

## **ARTICLE XVIII. LICENSE FOR DEALING IN OR REPAIRING MOTOR VEHICLES FOR DEALERS AND REPAIRERS**

### **Sec. 14-393. Certificate of location approval--Required.**

It shall be unlawful for any person to operate a motor vehicle repair facility or dealership without first obtaining a certificate of location from the zoning authority of the City of New Britain. The common council is the zoning authority pursuant to section 4-3 of the City Charter.

(Res. No. 29325-2, 11-8-06; Res. No. 29831-2, 10-24-07)

### **Sec. 14-394. Application; fee; contents.**

(a) Any person seeking a certificate of location approval to operate a motor vehicle repair or dealership shall make an application for a certificate of location to the director of licenses, permits and inspections, and pay a filing fee of three hundred fifty dollars (\$350.00), which shall not be refundable.

(b) The application for certificate of location shall set forth the proposed place of business and facilities, the name and address of the applicant and the name and address of the owner of the property as stated on the land records. The information provided by applicant on the application should additionally include: zoning district; existing use(s) of the property; previous license approvals (if any) for the property, including date and petition number if hearing was held; and specific description of use. If exception or zoning variance is needed, it should be obtained from the zoning board of appeals prior to consideration by common council for certificate of approval. If this is a continuation of a nonconforming use, application should include a letter of verification from the director of licenses, permits and inspections that the use is nonconforming and has not been legally abandoned.

(c) In addition to the foregoing, any applicant seeking a site approval shall furnish the following information:

(1) Twenty (20) plot plans which accurately and adequately illustrate the new or existing building or the addition or alteration involved and shall be in accordance with the standards as set forth herein where applicable:

(A) All plot plans must conform with the Connecticut Department of Motor Vehicles Dealers and Repairers Division form entitled "License Application Drawings K-93 Rev. 10-2000 and as may be subsequently amended from time to time and must conform with the City of New Britain standards as determined by the city ordinances and zoning regulations.

In situations where the proposed improvements will be within one (1) foot of a property line, a class A-2 zoning location survey will be required. The zoning location survey must contain all of the information listed on the general location survey. Areas of pavement must be shown on all surveys. Property corners must be set as part of A-2 surveys.

(d) A copy of the application packet will be forwarded by the director of licenses, permits and inspections to city plan staff and department of public works for review, comment and determination of whether city standards are met.

(e) Within one (1) week of receipt of the application packet, city plan staff and the department of public works will provide to the director of licenses, permits and inspections their recommendations and opinion on whether the application meets city standards.

(f) If the director of licenses, permits and inspections determines that the city standards are met, the completed application will be forwarded to the common council. Otherwise the application will be returned to the applicant so that the necessary corrections can be made.

(g) If the director of licenses, permits and inspections determines that (1) any portion of the property affected by the common council's decision is within five hundred (500) feet of the boundary of the adjoining municipality; (2) a significant portion of the traffic to the completed project on the site will use streets within the adjoining municipality to enter or exit the site; (3) a significant portion of the sewer or water drainage from the project on the site will flow through and significantly impact the drainage or sewerage system within the adjoining municipality; or (4) water runoff from the improved site will impact streets or other municipal or private property within the adjoining municipality, the director of licenses, permits and inspections will notify the clerk of the adjoining municipality of the pendency of the application. Such notice shall be made by certified mail, return receipt requested, and shall be mailed within two (2) days of when the application is completed. Such adjoining municipality may, through a representative, appear and be heard at any hearing on any such application.

(h) It will be the responsibility of the department of licenses, permits and inspections to insure that the applicant's sign is up during the applicable time period and that notice of the public hearing is properly published.

(Res. No. 29325-2, 11-8-06; Res. No. 29831-2, 10-24-07)

### **Sec. 14-395. Public hearing.**

- (a) The common council shall refer the application to the appropriate committee of the common council for a public hearing. The subcommittee will consider the application.
- (b) The city plan commission or city plan staff are to provide the subcommittee with its written recommendation at least two (2) days prior to the subcommittee meeting.
- (c) Notice of the date, time and place when a public hearing concerning a certificate of location is scheduled shall be published by the clerk/secretary in a newspaper which is widely circulated within the City of New Britain at least twice at intervals of not less than two (2) days, the first not more than fifteen (15) days nor less than ten (10) days, and the last not less than two (2) days before such hearing. The notice shall state the name of the applicant/appellant, the location of the property, and the date, time and place of the hearing.
- (d) All applicants for certificates of location shall be required to erect a white-with-black lettering sign or signs measuring not less than three (3) feet long and two (2) feet high, which shall be prominently displayed on the premises facing each public street on which the property abuts, giving notice that an application, and the date, time and place where the public hearing will be held. The sign shall not be set back more than ten (10) feet from the property line and shall be not less than two (2) feet or more than six (6) feet above the grade at property line. The sign shall be made of one-eighth ( 1/8) inch pressed board or other durable material. It shall be displayed for a period of not less than fifteen (15) days immediately preceding the public hearing date or any adjourned date. In addition, the applicant must notify in writing all property owners within one hundred (100) feet of the subject property and submit an affidavit to that effect.
- (e) The applicant shall file not later than the time the chairperson announces the commencement of the bearing concerning the application/appeal an affidavit stating that he/she has complied with the requirements set forth in subsection (d) of this section.
- (f) The applicant must be present at the hearing.
- (g) If the subcommittee approves the matter, notation of the date, approval, and stipulations must be noted on the map approved by the subcommittee.
- (h) Upon the close of the hearing, the subcommittee will refer the matter back to the full council with its recommendation. Upon approval, the certificate of location shall be signed by the clerk of the common council also noting the date, approval, and stipulations on map.
- (i) The original certificate of location will be filed in the town clerk's office with copies forwarded by the town clerk to city plan and department of licenses, permits and inspections.
- (j) If the public hearing is tabled, postponed or rescheduled due to the applicant, the council shall either deny the application without prejudice or mandate that the applicant pay the cost of publication for the next public hearing.

(Res. No. 29325-2, 11-8-06; Res. No. 29831-2, 10-24-07)

Secs. 14-396--14-399. Reserved.

## **ARTICLE XIX. LICENSE FOR RESIDENTIAL RENTAL REAL PROPERTY**

### **Sec. 14-400. Purposes.**

- (a) This article is enacted pursuant to the authority granted to the City of New Britain by section 7-148(c)(7) of the General Statutes. The City of New Britain is committed to protecting the safety, health and welfare of its residents and to eliminate housing blight. In order to implement its authority granted by the Connecticut General Statutes, the City of New Britain hereby adopts this article to insure that housing within the city is decent, safe, sanitary and in good repair in compliance with the same or substantially the same standards that apply to property regulated by the U.S. Department of Housing and Urban Development ("HUD"). Property owners of dwelling units described in this article must maintain such dwelling units in a manner that meets the HUD physical condition standards in order to be considered decent, safe, sanitary and in good repair. These standards address the major areas of the multi-family housing safety.
- (b) This article is not intended to apply to:
- (1) A natural person or persons that are renting or leasing a residential rental property which:
    - a. Is his or her primary residence (including owner-occupants who own the home through a limited liability corporation);
    - b. Was his or her primary residence within the previous two (2) years, if he or she remains a resident of New Britain;
    - c. He or she inherited from his or her deceased parent(s) within the previous two (2) years, if he or she remains a resident of New Britain; or
    - d. Is occupied only by tenants who are blood relatives.

(2) A non-profit organization which primarily provides recreational and youth services and does not maintain an ownership interest in a building that is primarily utilized for the renting or leasing of dwelling units.

(3) An organization which operates a shelter for victims of domestic abuse and does not maintain an ownership interest in a building that is primarily utilized for the renting or leasing of dwelling units.

(Res. No. 31989-2, 10-4-12; Res. No. 31989-5, 12-21-12)

**Sec. 14-401. Definitions.**

For the purposes of this article, the following definitions shall apply:

*Applicant* shall mean a person seeking or required to be licensed or have a license renewed under this section.

*Dwelling* shall mean any building located in the city, which is wholly or partly used or intended to be used for living or sleeping by human occupants. For purposes of this article, the term shall be synonymous with "residential rental property."

*Dwelling unit* shall mean any room or group of rooms located within a dwelling, and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating.

*Hearing officer* shall mean one or more citation hearing officers, other than police officers or employees of the licenses and inspections division of the community services department appointed by the mayor to conduct the hearings authorized by this article.

*License* shall mean a residential rental property business license issued and maintained according to the requirements of this section.

*Owner* shall mean any person holding an ownership interest in a property.

*Ownership interest* shall mean any or all of the following categories of ownership in any corporation, limited liability company, trust, partnership, incorporated or unincorporated association or other legal entity:

(1) Ownership of twenty-five (25) per cent or more of a corporation;

(2) Ownership of a twenty-five (25) per cent or greater interest in a limited liability company;

(3) Rights of a beneficial interest of a twenty-five (25) percent or more of a trust;

(4) Ownership as a partner in a partnership;

(5) Ownership or control of a twenty-five (25) percent or greater interest in a unincorporated association or other legal entity; or

(6) Holding a position as a director or officer of any corporation.

*Person* shall mean and includes any natural person, corporation, limited liability company, trust, partnership, incorporated or unincorporated association, and any other legal entity.

*Property owner* shall mean any person who:

(1) Holds legal title to any residential rental property, dwelling or dwelling unit; or

(2) Has charge, care, or control of any residential rental property, dwelling or dwelling unit as an executor, executrix, administrator, administratrix, trustee, conservator, guardian, or general agent of the legal title holder.

*Residential rental property* shall mean any building or structure containing apartments or other space for human dwelling, regardless of whether such apartments or space are occupied. Residential rental property shall refer only to buildings within the city.

*Residential rental property trade* shall mean the trade or business of owning and renting or leasing residential rental properties.

*Residential rental property business* shall mean any person, organization or corporation of any kind engaged in the residential rental property trade.

In all references in this article to any "applicant," "hearing officer," "person" or "property owner," the use of any particular gender or the plural or singular number is intended to include the appropriate gender or number as circumstances may require.

(Res. No. 31989-5, 12-21-12)

**Sec. 14-402. License required.**

(a) After April 1, 2013, it shall be unlawful for any property owner to engage in the residential rental property trade in the city without a valid license obtained and maintained in accordance with this section.

(b) The licenses and inspections division of the community services department shall promulgate all of the necessary forms and policies to accept applications for, to issue and to revoke all licenses. The licenses and inspections division of the community services department shall determine the eligibility for licensure pursuant to this section and shall issue all licenses and renewals of the same. Any applicant aggrieved by a decision under this section may appeal said decision within thirty (30) days after notice of such decision is sent by informing the licenses and inspections division of the community services department, in writing, that applicant desires to appeal. Upon receipt of said appeal, the said division shall inform the chair of the housing board of appeals, who shall call a meeting of said board to hear said appeal. The housing board of appeals shall have

the power to alter the determination of the licenses and inspections division of the community services department if it finds that the facts do not support the decision. Any license issued or renewed under order from the housing board of appeals shall include, in the text of the license, such caveats, restrictions and requirements as said board shall deem necessary and appropriate.

(c) To maintain a license, a person, must:

(1) Not have an ownership interest in any property in the city classified as a blighted premises according to the Code of Ordinances with blighting conditions that have remained unremedied for more than six (6) months.

(2) Not have an ownership interest in any properties in the city with building, housing, health or fire code violations that have remained unremedied for more than six (6) months.

(3) Not have an ownership interest in any residential properties in the city left abandoned for more than one (1) year.

(4) Disclose, to the licenses and inspections division of the community services department, all properties in the city owns or in which he possesses an ownership interest.

(5) Disclose to the licenses and inspections division of the community services department the names and addresses of all its owners

(6) Not have any owners who are ineligible for a residential property business license.

(7) Comply with such other requirements as the licenses and inspections division of the community services department or the housing board of appeals shall provide, in writing, in the text of the license or license renewal.

(8) Fully and truthfully answer all questions contained on any interrogatories sent by the licenses and inspections division of the community services department within thirty (30) days from the date they are issued.

(d) Each license shall be issued or renewed for a term of one (1) year, subject to the power of the city to revoke for cause. No license shall be issued or renewed until the applicant has paid a fee on a per unit basis calculated as follow:

(1) Fifty dollars (\$50.00) per unit for the first three (3) dwelling units; plus

(2) Forty dollars (\$40.00) per unit for the next ten (10) dwelling units; plus

(3) Thirty-five dollars (\$35.00) per unit for each additional dwelling unit up to a maximum fee of twelve thousand dollars (\$12,000.00) per property owner.

(e) Any dwelling unit subject to a mandatory annual inspection under the terms of 24 CFR Part 5, Subpart G, and 24 CFR Part 200 or other applicable regulations promulgated by the U.S. Department of Housing and Urban Development ("HUD") shall not be included in the calculation of an application fee set forth in subsection (d) of this section provided the applicant shall submit with his application a copy of a HUD inspection report issued within the past three hundred sixty-five (365) days that certifies that the dwelling unit is in compliance with all applicable HUD standards and inspection protocols.

(f) If any property owner fails to conform to the requirements of subsection (c) of this section during the term of the license, the licenses and inspections division may revoke the license. Such license shall be deemed revoked when the licenses and inspections division mails notice to a property owner that said license is revoked and specifying the reasons for said revocation. If the property owner informs the licenses and inspections division, in writing, within thirty (30) days of the issuance of the notice that the property owner desires to appeal the revocation of its license, the licenses and inspection division shall inform the chair of the housing board of appeals, who shall call a meeting of the board to hear the property owner's appeal. The housing board of appeals shall have the power to alter the determination of the licenses and inspections division if it finds that the facts do not support a revocation of the license or the board may suspend the revocation upon such conditions as it may determine. If the property owner requests an appeal, it shall not incur any fines under this article until the appeal is determined by the housing board of appeals. Any person whose license has been revoked according to this section shall be deemed to not be licensed pursuant to this section.

(Res. No. 31989-5, 12-21-12)

### **Sec. 14-403. Inspections.**

(a) The city is authorized and directed to make periodic inspections of dwelling units leased or rented in the course of the residential rental property trade to ensure compliance with the Code of Ordinances. The city may randomly select dwelling units for inspections or select dwelling units in response to complaints of violations of the Code of Ordinances. The city may conduct as many inspections, in its discretion, as the time and resources of the city may permit, but in no event shall any dwelling unit be randomly selected for an initial inspection more than once per calendar year.

(b) All inspections will be performed according to standards and procedures to be established by the city. The city shall provide a property owner with no less than ten (10) days' notice prior to an inspection. The property owner or his agent must provide any tenants residing in a dwelling unit with at least seven (7) days' notice of the inspection. The city will provide the property owner with consent forms for each dwelling unit subject to inspection. If a tenant objects to such inspection, the city must obtain an administrative warrant from the Connecticut Superior Court prior to conducting an inspection.

(c) If a dwelling unit passes inspection, the city will promptly notify the property owner of the results in writing. If the city finds any defects during the inspection, the city will provide the property owner with written notice of such defects. If no life threatening health and safety defect is found, the property owner will be given thirty (30) days to repair the defect and provide the city with: (1) written confirmation that he has remedied all defects; and (2) a one hundred fifty dollar (\$150.00) fee for the city's re-inspection of the dwelling unit. After the city receives both written confirmation that the property owner has repaired the defects at issue and the re-inspection fee, it will re-inspect the dwelling unit. If the property owner fails to provide the city with written confirmation that he has remedied all defects within thirty (30) days and a one hundred fifty dollar (\$150.00) re-inspection fee, or if the city finds that the defect has not been remedied upon its re-inspection of the dwelling unit, the property owner's license will be immediately revoked.

(Res. No. 31989-5, 12-21-12)

**Sec. 14-404. Notice to unlicensed property owners; citation hearings.**

(a) The licenses and inspections division of the community services department shall issue a notice to any property owner who engages in the residential rental property trade or residential rental property business without a license. This notice shall be sent to the property owner via certified mail to the property owner and shall include:

- (1) The allegations against the property owner;
- (2) The amount of the fines, penalties, costs or fees due;
- (3) Notice that the property owner may contest his liability before a citation hearing officer by delivery in person or by mail written notice within ten (10) days of the date thereof;
- (4) That if the property owner does not demand such a hearing, an assessment and judgment shall be entered against him; and
- (5) That such judgment may issue without further notice.

(b) If the property owner that receives a notice described in subsection (a) wishes to admit liability for any alleged violation, he may, without requesting a hearing, pay the full amount of the fines, penalties, costs or fees admitted to in person or by mail to the licenses and inspections divisions of the community services department.

(c) Any property owner who does not deliver or mail written demand for a hearing within ten (10) days of the date of the first notice provided for in subsection (a) of this section shall be deemed to have admitted liability, and the licenses and inspections division of the community services department shall certify such property owner's failure to respond to the hearing officer. The hearing officer shall thereupon enter and assess the fines, penalties, costs or fees provided for by this article.

(d) Any property owner who requests a hearing shall be given written notice of the date, time and place for the hearing. Such a hearing shall be held not less than fifteen (15) days nor more than thirty (30) days from the date of the mailing of the notice, provided the hearing officer shall grant upon good cause shown any reasonable request by any interest party for postponement or continuance. An original or certified copy of the initial notice of violation issued by the issuing official shall be filed and retained by the city, and shall be deemed to be a business record and evidence of the facts contained therein. The presence of the issuing official shall be required at the hearing if the property owner so requests. A property owner wishing to contest his liability shall appear at the hearing and may present evidence on his behalf. A designated municipal official, other than the hearing officer, may present evidence on behalf of the city. If the property owner fails to appear, the hearing officer may enter an assessment by default against him upon a finding of proper notice and liability under this article. The hearing officer may accept from a property owner copies of police reports, investigatory and citation reports, and other official documents by mail and may determine thereby that the appearance of such property owner is unnecessary. The hearing officer shall conduct the hearing in the order and form and with such methods of proof as he deems fair and appropriate. The rules regarding the admissibility of evidence shall not be strictly applied, but all testimony shall be given under oath or affirmation. The hearing officer shall announce his decision at the end of the hearing. If the hearing officer determines that the property owner is not liable, he shall dismiss the matter and enter his determination in writing accordingly. If the hearing officer

determines that the property owner is liable for the violation, he shall enter and assess the fines, penalties, costs or fees against such property owner as provided for by this article.

(e) If a property owner fails to pay any fine assessed by the hearing officer upon the date of its entry, the hearing officer shall send by first-class mail a notice of the assessment to the property owner found liable and shall file, not less than thirty (30) days or more than twelve (12) months after such mailing, a certified copy of the notice of assessment with the appropriate clerk of the Connecticut Superior Court.

(f) A property owner against whom an assessment has been entered pursuant to this section is entitled judicial review by way of appeal. An appeal shall be instituted within thirty (30) days of the mailing of notice of such assessment by filing a petition to reopen the assessment pursuant to the requirements set forth in section 7-152c(g) of the General Statutes.

(Res. No. 31989-5, 12-21-12)

#### **Sec. 14-405. Fines.**

Any person not in compliance with section 14-402 of this article shall be fined two hundred fifty dollars (\$250.00) for each violation or the maximum authorized by section 7-148(c)(10)(A) of the General Statutes. Each separate day a property owner engages in the residential rental property trade in the city without a valid license shall constitute a separate and distinct violation of section 14-402.

(Res. No. 31989-5, 12-21-12)

#### **Sec. 14-406. Regulations.**

The mayor may promulgate regulations concerning the implementation of this article, which regulations shall remain in effect until and unless rejected by the common council. The common council may rescind its rejection of such regulations.

(Res. No. 31989-5, 12-21-12)

### **Chapter 15 MOTOR VEHICLES AND TRAFFIC\***

**\*Cross references:** General penalty for Code violations, § 1-15; emergency power of mayor to stop traffic, § 2-346; placing commercial and noncommercial handbills on vehicles restricted, § 3-3; advertising vehicles prohibited, § 3-10; throwing litter from vehicles prohibited, § 11-34; truck loads causing litter, § 11-35; vehicles used for hauling trash, § 11-57; offenses and miscellaneous provisions, Ch. 16; traffic regulations in parks, § 17-41; police, Ch. 20; streets, sidewalks and public places, Ch. 21; vehicles for hire, Ch. 24.

**State law references:** Authority to regulate traffic generally, G.S. § 7-148(c)(7)(B)(ii); authority restricted, G.S. § 14-162.

Art. I. In General, §§ 15-1--15-25

Art. II. Traffic Committee, §§ 15-26--15-40

Art. III. Disposition of Abandoned Vehicles, §§ 15-41--15-65

Art. IV. Stopping, Standing and Parking, §§ 15-66--15-135

Div. 1. Generally, §§ 15-66--15-86

Div. 2. Parking Commission, §§ 15-87--15-100

Div. 3. Handicapped Parking, §§ 15-101--15-115

Div. 4. Snow Emergency Restrictions, §§ 15-116--15-135

Art. V. Motorcycles, Mopeds and All Terrain Vehicles, §§ 15-136--15-139

Art. VI. Procedure for Enforcement of Municipal Parking Ordinance for Operable Motor Vehicles, §§ 15-140--15-146

Art. VII. Motor Scooters, Minibikes, Pocket Bikes, Bicycles With Helper Motors, §§ 15-147, 15-148

### **ARTICLE I. IN GENERAL**

#### **Sec. 15-1. Definitions.**

As used in this chapter:

*Emergency repair* shall mean any minor repair necessary to reinstate a temporarily disabled vehicle to operable condition.

*Operator* shall mean the person operating or in control of a vehicle.

*Parking* shall mean the standing of a vehicle upon a public highway or city owned parking facility, whether occupied or not, other than temporarily, for the purpose of and while actually engaged in loading or unloading merchandise or passengers. Stops for any traffic regulations, signs or signals shall not be included in this definition.

*Repair* shall mean any labor performed on any vehicle, with or without compensation.

*Traffic control program* shall mean the program adopted by the traffic authority of the city for the promotion of free and unobstructed use of the streets, including the control of the use of parking spaces and the local use of motor vehicles.

*Vehicle* shall mean any device suitable for the conveyance, drawing or other transportation of persons or property, whether operated on wheels, runners or a cushion of air between it and the surface, or by any other means, except those propelled or drawn by human power or those used exclusively upon tracks.

(Code 1970, §§ 22-1, 22-1.1; Ord. of 2-74)

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

**Sec. 15-2. Repairing vehicles in street prohibited.**

(a) No person shall repair or cause or permit to be repaired, except in an emergency, any vehicle within the city on any road, street, public passway, parkway, highway or upon any area used for vehicular travel.

(b) Any person convicted of violating any of the provisions of this section shall be fined not less than fifteen dollars (\$15.00) or more than twenty dollars (\$20.00).

(Code 1970, § 22-1.1; Ord. of 2-74)

**Sec. 15-3. Operation of motor vehicles while intoxicated or drugged prohibited.**

No person shall operate a motor vehicle in the city while under the influence of intoxicating liquor or drugs.

(Code 1970, § 22-2)

**Cross references:** Alcoholic beverages, Ch. 4.

**Sec. 15-4. Racing in the streets.**

No person shall race vehicles or animals upon any street, park or public place.

(Code 1970, § 22-3)

**Sec. 15-5. Standing vehicle with engine running prohibited.**

No person shall allow a motor vehicle to remain-standing upon a street or highway with the engine running, unless a competent person is in such vehicle.

(Code 1970, § 22-4)

**Sec. 15-6. Unnecessary smoke from vehicles prohibited.**

No person shall operate a motor vehicle in such a manner that oil used in such vehicle shall produce unnecessary and offensive smoke.

(Code 1970, § 22-5(b))

**Cross references:** Health, Ch. 12.

**State law references:** Equipment of automobiles, G.S. § 14-80.

**Sec. 15-7. Driving on sidewalks prohibited.**

No person shall operate any vehicle of any kind, except children's hand carriages and bicycles drawn by hand, upon any sidewalk or footpath, except in order to gain access to or egress from a driveway or alley.

(Code 1970, § 22-6)

**Sec. 15-8. Railroad cars obstructing traffic.**

No person shall leave any locomotive engine, car, or train of cars standing across any public street or highway longer than five (5) minutes.

(Code 1970, § 22-7)

**Sec. 15-9. Assignment of policemen for direction of traffic at construction sites.**

The chief of police shall, after study of traffic conditions caused by the construction or demolition of structures or the construction of highways within the city, determine and assign the number of policemen within such area of operation as shall in his sole opinion be necessary to the proper flow of traffic and the contractors of such operations shall pay the costs thereof.

(Code 1970, § 7-349; Ord. of 9-74)

**Sec. 15-10. Courthouse.**

The city hall commission is hereby empowered and directed to make such rules and regulations for the control of parking of motor vehicles and control of traffic in the parking area and land contiguous and adjacent to the courthouse on Franklin Square. Any person parking in violation of any such rule or regulation shall be subject to a fine of not more than five dollars (\$5.00) for each offense.

(Code 1970, § 22-33)

**Sec. 15-11. Parks.**

The board of park and recreation commissioners are hereby empowered and directed to make such rules and regulations for the control of parking of motor vehicles and control of traffic in the several parks of the city under the management of said park and recreation commissioners. The park police and the police department shall have the power to enforce the rules and regulations.

(Code 1970, § 22-34)

**Cross references:** Traffic regulations in parks, § 17-41.

Secs. 15-12--15-25. Reserved.

## ARTICLE II. PEDESTRIAN, BICYCLE AND AUTOMOBILE TRAFFIC SAFETY AND EFFICIENCY.

**\*Cross references:** City boards, commissions, committees and authorities generally, § 2-126 et seq.

### **Sec. 15-26. Reserved.**

**Editor's note:** Ord. No. 27181-1, adopted Oct. 9, 2002, repealed § 15-26, which pertained to traffic committee membership and derived from Code 1970, § 2-348.

### **Sec. 15-27. Road safety.**

(a) The board of police commissioners shall recommend to the council ways and means of improving traffic circulation, traffic conditions and the administration and enforcement of traffic regulations generally, as well as coordinate such activities with the other branches and agencies of the city and state governments. The board of police commissioners, as traffic authority, shall have, but shall not be limited to, all the powers and duties defined in state law.

(b) (1) In all decisions regulating the flow of vehicular traffic within the city, the board of police commissioners shall give the highest priority to the safe and efficient travel of pedestrians, then priority to the safe and efficient travel of bicycles and then to the safe and efficient travel of automobiles.

(2) In making determinations on the placement and configuration of traffic control lights, stop signs, no parking signs and other vehicular controls, (A) the board of police commissioners shall consider the effect of such traffic control lights, stop signs, no parking signs and other vehicular controls, or lack thereof, on the speed of automobile travel and (B) said board shall order such placements and configurations as will likely suppress average automobile traffic speeds (i) below posted speed limits and (ii) below levels that will promote safe and efficient pedestrian and bicycle travel.

(3) The design of all street improvements carried out or approved by the city or any of its boards, commissions, departments or agencies shall give the highest priority to the safe and efficient travel of pedestrians, then priority to the safe and efficient travel of bicycles and then to the safe and efficient travel of automobiles.

(4) The design of all street improvements carried out or approved by the city or any of its boards, commissions, departments or agencies shall include such design elements as shall (A) minimize the width of unbroken roadway over which crosswalks must traverse. (B) minimize the speed of automobile travel, (C) minimize the length of time it will take pedestrians to walk from place to place within the city, (D) maximize the safety of bicyclists traveling on the public roadways and (E) minimize the width of roadways.

(5) The board of police commissioners, of its own initiative or in response to common council petitions, shall review existing city roadway configurations and make recommendations consistent with the design standards provided in subdivisions (3) and (4) of this subsection. Said board shall provide such recommendations to the mayor. Common council and board of public works.

(Code 1970, § 2-349; No. 27118-1, 9-11-02)

### **Sec. 15-28. Reserved.**

**Editor's note:** Ord. No. 27181-1, adopted Oct. 9, 2002, repealed § 15-28, which pertained to traffic committee's annual budget and derived from Code 1970, § 2-350.

Secs. 15-29--15-40. Reserved.

## ARTICLE III. DISPOSITION OF ABANDONED VEHICLES\*

**\*Editor's note:** An ordinance of January, 1988, repealed Article 111, Abandoned, Wrecked, Dismantled, or Inoperative Motor Vehicles, §§ 15-41--15-50, and added new provisions in lieu thereof, to read as herein set out. The former provisions derived from Code 1970, §§ 22-38.1--22-38.15; Ord. of March, 1973; and Ord. of November, 1978.

**Cross references:** Garbage, trash and refuse, Ch. 11; junkyard licensing regulations, § 14-81 et seq.; inoperable motor vehicles, § 16-110 et seq.

**State law references:** Abandoned motor vehicles, G.S. § 14-150.

### **Sec. 15-41. Vehicles that are a menace; removal.**

Any officer attached to the New Britain Police Department, upon discovery of any motor vehicle, whether situated within or without any highway of the city, which due to its location is a menace to traffic or public health or safety, shall take such motor vehicle into his custody and cause the same to be taken to, and stored in, a suitable place.

(Ord. of 1-88; Ord. of 9-98, § 1)

**State law references:** Removal of abandoned motor vehicles by municipality, G.S. § 14.150a.



**Sec. 15-42. Abandoned and apparently abandoned vehicles.**

Any officer attached to the New Britain Police Department, upon discovery of any motor vehicle apparently abandoned or a motor vehicle without proper registration, whether situated within or without any highway of the city, shall affix to such motor vehicle a notification sticker in a manner so as to be readily visible. Such notification sticker shall contain the following information:

- (1) The date and time the notification sticker was affixed to the motor vehicle;
- (2) A statement that, pursuant to this section, if the motor vehicle is not removed within twenty-four (24) hours of the time the sticker was affixed, it may be taken into custody and stored at the owner's expense;
- (3) The location and telephone number where additional information may be obtained;
- (4) The identity of the affixing officer.

If the motor vehicle is not removed within such twenty-four (24) hour period, the police department may take such motor vehicle into its custody and cause the same to be stored in a suitable place.

(Ord. of 1-88)

**Sec. 15-43. Police department to give notice.**

Within forty-eight (48) hours of the time that a motor vehicle is taken into custody, the police department shall:

- (1) Conduct an NCIC check to determine if the motor vehicle is stolen and prepare a notice of motor vehicle tow on a form as prescribed by the State of Connecticut Department of Motor Vehicles.
- (2) Give notice by certified mail to the person who was the owner of the motor vehicle at the time the vehicle was taken into custody and to any lien holder, which notice shall state:
  - a. That the motor vehicle has been taken into custody and stored;
  - b. The location of storage of the motor vehicle;
  - c. That unless title has already vested in the City of New Britain pursuant to this article, such motor vehicle may be sold after fifteen (15) days if the market value of such motor vehicle does not exceed five hundred dollars (\$500.00) or after ninety (90) days if the value of such motor vehicle exceeds five hundred dollars (\$500.00);
  - d. That the owner has the right to contest the validity of such taking by making application for a hearing on a form prescribed by the commissioner of motor vehicles, to the hearing officer named in such notice, within ten (10) days of the date of such notice.

(Ord. of 1-88; Ord. of 9-98, § 2)

**Sec. 15-44. Garage owners to give notice.**

If the owner of such motor vehicle placed in storage in accordance with the provisions of this article does not claim such motor vehicle within thirty (30) days, the owner of such garage or other place of storage shall, within forty (40) days of the date such motor vehicle was placed in storage with him, send a written notice to the commissioner, stating:

- (1) The make, engine number and chassis number of such motor vehicle;
- (2) The date that such motor vehicle was left with him for storage;
- (3) The last registered owner's name;
- (4) The registration number of the vehicle, if any number plates are on such motor vehicle.

Any sale under the provisions of this article shall be void unless the notice required by this section has been given to the commissioner.

(Ord. of 1-88)

**Sec. 15-45. Title to vest in the City of New Britain.**

If the motor vehicle has no registration marker plates, or invalid registration marker plates, and if an officer attached to the city police department makes a determination in good faith that: (1) the motor vehicle is apparently abandoned; (2) the market value of such motor vehicle in its current condition is one hundred dollars (\$100.00) or less; and (3) the motor vehicle is so vandalized, damaged, or in disrepair as to be unusable as a motor vehicle, title to such motor vehicle shall, upon it being taken into custody, immediately vest in the City of New Britain.

(1) The city may sell or dispose of any vehicle of which it has obtained title pursuant to this section. The proceeds of such sale or disposition, or the fair market value of the motor vehicle in its current condition, whichever is greater, less the towing and sale or disposal expenses, shall be paid to the person who was the owner of said vehicle at the time of its abandonment, or his representatives within one year from the date of sale. If no claim is made for the balance of the proceeds within the specified period of time, said balance shall escheat to the City of New Britain.

(2) If the expenses incurred by the city for the towing and the sale or disposition of such motor vehicle exceed the proceeds of such sale or disposition, the last registered owner of such motor vehicle shall be liable to the city for the excess amount.

(Ord. of 1-88)

**Sec. 15-46. Liens for storage charges, sale of vehicle.**

The owner or keeper of any garage or other place where a motor vehicle is stored pursuant to this article shall have a lien upon the same for his storage charges, unless title has already been vested in the City of New Britain.

(1) If the current market value of such motor vehicle as determined in good faith by such owner or keeper does not exceed five hundred dollars (\$500.00) and such motor vehicle has been stored for a period of not less than fifteen (15) days, such owner or keeper may, unless an application filed by the owner pursuant to section 15-49 of this article is pending and the owner of such motor vehicle has notified such owner or keeper that such application for hearing has been filed, sell the same for storage and towing charges owed thereon, provided a notice of intent to sell shall be sent to the commissioner of motor vehicles and the owner of such motor vehicle, if known, five (5) days before the sale of such vehicle.

(2) If the current market value of such motor vehicle as determined in good faith by such owner or keeper exceeds five hundred dollars (\$500.00) and if such motor vehicle has been stored for a period of ninety (90) days, such owner or keeper shall, unless an application filed by the owner pursuant to section 15-49 of this article is pending and the owner or keeper that such application for hearing has been filed, sell the same at public auction for cash, at his place of business, and apply the avails of such sale toward the payment of his charges and the payment of any debt or obligation incurred by the city for placing the same in storage, provided such sale shall be advertised in a newspaper published or having circulation in the city at least three

(3) times, commencing at least five (5) days before such sale.

(3) If the last place of abode of the owner of such motor vehicle is known to or may be ascertained by such garage owner or keeper by the exercise of reasonable diligence, notice of the time and place of the sale shall be given him by mailing such notice to him in a registered or certified letter, postage paid, at such last usual place of abode, at least five (5) days before the day of sale of such motor vehicle.

(Ord. of 1-88)

**Sec. 15-47. Distribution of proceeds of sale.**

The proceeds of such sale, after deducting the amount due such garage owner or keeper and all expenses connected with such sale, including the expenses incurred by the city in placing such motor vehicle in storage, shall be paid to the owner of such motor vehicle or his legal representatives, if claimed by him or them at any time within one year from the date of such sale. If such balance is not claimed within said period, it shall escheat to the City of New Britain.

(Ord. of 1-88)

**Sec. 15-48. Sales report required.**

The garage owner or keeper shall report the sales price, storing, towing and repair charges, if any; buyer's name and address; identification of the vehicle, and such other information as may be required in regulations which shall be adopted by the commissioner of motor vehicles in accordance with Chapter 54 of the Connecticut General Statutes, to the commissioner within fifteen (15) days of the sale of the motor vehicle.

(Ord. of 1-88)

**Sec. 15-49. Appeals.**

The mayor shall appoint a suitable person, who shall not be a member of any state or local police department, to be a hearing officer to hear applications to determine whether or not the towing of a motor vehicle was authorized under the provisions of this article.

(1) If the hearing officer determines that the subject vehicle was not a hazard to public safety, abandoned or unregistered, the owner of such motor vehicle shall not be liable for any expenses incurred as a result of the taking and storage of such motor vehicle, the lien provisions shall not apply to such owner, and the city will be liable for such expenses.

(2) If the owner, prior to a determination of the hearing officer, pays the expenses and the storage charges of such motor vehicle, and it is determined at such hearing that the motor vehicle was not a hazard to public safety, abandoned or unregistered, the city shall be liable to such owner for the amount paid by such owner.

(3) Any person aggrieved by the decision of the hearing officer may, within fifteen (15) days of the notice of such decision, appeal to the Superior Court for the Judicial District of Hartford-New Britain.

(Ord. of 1-88)

Secs. 15-50--15-65. Reserved.

## ARTICLE IV. STOPPING, STANDING AND PARKING\*

\***Cross references:** Procedure for enforcement of municipal parking ordinance for operable motor vehicles, § 15-140 et seq.

### DIVISION 1. GENERALLY

#### **Sec. 15-66. City hall--City hall commission authorized to regulate.**

The city hall commission is hereby authorized to regulate the parking of vehicles in such areas in the rear and on the sides of city hall as are not equipped with parking meters, and to supply adequate insignia to the drivers or owners of vehicles permitted to park therein.

(Code 1970, § 22-31)

#### **Sec. 15-67. Same--Parking in lot without a permit.**

No person shall park any vehicle in the nonmetered areas behind and to the sides of the city hall building unless such vehicle is equipped with a current parking permit issued by the city hall commission in accordance with section 15-66.

(Code 1970, § 22-32)

#### **Sec. 15-68. Parking in mutual driveways in business or industrial zones.**

No person shall park any vehicle in a mutual driveway in any business or industrial district, as defined by the city zoning provisions.

(Code 1970, § 22-35)

#### **Sec. 15-69. Parking on private property.**

No person shall park any vehicle upon the premises of another when forbidden to do so by the property owner or his agent or in violation of any clear and legible sign posted upon such premises which prohibits parking thereon.

(Code 1970, § 22-36)

#### **Sec. 15-70. Parking to obstruct exits.**

No person shall park any vehicle in such a manner as to obstruct any means of egress from any building where the chief of the fire department or the fire marshal or the agent of either of them has posted signs forbidding parking in such location.

(Code 1970, § 22-37)

#### **Sec. 15-71. Standing to load or unload; traffic obstruction.**

No person shall cause or permit any vehicle to remain standing upon any highway in the city for the purpose of loading or unloading merchandise or for any other purpose in such a manner as to obstruct or block traffic.

(Code 1970, § 22-42)

#### **Sec. 15-72. On-street parking restrictions for large and heavy weight vehicles and for commercial vehicles.**

(a) Any other provision of the Code of Ordinances notwithstanding, no person shall park any motor or other vehicle which has a gross weight of over ten thousand (10,000) pounds, or which exceeds thirty (30) feet in length and eight (8) feet in height, on any street for more than thirty (30) minutes, unless the vehicle is commercially engaged during the time the vehicle is parked. A fine of two hundred fifty dollars (\$250.00) shall be imposed for each violation of this provision.

(b) Any other provision of the Code of Ordinances notwithstanding, no person shall park any commercial vehicle overnight on any city street. For purposes of this subsection, "commercial vehicle" is defined as any motor vehicle, without regard to the type or class of registration plate affixed thereto, the use of which, in whole or in part, is in conjunction with or in furtherance of a commercial enterprise, and which bears the name of a business or enterprise or any advertisement relative to a business or enterprise. A fine of twenty-five dollars (\$25.00) shall be imposed for each violation of this provision.

(Code 1970, § 22-42; Ord. of 5-74; Ord. of 10-88; Ord. of 9-00; No. 27504-1, 6-11-03)

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

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

(1) *Overtime parking.* In excess of the time posted by official sign. Each separate period of time equal to the original permitted parking time which occurs after the original permitted parking time shall constitute a separate offense and shall carry a separate fine.

(2) *Meters.* In violation of any parking meter regulation.

(3) *In opposite direction of traffic.* Facing against oncoming traffic on the side of the street on which the vehicle is parked.

(4) *Close to curb.* More than twelve (12) inches from a curb.

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

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

(2) *Crosswalk.* Within ten (10) feet of a marked crosswalk.

(3) *Intersection.* Within fifteen (15) feet of an intersection.

(4) *Stop sign.* Within twenty-five (25) feet of a stop sign.

(5) *Restricted area.* In a restricted area including restricted areas designated and posted as restricted or reserved on city-owned property.

(6) *Bus stop.* Within a bus stop.

(7) *Loading zone.* Within a loading and reloading zone.

(8) *Traffic hazard zone.* In such a manner as to constitute a traffic hazard or to obstruct the free movement of traffic.

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

(10) *Driveway.* In such a manner as to obstruct a driveway.

(11) *Curb and sidewalk.* Within the area between the curb and the sidewalk and on the sidewalk.

(12) *Fire lane.* Within a fire lane.

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

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

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

(Code 1970, § 22-43; Ord. of 2-70; Ord. of 5-78; Ord. of 5-79; Ord. of 7-82; Ord. of 10-82; Ord. of 9-85, §§ 1, 2; Ord. of 7-86, § 1; Ord. of 9-86, § 1; Ord. of 12-91; Ord. of 1-95, No. 27075-1, 9-11-02; Res. No. 29316-2, 10-27-06)

#### **Sec. 15-74. Registration plate prima facie evidence of ownership.**

In any prosecution or proceeding under this chapter, the registration plate displayed on the motor vehicle shall constitute a prima facie presumption that the owner of such vehicle was the person who parked such vehicle at the place where such violation occurred.

(Code 1970, § 22-44)

**State law references:** Uniform Motor Vehicle Certificate of Title and Anti-Theft Act, G.S. § 14-165 et seq.

#### **Sec. 15-75. Violations of parking regulations; citations; fines.**

Wherever any vehicle is found parked or stopped in violation of any of the provisions of this Code, or rule or regulation of the traffic authority concerning parking, a police officer shall attach to such vehicle a notice to the owner or operator stating that the vehicle has been parked unlawfully. The notice, or citation, shall state the time, place and nature of the violation and the registration number of the vehicle involved. The citation shall require the registered owner of such vehicle to answer the charge against him within seven (7) days during the hours stated and at a place specified in the citation, or pay in person or remit by mail, in the form of a check or money order to "Treasurer, City of New Britain," the sum specified in accordance with section 15-73 as a penalty for and in full satisfaction of such violations. The failure of such owner to make such payment or appearance within the time specified shall make such owner liable to a penalty equal to three (3) times the amount of the penalty provided in section 15-73 in addition to the original fine.

(Code 1970, § 22-45; Ord. of 7-82; Ord. of 5-90)

#### **Sec. 15-76. Towing and immobilization of motor vehicles against which there are outstanding parking citations.**

(a) Whenever any vehicle shall be found parked in violation of any provision of this Code, in addition to the issuance of a parking citation, such vehicle may be removed under the direction of the police department to an authorized garage in the city, and such removal shall be at the risk of the owner.

(b) Whenever any vehicle is found parked upon the streets and public grounds of the city and where there are three (3) or more municipal parking citations issued for a violation of any municipal traffic ordinance, rule or regulation upon such vehicle or against the owner of such vehicle, which are delinquent, unpaid, otherwise

unsettled and uncontested, then a member of the police department may place or direct a person or persons so authorized by the chief of police to place an immobilization device upon such vehicle or, in the alternative, the member of the police department may remove and convey such vehicle by means of towing or otherwise, to a city lot, or he may order such person or persons so authorized by the chief of police to remove and convey such vehicle by means of towing, or otherwise, to an authorized garage.

(c) Once an immobilization device has been placed upon a parked vehicle, said device may not be removed or otherwise tampered with by anyone who has not been authorized to do so.

(d) The owner of any vehicle impounded or otherwise rendered immobile by application of a mechanical device shall have the right to contest impoundment or immobilization by application to the parking ticket appeals board in accordance with section 15-144 by application on forms prescribed by the commissioner of motor vehicles within ten (10) days from the date of the notice provided the owner in accordance with section 15-77.

(Code 1970, § 22-46; Ord. of 12-90, § 1; Res. No. 32063-2, 10-24-12)

#### **Sec. 15-77. Notice to owner of vehicle.**

Within forty-eight (48) hours after towing or immobilization, the police department shall notify, by certified mail, the owner(s) of such vehicle and any lien-holder at the address listed with the Connecticut Department of Motor Vehicles of the impoundment or immobilization, as set forth in the provisions of section 15-43 of this chapter, the place it may be recovered and the conditions upon which it will be released and that the owner and/or lien-holder may contest the validity of the taking by making application for a hearing on a form prescribed by the commissioner of motor vehicles within ten (10) days from the date of the notice.

(Ord. of 12-90, § 2; Ord. of 9-98, § 3)

#### **Sec. 15-78. Release of impounded and/or immobilized vehicle.**

The owner or person in charge of any vehicle after providing sufficient identification of ownership to the police department shall be allowed to repossess or to secure the release of such vehicle only after paying the following fees by cash, money order or bank check:

(1) The cost of towing, in accordance with the amount approved by the motor vehicle department;

(2) The cost of storage, in accordance with the amount approved by the motor vehicle department, for each day that such vehicle is so stored beyond the first twenty-four-hour period;

(3) A booting fee of thirty-five dollars (\$35.00) for the cost of placement and removal of the immobilization device; and

(4) All sums legally due for any city parking violation issued and outstanding against such vehicle.

(Ord. of 12-90, § 2)

#### **Sec. 15-79. Records and receipts of motor vehicles.**

(a) It shall be the duty of the chief of police, or his designee, to keep records of the names of the owners of all vehicles impounded and/or immobilized, the numbers of their state license plates, the place where each vehicle was impounded and the location of the garage where the vehicle is being stored.

(b) Before a person can receive their motor vehicle, they must sign a receipt acknowledging delivery.

(Ord. of 12-90, § 2)

#### **Sec. 15-80. Residential street parking.**

(a) The common council may designate "residential street parking zones" on any areas which have parking meters after a public hearing on each such proposal in one (1) of its committees. At such public hearing, the council committee shall consider the relative amount of revenue of hourly meters in such area against the potential revenue of permits issued pursuant to this section.

(b) When signs are erected designating a block, or a portion of a block, as a part of a residential street parking zone, persons displaying in plain view a residential street parking permit may park in such locations without paying for hourly metered parking or being limited by any parking time limitation.

(c) "Residential street parking permits" may be issued to the owners of specific residential properties, for use by their tenants, in order for the city to facilitate the rehabilitation of one (1) or more residential buildings. Such permits shall not be issued unless approved, as follows:

(1) Applications for residential street parking permits may be submitted to the public works department. The public works department shall forward the application to the parking commission and the city plan commission.

(2) The city plan commission shall judge whether granting such residential street parking permits will facilitate the rehabilitation of residential property in a manner and to a degree that is in the best interests of the economic and neighborhood development of the city.

(3) If the city plan commission approves of such application and it otherwise finds doing so to be in the best interests of the city, the parking commission may grant the residential street parking permits.

(c) Residential street parking permits shall be valid only until revoked by the parking commission, which said commission may do at its discretion. Residential parking permits shall not be valid unless renewed annually with the city and upon payment of a permitting fee, with the issuance of a sticker which shall be permanently affixed to the windshield. Such fee shall be the highest monthly permit parking that the city charges for parking garage parking times eighteen (18).

(d) Misuse of any permits issued pursuant to his section shall constitute an infraction, punishable by a fine of up to one hundred dollars (\$100.00) for each offense.

(Res. No. 32189-2, 3-13-13)

Secs. 15-81--15-86. Reserved.

## **DIVISION 2. PARKING COMMISSION\***

**\*Editor's note:** An ordinance of Nov. 6, 1996, amended Ch. 15, Art. IV by repealing Div. 2, Parking Authority, §§ 15-86--15-94, derived from Code 1970, §§ 22-16--22-20, and enacting new provisions set out herein as a new Div. 2, §§ 15-87--15-90.

**Cross references:** City boards, commissions, committees and authorities generally, § 2-126 et seq.

**State law references:** Parking authorities, G.S. § 7-202 et seq.; creation, G.S. § 7-203; powers, G.S. § 7-204; financing of city parking authority, G.S. 7-205; revenue bonds of city parking authority, G.S. § 7-206; rates and charges of municipality parking authority, G.S. § 7-207.

### **Sec. 15-87. Definitions.**

As used herein:

(a) *Parking commission* shall mean the commission created and established under section 15-88 of this division.

(b) *Parking facilities* shall mean lots, garages, parking terminals or other structures and accommodations for the parking of motor vehicles open to public use with or without charge within the area described as the municipal parking district by the zoning ordinances of the City of New Britain. Such area bounded by a line parallel to Pearl Street and the boundary of the municipal parking district to the north, Badolato Drive to the east, Pearl Street to the south and Franklin Square/Elm Street to the west; and all properties fronting on both sides of Arch Street from Main Street south to Hart Street; and all properties fronting on Main Street along the west and northwest side of the street from the southern property line of the St. Mary's Roman Catholic Church to the intersection with Beaver Street; and all properties fronting on both sides of Broad Street from its intersection with Beaver Street west to its intersection with Booth Street.

(Ord. of 11-6-96)

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

### **Sec. 15-88. Establishment; composition.**

There shall be a parking commission. The commission shall consist of five (5) members of whom not more than three (3) shall be members of the same political party. To the extent possible, the members shall be property owners or tenants within the municipal parking district as defined above but shall be electors of the City of New Britain. The members shall select a chairman from among its members. The members of the commission shall serve without compensation but may be reimbursed for necessary expenses.

(Ord. of 11-96; Ord. of 7-01)

### **Sec. 15-88A. Term of membership.**

Those first appointed shall be designated to service for one (1), two (2), three (3), or four (4) years respectively and thereafter a member shall be appointed annually to serve for four (4) years except that any vacancy shall be filled for the unexpired portion of the term.

(Ord. of 7-01)

### **Sec. 15-89. Power and duties of the commission.**

The commission shall have the following powers and duties:

(a) The commission shall have the power and authority, in the name of the City of New Britain, to operate and secure all parking facilities and to rent, lease or purchase such equipment as may be required in the operation of facilities for parking with the advice of the department head.

(b) Said commission shall advise and consult with the department head as designated by the common council pertaining to the duties and conduct of the department charged with the responsibility of the parking division of the city. In general, the commission shall be responsible for policy-making and evaluation with the advice of the department head(s) and shall be responsible for the issuance of citations for parking violations.

(Ord. of 11-96; Ord. of 7-01)

**Sec. 15-90. Parking meters and parking limitations.**

(a) The parking commission is authorized to collect and receive all revenue from parking meters and to establish metered parking zones and set a permit fee for the use of public parking lots. The revenues from such meters shall be used by such commission for the regulation and control of the parking of vehicles in on-street and off-street zones, for the cost of purchase, installation, operation, inspection, supervision and maintenance of parking meters, for acquiring, operating and maintaining off-street parking facilities.

(b) Parking permits may be obtained at city hall through the parking authority free of charge for a six-month period for residents of:

- (1) Glen Street, north of W. Pearl Street;
- (2) Arch Street, north of Grand Street;
- (3) Prospect Street; and
- (4) Camp Street, north of Grand Street.

Residents must show identification proving residency of the areas listed in this section and must show valid State of Connecticut registration for the vehicle that will be using the permit. One (1) free parking permit will be allowed for each resident showing proof of residency and valid vehicular registration. Additional parking permits may be purchased by residents for fifteen dollars (\$15.00) per month per vehicle. Residents will be granted additional nonconcurrent six-month parking permits, without charge, as long as proof of residency is shown upon obtaining the permit.

(Ord. of 11-96; Ord. No. 28373-2, 2-25-05)

**Sec. 15-91. Employees.**

All personnel employed by the parking commission to enforce parking rules and regulations in parking facilities shall be deemed to be employees of the parking commission but shall be under the day to day supervision and direction of the city property manager who shall have all the powers with respect to such employees as is vested in department heads under the provisions of any collective bargaining agreement.

(Ord. of 11-96; Ord. of 6-98)

**Editor's note:** An ordinance adopted June 2, 1998, amended Ch. 15 by adding new provisions designated as § 15-90. Since said chapter already contained provisions designated as § 15-90, the editor, at his discretion, has redesignated these new provisions as § 15-91.

Secs. 15-92--15-100. Reserved.

**DIVISION 3. HANDICAPPED PARKING\***

**\*State law references:** Parking privileges of handicapped persons generally, G.S. § 14-253a; parking privileges of handicapped veterans, G.S. § 14-254.

**Sec. 15-101. Applicability.**

This division shall apply to all new and existing nonresidential sites that have a parking area for twenty (20) or more vehicles, including but not limited to, shopping centers, office buildings, commercial buildings, mercantile buildings, warehouses, storage buildings, manufacturing buildings, hospitals, convalescent homes, schools and public buildings. In addition, the traffic authority may designate handicapped parking spaces on city roads which shall be of such size and location as he may specify.

(Code 1970, § 22-40(a); Ord. of 6-80)

**Sec. 15-102. Use of specially designated spaces restricted.**

After establishment of specially marked parking spaces for handicapped persons, no person shall park a motor vehicle in such space unless a handicapped person is either a passenger or occupant of the vehicle, and the vehicle contains a designation issued by the commissioner of motor vehicles pursuant to the general statutes, which designation shall be visible as per the general statutes, or a handicapped designation issued by other governmental authority.

(Code 1970, § 22-40(b); Ord. of 6-80)

**Sec. 15-103. Number of spaces to be provided; location.**

(a) On each site having parking spaces for at least twenty (20) but not more than twenty-five (25) spaces, at least one space shall be specially designated and reserved for handicapped parking. Additional spaces for handicapped parking shall be in accordance with the following table:

TABLE INSET: Total Parking on Site	Required Number of Handicapped Parking Spaces
26--50	2
51--75	3
76--100	4
101--150	5
151--200	6
201--300	7
301--400	8
401--500	9
501--1000	2% of total
Over 1000	20 plus 1 for each 100 over 1000

**Sec. 15-104. City marking of spaces.**

Each such space designated for handicapped parking shall be not less than fifteen (15) feet in width, including three (3) feet of cross hatch, unless otherwise required under the provisions of the state building code, or unless the same would create a nonconforming condition, in which event, the existing stall width shall be permitted for those spaces which exceed the required number of spaces under state law. Each space shall be designated by above grade signs with white lettering against a blue background and shall bear the words "HANDICAPPED PARKING STATE PERMIT REQUIRED" and "VIOLATORS WILL BE FINED." Such signs shall be erected, installed and maintained by, and at the expense of the owner of such site. In the event, the signs and markings called for herein are not installed within thirty (30) days after written direction of the traffic authority, the city may proceed to install the same and impose the costs thereof against the owner of the site. If the owner shall fail to reimburse the city for the cost of installation within thirty (30) days of receipt of a bill thereof, the board of police commissioners shall place a lien upon said property.

(Code 1970, § 22-40(d); Ord. of 6-80; Ord. of 11-94)

**Sec. 15-105. Owner's responsibility for violations.**

The registered owner of any vehicle parked in violation of this division shall be presumed to be the operator at the time of the violation.

(Code 1970, § 22-40(f); Ord. of 6-80)

**Sec. 15-106. Penalties.**

(a) Whenever any vehicle shall be found parked in violation of this division, any city police officer may issue a ticket for such violation, which ticket shall provide for a fine of ninety-nine dollars (\$99.00) payable to the city, which fine remitted to the finance department within seven (7) days of the issuance of the ticket. If any such fine is not paid within seven (7) days, a penalty in an amount equal to three (3) times the fine shall immediately become due and payable in addition to the original fine and a warrant may be issued for the arrest of the violator.

(b) Any owner of property who shall fail to designate handicapped parking as required under the provisions of this division, shall be subject to a fine of ninety-nine dollars (\$99.00).

(Code 1970, § 22-40(e); Ord. of 6-80; Ord. of 5-81; Ord. of 6-90; Ord. of 9-92; Ord. of 11-94; Ord. of 11-96; Ord. No. 28269-2, 11-18-04; Res. No. 29316-2, 10-27-06)

Secs. 15-107--15-115. Reserved.

**DIVISION 4. SNOW EMERGENCY RESTRICTIONS**

**Sec. 15-116. Definitions.**

The following definitions shall apply in the interpretation and enforcement of this division:

*Mayor* means the chief executive officer of the city or, at his designation, the director of public works or the general superintendent of public works.

*Roadway* means that portion of a street or highway improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder.

*Secondary streets* are any streets which are not marked "snow emergency routes."

*Snow emergency routes* are those streets marked as such in accordance with the provisions of this division.

*Street or highway* means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

(Code 1970, § 22-41(1); Ord. of 2-83)

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



**Sec. 15-117. Parking on snow emergency routes and secondary streets restricted.**

(a) Whenever the mayor finds, on the basis of falling snow, sleet or freezing rain, or on the basis of a forecast by the U.S. Weather Bureau or other weather service, of snow, sleet or freezing rain, that weather conditions will make it necessary that motor vehicle traffic be expedited and that parking on city streets be prohibited or restricted for snow plowing and other purposes, the mayor may put into effect a parking prohibition on parts of or all snow emergency routes and secondary streets, by declaring it in a manner prescribed by this division.

(b) While the prohibition by the mayor is in effect, no person shall park or allow to remain parked any vehicle on any street to which such prohibition applies.

(c) The mayor shall cause each declaration made by him, pursuant to this division to be publicly announced. Each public announcement shall describe the action taken by the mayor, including the time it became or will become effective.

(d) The mayor shall make or cause to be made a record of each time and date when any declaration is announced to the public in accordance with this section.

(e) Whenever the mayor shall find that the conditions which give rise to a parking prohibition in effect pursuant to this division no longer exist, he may declare the prohibition terminated, in whole or in part.

(Code 1970, § 22-41(2); Ord. of 2-83; Res. No. 29316-2, 10-27-06)

**Sec. 15-118. Night parking on snow emergency routes.**

(a) From December first through April fifteenth of each year, no person shall park, or allow to remain parked any vehicle on any "snow emergency route" between the hours of 1:00 a.m. and 5:00 a.m.

(b) On each street designated by this division as a snow emergency route, the mayor shall cause to have posted signs at appropriate intervals which shall be distinctive and uniform in appearance and shall be plainly readable to persons traveling on the street or highway.

(Code 1970, § 22-41(3); Ord. of 2-83; Ord. of 5-89; Res. No. 29316-2, 10-27-06)

**Sec. 15-119. Stalled vehicles on snow emergency routes and secondary streets.**

Whenever a vehicle becomes stalled for any reason, in violation of the mayor's parking ban or the ban of night parking on the snow emergency routes, the person operating or responsible for such vehicle shall take immediate action to have the vehicle towed or pushed off the roadway. Failure to take the necessary efforts to remove such stalled vehicle shall result in a violation of this division.

(Code 1970, § 22-41(4); Ord. of 2-83)

**Sec. 15-120. Removal, impounding and return of vehicles.**

(a) Members of the police department are hereby authorized to remove or have removed, a vehicle from a street to a garage or area designated or maintained by the police department or by the city when a vehicle is parked, stalled or abandoned in violation of this division.

(b) No person shall recover any vehicle removed in accordance with this section except as provided herein. Before the owner or person in charge of such vehicle shall be allowed to recover it from the place where it has been placed or impounded, he shall present to a member of the police department evidence of his identity and right to possession of the vehicle, shall sign a receipt for its return, and shall pay the cost of removal, the fine, and all costs of storage accrued.

(c) It shall be the duty of the police department to keep a record of each vehicle removed in accordance with this section. The record shall include a description of the vehicle, its license number, the date and time of its removal, where it was removed from, its location, the name and address of its owner and last operator, if known, its final disposition and the parking violation involved.

(d) This section shall be supplemental to any other provisions of law granting members of the police department authority to remove vehicles.

(Code 1970, § 22-41(6); Ord. of 2-83)

**Sec. 15-121. Snow emergency routes designated.**

The following streets or portions of streets within the city are hereby designated snow emergency routes:

*Alexander Road.*

*Allen Street.*

*Arch Street.*

*Beaver Street, from North Street to Farmington Avenue.*

*Black Rock Avenue.*

*Brittany Farms Road.*

*Broad Street.*

*Brown Street, excepting the south side thereof between High Street and Burritt Street.*

*Burritt Street.*

*Carlton Street.*  
*Chestnut Street.*  
*Child Street, from Newington Avenue to Connecticut Avenue.*  
*Columbus Boulevard, from Cedar Street to Ellis Street.*  
*Corbin Avenue.*  
*Court Street.*  
*Dwight Street.*  
*East Main Street.*  
*East Street.*  
*Eddy Glover Boulevard.*  
*Ella Grasso Road.*  
*Farmington Avenue.*  
*Franklin Square.*  
*Governor Street, from Farmington Avenue to Corbin Avenue.*  
*Grand Street.*  
*Griswold Street, between Grand and Hart Streets.*  
*Grove Street, between Myrtle and Broad Streets.*  
*Hart Street.*  
*Hartford Road.*  
*Horse Plain Road.*  
*John Downey Drive.*  
*Jubilee Street.*  
*Kensington Avenue.*  
*Lafayette Street.*  
*Lincoln Street, between Black Rock Avenue and West Main Street.*  
*Main Street.*  
*Market Street.*  
*Martin Luther King Drive.*  
*McClintock Street.*  
*Myrtle Street.*  
*North Street, from Main Street to Martin Luther King Drive.*  
*Oak Street, from North Street to Allen Street.*  
*Osgood Avenue, between Slater Road and Farmington Avenue.*  
*Paul J. Manafort Drive*  
*Prospect Street.*  
*Russell Street.*  
*Slater Road.*  
*South High Street.*  
*South Main Street.*  
*South Street.*  
*Stanley Street.*  
*Veterans' Drive.*  
*Village Square Drive.*  
*Walnut Street.*  
*Washington Street.*  
*West Main Street.*  
*Woodland Street, north side only.*

(Code 1970, § 22-41(18); Ord. of 1-85; Ords. of 4-88(2); Ord. of 5-89; Ords. of 1-90(2); No. 26824-1, 2-27-02)

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

(a) Parking in violation of any section of this division shall be punishable by a fine of one hundred dollars (\$100.00) for each violation. Under no condition shall such snow fine double.

(b) If the vehicle of any violator of this division is towed, and if the city has the duty and responsibility to watch and protect such illegally parked vehicle, the operator shall be subject to a twenty dollar (\$20.00) a day storage charge if he fails to claim his vehicle within twenty-four (24) hours after the vehicle has been towed.

(c) The owner or operator of any vehicle parked in violation of this division shall be liable to the city for the payment of such fines and storage charges that accrue.

(Code 1970, § 22-41(5); Ord. of 2-83; Ord. of 2-7-90; Res. No. 29316-2, 10-27-06)

**Sec. 15-123. Effect of division on other ordinances.**

(a) Nothing in this division shall be construed to permit parking at any time or place where it is forbidden by any other provision of law.

(b) Any provision of this division which becomes effective by declaration of the mayor shall, while temporarily in effect, take precedence over other conflicting ordinances normally in effect, except that it shall not take precedence over provisions of law relating to traffic accidents, emergency travel of authorized emergency vehicles or emergency traffic directions by a police officer.

(Code 1970, § 22-41(7); Ord. of 2-83)

Secs. 15-124--15-135. Reserved.

**ARTICLE V. MOTORCYCLES, MOPEDS AND ALL TERRAIN VEHICLES**

**Sec. 15-136. Definitions.**

For the purposes of this article:

*All terrain vehicle* shall mean any vehicle so designed, built, modified or designed that it is capable of transporting persons or property over several types of surface or in areas where there is no paved roadway.

*Moped* shall mean a two-wheeled, pedal-assisted, motor-driven vehicle capable of carrying one or more persons at low rates of speed and shall include scooters, Vespas and other similar or related vehicles.

*Motorcycle* shall mean all two- or three-wheeled motor operated devices capable of transporting or carrying one or more persons and shall include all forms of modified vehicles such as "dirt-bikes," "trailbikes," "motorcross," "endurance," "flat-track" or similar.

*Property of the city* shall include, but not be limited to, all park, golfcourse, school, parking or municipal areas under the control of any city board or commission.

(Code 1970, § 22-47; Ord. of 6-80)

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

**Sec. 15-137. Operation restricted.**

(a) *Municipal property.* No person shall operate or cause to be operated any motorcycle, vehicle, moped or all terrain vehicle upon the property of the city except on established roadways, paths, paved areas or streets where the operation of all motor vehicles is allowed either by state law, ordinance, rule or special permit.

(b) *Sidewalks.* No person shall operate or cause to be operated any motorcycle, moped or all terrain vehicle on any sidewalk or pedestrian walkway within the city except to cross the same or to place a moped upon such sidewalk for the purpose of parking same if the location where the moped is to be parked is such as it will not interfere with pedestrian traffic.

(c) *License required.* All motorcycles, mopeds or all-terrain vehicles operated within the city must bear appropriate license plates or markers as required by state law.

(d) *Private property.* No person shall operate or cause to be operated any motorcycle, vehicle, moped or all terrain vehicle upon any private property within the city except with express permission of the owner thereof.

(e) *Noise.* No person shall operate or cause to be operated any motorcycle, moped or vehicle, or all terrain vehicle which is so designed, modified, altered or broken as to emit unreasonably loud or offensive levels of noise.

(Code 1970, § 22-48; Ord. of 6-80)

**Sec. 15-138. Penalties.**

Violation of any section of this article shall result in the following penalties:

(1) For first violation, punishment as provided in section 1-15 of this Code.

(2) Notwithstanding subparagraph (1) of this section, any person found guilty of violation of this article where such violation caused damage to either private or municipal property, the individuals shall be liable to pay damages for the repair of same.

(Code 1970, § 22-49; Ord. of 6-80)

**Sec. 15-139. Reserved.**

**ARTICLE VI. PROCEDURE FOR ENFORCEMENT OF MUNICIPAL PARKING ORDINANCE FOR OPERABLE MOTOR VEHICLES\***

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\***Cross references:** Stopping, standing and parking, § 15-66 et seq.

**State law references:** Hearing procedure for parking violations, G.S. § 7-152b.

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**Sec. 15-140. Appointment of hearing officer.**

In accordance with section 7-152b of the Connecticut General Statutes, the following procedure is established for the enforcement of parking ordinances of the City of New Britain. The parking violation hearing will be conducted by one (1) of the hearing officers appointed pursuant to subsection 1-17(a) of the Code of Ordinances. One (1) of such hearing officers shall be designated as chief hearing officer. No such hearing officer shall be a police officer, a person working in a police department or a person authorized to issue parking tickets, but any other municipal employee may be appointed as a parking violation hearing officer in addition to his or her other duties. No such hearing officer or person working under the direction of such hearing officer may otherwise directly or indirectly engage in the private business of collecting the fines, assessments or judgments imposed hereunder. All such parking violation hearing officers shall serve for a term of two (2) years.

(Ord. of 12-87, § 1; Res. No. 29536-2, 5-9-07)

**Sec. 15-141. Notice to parking violators.**

Within two (2) years after the expiration of the final period for the uncontested payment of fines, penalties, costs or fees for any alleged violation of any parking ordinance duly adopted by the city pursuant to the general statutes, the finance director shall send notice to the motor vehicle operator, if known, or the registered owner of the vehicle, by first class mail at his address according to the registration records of the State of Connecticut Department of Motor Vehicles. Such notice shall inform the operator or owner:

- (a) Of the allegation against him and the amount of the fines, penalties, and costs of fees due;
- (b) That he may contest his liability before a parking violation hearing officer by delivering in person or by mail written notice within ten (10) days of the date thereof;
- (c) That if he does not demand such a hearing, an assessment and judgment shall enter against him; and
- (d) That such judgment may issue without further notice.

(Ord. of 12-87, § 1)

**Sec. 15-142. Admission of parking violation.**

If the person receiving the notice required pursuant to section 15-141 hereof does not either (a) pay the full amount of the fines, penalties, costs or fees without requesting a hearing, or (b) request a hearing as provided herein, within ten (10) days after the date of such notice, such person shall be deemed to have admitted liability and the finance director shall certify such person's failure to respond to the chief hearing officer. The chief hearing officer shall thereupon enter and assess the fines, penalties, costs or fees provided for by the applicable ordinance and shall follow the procedures set forth herein.

(Ord. of 12-87, § 1)

**Sec. 15-143. Prima facie evidence.**

Whenever a violation of such ordinance occurs, proof of the registration number of the motor vehicle involved shall be prima facie evidence in all proceedings provided for in this section that the owner of such vehicle was the operator thereof, provided, the limitation on the liability of a lessee under section 14-107 of the Connecticut General Statutes shall apply.

(Ord. of 12-87, § 1)

**Sec. 15-144. Appeal process.**

Any person receiving a notice pursuant to section 15-141 of this article may request a hearing by mailing or delivering such request in writing to the chief hearing officer at the place designated within ten (10) days after the date of such notice. The chief hearing officer shall promptly schedule a hearing and give notice of the date, time and place of such hearing to the person requesting it. Such hearing shall be held not less than fifteen (15) nor more than thirty (30) days from the date of the mailing of notice, provided the chief hearing officer shall grant any reasonable request by any interested party for postponement or continuance upon good cause shown. The presence of the policeman or issuing officer shall be required at the hearing if the person requesting the hearing so requests. A designated city official, other than the hearing officer, may present evidence on behalf of the city. If such person fails to appear at a hearing for which correct notice has been duly sent, the presiding hearing officer may enter an assessment of default against him, in the amount of the fines, penalties, costs or fees provided for by the applicable parking ordinance.

(Ord. of 12-87, § 1)

**Sec. 15-145. Decision of hearing officer; failure to pay assessment.**

The hearing officer presiding at any hearing convened in accordance with the provisions of this article shall announce his decision at the end of the hearing. If he determines the person is not liable, he shall dismiss the matter and enter his determination in writing accordingly. If he determines the person is liable for the violation,

he shall forthwith enter and assess the fines, penalties, costs or fees against such person as provided by the applicable ordinance.

If such assessment is not paid on the date of its entry, the hearing officer shall send by first class mail a notice of assessment to the person found liable and shall file, not less than thirty (30) days nor more than twelve (12) months after such mailing, a certified copy of the notice or assessment with the clerk of the superior court for the fifteenth geographical area, together with an entry fee of eight dollars (\$8.00), or such other amount as may from time to time be required by law, and request that said clerk enter judgment against such person in favor of the city of New Britain as provided in this article.

(Ord. of 12-87, § 1)

**Sec. 15-146. Right to judicial review.**

The person against whom an assessment has been entered in accordance with this article is entitled to judicial review by way of appeal within thirty (30) days of the mailing of notice of assessment. The appeal shall be filed in accordance with Connecticut General Statutes section 7-152(b).

(Ord. of 12-87, § 1)

**ARTICLE VII. MOTOR SCOOTERS, MINIBIKES, POCKET BIKES, BICYCLES WITH HELPER MOTORS**

**Sec. 15-147. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Motor scooter, minibike, pocket bike and bicycle with helper motor* shall mean any wheeled device designed for the transport of one (1) or more persons which is powered by any type of motor, except:

- (1) Any motorcycle or motorized bicycle as defined in state statutes;
- (2) Any vehicle registered as a motor vehicle by the registrar of motor vehicles or lawfully exempt from such registration;
- (3) Any wheelchair by a person with physical disabilities or Any similar mobility-assisting device used or by a person whose ambulatory mobility has been impaired by age, illness or physical ailment or electric personal assistive mobility devices;
- (4) Any self-propelled snow plows, snow blowers and lawn mowers when used for the purposes for which they were designed and operated at speeds not exceeding four (4) miles per hour;
- (5) Any moped or scooter which meets Federal Department of Transportation and State Department of Transportation guidelines for on-road transportation and whose owners-manual specifically indicates an ability to be driven on public roads.
- (6) Any vehicle owned or leased by the City of New Britain.

(Ord. No. 28181-2, 9-14-04)

**Sec. 15-148. Operations prohibited.**

- (a) Notwithstanding any other provision of this Code, any person who operates any motor scooter, minibike, pocket bike or bicycle with a helper motor on any portion of any public or private street shown on the official map of the city, including the sidewalk area of any such street, or on any other public property, including schools, playgrounds and parks, within the City of New Britain, shall be fined ninety dollars (\$90.00).
- (b) Any person who rides as a passenger on any motor scooter operated in violation of the above shall be fined fifty dollars (\$50.00).

(c) Whenever any police officer observes any person in violation of this section, he or she may detain such person for purposes of the enforcement of this section and may remove such motor scooter to a secure area pending a disposition of such property by court order or otherwise by law.

(Ord. No. 28181-2, 9-14-04; Res. No. 28659-2, 8-18-05)