

**NEW BRITAIN CODE OF ORDINANCES**

**SUPPLEMENT 33**

**October 8, 2014 thru**

<u>Item Number</u>	<u>Date of Meeting</u>	<u>Date Published</u>	
32873-2	10/08/2014	10/11/2014	Re: Amendment to Sec. 15-73-and 15-122 revising fines for violations of the parking section
32900-2	11/12/2014	11/15/2014	Re: Amendment to Sec. 2-584 – Promotion of Public Arts
32925-2	12/10/2014	12/13/2014	Re: Amendment to Sec. 3-11, Subsection (a) regarding signs on Public Property
32991-2	02/25/2015	02/27/2015	Re: Amendment to Sec. 10-37, 13-194, 14-256 and 14-407 Providing for an increase in fees – food establishments et al
32997-2	03/11/2015	03/17/2015	Re: Amendment to Sec. 2-566(a) increasing the City's bid threshold
32990-2	03/11/2015	03/17/2015	Re: Amendment to Sec. 7-14 increasing zoning permit fees
33010-2	03/11/2015	03/17/2015	Re: Amendment to Sec. 2-338 – Compensation of elected and appointed officials
33022-4	04/22/2015	04/24/2015	Re: Amendment to Sec. 11-6 – increasing the time allowed for container placement and removal.
33067-2	05/13/2015	05/19/2015	Re: Amendment to Sec. 2-10 – copying and scanning of public records and including a definition of “indigent”

# RESOLUTION

SUB 1

Item #32873 -2

RE: Fines for Parking Violations

**To Her Honor, the Mayor, and the Common Council of the City of New Britain:**  
the undersigned beg leave to recommend the adoption of the following:

Resolution Summary: PURPOSE. To revise the fines for violations of the Parking Sections set forth in Chapter 15 of the Code of Ordinances consistent with recommendations made by the Parking Commission on September 11, 2014.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF NEW BRITAIN that Sections 15-73 and 15-122 of the Code of Ordinances, City of New Britain, be amended to read as follows (inserted text appears in underline; deleted text appears in ~~strikethrough~~; new sections begin with the word [new]):

## Sec. 15-73. Street and restricted area parking violations; penalties and enforcement.

(a) Parking in any of the following ways on any street or in any city-owned garage or off-street parking facility within the city's territorial limits is prohibited and a penalty of ~~ten~~ thirty dollars (~~\$10.00-\$30.00~~) shall be imposed for each of the following violations:

- (1) *Overtime parking.* In excess of the time posted by official sign. Each separate period of time equal to the original permitted parking time which occurs after the original permitted parking time shall constitute a separate offense and shall carry a separate fine.
- (2) *Meters.* In violation of any parking meter regulation.
- (3) *In opposite direction of traffic.* Facing against oncoming traffic on the side of the street on which the vehicle is parked.
- (4) *Close to curb.* More than twelve (12) inches from a curb.

(b) Parking, in any of the following ways on any street or in any city-owned garage or off-street parking facility within the city's territorial limits is prohibited and a penalty of ~~twenty~~ sixty dollars (~~\$20.00 \$60.00~~) shall be imposed by the city's police department or its designee for each of the following violations:

- ~~(1) Fire hydrant.~~ Within ten (10) feet of a fire hydrant.
- ~~(1) (2) Crosswalk.~~ Within ten (10) feet of a marked crosswalk.
- ~~(2) (3) Intersection.~~ Within fifteen (15) feet of an intersection.
- ~~(3) (4) Stop sign.~~ Within twenty-five (25) feet of a stop sign.
- ~~(4) (5) Restricted area.~~ In a restricted area including restricted areas designated and posted as restricted or reserved on city-owned property.
- ~~(6) Bus stop.~~ Within a bus stop.
- ~~(5) (7) Loading zone.~~ Within a loading and reloading zone.
- ~~(6) (8) Traffic hazard zone.~~ In such a manner as to constitute a traffic hazard or to obstruct the free movement of traffic.
- ~~(9) Double parking.~~ Upon a traveled portion of the highway adjacent to parked cars.
- ~~(7) (10) Driveway.~~ In such a manner as to obstruct a driveway.
- ~~(8) (11) Curb and sidewalk.~~ Within the area between the curb and the sidewalk and on the sidewalk.
- ~~(12) Fire lane.~~ Within a fire lane.

(c) Parking, in any of the following ways on any street or in any city-owned garage or off-street parking facility within the city's territorial limits is prohibited and a penalty of ninety dollars (\$90.00) shall be imposed by the city's police department or its designee for each of the following violations:

- (1) Fire hydrant. Within ten (10) feet of a fire hydrant.

(2) Bus stop. Within a bus stop.

(3) Double parking. Upon a traveled portion of the highway adjacent to parked cars.

(4) Fire lane. Within a fire lane.

(d) (~~e~~) Parking in any area that is a temporary "No Parking" area so as to permit the removal of snow or ice is prohibited and a penalty of twenty dollars (\$20.00) shall be imposed for each such violation.

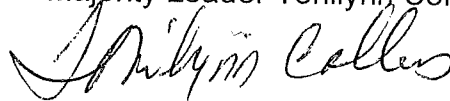
(e) (~~d~~) Parking by trespassing on private property is prohibited. The penalty for violation of this paragraph (~~d~~) of this section is thirty ninety dollars (~~\$30.00~~ \$90.00).

(f) (~~e~~) Parking a vehicle on a front lawn or in any front or side yard of a building or dwelling unless such area is properly designed therefor and has proper access to a street or roadway shall carry a penalty of sixty ninety-nine dollars (~~\$60.00~~ \$99.00).

**Sec. 15-122. Fines and storage charges for parking on snow emergency routes and secondary streets.**

- (a) Parking in violation of any section of this division shall be punishable by a fine of ~~one hundred~~ ninety-nine dollars (~~\$100.00~~ \$99.00) for each violation. Under no condition shall such snow fine double.
- (b) If the vehicle of any violator of this division is towed, and if the city has the duty and responsibility to watch and protect such illegally parked vehicle, the operator shall be subject to a twenty dollar (\$20.00) a day storage charge if he fails to claim his vehicle within twenty-four (24) hours after the vehicle has been towed.
- (c) The owner or operator of any vehicle parked in violation of this division shall be liable to the city for the payment of such fines and storage charges that accrue.

Majority Leader Tonilynn Collins



# RESOLUTION

1

Item #32900 -2 RE: Promotion of Public Arts

**To Her Honor, the Mayor, and the Common Council of the City of New Britain:**  
the undersigned beg leave to recommend the adoption of the following:

Resolution Summary: PURPOSE. To amend the Code of Ordinances regarding the authority of the New Britain Commission on the Arts.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF NEW BRITAIN that Section 2-584 of the Code of Ordinances, City of New Britain, be amended to read as follows (inserted text appears in underline; deleted text appears in ~~strikethrough~~; new sections begin with the word [new]):

## **Sec. 2-584. Promotion of ~~p~~Public ~~a~~Arts.**

(a) For purposes of this section, the following terms have the following meanings:

*City building* means any building or facility owned or leased by the City of New Britain and open to the public or intended for such use, exclusive of any shed, warehouse, garage or building of a temporary nature.

*City street* means any street owned or otherwise controlled by the eCity, including, adjacent to said street, all light posts, utility posts, traffic signs, traffic signal lights and associated equipment, street signs, etc.

*Commission* means the New Britain Commission on the Arts.

*Construction project* means any construction, reconstruction, renovation or alteration to any eCity building, eCity street or eCity park, the value of which construction, reconstruction, renovation or alteration is more than five hundred thousand dollars (\$500,000.00).

*Renovation* does not include a project of which the principal purpose is the rehabilitation of:

- (1) Plumbing, heating, ventilating, air-conditioning or electrical systems; or
- (2) Light posts, utility posts, traffic signs, traffic signal lights and associated equipment, street signs, etc.

*Work of art* means art work created by a professional artist, artisan or craftsperson which is to be in, on or located in the immediate vicinity of such construction project, including, but not limited to:

- (1) Paintings, including all media and both portable and permanently affixed works of art such as murals and frescoes;
- (2) Sculpture, including bas-relief, high relief, mobile, fountain, kinetic, environmental, electronic, and in-the-round sculpture;
- (3) Prints, calligraphy, clay, drawings, stained glass, mosaics, photographs, fiber and textiles, wood, metal, plastics and other materials or combinations of materials;

(4) Mixed media, including any combination of forms of media; or

(5) Architectural embellishment or functional art; provided that "work of art" as used in this section shall not include building architecture, landscape architecture or landscape gardening.

(b) The ~~b~~Board of ~~f~~Finance and ~~t~~Taxation and the ~~e~~Common ~~e~~Council, in the allocation of monies for any construction project, shall allocate for works of art, with respect to each such project and for the purposes of subsection (d) of this section, an amount from such monies not less than one (1) per cent of the total estimated cost of such construction, reconstruction, repair or alteration; provided, that said required amount shall not be more than one hundred fifty thousand dollars (\$150,000.00) and shall be calculated exclusive of:

(1) The cost of any land acquisition;

(2) Any nonconstruction costs;

(3) Any augmentations to such cost; and

(4) The amount of funding for such construction as is bound by rules or conditions that would preclude or prohibit the application of this section.

(c) The New Britain Commission on the Arts is hereby established. Effective January 1, 2016, the ~~e~~Commission shall consist of ~~twelve (12)~~ nine (9) members to be appointed by the ~~m~~Mayor with the ~~advice and consent of the e~~Council, ~~three (3) members named by the Greater New Britain Arts Alliance (provided that of the members named by the Greater New Britain Arts Alliance, no more than two (2) shall be members of the same political party).~~ The term of each member shall be two (2) years. The ~~e~~Commission shall, in addition to its duties and responsibilities under subsection (d) of this section:

(1) Make recommendations to the ~~m~~Mayor and ~~e~~Common ~~e~~Council regarding any work of art which is in the custody or control of the ~~e~~City, including the public site for the display of such art;

(2) When requested and subject to the availability of funds, to make funding recommendations to the ~~m~~Mayor and ~~e~~Common ~~e~~Council on funding for local arts organizations and programs;

(3) Advise the ~~m~~Mayor and ~~e~~Common ~~e~~Council, with regard to a proposed removal, relocation or alteration of any public arts project or work of art in the possession of the ~~e~~City, to ensure proper preservation and display and advise the Mayor and Common Council regarding City involvement in the performing arts and with museums and art galleries;

(4) Work to ensure that works of art are properly integrated into the ~~e~~City building environments, especially in places open to the public;

(5) Compile and update an inventory of valuable works of art in the possession of the ~~e~~City. ~~On an annual basis, e~~Conduct and catalog an inventory of valuable works of art, including all of the ~~e~~City's war memorials. Working with the ~~p~~Public ~~w~~Works, ~~p~~Parks and ~~r~~Recreation and the ~~v~~Veteran's ~~e~~Commission, provide a recommendation to the ~~m~~Mayor and the ~~e~~City ~~Common~~ ~~e~~Council on a maintenance schedule.

(d) The ~~e~~Commission shall be responsible for the selection of a work or works of art to be placed in, on or located in the immediate vicinity of a construction project using monies allocated pursuant to

subsection (b) of this section. The eCommission shall be responsible for selection of the artist, artisan or craftsperson, review of any design or plan and examination of the completion and proper placement of such work of art. The eCity pPurchasing aAgent, in consultation with the eCommission, shall be responsible for the contractual arrangements with any such artist, artisan or craftsperson. The selection of contractors and the award of contracts under this section may be conducted contrary to normal eCity bidding procedures, provided that:

The total amount that is to be paid for said contract is fixed prior to any request for proposals;

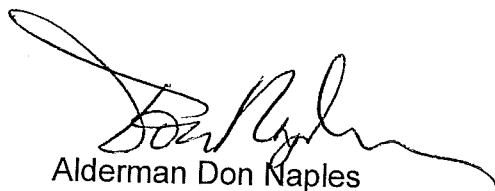
- (1) The eCity pPurchasing aAgent, with the approval of the eCommission, shall establish selection procedures that protect the eCity's interests with respect to the durability, maintenance costs and aesthetic quality of works of art, and especially guaranteeing that the works of art be located in public places with public visibility and impact and will have a significant lifetime;
- (2) Such selection procedures shall provide for opportunities for members of the public and eCity staff to comment on prospective works of art; and
- (3) The final selection of an artist or work of art shall be contingent upon the approval of the eCommon eCouncil.

Each request for proposal issued pursuant to this section shall specify the artistic genre and general characteristics the eCommission chooses.

(e) The eCommon eCouncil or the eCommission, with the approval of the eCommon eCouncil, shall have the power, should it determine that it is in the interest of the eCity, to:

- (1) Place a work of art created with monies allocated pursuant to this section in a location other than the direct vicinity of the associated construction project; or
- (2) To exempt a particular construction project from the terms of this section.

(Ord. of 1-01; Res. No. 29064-2, 5-24-06; Res. No. 29391-2, 9-12-07; Res. No. 31710-2, 2-8-12)  
Secs. 2-585--2-590. Reserved.

  
Alderman Don Naples

  
Alderman Adam Platosz

# RESOLUTION

Item # 32925-2

RE:

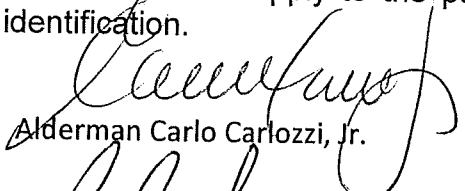
To Her Honor, the Mayor, and the Common Council of the City of New Britain:  
the undersigned beg leave to recommend the adoption of the following:

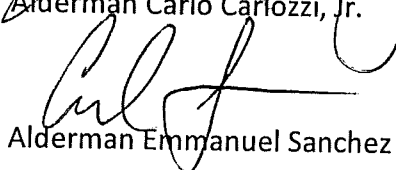
**Resolution Summary:** INTENT AND PURPOSE. To amend subsection (a) of Section 3-11 of the Code of Ordinances to provide for exceptions.

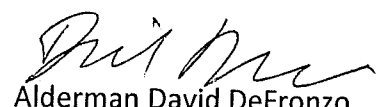
BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF NEW BRITAIN that Chapter 3, Section 3-11 of the Code of Ordinances, City of New Britain, be amended as follows (inserted text appears in underline; deleted text appears in ~~strikethrough~~; new sections begin with the word [new]):

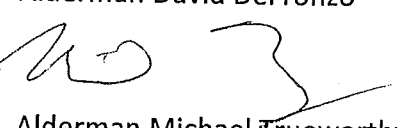
**Sec. 3-11. Signs on public property.**

- (a) No person shall paint, mark or write on, or post or otherwise affix, any hand-bill or sign to or upon any public property, public right-of-way, park, sidewalk, crosswalk, curb, curbstone, street lamp post, hydrant, tree, shrub, tree stake or guard, railroad trestle, electric light or power or telephone or telegraph or trolley, wire pole, or wire appurtenance thereof or upon any fixture of the fire alarm or police telegraph system or upon any lighting system, public bridge, drinking fountain, street sign or traffic sign. Exceptions to the above shall be limited to the following: 1) Political signs advertising an individual for elective office or a question/referendum on the ballot may be placed at polling places only on the day of an election, primary or special election. Such political signs must be held or placed in the ground, no larger than 3 feet by 3 feet and placed beyond the 75 foot marker as placed by the Registrar of Voters or election poll moderators. Such signs shall be permitted to stay for the duration of that day's voting.; 2) any sign(s) on school grounds that are used to promote school related groups or activities. Such signs and location of such signs must be approved by the New Britain Consolidated School District or its designee.
- (b) Any hand-bill or sign found posted, or otherwise affixed contrary to the provisions of this section may be removed by the New Britain department of public works, or its designee. The person responsible for any such illegal posting shall be liable for the cost incurred in the removal thereof and the department of public works, or its designee, is authorized to effect the collection of said cost.
- (c) Nothing in this section shall apply to the installation of a metal plaque or plate or individual letters or figures in a sidewalk commemorating an historical, cultural, or artistic event, location or personality for which the department of public works has granted a written permit.
- (d) Nothing in this section shall apply to the painting of house numbers upon curbs for purposes of identification.

  
Alderman Carlo Carozzi, Jr.

  
Alderman Emmanuel Sanchez

  
Alderman David DeFronzo

  
Alderman Michael Trueworthy

# RESOLUTION

1

Item # 32991 -2

RE:

**To Her Honor, the Mayor, and the Common Council of the City of New Britain:**  
the undersigned beg leave to recommend the adoption of the following:

Resolution Summary: INTENT AND PURPOSE:

To revise Sections 10-37, 13-194, 14-256 and 14-407 of the Code of Ordinances to provide for an increase in fees for mobile food establishments, plans reviews, rooming house permit, day care inspections, barbershop/cosmetology licensure, public swimming pool licensure, re-inspections, and to add a late charge for delinquent fees. The City of New Britain Board of Health approved the increased fees to be consistent with permit fees in other municipalities

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF NEW BRITAIN that SECTIONS 10-37, 13-194, 14-256, and 14-407 of the Code of Ordinances, City of New Britain, be amended as follows: (inserted text appears in underline; deleted text appears in ~~strikethrough~~; new sections begin with the word [new].

**Sec. 10-37. Classifications of food establishments; fees for issuance of licenses; duration; inspection intervals; re-inspection fees; late charge.**

(a) All licenses to conduct, operate or maintain any food establishment shall be issued for a period of one (1) year beginning July 1 and ending June 30 of the following year, except that any license issued after July 1 of any year shall expire as of the June 30 following the date of issuance of such license.

(b) Food establishments shall be classified as follows:

- (1) *Class I establishment* -- Food service establishment with commercially prepackaged food and/or hot or cold beverages only. No preparation, cooking or hot holding of potentially hazardous foods is included, except that commercially packaged precooked foods may be heated and served in the original package within four (4) hours; e.g., cold commercially packaged sandwiches and sandwich meat and cheeses, pastries, confectioneries, snacks, popcorn, pretzels, donuts, coffee, tea, soft drinks, etc.
- (2) *Class II establishment* -- Food service establishment using cold or ready to eat commercially processed food requiring no further heat treatment and/or hot or cold beverages. No cooking, heating or hot holding of potentially hazardous foods is included, except that commercially packaged precooked foods may be heated and served in the original package within four (4) hours, and commercially precooked hot dogs, kielbasa and soup may be heated if transferred directly out of the original package and served within four (4) hours; e.g., cold deli sandwiches, salads, commercially prepared, processed and packaged sandwiches, hot dogs, kielbasa, soups, coffee, tea, soft drinks, etc.
- (3) *Class III establishment* -- Food service establishment having on the premises exposed potentially hazardous foods that are prepared by hot processes and consumed by the public within four (4) hours of preparation; e.g., hot meat sandwiches, pizza, soups, seafood, etc.
- (4) *Class IV establishment* -- Food service establishment having on the premises exposed potentially hazardous foods that are prepared by hot processes and held for more than four (4) hours prior to consumption by the public; e.g., meats, poultry, eggs, seafood, dairy, etc.



(c) Food establishments shall be inspected at the following intervals:

- (1) Class I establishment -- 360 days;
- (2) Class II establishment -- 180 days;
- (3) Class III establishment -- 120 days;
- (4) Class IV establishment -- 90 days;
- (5) Temporary food service establishment -- At intervals based on the applicable class of the establishment.

(d) Every applicant for a license to conduct, operate or maintain a food establishment shall pay a fee or fees for such establishment in accordance with the following schedule:

(1) *Class I establishment:*

- a. Fixed establishment -- 110.00 per year, or part thereof.
- b. Mobile establishment -- ~~\$50.00~~ \$75.00 per year, or part thereof.

(2) *Class II establishment:*

- a. Fixed establishment -- \$145.00 per year, or part thereof.
- b. Mobile establishment -- ~~\$85.00~~ \$100.00 per year, or part thereof.

(3) *Class III establishment:*

- a. Fixed establishment -- \$180.00 per year, or part thereof, plus \$2.00 per seat for each seat in excess of 35.
- b. Mobile establishment -- ~~\$145.00~~ \$140.00 per year, or part thereof.

(4) *Class IV establishment* -- \$215.00 per year, or part thereof, plus \$2.00 per seat for each seat in excess of 35.

(5) *Temporary food service establishment* -- ~~\$20.00~~ \$35.00 per day up to a maximum of ~~\$100.00~~ \$175.00 per year.

(e) Late charge for food establishment licensing fee. There shall be a thirty dollar (~~\$30.00~~) late charge for any food establishment licensing fee not received by June 30. In addition, there shall be an additional thirty dollars (~~\$30.00~~) charge for each additional thirty-day period that the fee remains delinquent.

(f) Re-inspection fee. In the event that a food establishment shall require a re-inspection as a result of having failed to attain a passing grade on the initial inspection (4 pt. item(s) not corrected or previous grade below 80), such food establishment shall be required to pay a re-inspection fee of ~~one hundred dollars (\$100.00)~~ one hundred twenty-five dollars (\$125.00) for each required re-inspection.

(g) All new or extensively remodeled food establishments must undergo a plan review before beginning operation. A fee of ~~one hundred twenty-five dollars (\$125.00)~~ one hundred fifty dollars (\$150.00) is to be paid for each plan review.

(Code 1970, § 11-3; Ord. of 9-95; Ord. No. 27823, 4-28-04; Res. No. 28693-2, 8-18-05; Res. No. 30847-2, 1-27-10)

**Sec. 13-194. Same--Issuance; fees.**

No permit to operate a rooming house shall be issued unless the rooming house for which the permit is sought is found after inspection to meet the applicable requirements of this article and any rules and regulations adopted pursuant thereto. The annual fee for any such permit shall be a minimum of ~~seventy-five dollars (\$75.00)~~ one hundred twenty-five dollars (\$125.00) or two dollars (\$2.00) per year per room.

(Code 1970, § 13-9.05; Ord. of 4-82; Ord. of 4-90, § 6)

**ARTICLE XIV. PUBLIC SWIMMING POOLS, WADING POOLS, WHIRLPOOLS, SPAS, DAYCARE CENTERS AND NONPUBLIC SCHOOLS**

**Sec. 14-256. License required; fee.**

- (a) No person shall operate a public swimming pool, a public wading pool or a public whirlpool or spa as defined in section 10-B-33b of the Regulations of the State of Connecticut Department of Health Services without first obtaining a license therefor issued by the director of health. Such license shall remain in effect for one (1) year from the date of issuance. The fee for such license shall be ~~sixty dollars (\$60.00)~~ one hundred dollars (\$100.00) for each such pool or spa.
- (b) The health department shall charge a fee for the following inspections:
  - (1) Day care centers -- ~~\$60.00~~ \$80.00;
  - (2) Nonpublic schools inspections -- \$15.00 per structure.
  - (3) Well permits – A \$50 fee shall accompany each application.

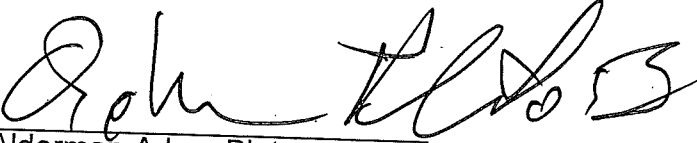
(Ord of 4-90 § 10; Res. No. 28693-2, 8-18-05)

Secs. 14-257--14-259. Reserved.

**Sec. 14-407. New Britain Environmental Health Department Proposed Fee Schedule 2010 2015**

<i>Barbershop, Hairdressing and Cosmetology Salons</i>	<i>Fee</i>
Establishment Permit	<del>\$75.00</del> <u>\$90.00</u>
With 1 – 5 work stations:	<del>100.00</del> <u>115.00</u>
With 6 – 10 work stations:	<del>150.00</del> <u>170.00</u>
With 11 + work stations:	
<sup>1<sup>st</sup>/2<sup>nd</sup></sup> Re-inspection Fee	<del>50.00</del> <u>60.00</u> /Inspection
Renewal Permit Application Late	<del>25.00</del> <u>40.00</u>
Returned Check Fee	20.00

\*\*Plan Review Fee: \$50.00  
(Res. No. 32485-2, 1023-13)

  
Alderman Adam Platosz

# RESOLUTION

Item #32997 - 2 RE:

To Her Honor, the Mayor, and the Common Council of the City of New Britain:  
the undersigned beg leave to recommend the adoption of the following:

RESOLUTION SUMMARY: To amend Sec. 2-566(a) of the Code of Ordinances to increase the City's bid threshold.

WHEREAS, Sec. 2-566(a) of the Code of Ordinances requires that any purchase of supplies or contractual services in excess of \$3,000.00 shall be purchased by formal, written contract from the lowest responsible bidder, after due notice inviting proposals; and

WHEREAS, this threshold is by far the lowest of any similarly situated city in the State of Connecticut and has become overly burdensome on the City's Bureau of Purchasing; and

WHEREAS, Connecticut General Statutes Sec. 7-148v permits municipalities to set any threshold they choose, not to exceed \$25,000.00; and

WHEREAS, the 2014 Blue Ribbon Commission issued a recommendation that the threshold be increased to mirror the threshold amount set by the Board of Education for the Consolidated School District of New Britain;


Now, therefore, be it

ORDAINED, by the Common Council of the City of New Britain that the Code of Ordinances, Sec. 2-566(a), be amended in the following manner (inserted text appears in underline; deleted text appears in ~~strikethrough~~):

Sec. 2-566. When contract required.

(a) Purchases over ~~three thousand dollars~~ seven thousand-five hundred dollars (\$3,000.00) (\$7,500.00). All supplies and contractual services, except as otherwise provided in this article when the estimated cost thereof shall exceed ~~three thousand dollars (\$3,000.00)~~ seven thousand-five hundred dollars (\$7,500.00), shall be purchased by formal, written contract from the lowest responsible bidder, after due notice inviting proposals.

A monthly report of the purchases in the aggregate of between five hundred dollars (\$500.00) and seven thousand-five hundred dollars (\$7,500.00) shall be provided to the Common Council by the Purchasing Director or designee for the City and by the Chief Financial Officer or designee for the Board of Education. Said report shall include a detailed description of the item(s) or service(s) purchased, the name of vendor from whom the items were purchased or services rendered, Owner(s) of the Business, and the dollar amount spent on each individual purchase and the aggregate total of spend to date for the fiscal year. These reports are for informational purposes only.

  
Alderman Robert Smedley

  
Ald. Carlo Carozzi, Jr.

# RESOLUTION

3

Item # 32990 - 2

RE:

To Her Honor, the Mayor, and the Common Council of the City of New Britain:  
the undersigned beg leave to recommend the adoption of the following:

Resolution Summary: INTENT AND PURPOSE:

To revise Section 7-14 of the Code of Ordinances to provide for an increase in fees for site plan approvals and to add a zoning compliance letter fee. The City of New Britain Building Commission approved the increased fees in order to be consistent with permit fees in other municipalities

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF NEW BRITAIN that SECTION 7-14 of Chapter 7 of the Code of Ordinances, City of New Britain, be amended as follows: (inserted text appears in underline; deleted text appears in ~~strikethrough~~; new sections begin with the word [new].

Sec. 7-14. Fee schedule--Zoning permits.

The City of New Britain Department of Licenses, Permits and Inspections shall charge the nonrefundable fees set out below for certain site plan approvals:

- (a) Site plan approval residential buildings with gross square feet (SF):
  - Under 1,000 SF . . . ~~\$25.00~~ \$40.00
  - 1,001--5,000 SF . . . ~~50.00~~ \$80.00
  - 5,001--10,000 SF . . . ~~100.00~~ \$160.00
  - Over 10,000 SF . . . ~~150.00~~ \$240.00
- (b) Site plan approval all other than residential buildings: new construction, addition or accessory structure:
  - Up to 5,000 SF . . . ~~\$100.00~~ \$250.00
  - For each additional 1,000 SF or portion . . . 5.00
- (c) Site plan approval no structure . . . ~~50.00~~ \$100.00
- (d) Change of occupancy . . . 50.00
- (e) Site plan approval telecommunication towers: For new tower . . . 300.00
  - Co-location (new antenna) . . . 100.00
  - Annual inspection . . . 100.00
- (f) Zoning Compliance Letter Fee . . . \$40.00



Alderman Wilfredo Pabon

# RESOLUTION

2

Item # 33010 - 2

RE:

To Her Honor, the Mayor, and the Common Council of the City of New Britain:  
the undersigned beg leave to recommend the adoption of the following:

Resolution Summary: INTENT AND PURPOSE:

To revise Section 2-338 of the Code of Ordinances to provide for the Common Council of the City of New Britain to refer the report received from the Compensation Committee to the Committee on Administration, Finance and Law.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF NEW BRITAIN that SECTION 2-338 of Chapter 2 of the Code of Ordinances, City of New Britain, be amended as follows: (inserted text appears in underline; deleted text appears in ~~strikethrough~~; new sections begin with the word [new].

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

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

- (1) In January of each odd-numbered year, the eCommon eCouncil shall appoint a eCompensation eCommittee consisting of three (3) members, two (2) of which shall be nominated by the majority leader of the eCommon eCouncil, and one of which shall be nominated by the minority leader of the eCommon eCouncil. The nominations shall be approved by a majority of the eCommon eCouncil present and voting. In the absence of a minority party on the eCommon eCouncil, the eCommon eCouncil shall, by majority vote, nominate and approve the appointment of the committee member which was designated as that of the minority leader;
- (2) The eCompensation eCommittee shall undertake a study in order to make a recommendation with respect to a salary adjustment for elected and appointed officials whose salaries are to be established by ordinance, including, but not limited to the mayor, the town clerk, the tax collector, the treasurer, the registrars of voters, the corporation counsel, the clerk of committees and the deputy treasurer. The eCompensation eCommittee shall take into consideration the salaries of comparable officials in other cities and towns and the adjustments in compensation granted to employees of the eCity. The committee may utilize, as necessary, appropriate eCity personnel to assist in its study committee shall report its recommendation to the full eCommon eCouncil in a timely manner;
- (3) The eCommon eCouncil, upon receipt of the report of the eCompensation eCommittee, shall refer the report including any resolution proposing an adjustment to compensation to the eCommittee on ordinance and salaries for a public hearing Administration, Finance and Law;
- (4) The compensation of elected or appointed officials shall not be adjusted unless modified by a resolution adopted by a majority vote of the eCommon eCouncil following the process set forth in subsections (1), (2) and (3) of this section;
- (5) The effective date of any adjustments to compensation of elected or appointed officials under this section shall be as follows:

- a. For those officials who are elected or appointed for two-year terms, on the Tuesday following the mayoral elections, in each odd-numbered year;
- b. For the town clerk, on the first day of the commencement of the term of office and on the first day following the completion of two (2) years of the term of office;
- c. For the registrars of voters, on the first day of the commencement of the term of office and on the first day following the completion of two (2) years of the term of office, provided however, if such adjustments in compensation are enacted subsequent to the first day following the completion of two (2) years of this term of office, such adjustments shall be retroactive to the first day following the completion of two (2) years of the term of office.

Suzanne Bielinski

Alderwoman, Suzanne Bielinski,

Alderwoman Tonilynn Collins

# RESOLUTION

5

Item # 33022 -4

RE:

**To Her Honor, the Mayor, and the Common Council of the City of New Britain:**  
the undersigned beg leave to recommend the adoption of the following:

Resolution Summary: INTENT AND PURPOSE:

To revise Section 11-6 of the Code of Ordinances to provide for the Common Council of the City of New Britain to increase the time allowed for container removal.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF NEW BRITAIN that SECTION 11-6 of the Code of Ordinances, City of New Britain, be amended as follows: (inserted text appears in underline; deleted text appears in ~~strikethrough~~; new sections begin with the word [new].

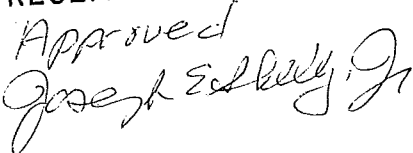
## **Sec. 11-6. Points of collection.**

- (a) For curbside collection, clean carts shall be placed at the curb at the appointed time for collection in accordance with guidelines established by the Department of Ppublic Wworks.
- (b) No rubbish shall be placed at the curb earlier than ~~5:00 p.m.~~ of noon on the day prior to a scheduled pickup. All rubbish containers shall be removed from the sidewalk or curb within ~~twelve (12)~~ twenty-four (24) hours after collection.
- (c) Any person violating subsection (b) shall be fined ninety-nine dollars (\$99.00) for each such offense.

(Code 1970, § 18-6; Ord. of 3-85; Ord. of 5-85; No. 26824-1, 2-27-02; Res. No. 29580-2, 6-13-07)

  
Alderman Don Naples

RECEIVED APR 15 2015

Approved  


# RESOLUTION

2

Item # 33067 -2

RE:

**To Her Honor, the Mayor, and the Common Council of the City of New Britain:**  
the undersigned beg leave to recommend the adoption of the following:

Resolution Summary: INTENT AND PURPOSE:

To revise Section 2-10 of the Code of Ordinances to provide for the Common Council of the City of New Britain to change the fee requirement exceptions for copying and scanning of public records and to include a definition of indigent.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF NEW BRITAIN that SECTION 2-10 of the Code of Ordinances, City of New Britain, be amended as follows: (inserted text appears in underline; deleted text appears in ~~strikethrough~~; new sections begin with the word [new].

## **Sec. 2-10. Freedom of information.**

- (a) *Definitions.* As used in this section, the following words and phrases shall have the following meanings, except where such terms are used in a context which clearly indicates the contrary:
- (1) *Public agency or agency* means:
    - (A) Any department, board, commission, or official of the City of New Britain, including any committee of, or created by, any such department, board, commission, or official;
    - (B) The common council or any of its committees; or
    - (C) Any person to the extent such person is deemed to be the functional equivalent of a public agency pursuant to law.
  - (2) *Meeting* means any hearing or other proceeding of a public agency, any convening or assembly of a quorum of a multimember public agency, and any communication by or to a quorum of a multimember public agency, whether in person or by means of electronic equipment, to discuss or act upon a matter over which the public agency has supervision, control, jurisdiction or advisory power. "Meeting" does not include: Any meeting of a personnel search committee for executive level employment candidates; any chance meeting, or a social meeting neither planned nor intended for the purpose of discussing matters relating to official business; strategy or negotiations with respect to collective bargaining; a caucus of members of a single political party notwithstanding that such members also constitute a quorum of a public agency; an administrative or staff meeting of a single-member public agency; and communication limited to notice of meetings of any public agency or the agendas thereof. A quorum of the members of a public agency who are present at any event which has been noticed and conducted as a meeting of another public agency under the provisions of the Freedom of Information Act shall not be deemed to be holding a meeting of the public agency of which they are members as a result of their presence at such event.
  - (3) *Caucus* means:
    - (A) A convening or assembly of the enrolled members of a single political party who are members of a public agency within the state or a political subdivision, or
    - (B) The members of a multimember public agency, which members constitute a



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

- (i) The registration is made with the office of the town and city clerk;
  - (ii) No member is registered in more than one (1) caucus at any one (1) time;
  - (iii) No such member's registration is rescinded during the member's remaining term of office; and
  - (iv) A member may remain a registered member of the majority caucus or minority caucus regardless of whether the member changes his or her party affiliation.
- (4) *Person* means natural person, partnership, corporation, limited liability company, association or society.
- (5) *Public records or files* means any recorded data or information relating to the conduct of the public's business prepared, owned, used, received or retained by a public agency, or to which a public agency is entitled to receive a copy by law or contract, whether such data or information be handwritten, typed, tape-recorded, printed, photostated, photographed or recorded by any other method.
- (6) *Executive sessions* means a meeting of a public agency at which the public is excluded for one (1) or more of the following purposes:
- (A) Discussion concerning the appointment, employment, performance, evaluation, health or dismissal of a public officer or employee, provided that such individual may require that discussion be held at an open meeting;
  - (B) Strategy and negotiations with respect to pending claims or pending litigation to which the public agency or a member thereof, because of the member's conduct as a member of such agency, is a party until such litigation or claim has been finally adjudicated or otherwise settled;
  - (C) Matters concerning security strategy or the deployment of security personnel, or devices affecting public security;
  - (D) Discussion of the selection of a site or the lease, sale or purchase of real estate by the city when publicity regarding such site, lease, sale, purchase or construction would cause a likelihood of increased price until such time as all of the property has been acquired or all proceedings or transactions concerning same have been terminated or abandoned; and
  - (E) Discussion of any matter which would result in the disclosure of public records or the information contained therein described in subsection (d)(2) herein.
- (7) *Personnel search committee* means a body appointed by a public agency, whose sole purpose is to recommend to the appointing agency a candidate or candidates for an executive-level employment position. Members of a "personnel search committee" shall not be considered in determining whether there is a quorum of the appointing or any other public agency.
- (8) *Pending claim* means a written notice to an agency which sets forth a demand for legal relief or which asserts a legal right stating the intention to institute an action in an appropriate forum if such relief or right is not granted.

(9) *Pending litigation* means:

- (A) A written notice to an agency which sets forth a demand for legal relief or which asserts a legal right stating the intention to institute an action before a court if such relief or right is not granted by the agency;
- (B) The service of a complaint against an agency returnable to a court which seeks to enforce or implement legal relief or a legal right; or
- (C) The agency's consideration of action to enforce or implement legal relief or a legal right.

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

- (A) The person receives funding from the public agency for administering or managing the program;
- (B) The public agency is involved in or regulates to a significant extent such person's administration or management of the program, whether or not such involvement or regulation is direct, pervasive, continuous or day-to-day; and
- (C) The person participates in the formulation of governmental policies or decisions in connection with the administration or management of the program and such policies or decisions bind the public agency. "Governmental function" shall not include the mere provision of goods or services to a public agency without the delegated responsibility to administer or manage a program of a public agency.

(b) *General.*

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

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

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

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

(c) *Access to meetings.*

(1) The meetings of all public agencies, except executive sessions as defined herein, shall be open to the public. The votes of each member of any public agency upon any issue before such public agency shall be reduced to writing and made available for public

inspection within forty-eight (48) hours and shall also be recorded in the minutes of the session at which taken, which minutes shall be available for public inspection within seven (7) days of the session to which they refer.

- (2) The chairperson or secretary of any such public agency shall file, not later than January 31 of each year, with the town and city clerk the schedule of regular meetings of such public agency for the ensuing year, and no such meeting of any such public agency shall be held sooner than thirty (30) days after such schedule has been filed.
  - (3) The agenda of the regular meetings of every public agency shall be available to the public and shall be filed, not less than forty-eight (48) hours before the meetings to which they refer, in such agency's regular office or place of business, if there is such an office or place of business, and in the office of the town and city clerk. Upon the affirmative vote of two-thirds ( 2/3) of the members of a public agency present and voting, any subsequent business not included in such filed agendas may be considered and acted upon at such meetings.
  - (4) Notice of each special meeting of every public agency shall be given not less than twenty-four (24) hours' prior to the time of such meeting by filing a notice of the time and place thereof in the office of the town and city clerk. The clerk shall cause any notice received under this section to be posted in such clerk's office. Such notice shall be given not less than twenty-four (24) hours' prior to the time of the special meeting; provided in the case of emergency, any special meeting may be held without complying with the foregoing requirement for the filing of notice but a copy of the minutes of every such emergency special meeting adequately setting forth the nature of the emergency and the proceedings occurring at such meeting shall be filed with the town clerk not later than seventy-two (72) hours following the holding of said meeting. The notice shall specify the time and place of the special meeting and the business to be transacted. No other business shall be considered at such special meetings.
  - (5) No member of the public shall be required, as a condition to attendance at a meeting of any such body, to register the member's name, or furnish other information, or complete a questionnaire or otherwise fulfill any condition precedent to the member's attendance. However, any member of the public wishing to speak during public participation shall provide his/her name and address.
  - (6) A public agency may hold an executive session, as defined in (a)(3) of this section, only upon an affirmative vote of two-thirds ( 2/3) of the members of such body present and voting, taken at a public meeting and stating the reasons for such executive session, as defined in (a)(3) of this section.
  - (7) In determining the time within which or by when a notice, agenda, record of votes or minutes of a special meeting or an emergency special meeting are required to be filed under this section, Saturdays, Sundays, legal holidays and any day on which the office of the agency or the town and city clerk, as the case may be, is closed, shall be excluded.
- (d) *Access to public records--Exempt records.*
- (1) Except as otherwise provided by any federal law or state statute, all records maintained or kept on file by any public agency, whether or not such records are required by any law or by any rule or regulation, shall be public records and every person shall have the right to:
    - (A) Inspect such records promptly during regular office or business hours;

- (B) Copy such records; or
- (C) Receive a copy of such records.

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

- (2) Nothing in this section shall be construed to require disclosure of:
  - (A) Preliminary drafts or notes provided the public agency has determined that the public interest in withholding such documents clearly outweighs the public interest in disclosure;
  - (B) Personnel or medical files and similar files the disclosure of which would constitute an invasion of personal privacy;
  - (C) Records of law enforcement agencies not otherwise available to the public which records were compiled in connection with the detection or investigation of crime, if the disclosure of said records would not be in the public interest because it would result in the disclosure of:
    - 1. The identity of informants not otherwise known or the identity of witnesses not otherwise known whose safety would be endangered or who would be subject to threat or intimidation if their identity was made known;
    - 2. Signed statements of witnesses;
    - 3. Information to be used in a prospective law enforcement action if prejudicial to such action;
    - 4. Investigatory techniques not otherwise known to the general public;
    - 5. Arrest records of a juvenile, which shall also include any investigatory files, concerning the arrest of such juvenile, compiled for law enforcement purposes;
    - 6. The name and address of the victim of a sexual assault under sections 53a-70, 53a-70a, 53a-71, 53a-72a, 53a-72b or 53a-73a of the Connecticut General Statutes, or injury or risk of injury, or impairing of morals under section 53-21 of the Connecticut General Statutes, or of an attempt thereof, or (G) uncorroborated allegations subject to destruction pursuant to section 1-216 of the Connecticut General Statutes;
  - (D) Records pertaining to strategy and negotiations with respect to pending claims or pending litigation to which the public agency is a party until such litigation or claim has been finally adjudicated or otherwise settled;
  - (E)
    - 1. Trade secrets, which for purposes of the Freedom of Information Act, are defined as information, including formulas, patterns, compilations, programs, devices, methods, techniques, processes, drawings, cost data, customer lists, film or television scripts or detailed production budgets that (i) derive independent

economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from their disclosure or use, and (ii) are the subject of efforts that are reasonable under the circumstances to maintain secrecy; and

2. Commercial or financial information given in confidence, not required by statute;
- (F) Test questions, scoring keys and other examination data used to administer a licensing examination, examination for employment or academic examinations;
  - (G) The contents of real estate appraisals, engineering or feasibility estimates and evaluations made for or by an agency relative to the acquisition of property or to prospective public supply and construction contracts, until such time as all of the property has been acquired or all proceedings or transactions have been terminated or abandoned, provided the law of eminent domain shall not be affected by this provision;
  - (H) Statements of personal worth or personal financial data required by a licensing agency and filed by an applicant with such licensing agency to establish the applicant's personal qualification for the license, certificate or permit applied for;
  - (I) Records, reports and statements of strategy or negotiations with respect to collective bargaining;
  - (J) Records, tax returns, reports and statements exempted by federal law or state statutes or communications privileged by the attorney-client relationship;
  - (K) Names or addresses of students enrolled in any public school or college without the consent of each student whose name or address is to be disclosed who is eighteen (18) years of age or older and a parent or guardian of each such student who is younger than eighteen (18) years of age, provided this subdivision shall not be construed as prohibiting the disclosure of the names or addresses of students enrolled in any public school in a regional school district to the board of selectmen or town board of finance, as the case may be, of the town wherein the student resides for the purpose of verifying tuition payments made to such school;
  - (L) Any information obtained by the use of illegal means;
  - (M) Records of an investigation or the name of an employee providing information under the provisions of section 4-61dd of the Connecticut General Statutes;
  - (N) Adoption records and information provided for in sections 45a-746, 45a-750 and 45a-751 of the Connecticut General Statutes;
  - (O) Any page of a primary petition, nominating petition, referendum petition or petition for a town meeting submitted under any provision of the general statutes or of any special act, municipal charter or ordinance, until the required processing and certification of such page has been completed by the official or officials charged with such duty after which time disclosure of such page shall be required;
  - (P) Records of complaints, including information compiled in the investigation thereof, brought to a municipal health authority pursuant to chapter 368e of the Connecticut General Statutes or a district department of health pursuant to chapter 368f of the Connecticut General Statutes, until such time as the

investigation is concluded or thirty (30) days from the date of receipt of the complaint, whichever occurs first;

- (Q) Educational records which are not subject to disclosure under the Family Educational Rights and Privacy Act, 20 USC 1232g;
- (R) Records of standards, procedures, processes, software and codes, not otherwise available to the public, the disclosure of which would compromise the security or integrity of an information technology system;
- (S) The residential, work or school address of any participant in the address confidentiality program established pursuant to sections 54-240 to 54-240o of the Connecticut General Statutes, inclusive;
- (T) The name or address of any minor enrolled in any parks and recreation program administered or sponsored by any public agency;
- (U) Responses to any request for proposals or bid solicitation issued by a public agency or any record or file made by a public agency in connection with the contract award process, until such contract is executed or negotiations for the award of such contract have ended, whichever occurs earlier, provided the chief executive officer of such public agency certifies that the public interest in the disclosure of such responses, record or file is outweighed by the public interest in the confidentiality of such responses, record or file.

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

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

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

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

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

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

~~(A) Except as otherwise provided by federal or state law, any member of the public shall not be required to pay a fee for copies of any public records or files up to twenty dollars (\$20.00) at a rate of fifty cents (.50) per page. Said member of the~~

~~public shall be required to pay any fee over twenty dollars (\$20.00). For the purposes of this subdivision "request" shall be the copies of public records or files requested in a single day.~~

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

~~(B)(A) No person shall be charged a fee for receiving a single copy of the agenda of meeting of any public agency.~~

~~(B) For the purpose of evaluating a person's claim for waiver of fees on the basis of being an indigent individual pursuant to Sec. 1-212(d)(1) of the Connecticut General Statutes, the City of New Britain adopts Black's Law Dictionary, 5<sup>th</sup> Edition that "indigent" means: In a general sense, one who is needy, and poor, or one who has not sufficient property to furnish him or her a living nor anyone able to support him or her to whom he or she is entitled to look for support. Term commonly refers to one's financial ability, and ordinarily indicates one who is destitute of means of comfortable subsistence so as to be in want.~~

  
Alderman Don Naples

  
Alderman David DeFronzo