

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.

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.

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- 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
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 - 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, outcries, 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 erect 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 well 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 apprised 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