first assessment date following the date which each subdivided portion of the space is first occupied; however, in no case shall personal property exemption extend beyond the real property tax deferral for the building in which the personal property is to be located. For any building which may qualify for enterprise zone benefits, which building is occupied, in whole or in part, by a tenant or tenants, in addition to the property owner filing application for benefits, each such tenant must file for benefits. Tenant application forms are available from the city's enterprise zone coordinator or the assessor's office. The tenant application must be filed no later than the November 1 following the assessment date for which benefits are sought or no later than thirty (30) days after the lease has been completed and signed if benefits are first sought for the assessment year that a certificate of occupancy is issued. If a tenant, who should have filed on or before November 1, fails to file an application on or before November 1, the tenant shall have until December 15 to file a late application and to pay a late filing fee of fifty dollars ($50.00) to apply for enterprise zone benefits. If a tenant fails to file an application for benefits as provided in this section, the tenant shall have waived the right to any such benefits for that assessment

year and the real property occupied by the tenant shall not be eligible for benefits for that assessment year. For any multi-tenant building a copy of the lease for the space to be occupied should be submitted to the assessor's office with the tenant application for benefits. The copy of the lease may be filed by either the tenant or by the owner.

(h) Failure of a residential property owner to maintain the property in accordance with the standards of the housing code of the city shall also constitute reason to cease deferral of assessment under this section.

(i) Owners of residential rental property or condominium conversions must submit to the assessor of the city, on forms provided by the assessor, affidavits for each rental or condominium unit giving the occupant's (rental property) or owner's (condominium) full name and gross income in the previous tax year. In order to maintain eligibility rental property owners must submit income affidavits annually on or before November first. If the real property owner fails to file all income affidavits on or before November 1, the property owner shall have until December 15 to file all income affidavits and to pay a single late filing fee of fifty dollars ($50.00) for that year to qualify for enterprise zone benefits. If the real property owner fails to file all income affidavits as provided in this section, the property owner shall have waived the right to any such benefits.

(j) Owners of residential property in the enterprise zone that rehabilitate their property and apply for the seven-year tax deferral described above for any portion of a property may not also apply for deferral of taxes pursuant to any other of the ordinances of the city for the same portion of a property.

(k) Owners of commercial property shall not be eligible for real property tax deferral or personal property exemption under this section unless the occupant of the portion of the property being abated meets the business expansion requirements as defined below:

(1) An increase, within one year of relocation, of the number of full-time, permanent employment positions according the following schedule:

TABLE INSET:

Total Number of Permanent Full-Time Employees of Facility	Required New Positions
1--10	1
11--20	2
21--30	3
31--40	4
over 40	5

(2) Construction of an entirely new structure or an increase in the square footage used in the operation, of at least ten (10) per cent.

The provisions of this subsection shall only apply if the occupant is relocating to the project from a "distressed city" as defined by the state department of economic and community development or from a census tract in the State of Connecticut which was

eligible for designation under the enterprise zone program.

(l) An application for real property deferral or for personal property exemption must be approved both by the enterprise zone coordinator and the city assessor before any such property tax benefit may take effect. In addition, with each new application for real or personal property tax enterprise zone benefits, no such benefits may take effect unless the tax collector certifies at the time of approval by the enterprise zone coordinator or the city assessor, whichever, is last, that the applicant has no real or personal property tax due in the city. No one who has delinquent or due real or personal property tax shall have an application for enterprise zone benefits receive final approval until all tax installments due are paid in full. Such payment of taxes must be made in a timely manner to meet all other deadlines contained in this ordinance. Failure to pay taxes in a timely manner shall not provide in any instance an extension of other deadlines.

(m) In the event that any owner of real or personal property which has qualified for benefits under this section, fails to pay real or personal property taxes on the property receiving enterprise zone property tax benefits, within sixty (60) calendar days of the date an installment becomes due and payable, the benefits shall cease and be removed as of the due date of the next tax bill or next tax installment. No further benefits or continuation of the abatement may occur without specific approval of the restoration by the city assessor, which approval shall be granted when the owner of real or personal property shall have paid in full all delinquent taxes for the property receiving enterprise zone benefits, together with interest and penalties, provided such payment is made prior to the due date of the next tax bill or the next tax installment. The city assessor shall restore the benefits only after the complete payment of all taxes due for the property receiving enterprise zone benefits, together with interest and penalties, and only prior to the due date of the next tax bill or tax installment.

(n) The mayor shall appoint the enterprise zone coordinator who shall administer and enforce this program in cooperation with the city assessor.

(o) An out-of-state business which acquires real property by purchase or lease and establishes business operations in the enterprise zone of the City of New Britain shall qualify for a real property benefit equal to a five-year eighty (80) per cent assessment deferral of the difference between the existing assessment of the real property at the time of acquisition and the increased assessment due to real property additions, renovations or new construction subject to the following:

(1) Such business must file an application with the assessor's office, on a form provided by the city assessor or the enterprise zone coordinator, no later than the issuance of a certificate of occupancy for the renovated or newly constructed building. If such business fails to file an application no later than the date of the issuance of the certificate of occupancy, such business shall have until December 15 following the issuance of the certificate of occupancy to file a late application and to pay a late filing fee of fifty dollars ($50.00) to apply for enterprise zone benefits. If such business fails to file an application for benefits as provided in this section, such business shall have waived the right to any such benefits.

(2) The expenditure for real property additions, renovations, or new construction

must be not less than two hundred thousand dollars ($200,000.00). The city assessor may require documentation of real property expenditures for additions, renovations, or new construction.

(3) The five-year deferral may begin with the October 1 grand list following the completion of the real property additions, renovations or new construction or for the prorated tax pursuant to section 12-53a of the General Statutes of the State of Connecticut. The applicant may elect the beginning period prior to the issuance of the certificate of occupancy.

(4) If the applicant elects the seven-year assessment deferral provided in this section, the applicant shall not be eligible for the deferral provided under this subsection (o).

(5) The provisions of subsections (e), (f), (l) and (m) of this section.

(p) A business currently located in New Britain (as defined below) which acquires additional real property (as defined below) in the enterprise zone by purchase or lease and establishes additional business operations (as defined below) in said additional real property which additional real property either has been vacant for more than six (6) months or is owned by an entity that can qualify for exemption under subsection (2) of section 12-81 of the General Statutes of the State of Connecticut shall qualify for a three-year real property benefit equal to a fifty (50) per cent assessment exemption on said additional real property for the three (3) years immediately following the purchase of or start of the lease of said additional real property subject to the following:

(1) For the purposes of this section, a "business currently located in New Britain" is defined as a business that had a place of business operations in New Britain on the two (2) October firsts immediately preceding the October 1 assessment date for which benefits are being applied and was assessed for business personal property (other than motor vehicles) by the City of New Britain on those two (2) October 1 assessment dates.

(2) For the purposes of this section, "additional real property" is defined as a whole real property location or a portion of a real property location that is different from and other than the existing place of operation in New Britain which qualifies the business as a business currently located in New Britain.

(3) For the purposes of this section, "additional business operation" is defined as a business operation other than, or added to, the existing business operation in New Britain which qualifies the business as a business currently located New Britain. A business operation that replaces, in whole or in part, in terms of space occupied, people employed or personal property owned, a business currently located in New Britain, shall not be considered an "additional business operation" and shall not qualify for this three-year real property exemption. Moreover, when any business which qualifies for this benefit by acquiring additional real property and by establishing an additional business operation, but during the course of the three-year exemption period reduces operations at the business currently located in New Britain which qualified the business for this three-year real property exemption, the exemption shall cease, following such reduction, as of the due date of the next tax bill or next tax installment,

whichever is first.

(4) Application must be filed by the business applying for real property exemption with the assessor's office, on a form provided by the city assessor or the enterprise zone coordinator no later than November 1 following the October 1 which follows the purchase of or start of the lease of the additional real property. If said business owner fails to file an application no later than said November 1, the business owner shall have until December 15 to file a late application and to pay a late filing fee of fifty dollars ($50.00) to apply for enterprise zone benefits. If the business owner fails to file an application for benefits as provided in this section, the property owner shall have waived the right to any such benefits.

(5) This three-year exemption shall begin with the October 1 grand list following the purchase of or start of the lease of the additional real property.

(6) If the applicant elects the seven-year real estate assessment deferral provided in this section, the applicant shall not be eligible for this three-year estate exemption.

(7) The provisions of subsections (f), (l) and (m) of this section.

(q) In the enterprise zone, an incubator tenant (as defined below) who leases real property from an incubator facility (as defined below) may qualify for the exemption and abatement benefits provided in this section.

(1) For the purposes of this section, "incubator tenant" shall be defined as a young enterprise in the startup process of business. An incubator tenant may share office services, access to equipment, have flexible leases and expandable space all under one roof. It may receive hands-on management assistance, access to financing and orchestrated exposure to critical business or technical support. A young enterprise shall be a sole proprietorship, partnership, corporation, LLC or other entity that had existed for no more than three years prior to signing the lease as an incubator tenant. "Start up process" shall be considered the status of an enterprise which has had no more than five (5) full-time employees at one time prior to the signing of the lease for incubator space. This limit of five (5) full-time employees may be waived if the limit is deemed not appropriate for any prospective incubator tenant by the unanimous consent of the enterprise zone coordinator, the city assessor and the incubator facility.

(2) For the purposes of this section, "incubator facility" shall be an entity that can qualify for property tax exemption under subsections (2) or (7) of section 12-81 of the Connecticut General Statutes. Such entity shall own real property in the enterprise zone and shall lease this property to incubator tenants. This incubator facility may provide a variety of business support services and resources.

(3) An incubator tenant may qualify for a five-year real property benefit and a concurrent five-year personal property benefit, excluding motor vehicles and leased personal property, equal to a one hundred (100) per cent assessment exemption for each of the first three (3) assessment dates following the start of the lease by the incubator tenant and equal to a fifty (50) per cent assessment

exemption for the fourth and fifth assessment dates following the start of the lease, subject to the following:

a. An incubator tenant must lease real property in an incubator facility as defined above. An incubator facility must file an application with the city assessor, on a form provided by the city assessor or the enterprise zone coordinator. On this form such incubator facility shall describe the real property space available for incubator tenants, the services available to incubator tenants and the process for granting leases to incubator tenants. The application of the incubator facility must be approved by resolution by the common council and the mayor. No incubator tenant may file application for benefits provided in this section unless the incubator facility has received prior approval as provided in this subsection. Annually, no later than November 1, each such approved incubator facility shall file a list of incubator tenants with the city assessor. This list must include the name of the tenant, the business name of the tenant (if different), the name of the contact person if the tenant is a corporation, the building location of the tenant, the amount of square feet leased by the tenant, the type of space occupied by the tenant and the start date provided in the lease for occupancy by the incubator tenant.

b. Application must be filed by the incubator tenant with the assessor's office, on a form provided by the city assessor or the enterprise zone coordinator, no later than November 1 following the October 1 which follows the start of the lease by the incubator tenant. Annually thereafter, the incubator tenant shall file application no later than November 1, for each succeeding assessment date for which the incubator tenant seeks exemption during this five-year period. In addition, the incubator tenant shall file annually the standard personal property declarations required by the assessor's office of the city. Such applications shall provide for signature of approval by the city assessor, the enterprise zone coordinator and the authorized agent of the incubator facility. In any year, if an incubator tenant fails to file application on or before November 1 or fails to file the standard personal property declarations, the incubator tenant shall have until December 15 to file a late application and declarations and to pay a late filing fee of fifty dollars ($50.00) to apply for this exemption. If the incubator tenant fails to so file before any such November 1 or before any such December 15 extended deadline, the incubator tenant shall have waived its right to the exemptions provided in this subsection for that assessment year and shall be liable for the property taxes for that assessment date.

c. This five-year program shall begin with the October 1 grand list following the start date provided in the lease for occupancy by the incubator tenant.

d. If, at the start of the incubator tenant lease, the applicant chooses to receive the seven-year real estate assessment deferral, or the five-year real estate exemption for out-of-state businesses, or the three-year real

estate exemption provided in this section, the applicant shall not be eligible for the five-year real estate exemption provided in this subsection.

e. The provisions of subsections (f), (l) and (m) of this section.

f. Any incubator tenant who may be eligible to receive benefits under sections 32-9p(d) and 12-81(59) of the Connecticut General Statutes must apply for those benefits in the time provided by statute. If such incubator tenant is not approved by the State of Connecticut for those benefits, such incubator tenant may apply for any other appropriate benefits provided in this section.

g. For any change of name by an incubator facility or and incubator tenant, the entity that has changed names must file a change of name affidavit with the city assessor on an affidavit form provided by the city assessor. That affidavit form shall be reviewed by the city assessor and the enterprise zone coordinator. If the city assessor and the enterprise zone coordinator both approve that the circumstances are a change of name and the facility or tenant is essentially the same as before the change of name, they shall approve the change and the status of the facility or tenant shall not change with regard to the provisions of this section. If either the city assessor or the enterprise zone coordinator rejects that the circumstances are just a change of name, the benefits shall cease as of the next assessment date and the new entity may apply for benefits as a new applicant.

(4) An incubator tenant may also be eligible to qualify for an abatement of the fifty (50) per cent tax for real estate and for personal property for the fourth assessment date and for the fifth assessment date for locating the incubator tenant's business elsewhere in the City of New Britain and an enhanced enterprise zone exemption for locating the incubator tenant's business elsewhere in the enterprise zone no later than the sixth assessment date following the initial lease by the incubator tenant, subject to the following:

a. Payment of the fifty (50) per cent tax or taxes for the fourth assessment date following the initial lease by the incubator tenant shall be deferred without interest until through the June 30 following the due date of that bill. If the incubator tenant shall have acquired, by purchase or by lease for one or more years, an existing building or a site for its future building for said incubator tenant's business within the City of New Britain prior to the July 1; due date of the property tax for the fifth assessment date following the initial lease by the incubator tenant, the incubator tenant may qualify for an abatement of the fifty (50) [per cent] taxes on the portion that did not receive exemption for the fourth and fifth assessment dates. In order to receive such abatement, the incubator tenant must make application for such abatement, prior to the July 1 due date for of the property tax for the fifth assessment date following the initial lease by the incubator tenant, on a form provided by the city assessor or enterprise zone coordinator. This form shall include provision for the

incubator tenant's verification that a building or a site has been acquired in the City of New Britain in accordance with the above stated provisions and this form shall provide for signature and approval of the city assessor and the enterprise zone coordinator. Also, it shall be required that the tax collector certify that the incubator tenant has no property tax due to the city. If the incubator tenant has property tax due to the city, the tax collector shall deny approval of the application for abatement and no abatement shall be allowed. If the incubator tenant does not acquire such New Britain building or site, or does not file for such abatement, or is not approved for such abatement, the fifty (50) per cent taxes for the fifth assessment year shall be due and payable according to all normal provisions and the fifty (50) [per cent] taxes for the fourth assessment year shall be no longer deferred as of the July 1 next following the original July 1 due date of the tax. Interest will begin to accrue to that fourth year account on the same basis that it would accrue to an account on that July 1 next following.

b. For any incubator tenant who acquires a building or site in the enterprise zone of the city, and who qualifies for the fifty (50) per cent abatement provided above, or who acquires an enterprise zone building or site at some time during the first three (3) years of exemption under this section, or who selected and was approved for the seven-year real estate assessment deferral, or who selected and was approved for the five-year real estate exemption for out-of-state businesses, or who selected and was approved for the three-year exemption provided in this section, or who received benefits as a qualified manufacturing facility under sections 32-9p(d) and 12-81(59) of the Connecticut General Statutes, that incubator tenant may be eligible for one and only one of the enhanced enterprise zone benefits that follow. For subsections 1. and 2. below, the applications for the regular seven- or three-year benefits will suffice and the provisions of subsections (l) and (m) shall apply. For subsections 3. and 4. below, the assessor shall apply the additional year exemption without application to the same incubator tenant if the tax collector certifies as of the October 1 assessment date for the exemption that the incubator tenant has no property tax due to the city. If the incubator tenant does have property tax due, to the city, the tax collector shall deny approval of the exemption and no extra year exemption shall be allowed. For subsection 5. below, application must be filed by the incubator tenant with the assessor's office, on a form provided by the city assessor or the enterprise zone coordinator, no later than November 1 following the October 1 which follows the acquisition of the building space by the incubator tenant. This application must be approved by the city assessor and the enterprise zone coordinator. And such application shall be subject to the provisions of subsections (f), (l) and (m).

1. If an incubator tenant qualifies for the seven-year real estate exemption provided in this enterprise zone ordinance an eighth year shall be added to the exemption. That eighth year shall be

an additional year of a one hundred (100) per cent exemption which shall be inserted at the beginning of the eight (8) years and then the regular seven-year program shall follow.

2. If an incubator tenant qualifies for the three-year real estate exemption provided in this enterprise zone ordinance, a fourth year shall be added to the exemption. That fourth year shall be an additional year of a fifty (50) per cent exemption which shall be inserted at the beginning of the four (4) years and then the regular three-year program shall follow.

3. If an incubator tenant qualifies for the manufacturing facility exemption provided in section 12-81(59) of the Connecticut General Statutes, a sixth year shall be added to the exemption. That sixth year shall be an additional year providing a forty (40) per cent exemption applied to the sixth year after the completion of the five (5) years provided by the Connecticut General Statutes.

4. If an incubator tenant qualifies for an assessment agreement as provided in section 12-65b of the Connecticut General Statutes, one additional year shall be added to the assessment agreement equal to the benefit provided for in the last year of the agreement pursuant to section 12-65b of the Connecticut General Statutes.

5. If an incubator tenant acquires building space in the enterprise zone of the City of New Britain that has been vacant for more than one year, the incubator tenant may be eligible for a two-year exemption equal to fifty (50) per cent of the assessed value of that building space acquired by the incubator tenant. Application must be filed by the incubator tenant as provided above in this subsection.

(5) Implementation of the incubator tenant exemption provisions.

a. In initially implementing the provisions of this subsection (q), there are two (2) facilities which are herein each approved as an incubator facility. These are 185 Main Street, owned by the State of Connecticut and known as the Institute for Industrial and Engineering Technology of Central Connecticut State University, and 200 Myrtle Street, owned by CW Group, Incorporated and known as Connecticut Enterprise Center.

b. The incubator tenant exemptions and abatements provided in this subsection are provided in recognition of the circumstance that property tax exemption benefits have been provided to some incubator tenants for assessment dates prior to the passage of subsection (q). It is further intended to provide the opportunity to qualified incubator tenants at 185 Main Street or 200 Myrtle Street to apply for real property and personal property exemption for the assessment date of October 1, 2000, for the five-year program provided above. For any incubator tenant who first received real property exemption by resolution for 185 Main Street for

the assessment date of October 1, 1998, that assessment date shall be the first assessment date for the five-year program provided above. For any incubator tenant who first received real property exemption by resolution for 185 Main Street for the assessment date of October 1, 1999, that assessment date shall be the first assessment date for the five-year program provided above. It is not intended that any personal property exemption shall be provided to incubator tenants at 185 Main Street for the assessment dates of October 1, 1998, or October 1, 1999, or earlier. For all other incubator tenants the base starting point shall be the date of the start of the lease for occupancy in an incubator facility and the first assessment date following that lease start date. For any assessment date from that base starting assessment date up to, but not including, October 1, 2000, there shall be no exemption. But any such years including the base starting assessment date shall be counted in calculating the five (5) eligible years for the five-year program provided above. For any incubator tenants at 200 Myrtle Street who have received seven-year benefits as provided in this section, or who received benefits as provided in this section, or who received benefits as a qualified manufacturing facility under sections 32-9p (d) and 12-81 (59) of the Connecticut General Statutes, they shall not receive the five-year benefits as provided in this subsection. However, such tenants may qualify for the enhanced enterprise zone exemption provided in this subsection. For any other qualified incubator tenant at 200 Myrtle Street, the base starting point for the five-year exemption provided above shall be the date of the start of the lease for occupancy in an incubator facility and the first assessment date following that lease start date. For any assessment date from that base starting assessment date up to, but not including, October 1, 2000, there shall be no exemption. But any such years including the base starting assessment date shall be counted in calculating the five (5) eligible years for the five-year program provided above.

c. For the assessment date of October 1, 2000, any incubator tenant who chooses to apply for the exemptions provided in this section, must apply no later than sixty (60) days following the meeting of the common council at which this subsection is approved. Any incubator tenant who fails to so apply on an application form provided by the city assessor or the enterprise zone coordinator for exemption for October 1, 2000, shall have waived its right to an exemption for that assessment year and shall be liable for the property taxes for that assessment date. The application for exemption for October 1, 2000, shall be subject to the provisions of subsections (f), (l) and (m) of this section.

(r) (1) In addition to and notwithstanding the foregoing subsections of this section, on or after December 26, 2001, the mayor, with the approval of the common council, may authorize, in their sole discretion and pursuant to Connecticut General Statutes, section 32-71(e), Discretionary Assessment Deferral and Tax Abatement Agreements. Such discretionary assessment deferral and tax abatement agreements shall be applicable only to parcels containing commercial real and personal property, including industrial

properties, in the enterprise zone, in which the property owner invests a minimum of one hundred fifty million dollars ($150,000,000.00) in expenditures for rehabilitation, construction and equipment, exclusive of any land-acquisition costs, on such property. Such discretionary assessment deferral and tax abatement agreements shall commence at such time or upon the satisfaction of such conditions as such agreements shall provide, and shall be for a fixed term not exceeding thirty (30) years.

(2) A discretionary assessment deferral and tax abatement agreement shall not be conveyed with any real property to which it is applicable, nor shall such agreement be assigned to a successor-in-interest or assignee of a taxpayer who has executed such agreement, unless expressly authorized by such agreement. This subsection (r)(2) shall apply to changes in controlling ownership of corporations, limited partnerships and limited-liability companies.

(Code 1970, § 2-192(2); Ord. of 11-82, § 9; Ord. of 3-84; Ord. of 2-92; Ord. of 12-3-97; Ord. of 6-2-99; Ord. of 4-01; No. 26783-1, 2-13-02; No. 26869-1, 3-13-02)

Sec. 22-11. Reserved.

Editor's note: An ordinance of March 4, 1992, repealed § 22-11, which provided for a fifteen-year tax exemption of solar heating and cooling systems expiring on October 1, 1991. Former § 22-11 derived from Code 1970, § 2-192(A); an ordinance of September 1977 and an ordinance of March 1988.

Sec. 22-12. City designated as rehabilitation area for purpose of deferral of increase in assessment.

(a) The city is hereby designated as a rehabilitation area, pursuant to General Statutes, sections 12-65c through 12-65f.

(b) As used in this section, "rehabilitation" means the improvement or repair of a residential structure or facilities appurtenant thereto, exclusive of general maintenance of repair.

(c) Residential property within the rehabilitation area which meets the criteria set forth in this section shall be eligible to enter into an agreement with the city assessor for deferral of any increased tax assessment attributable to rehabilitation as provided in the statute sections referred to in paragraph (a) of this section, if the rehabilitation work has a total value of at least two thousand dollars ($2,000.00) as indicated on the official building permit on file in the building commission office.

(d) For the first year following completion of rehabilitation, the entire increase shall be deferred thereafter, ten (10) per cent of the increase shall be assessed against the property each year until one hundred (100) per cent of such increase has been so assessed. The rehabilitation shall be determined to have been completed and the assessment deferral therefore will commence, either with the assessment date following the completion of the rehabilitation or with the assessment date following the issuance of a certificate of occupancy for the renovated building or, at the option of the applicant, in the assessment year of any partial year assessment levied upon construction completed with the issuance of a certificate of occupancy. In any case, however, the assessment deferral shall not be granted in more than ten (10)

assessment years.

(e) Any person aggrieved by any decision or action, or failure to take action, by the city under the provisions of this section, and the statute sections referred to in paragraph (a) of this section may appeal in accordance with section 12-65f of the General Statutes of the State of Connecticut.

(f) Any residential property in the city may be declared eligible for deferral of tax assessment by the city assessor if it meets the following criteria:

(1) The tax collector certifies at the time of final approval that the applicant has no real or personal property tax due in the city. No one who has delinquent or due real or personal property tax shall have an application for deferral under this section receive final approval until all tax installments due are paid in full. Such payment of taxes must be made in a timely manner to meet all other deadlines contained in this ordinance. Failure to pay taxes in timely manner shall not provide in any instance an extension of other deadlines; and

(2) The improvements either:

a. Have been ordered by city officials in order to bring the property into compliance with housing codes, building codes or fire safety codes; or

b. Include the thorough rehabilitation or remodeling of the interior and/or exterior of the property, which improvements in the unanimous judgment of the city assessor, the chief building inspector and the director of health constitute an appropriate and desirable rehabilitation of the property; provided, however, new additions to a property shall not be eligible for deferral, nor shall exterior renovation or improvements of properties which are included on the official list of historic structures adopted by the city plan commission or which are located within a historical district designated by ordinance be eligible for deferral unless such exterior renovation or improvements are, in the opinion of the director of planning or his/her designees, compatible with the historic features of the property;

c. Are made to restore authentic exterior historic features of properties which are included on the official list of historic structures adopted by the city plan commission or located within a historic district designated by ordinance. The authenticity of the feature shall be determined by the director of planning or his/her designee.

(g) This deferral benefit is not transferable except tax deferral benefits granted under this section may be transferred to the first purchaser of each condominium unit if the project will be used for residential condominium purposes or to the first cooperative housing association, provided that any residential condominium or cooperative housing project which requires relocation of tenants shall require specific approval by the common council which may request such information on the project which it deems necessary to evaluate the impact of the project on displaced persons or businesses.

Notwithstanding the above, in any residential condominium or cooperative housing project, in which the developer of the project defaults and the lender to whom the developer

has defaulted transfers all the units that were received by the lender as a result of the default to one (1) party, that party will be considered a replacement developer who shall be entitled to the deferral and shall have the right to transfer the deferral to the first purchaser of any of the received units or to the first cooperative housing association. No replacement developer shall be eligible for continuation of these deferral benefits unless he and any first purchaser or first cooperative housing association applies for benefits as described herein and said benefits shall not be continued unless he and any first purchaser or first cooperative housing association complies with the provision of subsection (i) of this section.

The replacement developer must apply to the city assessor for continuation of deferral benefits no later than sixty (60) days after the transfer of the ownership to the replacement developer is recorded on the land records of the city. The city assessor shall have thirty (30) days from the date the application is filed to review the application of the replacement developer. If the city assessor determines that the replacement developer has met the provisions of this subsection, he shall approve the application. Final and complete approval of the application for continuation of deferral benefits shall be achieved upon certification by the tax collector of the city that at the time of this certification the applicant, the replacement developer, has no real or personal property tax due in the city. The tax collector shall have ten(10) days after the action of the city assessor to so certify or to deny.

(h) In order to qualify for property tax deferral under this section, the property owner must file an application for deferral on forms available from the city assessor. This application must be filed with the city assessor no later than the date of the issuance of a certificate of occupancy. In any case that a certificate of occupancy is not issued, application must be filed with the city assessor no later than November 1 which follows the assessment date after the completion of renovation or rehabilitation.

(i) In the event that the owner of any real property which has qualified for deferral under this section fails to pay real property taxes on the property receiving such deferral, within sixty (60) calendar days of the date such taxes become due and payable, the deferral shall cease and be removed as of the date of the next tax bill or tax installment. No further deferral or continuation of abatement may occur without specific approval of the city assessor which approval shall be granted when the owner shall have paid in full all delinquent taxes, together with interest and penalties, provided such payment is made prior to the date of the next tax bill or tax installment. The city assessor shall act to approve the restoration of the deferral only after complete payment of all taxes due, together with interest and penalties and provided such payment shall have been made prior to the due date of the neat tax bill or tax installment.

(j) No deferral benefits afforded under this section shall apply to assessment on any grand list of the municipality after the grand list of 2012.

(Code 1970, § 9-10; Ord. of 12-73; Ord. of 11-86; Ord. of 3-92; Ord. of 11-96; Ord. No. 28279-4, 12-17-04)

Sec. 22-13. Method of payment of delinquent motor vehicle property taxes.

Any delinquent property taxes applicable with respect to a motor vehicle shall be paid only in cash or by certified check or money order.

(Ord. of 9-84)

Sec. 22-14. Publication of list of delinquent taxpayers.

(a) On May 1 of each year the tax collector shall prepare a list of delinquent taxpayers and cause such list to be published by displaying the same in a prominent place in city hall. For purposes of this section, a "delinquent taxpayer" is defined as a person, persons, partnership, corporation or other entity who owned real or personal property upon which taxes were levied and which taxes totaling two thousand dollars ($2,000.00) or more, exclusive of interest and lien fees, have not been paid on or before the first day of the month next succeeding the month in which they became due and payable, and are still due and owing as of May 1.

(b) Notwithstanding the provision of subsection (a) hereof, the name of a delinquent taxpayer shall not be published by the tax collector if such tax payer has entered into, a written agreement with the tax collector which makes provisions satisfactory to the tax collector for payment of all delinquent taxes and the taxpayer is not in default with the provisions of such agreement.

(c) In the event the name of a taxpayer is published on the list of delinquent taxpayers in error, the tax collector shall cause a correction to be published by displaying the same in a prominent place in city hall in the same manner in which the list of delinquent taxpayers was displayed.

(Ord. of 6-90; Ord. of 7-96; Ord. of 3-01)

Sec. 22-15. Exemption from taxation of real property owned by certain exempt organizations and leased to other exempt organizations.

Pursuant to the provisions of Section 12-81(58) of the Connecticut General Statutes, real property owned by a religious or charitable organization or a nonprofit organization organized for educational, scientific, literary or historical purposes which is leased to the City of New Britain, or another religious or charitable organization or another nonprofit organization organized for educational, scientific, literary or historical purposes, shall be exempt from property taxation provided that:

(1) The organization owning the property and the organization leasing the property are both exempt from taxation for federal income tax purposes; and

(2) Only such leased property or portion of such leased property which is used for an exempt purpose as defined by Sections 12-81(4), 12-81(7), 12-81(13), 12-81(14) or 12-81(15) of the Connecticut General Statutes shall qualify for such exemption, provided, however, that housing shall not constitute an exempt purpose as defined by Section 12-81(7) of the Connecticut General Statutes; and

(3) Any owner of real property claiming exemption under this provision shall file an annual statement with the city assessor concerning such claim for exemption within the period assessors have to complete their duties for each assessment year; and

(4) With each annual claim, both the organization owning the property and the organization leasing the property shall have furnished to the city assessor evidence of certification from the Internal Revenue Service, effective at the time of the request, that such organization has been approved for exemption from federal income tax as an exempt organization; and

(5) Failure to file a claim in the manner and within the time limit prescribed shall constitute a waiver of the right to the exemption for such assessment year.

(Ord. of 4-91; Ord. of 2-92)

Editor's note: An ordinance of April 1991 purported to add a new § 22-14 to the Code; inclusion as § 22-15 in order to avoid duplication of section numbers was at the discretion of the editor.

Sec. 22-16. Extension of the time to file personal property lists; payment of fifteen per cent penalty.

Pursuant to Section 12-119a of the General Statutes of the State of Connecticut, the City Assessor shall reduce the twenty-five (25) per cent penalty applied pursuant to Section 12-42 of the General Statutes of the State of Connecticut for failure to file a personal property list on or before November 1 to a fifteen-percent penalty, provided that:

(1) No later than the December 15 immediately following the November 1 deadline for filing personal property lists, the personal property owner files a written request, on a form provided by the city assessor, for an extension of the time to file the personal property lists required by the general statutes and by the city assessor; and

(2) No later than the December 15 immediately following the November 1 deadline for filing personal property lists, the personal property owner files the personal property lists required by the general statutes and by the city assessor; and

(3) Failure to file a request for extension, or failure to file the required personal property lists, in the manner and within the time limits provided in this section, shall constitute a waiver of the opportunity of the personal property owner for the reduction of the twenty-five (25) percent penalty for such assessment year.

(4) In accordance with Section 12-119a, the city assessor shall compile a list of all personal property owners who are granted a reduction of the twenty-five (25) percent penalty pursuant to this section. The city assessor shall file said list with the town clerk no later than the March 15 immediately following the completion of the grand list. The town clerk shall post said list for thirty (30) days and maintain a file of such lists. The town clerk shall be required to maintain each list in said file for two (2) years after the list is submitted to the town clerk.

(5) With respect only to the assessment list of October 1, 1994, no written request for an extension is required, and the filing of the required lists with the city assessor, must be completed no later than January 20, 1995 to obtain a reduction of the twenty-five (25) percent penalty.

(Ord. of 1-95)

Sec. 22-17. Tax exemption for ambulance-type motor vehicles used to transport medically incapacitated individuals.

Pursuant to section 12-81c of the General Statutes of the State of Connecticut, the city assessor shall exempt the total assessment of any ambulance-type motor vehicle which is used exclusively for the purpose of transporting any medically incapacitated individual, provided that:

(1) Annually, no later than the January 31 immediately following the October 1 assessment date, the motor vehicle owner files a written application for exemption, on a form provided by the city assessor, for the exemption provided herein; and

(2) In the case of a vehicle that is first registered by the medically incapacitated individual, or his or her spouse, or his or her parent(s) between October second through the following July 31, the motor vehicle owner files a written application for exemption, no later than the January 31 immediately following this period from October second through the following July 31, on a form provided by the city assessor, for the exemption provided herein; and

(3) A duly authorized agent may make application for this exemption on behalf of the motor vehicle owner; and

(4) Failure to file for an exemption, as provided in this section, shall constitute a waiver of the right to such an exemption for that assessment period; and

(5) "Ambulance-type motor vehicle" shall mean any motor vehicle which has been substantially modified with assistive devices for transporting medically incapacitated individuals. These include devices such as wheel chair lifts, hand controls, modifications to accommodate stretchers, beds or special seating, or any substantial modifications to accommodate medical or emergency equipment. Any motor vehicle which is granted the exemption provided herein must be owned by the medically incapacitated individual, or by the medically incapacitated individual's spouse, or by both, or by one or both of the parents of the medically incapacitated individual. The application form provided by the city assessor shall require a written documentation of the special modification to an ambulance-type vehicle for the vehicle that is to receive this exemption. The application form provided by the city assessor shall require proof of relationship between the medically incapacitated individual and the vehicle owner; and

(6) "Medically incapacitated individual" shall mean any person for whose benefit certain special modification as described in subsection (5) of this section is necessary. The application form provided by the city assessor shall require a written statement from the medically incapacitated individual's physician which attests to the medical incapacitation and the need for a specially modified, ambulance-type vehicle unless the medically incapacitated individual, within the previous five (5) years, submitted an application for exemption pursuant to this section including a valid statement from a physician attesting that said medical

incapacitation is of a permanent nature. Said statement from a physician, when submitted, must be dated no earlier than one (1) year from the date of the application; and

(a) Notwithstanding the above provision, any individual who applies for the exemption provided herein and who submits with any application for exemption for a certain vehicle a written statement of medical incapacitation from his or her physician may provide that statement only that one time for that vehicle, if the statement contains the following, "This medical incapacitation is of a permanent nature."

(7) "Used exclusively" means the vehicle is devoted to the purpose of transporting the medically incapacitated individual and no other purpose. The application form provided by the city assessor shall require that the vehicle owner and the medically incapacitated individual, if the medically incapacitated individual is twenty-one (21) years of age, attest that the vehicle is used exclusively for this purpose; and

(8) The exemption provided herein shall expire as of the assessment date immediately following the date of the sale, theft or total destruction of the ambulance-type motor vehicle.

(9) No vehicle shall be qualified or approved for exemption under this section if the medically incapacitated individual or the owner of the vehicle has any past due tax owed to the City of New Britain as of the date of application. The application form provided by the city assessor shall require a written certification by the tax collector that there are no past due taxes owed to the City of New Britain by the medically incapacitated individual or the owner of the vehicle. If the application is denied because there are past due taxes as of the date of application, the applicant may reapply after the payment of taxes. This reapplication shall be applicable to the grand list period, described in subsection (1) above, as of the date of the reapplication and not the date of any previous denied application.

(Ord. of 9-10-97; Ord. of 10-99)

Sec. 22-18. Fee schedule for access to the CAMA system.

Pursuant to section 7-148r of the General Statutes of the State of Connecticut, the city assessor shall provide access to the data of the revaluation CAMA (computer assisted mass appraisal) data base in accordance with the following schedule.

These fees are established for data from the revaluation CAMA data base:

(1) Copy of existing printed record, per page . . . $.50

(2) Copy of a print out from the data base of information not currently in print, per page . . . $1.00

(3) Printed list of abutters from GIS feature in CAMA data base, per report . . . $5.00

(4) One 3.5-inch diskette or e-mail transmission of data from data base (in Excel)

for:

TABLE INSET:

Data Items	Cost
1-10	$25.00
11-20	$50.00
21-25	$75.00
26-30	$100.00
31-40	$150.00
41-50	$200.00

a. Data items are individual pieces of information which reside in specific data fields in the data base. These are items such as owner's name, property location, map and lot number, or style of dwelling, year built, number of bath rooms for a residential building.

b. For requests for data items in excess of fifty (50) items, the fee shall increase in increments of fifty dollars ($50.00) per additional group of ten items, or portion thereof, in the same proportionate pattern as provided in the above chart.

c. There shall be an additional charge of three dollars ($3.00) per diskette for each diskette in addition to the one diskette provided above.

(5) The fees provided in this schedule assume the purchaser will receive the data by e-mail or will pick up the requested material in the assessor's office during normal city hall hours. If the purchaser requests that the order be shipped/mailed, the cost of shipping/mailing shall be added to the fee for the order.

(6) All requests for data shall be made on a form prepared by the city assessor to provide for the handling of requests and the processing of orders. That form shall contain the following statement: *The requested information is provided in accordance with the fee schedule listed in City Ordinance 22-18. It is understood that the city gives no warranty as to the accuracy of the information. The information is from the CAMA data base as it existed on the date the order was filled. It is provided "as is" with any errors, discrepancies or omissions that may exist in the CAMA file. It is accepted "as is" and the city shall not be held liable for any damage arising from any incomplete, inaccurate, incorrect or misleading information.*

(7) For all orders, the balance of the charge for the order must be paid at the time the order is picked up or before the order is shipped/mailed or e-mailed. For all orders which involve a fee of ten dollars ($10.00) or more for the data/media requested, the requester must submit with the order form, a deposit equal to a fifty (50) percent payment for the data/media, or a minimum deposit of ten dollars ($10.00), whichever is greater.

(Ord. of 5-98; Ord. of 6-2-99; Ord. No. 28053-1, 6-9-04)

Sec. 22-19. Tax exemption for motor vehicles leased by religious organization and used for exempt purpose.

Pursuant to the provisions of Section 12-81(58) of the General Statutes of the State of Connecticut, a motor vehicle subject to property tax in the City of New Britain which is leased by a religious organization and is used for an exempt purpose in accordance with Sections 12-81(13), 12-81(14) or 12-81(15) of the General Statutes of the State of Connecticut, shall be exempt from property taxation provided that:

(1) The religious organization leasing the vehicle is exempt from taxation for federal income tax purposes and exempt from sales tax in the State of Connecticut, and is qualified to receive property tax exemption pursuant to Sections 12-81(13), 12-81(14) or 12-81(15) of the General Statutes of the State of Connecticut; and

(2) The applicant for exemption under this provision must file for exemption as a religious organization every four (4) years during the quadrennial cycle provided in state law; and

(3) Any religious organization claiming exemption under this provision shall file an application for exemption with the city assessor, on a form provided by the city assessor, for each tax period for which an exemption is claimed. This application for exemption must be filed with the city assessor no later than December 31 in the calendar year in which the property tax is due; and

(4) With each application for exemption, the religious organization shall submit to the city assessor a copy of the current registration of the motor vehicle and a copy of the lease agreement with the owner of the vehicle; and

(5) A vehicle shall not be exempt under this provision for any period that it is not subject to lease by a religious organization who has qualified for exemption under this section; and

(6) A religious organization may claim exemption under this provision for any motor vehicle subject to property tax on the grand list of October 1, 2000, and thereafter; and

(7) Failure to file an application for exemption in the manner and within the time limit prescribed shall constitute a waiver of the right to the exemption for any motor vehicle property tax which has become due and payable.

(Ord. of 9-01)

Sec. 22-20. Exemption for qualified veterans or qualified surviving spouses of veterans.

Pursuant to G.S. § 12-81f, the city assessor shall exempt property belonging to or held in trust for a qualified veteran or a qualified surviving spouse of a veteran to the amount of five thousand dollars ($5,000.00) provided that:

(1) Any such veteran or surviving spouse submitting a claim for such exemption shall be required to file an application on a form prepared for such purpose by

the city assessor, not later than the assessment date with respect to which such exemption is claimed, provided when an applicant has filed for such exemption and received approval for the first time, such applicant shall be required to file for such exemption biennially thereafter, subject to the provisions of subsection (2) of this section.

(2) Any person who has submitted an application and has been approved in any year for this exemption shall, in the year immediately following approval, be presumed to be qualified for such exemption. During the year immediately following such approval the assessor shall notify, in writing, each person presumed to be qualified pursuant to this section. If any such person has qualifying income in excess of the maximum allowed under G.S. § 12-81l, such person shall notify the city assessor on or before the next filing date for such exemption and shall be denied such exemption for the assessment year immediately following and for any subsequent year until such person has reapplied and again qualified for such exemption. Any person who fails to notify the city assessor of such disqualification shall make payment to the municipality in the amount of the property tax loss related to the exemption improperly taken.

(3) Any person making application shall include a copy of such veteran's or of such surviving spouse's federal income tax return. Any veteran who is married must supply a joint federal income tax return including the income of his/her spouse or both the veteran's and the spouse's federal income tax return if they file separately. In the event that a veteran, a veteran's spouse or a surviving spouse do not file a federal income tax return, they shall include such evidence of income as may be required by the city assessor. The income in all cases shall be for the tax year ending immediately prior to the assessment date with respect to which such additional exemption is claimed.

(4) Any such person claiming this exemption shall have applied for and shall have been approved for the exemption provided in G.S. § 12-81g. Any person who has not applied for and been approved for the exemption provided in G.S. § 12-81g shall not be eligible for the exemption provided in this section.

(5) Any veteran, any veteran's spouse or any surviving spouse of a veteran must be a registered voter in the City of New Britain on the assessment date for which an exemption is claimed under this section in order to be eligible to receive such exemption.

(6) The city assessor shall approve the state additional veterans form (form M-59) to serve as the application prescribed for in this section.

(7) This exemption shall be effective for the October 1, 2004, grand list for those bills due and payable on July 1, 2005. State additional veterans forms M-59 which were filed and enabled veterans to receive an exemption under G.S. § 12-81l for the October 1, 2004, grand list shall be used to determine eligibility for this local option exemption for the October 1, 2004, grand list.

(Ord. No. 28281-2, 11-9-04; Ord. No. 28281-3, 11-18-04; Ord. No. 28281-2, 11-9-04; Ord. No. 28281-3, 11-18-04)

Secs. 22-21--22-25. Reserved.

ARTICLE II. COLLECTOR OF TAXES*

***Cross references:** City officers generally, § 2-331 et seq.

DIVISION 1. GENERALLY

Sec. 22-26. Full-time position.

The collector of taxes shall devote his entire working time to the duties of his office to the exclusion of any other employment or occupation. His functions include, but shall not be limited to, collecting taxes and assessments due the city, including current and past due accounts.

(Code 1970, § 2-185)

Sec. 22-27. Assistants; appointment and salaries.

The collector of taxes shall have the power to appoint investigators or deputies to assist in the performance of the collector of taxes' work, subject to the approval of the mayor. Such deputies shall be appointed pursuant to the provisions of the charter. The salaries of such deputies shall be fixed or approved by the council.

(Code 1970, § 2-186; Ord. of 7-01)

Sec. 22-28. Service charge for unpaid checks to be imposed.

The collector of taxes shall charge a service fee of twenty dollars ($20.00) whenever taxes are paid by a check that is returned to the office of the collector of taxes unpaid.

(Code 1970, § 2-187(a); Ord. of 9-83; Ord. of 5-94)

Secs. 22-29--22-35. Reserved.

DIVISION 2. DUTIES

Sec. 22-36. Collection and payment of taxes on personalty; report to board of finance and taxation and mayor.

(a) *Overdue tax on personalty.* The collector of taxes shall diligently pursue the collection of all taxes on personal property unpaid at the expiration of sixty (60) days after they become due.

(b) *Acceptance of notes.* Under no circumstances shall the collector of taxes accept notes in payment of taxes or assessments.

(c) *Report of tax collector.* At the October meeting of the board of finance and taxation, the collector of taxes shall personally report all taxes on personalty due and unpaid to the city.

(Code 1970, § 2-187; Ord. of 3-01)

Sec. 22-37. To deposit collections in bank; payment to treasurer.

(a) *Deposits.* The collector of taxes shall deposit daily all collections made on the preceding day in an account kept for the office of collector of taxes.

(b) *Payment to treasurer.* The collector of taxes shall transfer to the treasurer all his collections, together with an itemized statement of the same, and shall receive a receipt from the treasurer in return.

(Code 1970, § 2-188)

Sec. 22-38. Report to corporation counsel on nonpayment of taxes; action thereon.

(a) *Duty to report.* The collector of taxes shall report to the corporation counsel on the first Monday of March in each year.

All assessments upon property which have been due and unpaid for a period of two (2) or more years.

(b) *Action by corporation counsel.* The corporation counsel shall take such legal steps as are necessary to enforce the payment of the taxes and assessments described in subsection (a). All elderly property owners whose taxes are frozen or are on circuit breakers shall be exempt from such steps.

(Code 1970, § 2-189; Ord. of 4-83; Ord. of 3-01)

Chapter 23 UTILITIES*

***Cross references:** Board of public works, § 2-166 et seq.; buildings and building regulations, Ch. 7; fire prevention and protection, Ch. 8; garbage, trash and refuse, Ch. 11; health, Ch. 12; housing, Ch. 13; planning, Ch. 19; streets, sidewalks and public places, Ch. 21; taxation, Ch. 22.

State law references: Power of city to lay out, construct, etc., sewer and drainage systems and sewage disposal plants, G.S. § 7-148(c)(6)(B)(i); power of city to contract for the furnishing of water, G.S. § 7-148(c)(4)(G); power of city to create, etc., all things in the nature of public works and improvements, G.S. § 7-148(c)(6)(A)(ii); power of city to regulate the laying, etc., of water pipes, drains, sewers, etc., in the streets and public places, G.S. § 7-148(c)(6)(B)(iii); power of city to regulate and prohibit the construction, etc., of sinks, cesspools, G.S. § 7-148(c)(7)(C); municipal waterworks systems, G.S. § 7-234 et seq.; municipal sewerage

systems, G.S. § 7-245 et seq.; sewer districts, G.S. § 7:324 et seq.; water resources, G.S. § 25-1 et seq.; sewer revenue bonds, G.S. §§ 7-259--7-266.

Art. I. In General, §§ 23-1--23-15
Art. II. Sewers and Sewage Disposal, §§ 23-16--23-115
Div. 1. Generally, §§ 23-16--23-40
Div. 2. Public Sanitary Sewers and Connections Generally, §§ 23-41--23-65
Div. 3. Public Sanitary Sewer Discharge Restrictions, §§ 23-66--23-90
Div. 4. Rates and Charges, §§ 23-91--23-100
Div. 5. Sewer Assessments, §§ 23-101--23-115
Art. III. Water, §§ 23-116--23-172
Div. 1. Generally, §§ 23-116--23-130
Div. 2. Board of Water Commission, §§ 23-131--23-140
Div. 3. Meters, §§ 23-141--23-169
Div. 4. Water Services, §§ 23-170--23-172

ARTICLE I. IN GENERAL

Sec. 23-1. Permit for connection to water or sewer system; building inspector's certification required.

No permit shall be issued by a city department for the connection of a building or structure with the city water or sewer system unless the building inspector has certified that such structure is permanently affixed to the land.

(Code 1970, § 19-6)

Cross references: Licenses, permits and miscellaneous business regulations, Ch. 14.

Secs. 23-2--23-15. Reserved.

ARTICLE II. SEWERS AND SEWAGE DISPOSAL*

***Cross references:** License required to use, etc., septic system, § 14-257.

DIVISION 1. GENERALLY

Sec. 23-16. Purpose.

(a) This article establishes the procedures for making connections to the public sewer in the city sanitary sewer system. It also establishes specific limits for pollutant discharges which by their nature or by their interaction with sewage will be detrimental to the public health, cause damage to the public sewer or the water pollution control facility, pollute the waters of the state or otherwise create a public nuisance.

(b) This article is intended to:

(1) Inform the public as to the technical and administrative procedures to be followed in obtaining connection to the city's sanitary sewer system;

(2) Prevent the introduction of pollutants into the sanitary sewer system which will interfere with the collection and/or treatment system;

(3) Prevent the introduction of pollutants into the treatment system which will pass through the system, inadequately treated, into the waters of the state, or the atmosphere, or otherwise be incompatible with the system;

(4) Improve the opportunity to recycle and reclaim wastewaters and sludges from the system.

(Code 1970, § 19-13(1.0); Ord. of 3-82)

Sec. 23-17. Scope of article; enforcement officer.

This article shall apply to the city and to persons outside the city who are users of the public sewer. Except as otherwise provided herein, the director of public works of the city shall otherwise implement, and enforce the provisions of this article. As used throughout this model article, the director refers to the authorized agent or representative of the department of public works who is responsible for the operation and management of the sanitary sewer collection system.

(Code 1970, § 19-13(1.0); Ord. of 3-82)

Sec. 23-18. Definitions.

As used in this article, the following terms shall have the meanings indicated in this section:

Act or the act. The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 USC 1251 et seq.

Biochemical oxygen demand (BOD): The amount of oxygen required by bacteria while stabilizing decomposable organic matter under aerobic conditions for five (5) days. The determination of BOD shall be performed in accordance with the procedures prescribed in the latest edition of "Standard Methods for the Examination of Water and Wastewater."

Categorical standards. National Categorical Pretreatment Standards or Pretreatment Standards.

Commissioner. The commissioner of environmental protection for the state.

Compatible pollutant. Biochemical oxygen demand, suspended solids, pH and fecal coliform bacteria; plus any additional pollutants identified in the water pollution control facilities NPDES permit, where the water pollution control facility is designed to treat such pollutants and, in fact does treat such pollutants to the degree required by the NPDES permit.

Composite sample. A mixture of aliquot samples obtained at regular intervals over a time period. The volume of each aliquot is proportional to the discharge flow rate for the sampling interval. The minimum time period for composite sampling shall be four (4) hours.

Cooling water. Process water in general used for cooling purposes to which the only pollutant added is heat and which has such characteristics that it may be discharged to a natural outlet in accordance with federal and state laws and regulations.

Domestic sewage. Sewage that consists of water and human excretions or other waterborne wastes incidental to the occupancy of a residential building or nonresidential building but not wastewater from water softening equipment, commercial laundry wastewater and blowdown from heating and cooling equipment.

Floatable oil. Oil, fat or grease in a physical state such that it will separate by gravity from sewage by treatment in an approved pretreatment facility.

Garbage. The animal or vegetable waste resulting from the handling, preparation, cooking or serving of foods.

Grab sample. A sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.

Holding tank waste. Any waste from holding tanks such as vessels, chemical toilets, campers, trailers and septage hauling trucks.

Incompatible pollutant. All pollutants other than compatible pollutants as defined in this section.

Industrial and commercial wastewater. All wastewater from industrial processes, trade or business, and distinct from domestic sewage.

National pollution discharge elimination system (NPDES) permit. A permit issued pursuant to section 402 of the act (33 USC 1342).

pH. The logarithm of the reciprocal of the hydrogen-ion concentrations. The concentration is the weight of hydrogen ions, in grams, per liter of solution.

Properly shredded garbage. The wastes from the preparation, cooking, and dispensing of food that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sanitary sewers, with no particle greater than one-half inch (one and twenty-seven-one-hundredths (1.27) centimeters) in any dimension.

Pretreatment or treatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a water pollution control facility. The reduction or alteration can be obtained by physical, chemical or biological processes, except as prohibited by Title 40, Code of Federal Regulations, Section 403.6(d).

Public sanitary sewer. A common sanitary sewer controlled by a governmental agency or public utility. (Also, see state health code.)

Sanitary sewer. A sewer which collects and conveys domestic sewage from residences, public buildings, commercial establishments, industries, and institutions. A sanitary sewer may also collect and convey permitted industrial wastewater and unintentionally admitted ground, storm and surface waters.

Sanitary sewer connection. That part of the lowest horizontal sanitary piping of a building plumbing which receives the discharge from soil, and waste piping inside the walls of the building and conveys it to the public sanitary sewer collection system, beginning five (5) feet (one and five-tenths (1.5) meters) outside the inner face of the building wall. It may also be called a house sanitary sewer connection.

Septage. The liquids and solids which are removed from a tank used to treat domestic sewage.

Sewage. Human and animal excretions and all domestic and such manufacturing wastes as may tend to be detrimental to the public health.

Sewage collection system. The structures and equipment required to collect and convey sewage to the water pollution control facility.

Slug. Any sudden or excessive discharge which exceeds permitted levels established by the director either in terms of pollutant concentration or instantaneous flow rate in such a manner as to adversely affect the sewage collection system and/or the water pollution control facility.

Soluble oil. Oil which is of either mineral or vegetable origin and disperses in water or sewage at temperatures between zero (0) degrees Celsius and sixty-five (65) degrees Celsius. For the purposes of this article, emulsified oil shall be considered as soluble oil.

Storm sewer. A sewer which collects and conveys storm water or groundwater.

Suspended solids (SS). The solids matter, measured in mg/liter, which may be in suspension, floatable, or settleable and is removable by laboratory filtering as prescribed in the latest edition of "Standard Methods for Examination of Water and Wastewater."

Toxic pollutant. Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the administrator of the environmental protection agency under the provisions of section 307(a) of the act or other acts.

User. Any person who contributes, causes or permits the contribution of sewage into the city's sewer system.

Water pollution control facility (WPCF). An arrangement of devices for the treatment of sewage and sludge.

Watercourse. A natural or artificial channel for the passage of water either continuously or intermittently.

(Code 1970, § 19-13(2.1)--(2.14), (2.16), (2.17), (2.19)--(2.26), (2.28)--(2.35); Ord. of 3-82)

Cross references: Definitions and rules of construction generally, § 1-2.

Sec. 23-19. Use of public sewers; when required; construction or repair of private facilities after public sewers are available prohibited.

(a) The owners of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes situated within the city and abutting on any street, alley or right-of-way in which there is now located or may in the future be located

a public sanitary sewer of the city may, at the option of the city and at the owner's expense, be required to install a sanitary sewer connection to connect their buildings to the public sanitary sewer in accordance with the provisions of this article, within ninety (90) days after date of official notice to do so.

(b) It shall be unlawful for any person to construct or repair any privy, privy vault, septic tank, cesspool or other facility intended for the disposal of sewage if public sanitary sewers are available.

(Code 1970, § 19.13(3.1), (3.2); Ord. of 3-82)

Sec. 23-20. Sewer connection changes required upon new sewer construction; notice; failure to comply.

Whenever the city shall construct a sewer or sewers in any street having a combined sewer, and such combined sewer is converted into a sanitary sewer, property owners shall make such changes in their sewer connections as to conform with the rules and regulations of the department of public works. These changes shall be made within thirty (30) days after receiving written notice so to do from the department of public works. The department of public works shall give notice to the property owners within sixty (60) days after completion of the new sewers. The sanitary inspector shall report to the corporation counsel the names of all persons who fail to comply with this section.

(Code 1970, § 19-2; No. 26824-1, 2-27-02)

Sec. 23-21. Existing combined sewer connections; conversion cost to new sanitary sewer.

Persons whose property has existing sewer connections with a combined sewer shall be entitled to have these connections made with a new sanitary sewer at the city's expense to the extent that these connections can be made within the limits of the street lines. Where the connections have to be made beyond the streets lines and upon private property it shall be done at the expense of the property owner or as specially agreed upon between the property owner and the department of public works.

(Code 1970, § 19-3; No. 26824-1, 2-27-02)

Sec. 23-22. New sewer or drain construction permitting storm water and crude sewage separation.

In cases where the city constructs a new sewer or drain which permits storm water and crude sewage to be separated by connections with the proper sewer or drain, owners whose property is presently connected with the combined sewer shall discontinue the use of the sanitary sewer for all purposes except those specified in section 23-23(a) and shall connect all fixtures used for any other purposes with the storm water drain.

(Code 1970, § 19-4)

Sec. 23-23. Restriction on use of sanitary sewer connections.

(a) All sanitary sewer connections shall be used only for carrying sewage and waste water from all tubes, sinks and other fixtures used for domestic purposes.

(b) All fixtures used for purposes other than those specified in paragraph (a) of this section shall be connected with the storm water drain.

(Code 1970, § 19-8)

Sec. 23-24. Introduction of steam and forced air into sewers prohibited.

No person shall allow steam from any premises owned or occupied by him to enter any public sewer, nor allow air to be forced from such premises into any sewer.

(Code 1970, § 19-9)

Sec. 23-25. Dye test of sewer laterals required before certificate of occupancy is issued.

Before a certificate of occupancy is issued it shall be required for all new and/or reconstructed buildings and parking lots that the sanitary and/or storm laterals shall be dye tested by the owner of that property to insure that cross connections do not exist. No certificate of occupancy shall be issued until a letter from the public works department is on file certifying that the sewer laterals have been tested and are properly connected. The public works department shall witness the dye test and supply the dye.

(Code 1970, § 19-12; Ord. of 1-83)

Cross references: Licenses, permits and miscellaneous business regulations, Ch. 14.

Sec. 23-26. Protection from damage.

No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the sewage collection system or water pollution control facility.

(Code 1970, § 19-13(6.0); Ord. of 3-82)

Sec. 23-27. Powers and authority of inspectors.

(a) The director and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this article.

(b) While performing the necessary work in private properties referred to in paragraph (a) of this section, the director or duly authorized employees of the city shall observe all safety rules applicable to the premises established by the user. The user shall be held harmless for injury or death to the city employees and the city shall indemnify the user against loss or damage to its property by the city employees and against liability claims and demands for personal injury or property damage asserted against the user and

growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the user to maintain safe conditions as required in section 23-74.

(c) The director and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all private properties through which the city holds a duly negotiated easement for the purposes of repair and maintenance of any portion of the sewage work lying within such easement. All entry and subsequent work, if any, on such easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property.

(Code 1970, § 19-13(7.1)--(7.3); Ord. of 3-82)

Sec. 23-28. License for sewer contracting.

Any person engaged to make a sewer shall first obtain a license to conduct the business of sewer contracting from the department of public works, and for each application shall pay a fee to the department of public works in accordance with the provisions of section 21-96 and section 23-54 of this Code.

(Code 1970, § 20-34(c); Ord. of 5-86, § 19; No. 26824-1, 2-27-02)

Cross references: Licenses, permits and miscellaneous business regulations, Ch. 14.

Sec. 23-29. Penalties.

(a) Any person found to be in violation of any provisions of this article, except section 23-26, shall be served by the city with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

(b) Any person who continues any violation beyond the time limit provided for in paragraph (a) of this section shall be guilty of a misdemeanor and subject to a fine not to exceed ninety-nine dollars ($99.00) for each violation.

(c) Any person who is found to be in violation of any of the provisions of this article shall become liable to the city for any expense, loss or damage occasioned the city by reason of such violation.

(d) Any person who is found to be in violation of section 22a-430 of the General Statutes, as amended, shall be subject to a monetary penalty or forfeiture under section 22a-438 of the statutes.

(Code 1970, § 19-13(8.1)--(8.4); Ord. of 3-82; Ord. of 5-86, § 20)

Sec. 23-30. Nonstormwater discharges.

(a) *Declaration of policy.* The intent and purpose of this section is to provide for the health, safety, and general welfare of the citizens through the regulation of nonstormwater discharges to the storm drainage system to the maximum extent practicable as required

by federal and state law. This section establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process. The objectives are:

(1) To regulate the contribution of pollutants to the municipal separate storm sewer system (MS4) by illicit stormwater discharges by any user;

(2) To prohibit illicit connections and discharges to the municipal separate storm sewer system; and

(3) To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance.

(b) *Definitions.* For the purposes of this section, the following shall mean:

(1) *Authorized enforcement agency.* Employees or designees of the director of public works.

(2) *Best management practices (BMPs).* Schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

(3) *Clean Water Act.* The Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

(4) *Construction activity.* Activities subject to NPDES Construction Permits. These include construction projects resulting in land disturbance of one (1) acre or more. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

(5) *Hazardous materials.* Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

(6) *Illegal discharge.* Any direct or indirect nonstormwater discharge to the storm drain system, except as exempted in subsection (g).

(7) *Illicit connections.* An illicit connection is defined as either of the following:

Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system including but not limited to any conveyances which allow any nonstormwater discharge including sewage, processed or domestic wastewater to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless

of whether said drain or conveyance had been previously allowed, permitted, or approved by an authorized enforcement agency, or

Any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

(8) *Industrial activity.* Activities subject to NPDES Industrial Permits as defined in 40 CFR, Section 122.26 (b)(14).

(9) *National pollutant discharge elimination system (NPDES) stormwater discharge permit.* Means a permit issued by EPA (or by a state under authority delegated pursuant to 33 USC § 1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable to an individual, group, or general area-wide basis.

(10) *Nonstormwater discharge.* Any discharge to the storm drain system that is not composed entirely of stormwater.

(11) *Person.* Any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.

(12) *Pollutant.* Anything that causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; nonhazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

(13) *Premises.* Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

(14) *Storm drainage system.* Publicly-owned facilities by which stormwater is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

(15) *Stormwater.* Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

(16) *Stormwater pollution prevention plan.* A document which describes the best management practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to stormwater, stormwater conveyance systems, and/or receiving waters to the maximum extent practicable.

(17) *Wastewater.* Any water or other liquid, other than uncontaminated stormwater,

discharged from a facility.

(c) *Applicability.* This section shall apply to all water entering the storm drain system generated on any developed and undeveloped lands unless explicitly exempted by an authorized enforcement agency.

(d) *Responsibility for administration.* The director of public works shall administer, implement, and enforce the provisions of this section. Any powers granted or duties imposed upon the authorized enforcement agency may be delegated in writing by the director of the authorized enforcement agency to persons or entities acting in the beneficial interest of or in the employ of the agency.

(e) *Severability.* The provisions of this section are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this section or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this section.

(f) *Ultimate responsibility.* The standards set forth herein are minimum standards; therefore, this section does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants.

(g) *Discharge prohibitions.*

(1) *Prohibition of illegal discharges.* No person shall discharge or cause to be discharged into the municipal storm drain system or watercourses any materials, including but not limited to pollutants or liquids containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than stormwater.

The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited except as described as follows as per section 3(a)(2) of the general permit for the discharge of stormwater from MS4, as amended from time to time.

The following discharges are exempt from discharge prohibitions established by this section providing they contain no pollutants:

- Landscape irrigation;
- Uncontaminated groundwater discharges such as pumped groundwater, foundation drains, water from crawl space pumps and footing drains;
- Irrigation water;
- Lawn watering runoff;
- Residual street wash water;
- Discharges or flows from firefighting activities (except training); and
- Naturally occurring discharges such as rising groundwaters, uncontaminated groundwater infiltration (as defined at 40 CFR 35.2005(20)), springs, diverted stream flows and flows from riparian

habitats and wetlands.

This prohibition shall not apply to any nonstormwater discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Federal Environmental Protection Agency or the Connecticut Department of Environmental Protection, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval by the director of public works has been granted for any discharge to the storm drain system.

(2) *Prohibition of illicit connections.*

a. The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited.

b. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

c. A person is considered to be in violation of this section if the person connects a line conveying sewage to the MS4, or allows such a connection to continue.

(h) *Suspension of MS4 access.*

(1) *Suspension due to illicit discharges in emergency situations.* The director of public works may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or waters of the United States. If the violator fails to comply with a suspension order issued in an emergency, the authorized enforcement agency may take such steps as deemed necessary to prevent or minimize damage to the MS4 or waters of the United States, or to minimize danger to persons.

(2) *Suspension due to the detection of illicit discharge.* Any person discharging to the MS4 in violation of this section may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The authorized enforcement agency will notify a violator of the proposed termination of its MS4 access. The violator may petition the authorized enforcement agency for a reconsideration and hearing.

A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this section, without the prior approval of the authorized enforcement agency.

(i) *Industrial, commercial or construction activity discharges.* Any person subject to an industrial, commercial or construction activity NPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the director of public works prior to the allowing discharges to the MS4.

(j) *Monitoring of discharges.*

(1) *Applicability.* This section applies to all facilities that have stormwater discharges associated with industrial, commercial or construction activity.

(2) *Access to facilities.*

a. The director of public works shall be permitted to enter and inspect facilities subject to regulation under this section as often as may be necessary to determine compliance. If a discharger has security measures in force that require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the authorized enforcement agency.

b. Facility operators shall allow the director of public works ready access to all parts of the premises for the purposes of inspection, sampling, and the examination and copying of records that must be kept under the conditions of an NPDES permit to discharge stormwater, and the performance of any additional duties as defined by state and federal law.

c. The director of public works shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the authorized enforcement agency to conduct monitoring and/or sampling of the facility's stormwater discharge.

d. The director of public works has the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.

e. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the director of public works and shall not be replaced. The costs of clearing such access shall be borne by the operator.

f. Unreasonable delays in allowing the director of public works access to a permitted facility is a violation of a stormwater discharge permit and of this section. A person who is the operator of a facility with a NPDES permit to discharge stormwater associated with industrial, commercial or construction activity commits an offense if the person denies the authorized enforcement agency reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this section.

g. If the director of public works has been refused access to any part of the premises from which stormwater is discharged, and he/she is able to demonstrate probable cause to believe that there may be a violation of

this section, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this section or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the authorized enforcement agency may seek issuance of a search warrant from any court of competent jurisdiction.

(k) *Requirement to prevent, control, and reduce stormwater pollutants by the use of best management practices.* The director of public works will adopt requirements identifying best management practices for any activity, operation, or facility that may cause or contribute to pollution or contamination of stormwater, the storm drain system, or waters of the state. The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses through the use of these structural and nonstructural BMPs. Further, any person responsible for a property or premises, which is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and nonstructural BMPs to prevent the further discharge of pollutants to the municipal separate storm sewer system. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of stormwater associated with industrial, commercial, or construction activity, to the extent practicable, shall be deemed compliance with the provisions of this section. These BMPs shall be part of a stormwater pollution prevention plan (SWPPP) or stormwater management plan (SMP) as necessary for compliance with requirements of the NPDES permit.

(l) *Watercourse protection.* Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

(m) *Notification of spills.* Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into stormwater, the storm drain system, or waters of the State of Connecticut, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials, said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of nonhazardous materials, said person shall notify the authorized enforcement agency in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the director of public works within three (3) business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three

(3) years.

(n) *Enforcement.*

(1) *Notice of violation.* Whenever the director of public works finds that a person has violated a prohibition or failed to meet a requirement of this section, the authorized enforcement agency may order compliance by a written notice of violation to the responsible person. Such notice may require without limitation:

a. The performance of monitoring, sampling, analyses, and reporting;

b. The elimination of illicit connections or discharges;

c. That violating discharges, practices, or operations shall cease and desist;

d. The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;

e. Payment of a fine to cover administrative and remediation costs;

f. The implementation of source control or treatment BMPs.

If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator.

(o) *Appeal of notice of violation.* Any person receiving a notice of violation may appeal the determination of the authorized enforcement agency. The notice of appeal must be received by the director of public works within fifteen (15) days from the date of the notice of violation. Hearing on the appeal before the conservation commission, acting in its capacity as the inland wetlands agency, shall take place within thirty (30) days from the date of receipt of the notice of appeal. The decision of the conservation commission shall be final.

(p) *Enforcement measures after appeal.* If the violation has not been corrected pursuant to the requirements set forth in the notice of violation, or in the event of an appeal, within fifteen (15) days of the decision of the conservation commission upholding the decision of the authorized enforcement agency, then representatives of the authorized enforcement agency shall enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the governmental agency or designated contractor to enter upon the premises for the purposes set forth above.

(q) *Cost of abatement of the violation.* Within fifteen (15) days after abatement of the violation by the city pursuant to subsection (p), the owner of the property will be notified of the cost of abatement, including administrative costs. The property owner may file a written protest objecting to the amount of the assessment within fifteen (15) days. If the amount due is not paid within a timely manner as determined by the decision of the

conservation commission or by the expiration of the time in which to file an appeal, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment.

Any person violating any of the provisions of this section shall become liable to the City of New Britain by reason of such violation. The liability shall be paid in not more than twelve (12) equal payments. Interest at the rate of eighteen (18) per cent per annum shall be assessed on the balance beginning on the first day following discovery of the violation.

(r) *Injunctive relief.* If a person has violated or continues to violate the provisions of this section, the authorized enforcement agency may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

(s) *Compensatory action.* In lieu of enforcement proceedings, penalties, and remedies authorized by this section, the authorized enforcement agency may impose upon a violator alternative compensatory actions including but not limited to storm drain stenciling, attendance at compliance workshops and watercourse cleanup.

(t) *Fines/penalties.* Any person that has violated or continues to violate this section shall be subject to a fine of ninety-nine dollars ($99.00) per day and each day any such violation shall continue shall constitute a separate offense.

(u) *Remedies not exclusive.* The remedies listed in this section are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the authorized enforcement agency to seek cumulative remedies.

(Res. No. 29628-2, 6-27-07)

Secs. 23-31--23-40. Reserved.

DIVISION 2. PUBLIC SANITARY SEWERS AND CONNECTIONS GENERALLY

Sec. 23-41. Sanitary sewer connection permit--Required; application; issuance; voidance.

A person intending to connect a sanitary sewer connection from his property to the public sanitary sewer shall first obtain a permit to connect from the director, and it shall be accompanied by a sketch or plan showing the proposed installation in sufficient detail to enable the director to determine that the proposed installation meets the requirements of this regulation and other applicable specifications, codes, and laws The application shall be signed by the owner of the premises to be served or his authorized agent and by the qualified contractor (see section 23-54) who has been chosen to perform the work of installing and connecting the sanitary sewer connection to the public sanitary sewer. Upon approval of the application and plan, a permit shall be issued to have the work performed by the stated contractor. If the premises changes ownership before the work is completed, or if another contractor is chosen to perform or finish the work, the original permit becomes void, and a new permit must be obtained by the new parties in interest.

(Code 1970, § 19-13(4.2(a)); Ord. of 3-82)

Cross references: Licenses, permits and miscellaneous business regulations, Ch. 14.

Sec. 23-42. Same--Revocation.

Permits to connect to the public sanitary sewer may be revoked and annulled by the director for such cause and at such time as he may deem sufficient and the city held harmless as a consequence of such revocation or the cause thereof. All other parties in interest shall be held to have waived the right to claim damages from the city or its agents on account of such revocation.

(Code 1970, § 19-13(4.2(c)); Ord. of 3-82)

Sec. 23-43. Unauthorized connections prohibited.

No unauthorized person shall uncover, make any connections with or opening into, use, alter, repair, or disturb any public sanitary sewer or appurtenance thereof.

(Code 1970, § 19-13(4.1); Ord. of 3-82)

Sec. 23-44. Changes in discharges or connection; prior application to director required.

Any person proposing a new discharge into the public sanitary sewer system or a substantial change in the volume or character of pollutants that are being discharged into the public sanitary sewer system shall apply to the director not less than ten (10) days prior to the proposed change or connection.

(Code 1970, § 19-13(4.2); Ord. of 3-82)

Sec. 23-45. Connection prerequisites.

A connection to the public sanitary sewer will be made only after the building's plumbing has been approved by the city building inspector in order to insure that minimum standards are met for the installation. A fresh air vent shall be required for the building and all plumbing shall be in good working order. No trench containing a connection to the sanitary sewer shall be backfilled until the director has completed an inspection of and approved the work. The water level in the trench shall be maintained at a level below the sanitary sewer connection before the cap is removed and while the connection is being made and until such time as it has been inspected, approved and backfilled. The contractor shall notify the director twenty-four (24) hours before starting any work authorized under this permit.

(Code 1970, § 19-13(4.2(b)); Ord. of 3-82; No. 26824-1, 2-27-02)

Sec. 23-46. Installation and connection costs to be borne by owner.

All costs and expenses incidental to the installation and connection of the sanitary sewer shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the sanitary sewer connection.

(Code 1970, § 19-13(4.3); Ord. of 3-82)

Sec. 23-47. Separate and independent connection required for each building; exception.

A separate and independent sanitary sewer connection shall be provided for every building; except where one building stands at the rear of another on an interior lot and no public sewer is available or can be constructed to the rear building through an adjoining alley, courtyard, or driveway, the sanitary sewer connection that provides service for the building which fronts on the public sewer may be extended to the rear building and the whole considered as one sanitary sewer connection only upon written permission from the director; but the city does not and will not assume any obligation or responsibility for damage caused by or resulting from any such aforementioned connection.

(Code 1970, § 19-13(4.4); Ord. of 3-82)

Sec. 23-48. Use of existing connections for new buildings restricted.

Existing sanitary sewer connections may be used in connection with new buildings only when they are found, on examination and test which may be required by the director to meet all requirements of this article.

(Code 1970, § 19-13(4.5); Ord. of 3-82)

Sec. 23-49. Size, slope, alignment and materials of connections; methods of installation, etc.

The size, slope, alignment, materials of construction of a sanitary sewer connection, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling of trench and connection of the sanitary sewer connection to the public sanitary sewer shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the city. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No. 9 shall apply.

(Code 1970, § 19-13(4.6); Ord. of 3-82)

Sec. 23-50. Elevation; lifters.

Whenever possible, the sanitary sewer connection shall be brought to the building at an elevation below the basement floor. In all buildings in which any sanitary sewer connection is too low to permit gravity flow to the public sewer, sanitary sewage carried by such sanitary sewer connection shall have holding capacity and be lifted by an approved means and discharged to the public sanitary sewer. Duplex lift systems shall be provided for commercial and industrial buildings.

(Code 1970, § 19-13(4.7); Ord. of 3-82)

Sec. 23-51. Connection of surface water runoff sources to public sanitary system prohibited.

No person shall make connection of roof downspouts, foundation drains, areaway drains, or other sources of surface runoff or groundwater to a sanitary sewer connection which in turn is connected directly or indirectly to a public sanitary sewer; any basement floor drains are to remain sealed at all times unless cleaning is being performed.

(Code 1970, § 19-13(4.8); Ord. of 3-82)

Sec. 23-52. Excavation safeguards.

All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city.

(Code 1970, § 19-13(4.9); Ord. of 3-82)

Sec. 23-53. Proximity of connections to water supply restricted.

No sanitary sewer connection shall be constructed within twenty-five (25) feet of a water supply well. If a sanitary sewer connection is constructed within twenty-five (25) to seventy-five (75) feet of a water supply well, it shall be constructed in accordance with all applicable guidelines promulgated by the commissioner.

(Code 1970, § 19-13(4.10); Ord. of 3-82)

Sec. 23-54. Connections to be installed by licensed drain layer.

All sanitary sewer connections shall be installed by a drain layer who possesses a valid license issued under chapter 393 of the General Statutes as amended.

(Code 1970, § 19-13(4.11); Ord. of 3-82)

Sec. 23-55. Assessments for sewer connections in adjacent streets.

No permit shall be issued for a sewer connection between a property and a sewer in an adjacent street where a petition for permission to make such a connection has been granted, until an assessment for such connection has been made by the department of public works, approved by the council, and paid to the city.

(Code 1970, § 19-5; No. 26824-1, 2-27-02)

Sec. 23-56. Water closets in cellar; special permit required.

No water closet shall be installed in any cellar or basement without a special permit from the department of health.

(Code 1970, § 19-7; No. 26824-1, 2-27-02)

Cross references: Licenses, permits and miscellaneous business regulations, Ch. 14.

Secs. 23-57--23-65. Reserved.

DIVISION 3. PUBLIC SANITARY SEWER DISCHARGE RESTRICTIONS

Sec. 23-66. Discharge of unpolluted waters to sanitary sewers prohibited.

(a) No person shall discharge or cause to be discharged any unpolluted waters such as storm water, groundwater, roof runoff, subsurface drainage, or cooling water to any sanitary sewer.

(b) Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers and discharged to a watercourse in accordance with all applicable state and federal laws and regulations.

(Code 1970, § 19-13(5.1), (5.2); Ord. of 3-82)

Sec. 23-67. Discharge of certain substances to sanitary sewers prohibited.

No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of the WPCF. These general prohibitions apply to all such users of a WPCF whether or not the user is subject to national categorical pretreatment standards or any other federal or state pretreatment standards or requirements. A user shall not contribute the following substances to any WPCF:

(1) Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the WPCF or to the operation of the WPCF. At no time, shall two (2) successive readings on an explosion hazard meter, at the point of discharge into the sewage collection system (or at any point in the system) be more than five (5) per cent nor any single reading over ten (10) per cent of the lower explosive limit (LEL) of the meter.

(2) Solids or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the WPCF, including substances such as, but not limited to, grease, garbage with particles greater than one-half inch in any dimension, animal guts or tissues, paunch, manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud or glass grinding or polishing wastes.

(3) Any sewage having a pH lower than five and five-tenths (5.5) or having any other corrosive property capable of causing damage or hazard to structures,

equipment, and personnel of the WPCF. The upper limit of pH for any industrial wastewater discharge shall be established under the discharger's state discharge permit.

(4) Any sewage containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, or plant life, create a toxic effect in the receiving waters of the WPCF, or to exceed the limitations set forth in a "categorical pretreatment standard." A toxic pollutant shall include but not be limited to any pollutant identified pursuant to section 307(a) of the act.

(5) Any noxious or malodorous sewage, gases, or solids which either singly or by interaction with other sewage are sufficient to prevent entry into the public sewers for their maintenance and repair.

(6) Any sewage which, by interaction with other sewage in the public sanitary sewer releases obnoxious gases, forms suspended solids which interfere with the collection system, or creates a condition which may be deleterious to structures and treatment processes or which may cause the effluent limitations of the governing NPDES permit to be exceeded.

(7) Any substance which may cause the WPCF's effluent or any other product of the WPCF such as residues, sludges, or scums, to be unsuitable for reclamation process where the WPCF is pursuing a reuse and reclamation program. In no case, shall a substance discharged to the WPCF cause the facility to be in noncompliance with sludge use or disposal criteria, guidelines, or regulations developed under section 405 of the act; any criteria, guidelines or regulations affecting sludge use or disposal developed pursuant to the resource conservation recovery act, clean air act, the toxic substances control act, or state criteria applicable to the sludge management method being used.

(8) Any substance which will cause a WPCF to violate its NPDES permit or the receiving water quality standards.

(9) Sewage containing substances which are not amendable to treatment or reduction by the wastewater treatment process employed, or are amendable to treatment only to such degree that the water pollution control facility effluent cannot meet the limits stipulated in the city's NPDES permit.

(Code 1970, § 19-13(5.3); Ord. of 3-82)

Sec. 23-68. Restricted substances.

The following described substances, materials, waters, or waste shall be limited in discharges to public sanitary sewers to concentrations or quantities which will not harm either the sewers, water pollution control facility, will not have an adverse effect on the receiving stream, or will not otherwise endanger public property or constitute a nuisance. The commissioner may set lower limitations if more severe limitations are necessary to meet the water quality standards of the receiving stream. The limitations or restrictions on materials or characteristics of sewage discharged to the public sanitary sewer are as follows:

(a) Sewage having a temperature higher than one hundred fifty (150) degrees Fahrenheit (sixty-five (65) degrees Celsius).

(b) Sewage containing fat, wax, grease, petroleum, or mineral oil, whether emulsified or not, in excess of one hundred (100) mg/l with floatable oil not to exceed twenty (20) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150) degrees Fahrenheit (zero (0) degrees and sixty-five (65) degrees Celsius).

(c) Any garbage that has not been properly shredded (as defined in section 23-18). Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments, or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers.

(d) Any sewage containing odor-producing substances exceeding limits which may be established by the commissioner.

(e) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the commissioner in compliance with all applicable state and federal regulations.

(f) Materials which exert or cause:

(1) Unusual concentrations of inert suspended solids (such as, but not limited to, sodium chloride and sodium sulfate).

(2) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).

(3) Unusual BOD, chemical oxygen demand, or chlorine demand in such quantities as to constitute a significant load on the water pollution control facility.

(4) Unusual volume of flow or concentrations of wastes constituting a "slug" as defined in section 23-18.

(g) Overflow from holding tanks or other receptacles storing organic wastes.

(h) Sewage with a concentration of pollutants in excess of the current levels set by the Mattabassett District.

(Code 1970, § 19-13(5.4); Ord.of 3-82; Ord. of 1-92)

Sec. 23-69. Permit required for discharge of certain wastes.

(a) In accordance with section 22a-430 of the general statutes as amended, a permit from the commissioner of environmental protection is required prior to the initiation of a discharge of any of the following wastewaters to a public sewer:

(1) Industrial wastewater of any quantity.

(2) Domestic sewage in excess of five thousand (5,000) gallons per day through any individual building sewer to a public sewer.

(b) A potential discharger must submit a permit application to the department of environmental protection not later than ninety (90) days prior to the anticipated date of initiation of the proposed discharge.

(Code 1970, § 19-13(5.5); Ord. of 3-82)

Cross references: Licenses, permits and miscellaneous business regulations, Ch. 14.

Sec. 23-70. Commissioner's authority re section 23-68 wastes.

(a) If any sewage is discharged or is proposed to be discharged to the public sewers which contains the substances or possesses the characteristics enumerated in section 23-68 of this article, and which in the judgment of the commissioner may have a deleterious effect upon the wastewater facilities, processes, equipment, or receiving waters, or which otherwise may create a hazard to life or constitute a public nuisance, the commissioner may in accordance with section 22a-430(b) of the general statutes, as amended:

(1) Reject the discharge of the wastes.

(2) Require pretreatment to an acceptable condition for discharge to the public sewers.

(3) Require control over the quantities and rates of discharge.

(b) If the commissioner permits the pretreatment or equalization of waste flows, the design and installation of the equipment shall be subject to the review and approval of the commissioner subject to the requirements of all applicable codes, ordinances and laws.

(Code 1970, § 19-13(5.6); Ord. of 3-82)

Sec. 23-71. Director's right to reject or restrict any wastes.

The director shall have the right to reject the discharge of any wastes; or, require more stringent effluent limitations than required by the user's general statutes section 22a-430 permit, the decisions of the commissioner notwithstanding.

(Code 1970, § 19-13(5.7); Ord. of 3-82)

Sec. 23-72. Grease, oil and gross particle separators.

Grease, oil and gross particle separators shall be provided when, in the opinion of the commissioner they are necessary for the proper handling of sewage containing floatable grease in excessive amounts, as specified in section 23-68(b), or any flammable wastes, sand, or other harmful substances; except that such separators shall not be required for private living quarters or dwelling units. All separators shall be of a type and capacity approved by the commissioner, and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these separators, the owners shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates, and means of disposal which are subject to review by the commissioner. Any removal and hauling of the collected materials shall be performed by a waste disposal

fir;rn which possesses a valid permit from the commissioner under section 22a-454 of the general statutes, as amended.

(Code 1970, § 19-13(5.8); Ord. of 3-82)

Sec. 23-73. Owner to maintain pretreatment of flow-equalizing facilities.

Where pretreatment or flow-equalizing facilities are provided or required for any sewage, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

(Code 1970, § 19-13(5.9); Ord. of 3-82)

Sec. 23-74. Owner to provide sampling structure when required by commissioner.

When required by the commissioner, the owner of any property serviced by a public sanitary sewer carrying industrial wastes shall install a suitable structure together with such necessary meters and other appurtenances in the building sewer to facilitate observations, sampling, and measurement of the wastes. Such structure, when required, shall be accessible and safely located and shall be constructed in accordance with plans approved by the commissioner. The sampling structure shall be located at a point along the industrial waste stream where a representative sample of the industrial wastewater may be obtained prior to its being diluted by domestic sewage in the sanitary sewer connection. The structure shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.

(Code 1970, § 19-13(5.10); Ord. of 3-82))

Sec. 23-75. Required monitoring of discharges.

All industries discharging into a public sanitary sewer shall perform such monitoring of their discharge as required by the commissioner in any state discharge permit issued pursuant to section 22a-430 of the general statutes, as amended, including, but not limited to, installation, use, and maintenance of monitoring equipment, keeping records and reporting the results to the commissioner. Such records shall be made available upon request of the commissioner or the superintendent.

(Code 1970, § 19-13(5.11); Ord. of 3-82)

Sec. 23-76. Measurements, tests, etc.

All measurements, tests, and analyses of the characteristics of sewage to which reference is made in this ordinance shall be determined in accordance with the latest edition of "Standard Methods for Examination of Water and Wastewater," published by the American Public Health Association. Sampling methods, location, times, durations, and frequencies are to be determined on an individual basis subject to the stipulations and general conditions of the dischargers state discharge permit.

(Code 1970, § 19-13(5.12); Ord. of 3-82)

Sec. 23-77. Special agreements.

No statement contained in this article shall be construed as preventing any special agreement or arrangement between the city and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the city for treatment, provided that such agreements do not contravene any requirements of existing state or federal regulations and are compatible with any user charge system in effect.

(Code 1970, § 19-13(5.13); Ord. of 3-82)

Sec. 23-78. Applicability of federal standards.

Upon the promulgation of the federal categorical pretreatment standards for a particular industrial subcategory, the federal standard, if more stringent than limitations imposed under this article for sources in that subcategory shall supersede the limitations imposed under this article.

(Code 1970, § 19-13(5.14); Ord. of 3-82)

Sec. 23-79. Dilution of discharge with process water prohibited.

No user shall increase the use of process water in an attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the federal categorical pretreatment standards, or in any specific pollutant limitations which may be developed by the commissioner.

(Code 1970, § 19-13(5.15); Ord. of 3-82)

Sec. 23-80. Accidental discharges.

(a) Each user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this article. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner or user's own cost and expense. The commissioner may require that plans showing facilities and operating procedures be submitted for review and approval prior to construction of the facilities.

(b) Within five (5) days following an accidental discharge, the user shall submit to the director and the commissioner, a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the WPCF, fish kills, aquatic plants, or any other damage to persons or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this article or other applicable law.

(c) A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall ensure that all employees are advised of the emergency notification

procedure.

(Code 1970, § 19-13(5.16); Ord. of 3-82)

Secs. 23-81--23-90. Reserved.

DIVISION 4. RATES AND CHARGES*

***Cross references:** Licenses, permits and miscellaneous business regulations, Ch. 14., sewer assessments, § 23-101 et seq.

Sec. 23-91. Purpose.

The purpose of this division is to establish fair and effective charges for use of the city's sewer system so that the maintenance and operation of the sewer system shall be self-supporting. Maintenance and operation shall include replacement of publicly-owned treatment works to the pollutant source and to promote self-sufficiency of the treatment works with respect to operation and maintenance.

(Code 1970, § 19-12(1); Ord. of 10-80)

Sec. 23-92. Definitions.

As used in this division, the following terms shall have the meanings indicated in this section:

Commercial. Any user identified in the Standard Industrial Classification Manual 1972, Office of Management and Budget, as listed below:

Division A. Agriculture, Forestry and Fishing:

The entire division is included in this user class except for the following categories:

0200 Agricultural Production--Livestock

0723 Crop Preparation Services for Market, except Cotton Ginning

0843 Extraction of Pine Gum

0910 Commercial Fishing

Division B. Mining:

The following categories in this division are included in this user class:

1080 Metal Mining Services

1112 Anthracite Mining Services

1213 Bituminous Coal and Lignite Mining Services

1380 Oil and Gas Field Services

*Division C.*Construction:

The entire division is included in this user class.

Division E. Transportation, Communications, Electric, Gas and Sanitary Services:

The entire division is included in this user class except for the following categories:

4910 Electric Services

4925 Mixed, Manufactured or LP Gas Production and/or Distribution

4930 Combination Companies and Systems

4960 Steam Supply

Division F. Wholesale Trade:

The entire division is included in this user class.

Division G. Retail Trade:

The entire division is included in this user class.

Division H. Finance, Insurance and Real Estate:

The entire division is included in this user class.

Division I. Services:

The entire division is included in this user class except for the following categories:

7395 Photofinishing Laboratories

7397 Commercial Testing Laboratories

7535 Pawn Shops

7819 Services Allied to Motion Picture Production

8060 Hospitals

8100 Legal Services

8200 Educational Services

8400 Museums, Art Galleries, Botanical and Zoological Gardens

8600 Membership Organizations

8800 Private Households

8900 Miscellaneous Services

Industrial. Any user identified in the Standard Industrial Classification Manual 1972, Office of Management and Budgets, as amended and supplemented under Division G, Manufacturing, and those in other divisions as listed below:

Division A. Agriculture, Forestry and Fishing:

The following categories in this division are included in this user class:

0200 Agricultural Production--Livestock

0723 Crop Preparation Services for Market Except Cotton Ginning

0843 Extraction of Pine Gum

0910 Commercial Fishing

Division B. Mining:

The entire division is included in this user class except for the following categories:

1080 Metal Mining Services

1112 Anthracite Mining Services

1213 Bituminous Coal and Lignite Mining Services

1380 Oil and Gas Field Services

Division E. Transportation, Communications, Electric, Gas and Sanitary Services:

The following categories from this division are included in this user class:

4910 Electric Services

4925 Mixed, Manufactured or LP Gas Production and/or Distribution

4930 Combination Companies and Systems

4960 Steam Supply

Division I. Services:

The following categories in this division are included in this user class:

7395 Photofinishing Laboratories

7397 Commercial Testing Laboratories

7535 Paint Shops

7819 Services Allied to Motion Picture Production

Institutional. Any user primarily engaged in social or community services such as schools, colleges, rest homes, hospitals, sanitoria, museums, and botanical and zoological gardens.

New Britain Water Company. The New Britain Water Company, its successors or assigns.

Operation and maintenance. Includes all costs for labor, power and fuel, and expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary to maintain the capacity and performance during the service life of the treatment works.

Replacement. Those expenditures for obtaining and installing equipment, accessories,

or appurtenances during the useful life of the treatment works necessary to maintain the capacity and performance for which such works are designed and constructed. The phrase "operation and maintenance" includes replacement.

Residential. Any user whose waste discharge is composed exclusively of domestic wastes and who does not appear in any of the other classes.

Sewer user charge. A charge levied on the users of the treatment works for the users' proportionate share of the cost of operation and maintenance (including replacement) of such works and bond indebtedness, including interest, for capital costs related to the treatment works.

Treatment works. Any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature, including intercepting sewers, outfall sewers, sewage collection systems, pumping, power, and other equipment and their appurtenances; extensions, improvements, remodeling, additions, and alterations thereof; and any works, including site acquisition of the land that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment. In addition, treatment works means any other method or system for preventing, abating, reducing, storing, treating, separating or disposing of municipal waste, including storm water runoff or industrial waste in combined storm water and sanitary sewer systems.

(Code 1970, § 19-12(8), (11); Ord. of 10-80)

Cross references: Definitions and rules of construction generally, § 1-2.

Sec. 23-93. Sewer user charge.

(a) *Water consumption basis.* Consideration having been given to the volume of water discharged to the wastewater system, and that approximately all sewer users consume all water from a metered source, approximately all wastewater flows are discharged to the sanitary sewer system, wastewater flows to private disposal systems or storm drains are metered, the percentage of water consumed to wastewater flow is approximately equal for all users, the metered flows include costs for infiltration/inflow transportation and treatment, the public works department finds that the water consumption method is to be used for establishing a fair and reasonable charge for the use of the wastewater system.

(b) *Properties to be charged.* All properties which are connected to the wastewater system shall be charged for the use of the wastewater system for the year as determined by the water department billing cycles delineated in section 23-94.

(c) *Description of water consumption method.* Properties served by the wastewater system are hereby metered and totalled on a six (6) cycle basis of each year for which the charge is being made. The total system flow will neglect system loss, discharge to other outlets by users and include any and all well usage discharged to the wastewater system.

(d) *User charge formula.* All buildings or users shall be charged a sewer user charge based upon water consumption; each charge shall include the costs charged for wastewater operation and maintenance and the cost for annual debt service; such charges shall be

computed as follows:

TABLE INSET:

		V_u			V_u	
C_u	=	_____	(C_{To})	+	_____	(C_{Td})
		V_T			V_T	

C_u = a user's annual charge (building's sewer use charge for the period of use)

V_u = annual volume contribution from a user (based on building's water consumption for the period and system infiltration/inflow)

V_T = total sewer system flow for the year.

C_{To} = total annual costs for operation and maintenance

C_{Td} = total annual costs for debt service

Such charges shall be computed at the same time and for the same periods as set forth in paragraph (b) of this section.

(e) *Computation of water usage from meter readings for buildings serviced by water company.* Water consumption of each building serviced by the New Britain Water Company, except those set forth in paragraph (c) of this section, shall be computed in accordance with meter readings obtained by the city water department.

(f) *Estimation of water consumption for industrial buildings not serviced by water company.* Water consumption of each industrial building not serviced by the New Britain Water Company, shall be estimated by the director of public works, or its designated agents, servants or employees, on the basis of records it has of water consumption of similar buildings and uses. In order to expedite such estimate, the director of public works may require the owner of any industrial building not serviced by the New Britain Water Company to submit a sworn statement of water consumption for the year, such statement to be supported by any available records or other evidence of water consumption. The director of public works may also require the owner of any industrial building not serviced by the New Britain Water Company, or not metered, to install and maintain a water meter at the sole expense of such owner.

(g) *Reduction of charges in certain cases.* In any instance in which the director of public works determines that the water consumption of any particular building is greatly disproportionate to the effluent actually discharged from such building into the sewerage system and thereby determines that, if the charges were computed solely in accordance with paragraph (d) of this section, the building in question would actually bear more than its proportionate share of the operation and maintenance costs of the wastewater system, the director of public works may make any appropriate reduction in the building's water consumption figure.

(h) *Applicable to all connected properties.* The user charge shall apply to all connected properties, without exception, including municipally-owned and other tax-exempt properties.

(Code 1970, § 19-12(2); Ord. of 10-80)

Sec. 23-94. Computation cycles.

(a) Sewer user charges shall be computed on a six-cycle basis coinciding with the water meter reading system with billings distributed on a semiannual basis. The following cycles shall be used to compute sewer user charges:

TABLE INSET:

Cycle	Period	Due and payable on	Period	Due and Payable on
1	July 1--Dec. 31	Jan. 1	Jan. 1--June 30	July 1
2	Aug. 1--Jan. 31	Feb. 1	Feb. 1--July 30	Aug. 1
3	Sept. 1--Feb. 28	Mar. 1	Mar. 1--Aug. 31	Sept. 1
4	Oct. 1--Mar. 31	Apr. 1	Apr. 1--Sept. 30	Oct. 1
5	Nov. 1--Apr. 30	May 1	May 1--Oct. 31	Nov 1
6	Dec. 1--May 31	June 1	June 1--Nov. 30	Dec. 1

(b) Meters read monthly will be billed monthly for the previous month's usage. If, however, any residential bill exceeds one hundred dollars ($100.00), such bill shall be due and payable in two (2) installments. One-half may be paid within thirty (30) days of bill issuance and one-half at mid-period. In the case of a property which was not connected during the entire period, the user charge will be prorated for the actual number of months within the stated period that the property was connected. A period of less than fifteen (15) days shall be disregarded and a period in excess of fifteen (15) days shall be deemed a full month.

(Code 1970, § 19-12(3); Ord. of 10-80)

Sec. 23-94.1. Lability of owner.

The owner of record as of July 1 of each year of the property on which a building is located shall be liable for the payment of sewer user charges.

(Code 1970, § 19-12(4); Ord. of 10-80)

Sec. 23-95. Lien and collection.

Sewer user charges, together with interest thereon, shall constitute a lien upon the property on which the building is located, and such lien may be foreclosed and such charges may be collected in the manner provided in section 7-258 of the General Statutes and other applicable statutes.

(Code 1970, § 19-12(5); Ord. of 10-80)

Sec. 23-96. Collections.

Sewer use charges shall be collected by the tax collector and turned over periodically to the city finance director and deposited in a special account, separate from other city funds, designated the "wastewater operating fund." This fund shall be used for operation, maintenance and administration of the treatment works and for payment of principal and interest on bonds and notes of the city issued for construction of sewerage facilities.

(Code 1970, § 19-12(6); Ord. of 10-80)

Sec. 23-97. Annual audit of operating fund.

The wastewater operating fund shall be audited annually at the end of each fiscal year and the results of the audit presented to the mayor, finance director and common council.

(Code 1970, § 19-12(9); Ord. of 10-80)

Sec. 23-98. Periodic cost of service studies required.

The common council may direct the department of public works to conduct a sewer user cost of service study upon recommendation of the department of public works. The recommendation of the department of public works initiating a cost of service study shall specify the goals and objectives of the engagement. Project initiation and financing is contingent upon the availability of monies within the sewer operating fund. The department of public works shall report the findings of the cost of service study to the mayor and common council. The report of the department of public works shall detail the study findings and make comparison with the project goals and objectives. A proposed implementation plan of any study recommendation requires common council approval and shall be part of the department's report.

(Code 1970, § 19-12(10); Ord. of 10-80; Ord. of 12-3-97; No. 26824-1, 2-27-02)

Sec. 23-99. System to generate sufficient revenue to pay costs; council to appropriate funds in case of deficit.

The user charge system shall generate sufficient revenue to offset the cost of all treatment works operation and maintenance provided by the city. In the event that collections do not finance the expenditures of the fund function, the common council shall appropriate an amount sufficient to meet the financial requirements.

(Code 1970, § 19-12(12); Ord. of 10-80)

Sec. 23-100. Amendments.

This division may be amended by the city council as it deems necessary, subject to the charter of the city and the statutes of the state.

(Code 1970, § 19-12(14); Ord. of 10-80)

DIVISION 5. SEWER ASSESSMENTS*

***Cross references:** Rates and charges for sewers and sewage disposal, § 23-91 et seq.

Sec. 23-101. Determination of assessment of property owner for sewer construction.

(a) The maximum assessment per front foot of land shall be determined by the department of public works subject to the approval of the common council on a property by property basis for each owner benefiting from the construction of a sewer and shall be based on a proportionate share the actual total cost of providing the sewer. Actual total cost of the sewer construction shall include the cost of preliminary studies and surveys, design, detailed working plans and specifications acquiring necessary land or property or any interest therein, damage award, interest charges during construction, legal and other administrative fees or costs, outlet benefits or deferred assessments, or any other expense incidental to the completion of the work, in addition to the cost of construction of an eight-inch diameter local sanitary sewer or a storm sewer a size appropriate for the design storm flows.

(b) For sanitary sewers, the cost of construction, engineering, rights-of-way and miscellaneous charges for pump stations, force mains, trunk sewers, relief sewers and major interceptors not containing house connection laterals and that portion of sanitary sewers greater than an eight-inch diameter, local sewer shall not be assessed against property owners initially benefiting but shall be prorated to all ultimate users through user fees or by owners as may be stipulated in a developer's agreement or through general taxation.

(c) Whenever a sanitary sewer has been laid out and constructed by the city to serve a particular area, no connection will be permitted thereto for any property which has not been assessed or has not shared in an equitable manner in the expense thereof, unless, prior to such connection, the owner of such property first enters into a special agreement, to be recorded in the land records and providing for payment by the owner of a special charge. Such special charge shall be based upon the department of public work's estimate of current cost for providing sanitary sewers in the specific service area. The department of public works may permit payment of the charge over a period to be determined by the department of public works, and providing that the permission granted will not affect the power of the department of public works to make future sewer layouts, and benefit assessments thereof, against the property of the owner, in the same manner as if permission to connect has never been granted. The department of public works may agree to credit the payment toward any such future assessment, without allowance for interest between the date of payment of the charge and the date of any future assessment billed the owner.

(d) When, in the opinion of the department of public works, acting as the sewer authority, the size, shape or location of, or the improvements on, or use of any properties subject to assessment does not reflect the extent of the benefit as computed and plotted for such property would otherwise indicate the property to be benefited, a factor or percentage of such units or any other reasonable adjustment thereof may be used for

determining the benefit to such property which the department of public works believes fairly measures the extent to which the property is specifically benefited.

(e) For storm sewers, all properties contributing flows into the newly constructed storm sewer improvements shall be assessed in proportion to their estimated discharges assuming the highest and best use of the land allowed under the zoning ordinance, or in the cases of properties with variances, on the actual use.

(Ord. of 5-89; No. 26824-1, 2-27-02)

Sec. 23-102. Collection and payment of assessment connection charges.

(a) *Notification of assessments.* After the acceptance of any public sewer improvement, the sewer authority shall give notice by publication that benefits assessed therefor are due and payable. It shall deliver to the tax collector the description of the properties assessed with the names of the owners and the amounts of such assessments, and he shall prepare and send notices to each of the owners whose properties have been so assessed, stating the amount of the assessment and when the same is due and payable.

(b) *Installment payment for assessment.* Any property owner who elects to utilize the installment plan as defined herein shall notify the tax collector of such request within thirty (30) days after the established due date. The sewer authority may provide for the payment of an assessment in substantially equal annual installments, not exceeding thirty (30), and may provide for interest charges applicable to such deferred payments, provided the last installment of any assessment shall be due not later than one year prior to the date of the last maturity of any bonds or notes issued by the city to finance the acquisition or construction of the sewerage system or portion thereof in respect to which the assessment was levied, and provided further that such interest charges may not exceed the maximum rate of interest which the city is obligated to pay on such bonds or notes.

When sewer improvements are constructed in conjunction with other public improvements subject to assessment, the water pollution control authority shall endeavor, within the limitations contained above and providing that the financial burden is not deemed excessive, to set the assessment payment period equal to that for the other improvements.

All installment payments shall be substantially equal in amount with the first installment being principal only, and the remaining installments consisting of varying amounts of principal and interest on the unpaid balance.

The first installment shall be paid within thirty (30) days after the same is declared by publication to be due and payable and if so paid, the installment shall be without the addition of any interest charge. Each installment thereafter for the period of years established shall be due and payable on the dates stipulated by the tax collector.

The sewer authority shall cause the city clerk to record on the land records a certificate, signed by the tax collector, of such facts in form substantially as shown at the end of this section.

Such certificate shall operate as notice of the existence of any plan for payment of

such assessment by installments and the city clerk shall cancel or remove the same within seven (7) calendar days after the last installment due has been satisfied, or the total assessment together with all interest, fees and charges has been paid in full and after receiving notification from the tax collector that such payment has been made.

(c) *Delinquent assessments and liens.* Any assessment of benefits or any installment thereof not paid within thirty (30) days after the due date, shall be delinquent and shall be subject to interest from such due date at the interest rate and in the manner provided by the general statutes for delinquent property taxes. Each addition of interest shall be collectable as a part of such assessment.

Whenever any installment of an assessment becomes delinquent, the interest on such delinquent installment shall be as provided above or five dollars ($5.00), whichever is greater. Any unpaid assessment and any interest due thereon shall constitute a lien upon the real estate against which the assessment was levied from the date of such levy. Each such lien may be continued, recorded and released in the manner provided by the general statutes for continuing, recording and releasing property tax liens. Each such lien shall take precedence over all other liens and encumbrances except taxes and may be foreclosed in the same manner as property tax liens. The tax collector may collect such assessments in accordance with any mandatory provision of the general statutes for the collection of property taxes and the city may recover any such assessment in a civil action against any person liable therefor.

(Ord. of 5-89)

Secs. 23-103--23-115. Reserved.

ARTICLE III. WATER

DIVISION 1. GENERALLY

Sec. 23-116. Board consent required for connection with city water works.

No person shall tap or make any connections with any city water main or distribution pipe or in any way introduce water from the city water works onto his premises without the prior written consent of the board of water commissioners.

(Code 1970, § 23-1)

Sec. 23-117. Breaks to be repaired.

(a) *Notice to repair.* The board of water commissioners shall give notice in writing by depositing such notice at the post office, postage prepaid, to the property owner at the address used for water service bills whenever a break occurs in the water service pipe of such property.

(b) *Consequence of failure to repair.* If the property owner fails to repair the break within forty-eight (48) hours from the time the notice should have reached him, the board of water commissioners shall proceed to repair such break and shall bill the owner of the property for the reasonable cost thereof. Should the property owner fail to pay such bill,

an action to recover the same shall be brought against him in the name of the city.

(Code 1970, § 23-3)

Sec. 23-118. Owner to bear cost of disconnection.

If an existing water service, which consists of a water line extending from a water main to a water meter on private premises, is discontinued, the disconnection shall be made at the water main and the owner of the premises shall bear the entire cost of disconnecting the discontinued water service.

(Code 1970, § 23-4)

Sec. 23-119. Plumbing services prohibited where consent not obtained.

No person shall perform any plumbing services requiring the consent of the board of water commissioners pursuant to the terms of this Code where such person knows or has reason to believe that such consent has not been obtained.

(Code 1970, § 23-5)

Sec. 23-120. Waste of water prohibited; board to judge.

(a) No owner or occupant of any premises shall allow any unnecessary waste of water taken from the city water supply.

(b) The board of water commissioners shall determine what water uses are unnecessary and wasteful in light of existing public needs whenever it becomes necessary to limit the consumption of water in order to conserve the public water supply.

(Code 1970, § 23-6)

Sec. 23-121. Board to terminate service on violation.

(a) The board of water commissioners shall order water service terminated in any premises where:

(1) The person responsible for the payment of the water bill has failed, neglected or refused to pay the same within the time specified; or,

(2) There has been a violation of any rules or regulations established by the board.

(b) No person shall cause or allow water service terminated pursuant to the terms of this section to be resumed without prior consent of the board of water commissioners.

(Code 1970, § 23-7)

Sec. 23-122. Certain activities on reservoir prohibited.

No person shall trespass upon, or cast or discard any article into any public reservoir. This prohibition shall include engaging in any sports activities at such reservoirs, including but not limited to boating, swimming, skating, and fishing.

(Code 1970, § 23-8)

Sec. 23-123. Water conserving equipment required on air conditioners.

No person shall use water from the public supply as a cooling agent in air conditioning or refrigerating equipment unless such person also uses water conserving equipment of a type approved by the board of water commissioners.

(Code 1970, § 23-9)

Secs. 23-124--23-130. Reserved.

DIVISION 2. BOARD OF WATER COMMISSION*

***Charter references:** Board of water commissioners, §§ 2521--2550.

Sec. 23-131. Chairman; duties; compensation.

The chairman of the board of water commissioners shall be the acting commissioner, and shall be responsible for the performance of the duties assigned by the board pertaining to the management of the water department. The compensation of the chairman shall be determined by the council by ordinance.

(Code 1970, § 2-277)

Sec. 23-132. Reports to the council.

The board of water commissioners shall make an annual report to the council at its regular meeting in the month next following the end of the fiscal year. This report shall contain a financial statement of all sums received and expenditures incurred by the water department from any source. This report shall also include a general exhibit of the existing state of the water works and an account of related financial transactions. After this report has been audited, the clerk shall record and publish it as the council shall direct. The council may require other reports from the board of water commissioners at any time.

(Code 1970, § 2-278)

Sec. 23-133. Appointment of director of water department.

The board of water commissioners shall appoint, subject to the provisions of chapter 3 of the charter, a director of the water department who shall, under the direction of the board of water commissioners, manage all the operations of the board.

(Code 1970, § 2-58)

Sec. 23-134. Board of water commissioners.

The board of water commissioners shall consist of five (5) members, of whom not more than three (3) shall belong to the same political party.

(Ord. of 7-01)

Sec. 23-135. Term of membership.

Every member of the board shall be appointed to serve a term of four (4) years from the succeeding first day of December.

(Ord. of 7-01)

Secs. 23-136--23-140. Reserved.

DIVISION 3. METERS

Sec. 23-141. Required.

All water from the city's water works shall be supplied through one primary meter or a battery or primary meters for each separate service. All water passing through such meters will be billed to the owner of the property supplied as it appears in the records of the department, whether the water is used or wasted. Customers are advised to read their meters frequently in order that leaks of waste may be detected early and large bills prevented.

(Code 1970, § 23-2(A); Ord. of 2-72)

Sec. 23-142. Installation.

A water meter shall be installed by the city's water department at no cost to the customer. The water department shall designate the size of the meter to be installed on any service. The property owner shall furnish a proper place for the water meter, which is to be installed in a horizontal position just inside and as near as possible to the point of entry of the service pipe through the building wall. All small services shall have meters located inside the building regardless of its distance from the street. Other meters shall be located in the building nearest to the street line, provided that this building is not more than seventy-five (75) feet from the street line. In the event that the nearest building is located more than seventy-five (75) feet from the street line, the meter shall be installed just inside the street line in a suitable housing or pit, provided and maintained at the expense of the property owner.

(Code 1970, § 23-2(B); Ord. of 2-72)

Sec. 23-143. Condominiums.

Condominiums shall have separate lines and separate meter installation for each unit where, due to high-rise types, it is totally impractical to meter each individual unit, one meter or battery or meters shall be installed in each building. Until all units are sold, the builders shall be

responsible and pay all bills due for that building. As part of the sale agreement, the builder shall provide for the establishment of an association comprised of buyers who shall be responsible for the meter, water charges and associated plumbing. The water department will bill the association's treasurer who shall pay the bill and all miscellaneous charges due. Ownership of any mains supplying multifamily units shall be of the group of families. Any repairs shall be paid for equally by the owners.

(Code 1970, § 23-2(C); Ord. of 2-72)

Sec. 23-144. Accessibility.

Meters shall be easily accessible at all times so that they may be examined and read by employees of the department. They shall not be exposed to danger from frost or contamination.

(Code 1970, § 23-2(D); Ord. of 2-72)

Sec. 23-145. Repairs, etc., to be performed by department; stop and waste valves to be installed by owner.

The installation, repair, conversion and disconnection of all meters shall be performed by employees of the water department only. Approved stop and waste valves shall be installed by the property owner and kept in proper working condition at the expense of the property owner both before and after the meter on the service line to ease the removal or installation of the meters.

(Code 1970, § 23-2(E); Ord. of 2-72)

Sec. 23-146. Owner to pay for damages.

If the meter or any part thereof, after being set, sustains damage by frost, hot water or any external cause by the occupant of the premises, property owner, or his agent, the city's water department will repair or replace the meter and the owner shall reimburse the department for all costs incurred.

(Code 1970, § 23-2(F); Ord. of 2-72)

Sec. 23-147. Owner to notify department immediately in case of breakage, stoppage, etc.

In case of breakage, stoppage or any other irregularity in the water meter which needs attention, the property owner shall notify the water department immediately.

(Code 1970, § 23-2(G); Ord. of 2-72)

Sec. 23-148. Testing; adjustment of bill.

Every meter is carefully tested before it is installed, and also before it is reset after being removed for repairs or for any other reason. Periodic tests for duty of each meter will also be made as often as the department may deem necessary. Should a property owner at

any time question the accuracy of the meter on his service, it may be tested, only in the presence of the owner or his authorized agent after the department receives the request in writing. A deposit of five dollars ($5.00) will be required for testing the meter before the meter is disconnected. The department may take the opportunity, after testing, to make any repairs that may be necessary to bring the meter to its standard. Should the meter test show that the meter has been overregistering in excess of two (2) per cent, the allowable tolerance, the deposit will be refunded. If the test is within limit or registers in favor of the customer, the deposit will be retained by the water department to cover the cost of the removal, testing and resetting. If the testing of a meter as hereinbefore provided shows that it fails to register correctly within two (2) per cent, the charge to the customer shall be adjusted accordingly, as the registration varies from one hundred (100) per cent; and such adjustment shall apply to the current period only, unless apparent to the department that the previous period's consumption has also been affected by the same error. This means that if a meter registers over two (2) per cent fast, the bill will be adjusted downward to where it would be if the meter were one hundred (100) per cent correct. If a meter registers over two (2) per cent slow, the bill will be adjusted upward to where it would be if the meter were one hundred (100) per cent correct.

(Code 1970, § 23-2(H); Ord. of 2-72)

Sec. 23-149. Procedure in case of failure or removal.

In case a water meter fails to register or has been removed for repairs, testing, or other purposes during the billing period, the bill will be based on the average daily rate of consumption as shown by the meter after it has been returned to service and is in proper working order. If the meter has not been returned to service, the bill will be issued based on the average daily rate of consumption for the previous four (4) periods of billing.

(Code 1970, § 23-2(I); Ord. of 2-72)

Sec. 23-150. City's right to remove, test, etc.

The city's water department reserves the right at all times to remove, test, repair or replace any water meter. The water department of the city will prefer charges in accordance with state laws against any person who shall tamper or deface a meter to prevent the proper registration of the water consumed by altering the register index, the remote reading device or otherwise, or for breaking of any seal placed by the department for the protection of the meter, valve and fitting.

(Code 1970, § 23-2(J); Ord. of 2-72)

Sec. 23-151. Metered services to be equipped with remote reading device.

(a) All metered services shall be equipped with a device such that the water meter can be read remotely from outside of the building. This device shall be of the standard being used by the city water department and shall be considered as part of the meter. The device will be installed by the water department.

(b) All new buildings shall be provided by the builder with a hole for the wiring and a space for the device to be attached on the exterior of the building before water service is allowed in the building. The exterior device shall be as near to the meter setting as

possible, about four (4) feet above the finished grade and in a place affording protection from damage.

(c) All existing metered services shall be converted to read remotely outside the premises on a block by block basis as scheduled by the water department.

(Code 1970, § 23-2(K)--(M); Ord. of 2-72)

Secs. 23-152--23-169. Reserved.

DIVISION 4. WATER SERVICES

Sec. 23-170. Application for installation and renewal of water service line.

An applicant for the installation of a new water service line, or for the renewal of an old water service line, shall be made by the owner of a property, or their agent, by obtaining a tapping permit at the office of the building department of the City of New Britain. The application must state fully and truthfully the purpose for which the water service line is to be used, provide the proper legal description of the property to be served and state the official city street and the street number to be served. An acceptable plot plan which shows the location of the water service line must accompany the permit application.

(Ord. of 5-5-99)

Sec. 23-171. Installation of water service.

Corporation stops shall be installed by the water department only at the distribution main in the street. The charge for the installation of the corporation stop shall be at the rate established in [the] annual budget of the board of water commissioners and must be paid in advance by the owner of the property or its agent. The property owner or its agent shall excavate around the water main and properly shore the excavation site in order for the corporation stop to be installed by the water department. The water service line must lay in a straight line from the corporation stop to the inside of the building perpendicular to the distribution main. The water service line must have at least four (4) feet of cover to avoid freezing. All water service lines two (2) inches or smaller in diameter shall be type K, extra heavy, soft temper, cold drawn, seamless, deoxidized copper tubing, having a minimum ultimate tensile strength of not less than thirty thousand (30,000) pounds per square inch. Water service lines larger than two (2) inches shall be class 52 cement-line ductile iron pipe in accordance with ASA specifications. All water service lines shall have a shutoff valve as close to the property line as possible. The shutoff valve must be accessible through a curb box bottom and top section. No water service line shall be laid in the same trench with a building drain or sewer pipe. The water service line shall be no closer to any sewer pipe than six (6) feet at any point. The water service line installation shall be inspected and approved by a representative of the water department before being covered. If the water service line is covered prior to inspection, the water department representative will order the area to be uncovered and will not approve the line until an inspection has taken place and is approved.

(Ord. of 5-5-99)

Sec. 23-172. Ownership of service pipes.

Any and all maintenance and repair of the water service line between the water main in the street and the water meter is the responsibility of the owner of the property it serves.

(Ord. of 5-5-99)

Chapter 24 VEHICLES FOR HIRE*

***Cross references:** Advertising, Ch. 3; alcoholic beverages, Ch. 4; licenses, permits and miscellaneous business regulations, Ch. 14; motor vehicles and traffic, Ch. 15; police, Ch. 20; streets, sidewalks and public places, Ch. 21; utilities, Ch. 23.

Art. I. In General, §§ 24-1--24-15
Art. II. Taxicabs, §§ 24-16--24-21

ARTICLE I. IN GENERAL

Secs. 24-1--24-15. Reserved.

ARTICLE II. TAXICABS*

***State law references:** Taxicabs generally, G.S. §§ 13b-95--13b-100; buses generally, G.S. §§ 13b-80--13b-94.

Sec. 24-16. License and registration of operator required.

No person shall operate a taxicab for any taxicab business having its place of business within the city, unless such person has first been duly licensed by the state commissioner of motor vehicles and registered by the chief of police.

(Code 1970, § 17-1)

Sec. 24-17. Application for registration of operators; contents.

An applicant for registration as a taxicab operator shall file with the chief of police a sworn application in writing on a form supplied by the chief of police, giving the applicant's full name, address, age, height, weight, color of eyes and hair and name of employer. Each applicant shall also file with the application his right and left hand thumb prints and a picture of his full face of a size acceptable to the chief of police.

(Code 1970, § 17-2)

Sec. 24-18. Issuance of registration card; record.

Upon approval of the application by the chief of police, a registration card measuring approximately five (5) inches by eight (8) inches and containing the information and a duplicate of the picture filed in the registration form shall be issued to the taxicab operator. The police department shall maintain records of all application forms filed and all registration cards issued.

(Code 1970, § 17-3)

Sec. 24-19. Registration card to be displayed.

Each registrant under this article shall prominently display his registration card in his taxicab in full view of all passengers.

(Code 1970, § 17-4)

Sec. 24-20. Expiration and renewal of registration.

(a) Each taxicab operator's registration shall expire upon the expiration of his state taxicab operator's license.

(b) Each taxicab operator shall renew his registration within ten (10) days after having renewed his state taxicab operator's license.

(Code 1970, § 17-5)

Sec. 24-21. Revocation of registration.

Upon the criminal conviction of any taxicab operator or the receipt of a complaint regarding such operator, the chief of police shall transmit full information to the state commissioner of motor vehicles for appropriate action. If the taxicab operator's state operator's license is revoked by the state commissioner of motor vehicles, the chief of police shall revoke such operator's registration. The operator's registration shall not be reinstated until the taxicab operator's state operator's license is restored.

(Code 1970, § 17-6)

APPENDIX A ZONING REGULATIONS* (RESERVED)

***Cross references:** Common council zoning committee, § 2-96 et seq.

CODE COMPARATIVE TABLE 1970 CODE

This table gives the location within this Code of those sections of the 1970 Code, which are included herein. Sections of the 1970 Code not listed herein have been omitted as repealed,

superseded, obsolete or not of a general and permanent nature. For the location of ordinances adopted subsequently thereto, see the table immediately following this table.

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CODE COMPARATIVE TABLE ORDINANCES

This table gives the location within this Code of those ordinances adopted since the 1970 Code, which are listed herein. Ordinances adopted prior to such date were incorporated into the 1970 Code, a table of which immediately precedes this table. Ordinances not listed herein have been omitted as repealed, superseded or not of a general and permanent nature.

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