

Chapter 155

STREETS AND SIDEWALKS

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[HISTORY: Adopted by the Town Council of the Town of West Hartford 9-12-1972 (Ch. 20 of the 1972 Code). Amendments noted where applicable.]

GENERAL REFERENCES

Bicycles, skateboards, roller skates and roller blades — See Ch. 53. Litter in streets — See Ch. 115.
Garbage, rubbish and refuse — See Ch. 94. Subdivision regulations — See Ch. A184.

ARTICLE I
Street Numbering

§ 155-1. Assignment of street numbers. [Amended 2-27-1979; 5-10-2005; 10-7-2019]

The Director of the Department of Community Development may, at the Director's discretion, without notice, assign to each building, other than an accessory building, or any part of a building or to each lot or any part of a lot within the Town limits a number or numbers by which it shall be known and may, from time to time, alter such number or numbers and renumber such buildings, parts of building, lots and parts of lots within the Town limits. It shall be the duty of the Director, whenever hereafter a new street or highway is accepted, to assign to the land abutting on such street or highway numbers at such measured intervals or distance as, in the opinion of the Director, the public interests shall require.

§ 155-2. Duty of owners. [Amended 2-27-1979; 5-10-2005]

- A. Whenever any owner or owners of any lot or any part of a lot shall hereafter construct any building or buildings upon said lot or part thereof, it shall be the duty of such owners to inquire of the Director of Community Development as to the number or numbers assigned to such lot or such part thereof or to the building or any part thereof and thereafter to affix such number or numbers to said building within 30 days of the issuance of any certificate of occupancy for such building or any part thereof and to otherwise comply with the provisions of § 155-3. **[Amended 10-7-2019]**
- B. Whenever the Director of the Department of Community Development, acting in accordance with § 155-1, shall have assigned numbers to or shall have renumbered any building or part thereof existing on the effective date of this section, the Director shall forthwith send to the owner or owners of such building a written statement and notice informing the owner or owners of such numbering or renumbering and directing the owner or owners to affix to such building or part thereof numerals indicating the number or numbers thereto assigned, and it shall become the duty of the owner or owners to affix said numerals within 30 days after the sending of such notice.
- C. It shall be the duty of the owner or owners of each building existing on the effective date of this section, without prior notice, to affix numerals indicating the street identification number or numbers previously assigned to such building by the Town or, if there is no record of such an assignment, the street identification number or numbers which has or have been customarily used for such building.

§ 155-3. Size and location of numerals. [Amended 2-27-1979]

- A. Numerals used to indicate the street identification of buildings shall be located on the exterior of the building or part of the building which they identify. Such numerals shall be at least four inches in height and shall be of a color contrasting with the color of the background provided by the material to which they are affixed. When affixed, they shall be positioned not less than four feet nor more than 12 feet from the surface of the ground directly below them. The location and size of such numerals shall be sufficient to assure their legibility when the building or part of the building to which they are affixed and which they identify is viewed as follows:
 - (1) If it fronts on a street or a private road, from one or more points which lie along the center line of such street or private road and which are also perpendicular to said building or part of said building.
 - (2) If it does not front on a street or a private road, from one or more points perpendicular from and at a distance of 100 feet from a main entrance of such building or part of such building.

- B. For buildings containing more than two dwelling units, stores, offices or any combinations thereof which have entrances from interior passageways, numerals for such dwelling units, stores or offices shall be affixed within five feet of every exterior door of the building by which the building may be entered and from which access of such dwelling units, stores or offices may be gained. Otherwise the specifications and locations for such numerals shall be as for other buildings.
- C. If a building fronting on a street or private road is set back more than 100 feet from the center line of such street or private road or if any numerals affixed to such a building in accordance with Subsection A cannot be made legible from such center line because of an obstruction, the aforesaid numerals shall also be affixed to a post, sign, mailbox or other device which shall be located within 10 feet of the driveway entrance which provides the closest vehicular access to the building or part of the building to which the numerals have been assigned. Such numerals shall be at least two inches in height, shall be of a color contrasting with the color of any background provided by any material to which they are affixed and shall be positioned not less than four feet nor more than 12 feet from the surface of the ground directly below them. In any instance where more than one set of numerals have been assigned to a given building, then the requirements of this Subsection C, when applicable, shall be in addition to those of Subsections A and B, but where only one set of numerals has been assigned to a given building, requirements of this subsection shall, when applicable, be in lieu of all the requirements of Subsection A.
- D. Where any building fronts on a private road, whenever the owner or owners of such building have the right or privilege to do so, they shall also place the numerals assigned to said building or any part thereof on a post, sign or other suitable device located within 10 feet of the intersection of said private road with the nearest street. Where any building is so located as not to front on either a street or private road, whenever the owner or owners of such building have the right or privilege to do so, they shall also place the numerals assigned to said building or any part thereof on a post, sign or other suitable device located within 10 feet of the driveway entrance located on a street and providing vehicular access to said building or, if there is more than one such driveway entrance, then within 10 feet of that driveway entrance closest to the building or the part of the building to which said numerals have been assigned. Said numerals shall be at least two inches in height, shall be of a color contrasting with the color of any background provided by any material to which they are affixed and shall be positioned not less than four feet nor more than 12 feet from the surface of the ground directly below them.
- E. In any situation where the owner or owners of any building are required to affix numerals assigned to such building or any part thereof to a sign or other suitable device under this section within 10 feet of any street but have no right or privilege to place or install such post, sign or other device upon the land where it is to be installed, the Director of the Department of Community Development may, in the Director's discretion, cause to be installed such post, sign or other device as shall be appropriate for purposes of displaying said numerals, within the boundary of such street, to be used for the purposes of displaying such numerals. **[Amended 5-10-2005; 10-7-2019]**

§ 155-4. Honorary and historic renaming of public streets.¹ [Added 6-8-2021]

- A. Purpose. The purpose of this section is to establish guidelines and formalize procedures for the honorary and historic renaming of a public street. The Town Plan and Zoning Commission is designated as the public street naming authority for the Town of West Hartford.
- B. Procedure. Any person may submit an application to the Commission for the honorary and historic

1. Editor's Note: Former § 155-4, Removal or covering required; penalties for offenses, as amended, was repealed 10-27-1998.

renaming of a public street. Such application shall be made on a form prescribed by the Town Manager or his or her designee and such form shall be signed by no fewer than 100 electors of the Town. In connection with an application to rename a public street, the Commission shall hold a public hearing and make such investigation as it may deem necessary. The Town Planner shall give notice of the application and the date of the public hearing by sending, by certificate of mailing, a copy of the application to the owners of all property with frontage along the street to be renamed. In making its investigation, the Commission, at its discretion, may refer the application to such groups or persons as it deems necessary for guidance on the historic connection and significance of the proposed name. The Commission may approve such application and rename a public street by a vote of not less than a two-thirds majority vote of its members. All applications approved by the Commission shall be submitted by the Town Clerk to the Council at its next scheduled meeting for consideration. Any such name disapproved by a majority of the members of the Council shall be void. Unless the Council disapproves such name at its next following regular meeting or postpones consideration of such matter to a later date and time, the Town Clerk shall publish notice of such name in a newspaper having a general circulation in the Town. Such name shall take effect on the seventh day following said publication. If a public street is renamed, no application shall be accepted to rename such public street for five years after such name takes effect. If the Commission or the Council disapproves an application to rename a public street, no application shall be accepted to rename such public street for one year following such disapproval.

- C. Standards. No application shall be made to rename a street in honor of a living person and no application shall include an existing street name or name phonetically similar to any existing street name in use. In reviewing an application to rename a public street, the Commission shall consider, but not be limited to, the following factors in making a determination:
- (1) Whether the proposed name endangers public safety;
 - (2) The historic connection and significance of the proposed name to the Town; and
 - (3) Any objections or concerns raised by property owners with frontage along the street to be renamed.

ARTICLE II
Snow and Ice Removal

§ 155-5. (Reserved)²

2. **Editor's Note: Former § 155-5, Liability for injuries sustained on public sidewalks, was repealed 10-27-1998.**

ARTICLE III
Excavations
[Amended 7-25-1989]

§ 155-6. Licensing and permitting. [Added 2-22-2000³; amended 8-14-2007]

- A. No person shall make any excavation in a public street until that person applies for and secures from the Director of Community Development a license and a permit to excavate. [Amended 10-7-2019]
- B. Any person who shall excavate any part of any street, highway or public place of the Town or dig below the surface thereof without first obtaining a license and a permit therefor from the Director of Community Development or without protecting the public against danger therefrom by means of fences, lights and any other precautions expedient or necessary for such protection or who shall violate any rule, regulation, order or specification, whether general or pertaining only to the particular excavation or digging, made by the Director of Community Development or who, having excavated or dug as aforesaid without such license and permit or without such protection or with such violation, shall maintain such excavation or digging or who shall otherwise violate the provisions of this section shall be punished as provided in § 1-8 of Chapter 1 of the Code. [Amended 10-7-2019]
- C. All licenses shall expire on December 31 next following their date of issue unless sooner revoked.
- D. The fee for each license shall be \$50, and the fee for each permit shall be \$50.
- E. The Director of Community Development shall have the authority to waive fees for any work performed by a municipal corporation or for work performed by employees of a private utility, provided that the utility provides a daily electronic notification of the location of their work in a format approved by the Director of Community Development. [Amended 10-7-2019]
- F. The Director of Community Development shall license all utilities before authorization is given to excavate within public lands and rights-of-way. [Amended 10-7-2019]
- G. Work determined to be necessary, under emergency conditions determined by the utility, shall not require a permit provided that the utility shall provide electronic notification during the succeeding workday.
- H. Permits shall reside at the work site and be available upon request.

§ 155-7. Rules and regulations. [Amended 2-22-2000]

- A. The Director of Community Development may, from time to time, adopt such reasonable general rules, regulations and specifications for such excavations or digging, the installation or placing therein of and the type and construction of pipes, wires, cables, conduits or any other material or thing to be placed therein and the manner of filling said excavation or digging with dirt or any other material and may reasonably rule, regulate or specify any such particulars with respect to any particular excavation or digging as aforesaid. [Amended 10-7-2019]
- B. Each licensee shall give personal attention to the work done under the conditions of the license and permit conditions and shall employ none but competent workers.
- C. The licensee shall be responsible to keep and maintain the work specified under the permit for the

3. Editor's Note: This ordinance also provided repealed former § 155-6, Offenses enumerated; penalties.

period as outlined in the bond and certificate of insurance, whichever is shorter.

- D. The applicant shall assume responsibility for the installation of protective barriers, warning devices and traffic and pedestrian control personnel necessary for the prevention of accidents related to the activities associated with the construction activity.

§ 155-8. Cancellation of license; filling of excavation.

Upon violation of any such rule, regulation or specification, the Director may cancel any license issued therefor, and the person licensed shall forthwith fill such excavation or digging in the manner and with the materials prescribed by the Director.

§ 155-9. Liability insurance; application information. [Amended 2-22-2000; 10-7-2019]

- A. Every person making application for a license as a street excavator as required by § 155-6 must file with the Director of Community Development and maintain during the duration of said license a public liability insurance endorsement describing coverage for any activity within the rights-of-way of the Town of West Hartford, including but not limited to excavation, grading, modification of the Town's existing infrastructure and installation of extensions or improvements thereto and a satisfactory bond or other acceptable form of surety issued by a surety company authorized to do business in the Town in the sum of \$10,000. The required surety shall be in place for two years after the date of excavation, conditioned substantially that:
- (1) The applicant shall indemnify and save harmless the Town and the Director and agents from all suits and actions of every name and description brought against the Town or any officer of the Town for or on account of any injuries or damage received or sustained by any person in consequence of or resulting from any work performed by the applicant, the applicant's servants or agents or of or from any negligence in guarding said work or of or from any act or omission of the applicant, the applicant's servants or agents.
 - (2) The applicant shall faithfully perform the work in all respects and shall also replace and restore that portion of any street in which the applicant, the applicant's servants or agents shall make excavation to as good condition as that in which the same was before the work was performed.
- B. The applicant shall state in the application the applicant's actual place of business, together with the name under which the business is done and shall notify the Director of Community Development of any change in either thereafter. The applicant shall also state in the application the name of the person for whom this work is being performed. If the applicant is not the person for whose benefit the work is being performed, that person shall be identified in the application and shall be required to be a coapplicant but shall not be required to be licensed pursuant to these ordinances.

ARTICLE IV
Construction and Maintenance

§ 155-10. Maintenance and repair of curbs and gutters.

The Town is authorized to maintain and repair all curbs and gutters on all accepted Town roads and streets, the cost of which shall be paid by the Town.

§ 155-11. Curb and gutter specification standards. [Amended 5-10-2005; 10-7-2019]

The Director of Community Development shall have the authority, as public necessity and convenience may require, to establish standards, specifications and a time schedule for the maintenance and repair of all curbs and gutters on all accepted Town roads and streets.

§ 155-12. Town maintenance of public sidewalks.

The Town is authorized to relay, realign, replace or repair all public sidewalks within all accepted roads and streets, the cost of which shall be paid by the Town.

§ 155-13. Standards for sidewalk maintenance. [Amended 5-10-2005; 10-7-2019]

The Director of Community Development shall have the authority, as public necessity and convenience may require, to establish standards, specifications and a time schedule for the repairing, relaying, realigning or replacing of all sidewalks on all accepted roads and streets lying within the Town limits or abutting thereto and where such sidewalks pass by properties of Town taxpayers located within the Town.

ARTICLE V

Laying of Curbs, Walks and Combined Curbs and Gutters
[Amended 7-25-1989; 5-10-2005; 4-10-2014]**§ 155-14. License required.**

No person shall lay in any public street any new curb or walk or driveway or combined curb and gutter or relay any existing curb or walk or driveway or combined curb and gutter, unless such person shall be licensed as a curb, driveway and walk layer as provided in this article, but the provisions of this article shall not prevent the making without such license of minor repairs to an existing curb or walk or driveway or combined curb and gutter by the owner of the property in front of which such curb or walk or driveway or combined curb and gutter is located, or by such owner's agent. For purposes of this article, the term "driveway" shall mean any vehicular travelway serving one or more parcels of property other than a public street.

§ 155-15. Qualifications of licensee. [Amended 10-7-2019]

The Director of Community Development may issue a license required by § 155-14 to any person believed by the Director to be entirely suitable and competent, who shall apply on forms provided for this purpose and shall comply with the conditions governing said license. The fee for issuance of a license shall be \$50.

§ 155-16. Liability insurance; application information. [Amended 10-7-2019]

- A. Every person making application for a license as a curb, driveway and walk layer required by § 155-14 must file with the Director of Community Development and maintain during the duration of said license a public liability insurance endorsement describing coverage for any activity within the rights-of-way of the Town of West Hartford, including but not limited to excavation, grading, modification of the Town's existing infrastructure and installation of extensions or improvements thereto and a satisfactory bond of a surety company authorized to do business in the Town in the sum of \$10,000, conditioned substantially that:
- (1) The applicant shall indemnify and save harmless the Town and the Director and agents from all suits and actions of every name and description brought against the Town or any officer of the Town for or on account of any injuries or damage received or sustained by any person in consequence of or resulting from any work performed by the applicant, the applicant's servants or agents or of or from any negligence in guarding said work or of or from any act or omission of the applicant, the applicant's servants or agents.
 - (2) The applicant shall faithfully perform the work in all respects and shall also replace and restore that portion of any street in which the applicant, the applicant's servants or agents shall make excavation to as good condition as that in which the same was before the work was performed.
- B. The applicant shall state in the application the applicant's actual place of business, together with the name under which the business is done and shall notify the Director of Community Development of any change in either thereafter.

§ 155-17. Duties of applicants.

- A. Each applicant for a license required by § 155-14 shall comply in all respects with the rules and regulations established by the Director of Community Development relative to such work and with the terms of the permits which may be issued by the Town Engineer and shall also pay all fines

imposed for violation of any such rule or regulation. [Amended 10-7-2019]

- B. The applicant shall give personal attention to the work done under the license and shall employ thereon none but competent workers.

§ 155-18. Suspension or revocation of license. [Amended 10-7-2019]

Whenever, in the opinion of the Town Engineer, any curb, driveway and walk layer licensed as required by § 155-14 violates any of the provisions of this article or the rules, regulations and specifications adopted by the Director of Community Development, the Town Engineer shall report the same to the Director, and if the Director shall find that the charges are well founded, the Director may suspend or revoke the license of such curb, driveway and walk layer.

§ 155-19. Expiration of license.

All licenses required by § 155-14 shall expire on December 31 next following their date of issue, unless sooner revoked.

§ 155-20. Permit required.

No person may commence any new work upon any street or driveway until such person has obtained a permit from the Town Engineer for doing such work. The fee for issuance of a permit shall be \$50 per location.

§ 155-21. Permit application; contents and procedure.

- A. Applications for permits required by § 155-20 must be made on forms provided for this purpose and must be signed by the curb, driveway and walk layer or authorized agent. Such forms shall specify the ownership and location of the property where the work is to be done. Where the work involves construction or reconstruction of a private driveway, the property owner shall also sign the application. The application shall contain an agreement to be signed by the curb, driveway and walk layer that said curb, driveway and walk layer: (1) will do the contemplated work in accordance with this article, the rules and regulations of the Director of Community Development and the Town specifications pertaining to such work within the public street right-of-way; and (2) will indemnify and save harmless the Town from all damage caused by the curb, driveway and walk layer's acts or omissions while acting under the permit applied for. [Amended 10-7-2019]
- B. All applications for permits required by § 155-20 shall be submitted to the Town Engineer. Where the work involves construction, modification or reconstruction of a private driveway, the Town Engineer shall refer such application to the Zoning Enforcement Officer for the purpose of ensuring that the driveway complies with the requirements of Chapter 177 of this Code of Ordinances.

§ 155-22. Permit to be maintained on grounds; display.

The permit required by § 155-20 must be on the grounds during the continuance of the work for which it was issued and must be shown to all authorized persons when required.

§ 155-23. Supervision and inspection. [Amended 10-7-2019]

The Director of Community Development or authorized agents shall supervise and inspect the construction of all new curbs, walks, combined curbs and gutters and all other work of a similar nature laid within the

public street right-of-way under the provisions of this article, but such supervision and inspection shall not relieve the contractor from any obligation to perform the work strictly in accordance with the rules, regulations and specifications of this article or established under same or from responsibility which the contractor is expected to assume.

§ 155-24. Contractor's guaranty. [Amended 10-7-2019]

The contractor shall guarantee to the Town any work performed within the public street right-of-way by said contractor under the provisions of this article for a period of one year after completion against any failure caused by defective materials or defective work and will make good at the contractor's own expense such defects, if so ordered, to the satisfaction of the Director of Community Development.

§ 155-25. Work standards and specifications. [Amended 10-7-2019]

The Director of Community Development is authorized and empowered to adopt, from time to time, such rules, regulations and specifications for the conduct of the work provided for by this article within the public street right-of-way as he or she may deem for the best interest of the Town, subject, however, to the approval of the Town Council.

ARTICLE VI
General Provisions

§ 155-26. Permit required for street obstructions; outdoor dining areas. [Amended 5-13-2008]

- A. No person shall dump, place or allow to remain upon any street or highway any material, object or obstruction of any kind without first obtaining a permit from the Director of Public Works. In issuing such permit, the Director may impose such restrictions as deemed necessary.
- B. Outdoor dining areas. **[Amended 4-11-2023]**
- (1) The Director of Public Works may permit outdoor dining areas associated with established restaurants within the public right-of-way on an annual basis subject to the following limitations:
- (a) Site plan approval must also be obtained in accord with the requirements of West Hartford Code of Ordinances § 177-37.2. In addition to the requirements of that section, outdoor dining areas located within the public street right-of-way must also meet the following criteria:
- [1] A hard-surfaced pedestrian path not less than six feet in width and free of all obstructions shall be provided, running parallel to the street so as to provide an uninterrupted pedestrian walkway along the full length of the parcel of property upon which the outdoor dining area is located.
 - [2] Outdoor dining areas shall be located only in the area abutting where the restaurant is located.
 - [3] Outdoor dining areas shall not be permitted within five feet of a crosswalk or driveway.
 - [4] The boundaries of the approved outdoor dining area shall be marked in a permanent fashion approved by the Director of Public Works.
 - [5] Fencing which surrounds the dining area shall be sturdy and shall be designed to minimize unintended movement or tipping.
 - [6] The Fire Marshal shall approve the location of the proposed outdoor dining areas.
 - [7] The Director of Public Works may impose additional restrictions upon proposed outdoor dining areas as necessary, in his discretion, to address site-specific safety issues.
 - [8] The Director of Public Works may develop design guidelines for outdoor dining areas in the public right-of-way.
 - [9] The Town Council, by resolution, may establish a fee schedule for any outdoor dining area in the public right-of-way.
- (b) The proprietor of the restaurant must provide the Town with proof that it maintains insurance which names the Town of West Hartford as an additional insured in such types and amounts as the Director of Public Works may determine to be adequate.
- (c) Any damage done to the public right-of-way by the permittee or by its patrons shall be

repaired promptly. A cash bond in an amount to be determined by the Director of Public Works, but not to exceed \$2,500, shall be posted by the permittee and retained by the Town to secure this obligation.

- (2) In the event that a permittee violates any of the requirements of this subsection, the permit issued pursuant to this subsection may be revoked immediately, subject to reinstatement upon proof of full compliance with the requirements of this subsection. Permits issued pursuant to this subsection may be suspended temporarily in the event that the Town Manager, Director of Public Works or Director of Community Development determines that such suspension is required by the public interest.

§ 155-27. Erection of signs within street lines.

No sign of any description shall be placed or permitted to exist within any street line, except those that may be so placed by the state or a governmental subdivision thereof or as otherwise specifically permitted by law.

§ 155-28. Acceptance of streets. [Amended 5-10-2005]

No street shall be accepted as a public street by the Town until a request for such acceptance is filed with the Town Council for its action accompanied by the following:

- A. Certification by the Director of Community Development of a list of facilities the Director deems necessary prior to the acceptance of such street as a public street. **[Amended 10-7-2019]**
- B. Certification by the Department of Community Development that facilities, such as sewerage, water mains and laterals, pavement of streets and sidewalks, fire hydrants and streetlighting, as deemed necessary by the Director of Community Development, have already been provided or, in lieu thereof, that the owner of such street has filed with the Town acceptable surety or other security guaranteeing such improvements shall be completed at no cost to the Town. **[Amended 10-7-2019]**
- C. Certification from the Town Plan and Zoning Commission that the street is in conformity with all subdivision requirements or, in lieu thereof, that said street is not subject to subdivision requirements.

§ 155-29. Fees. [Added 5-13-1980; amended 5-10-2005; 10-7-2019]

The Director of Community Development shall establish a schedule of fees to be charged for any license or permit required by this chapter.

§ 155-30. Penalties for offenses. [Amended 6-28-1994]

Whoever shall refuse or neglect to comply with the provisions of any section of this chapter wherein another penalty is not provided shall be punished as provided in § 1-8 of Chapter 1 of the Code.

ARTICLE VII
Newsracks
[Added 10-23-2001]

§ 155-31. Intent and purpose.

It is not the intent of this article to discriminate against, regulate, or interfere with the publication, circulation, distribution, or dissemination of any printed material which is constitutionally protected. To that end, the content of any material distributed through a newsrack shall not be used to form the basis for any action taken to enforce the provisions of this article. The provisions set forth in this article shall be construed strictly in accord with this intent.

§ 155-32. Word usage; definitions.

A. For the purposes of this article, the following words and phrases shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural include the singular and words in the singular include the plural.

B. As used in this article, the following terms shall have the meanings indicated:

BLOCK — One side of a street between two consecutive intersecting streets.

DIRECTOR OF PUBLIC WORKS — The head of the West Hartford Department of Public Works or his duly designated representative.

DISTRIBUTOR — Any person responsible for the installation, operation or maintenance of a newsrack in a public right-of-way.

NEWSRACK — Any self-service or coin-operated box, container, storage unit or other dispenser installed, operated, or maintained for the display and distribution or sale of newspapers, periodicals or other printed matter.

PERSON — An individual person, firm, corporation or other entity.

PUBLIC RIGHT-OF-WAY — Any area owned and/or maintained by the Town of West Hartford or any other governmental entity, open for use of the public for vehicular or pedestrian travel, including but not limited to roadways, sidewalks, streets, alleys, public grounds or other rights-of-way.

ROADWAY — That portion of any street improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder.

SIDEWALK — Any portion of a street between the curblineline and the adjacent property line intended for the use of pedestrians, excluding parkways.

STREET — The entire area encompassed by a roadway and a sidewalk.

TOWN MANAGER — The Town Manager of West Hartford or his or her duly designated representative.

§ 155-33. Newsracks prohibited.

A. No person shall install, use, or maintain any newsrack which projects onto, into, or which rests, wholly or in part, upon the roadway of any public street.

B. No person shall install, use, or maintain any newsrack which in whole or in part rests upon, in, or over any public right-of-way:

- (1) When such installation, use, or maintenance endangers the safety of persons or property;
- (2) When such site or location is used for public utility purposes, public transportation purposes, or other governmental use;
- (3) When such newsrack unreasonably interferes with or impedes the flow of pedestrian or vehicular traffic, including, but not limited to, parked or stopped vehicles; the ingress in or egress from any residence or place of business; the use of poles, posts, traffic signs or signals, hydrants, mailboxes, or other objects permitted at or near said location;
- (4) When such newsrack interferes with the cleaning of any sidewalk by the use of mechanical sidewalk cleaning machinery; or
- (5) In any other manner inconsistent with or in violation of the provisions of this article.

§ 155-34. Permit required.

It shall be unlawful for any person, firm or corporation to erect, place, maintain or operate, on any public right-of-way, in the Town of West Hartford any newsrack without first having obtained a permit from the Director of Public Works. One permit may be issued to include any number of newsracks, and shall be signed by the applicant.

§ 155-35. Application for permit.

- A. Application for such permit shall be made, in writing, to the Director of Public Works upon such form as shall be provided to the applicant, and shall contain the name and business address of the applicant, a telephone number or numbers at which the applicant may be reached during normal business hours, and the proposed location of said newsrack(s) and shall be signed by the applicant.
- B. A permittee may place additional newsracks at any location on any public right-of-way in West Hartford which complies with the provisions of this article by amending its permit to include the location of each such newsrack on a form to be prescribed by the Director of Public Works and by paying the fee set forth in § 155-36A.

§ 155-36. Conditions for permit. [Amended 8-14-2007]

- A. Such newsrack or newsracks and the installation, use or maintenance thereof shall be conditioned upon observance of the provisions of this article. Permits shall be issued or denied within 72 hours (excluding Saturdays, Sundays and legal holidays) after the application has been filed. A permit fee of \$25 shall be required for each proposed location.
- B. Such permits shall be valid for three years and shall be renewable pursuant to the procedure for original applications referred to in § 155-35 and upon payment of the permit fee. A permit issued pursuant to this section shall expire automatically in the event that the insurance coverage required pursuant to § 155-38 lapses.

§ 155-37. Hold harmless.

Every applicant for a permit to place a newsrack on a public right-of-way in the Town of West Hartford shall file a written statement with the Director of Public Works in a form satisfactory to the Corporation Counsel, whereby such owner agrees to indemnify and hold harmless the Town, its officers, and employees from any loss, liability or damage, including expenses and costs, for bodily or personal injury, and for

property damage sustained by any person as a result of the installation, use and/or maintenance of a newsrack within the Town of West Hartford. Such statement shall also certify the newsrack owner's agreement that the Town is not liable for any damage to such newsracks.

§ 155-38. Insurance.

Every owner of a newsrack who places or maintains a newsrack on a public right-of-way shall provide the Town of West Hartford with a certificate of liability insurance coverage issued by an insurance company licensed to do business in the State of Connecticut insuring the applicant and the Town of West Hartford against all claims for damages to bodily injury, including death, and property which could arise in connection with the installation, operation or maintenance of a newsrack in the Town of West Hartford. The certificate of insurance shall state that the coverage afforded thereunder shall be primary coverage for any claims within its scope. Minimum coverage of such policy shall be \$600,000 aggregate for personal injury claims and for property damage claims and \$300,000 per each occurrence. The policy, by its terms, shall not be cancelable prior to the expiration date of the permit without 30 days' written notice to the Town.

§ 155-39. Newsrack identification required.

Every person who places or maintains a newsrack on a public right-of-way within the Town of West Hartford shall have his or her permit number, name, address and telephone number affixed to the newsrack in a place where such information may be easily seen before placing said newsrack on the right-of-way.

§ 155-40. Location, placement and number of newsracks.

Any newsrack which rests in whole or in part upon, or on any portion of a public right-of-way or which projects onto, into, or over any part of a public right-of-way shall be located in accordance with the provisions of this section:

- A. No newsrack shall be chained, bolted, or otherwise attached to any fixture located in the public right-of-way, except to other newsracks.
- B. Newsracks may be placed next to each other, provided that no group of newsracks shall extend for a distance of more than five feet along a curb, and a space of not less than three feet shall separate each group of newsracks.
- C. No newsrack shall be placed, installed, used or maintained:
 - (1) Within five feet of any marked crosswalk;
 - (2) Within 15 feet of the curb return of any unmarked crosswalk;
 - (3) Within five feet of any fire hydrant, fire call box, police call box or other emergency facility;
 - (4) Within five feet of any driveway;
 - (5) Within five feet past, or 25 feet prior to, any sign marking a designated bus stop, according to the direction of travel on the roadway adjacent to the bus stop sign, except that a newsrack may be placed immediately adjacent to the end of a bus shelter if such placement shall not otherwise violate the requirements of this article;
 - (6) Within five feet of the end of any bus bench;

- (7) At any location whereby the clear sidewalk space for the passageway of pedestrians is reduced to less than six feet in width;
 - (8) Upon or within five feet of any public area improved with flowers, shrubs, trees or other landscaping, or within five feet of any display window of any building abutting the sidewalk or parkway or in such a manner as to impede or interfere with the reasonable use of such window for display purposes;
 - (9) Within 500 feet of any other newsrack containing the same issue or edition of the same publication, within a business or industrial district;
 - (10) Within any single-family residential zone except with the written permission of the abutting property owner, and except on a street designated as a major arterial street, minor arterial street or collector street in the Town of West Hartford Plan of Conservation and Development as that document may be adopted or amended from time to time;
 - (11) Within 1,500 feet of any other newsrack containing the same issue or edition of the same publication, within any residential district;
 - (12) On any access ramp for disabled persons.
- D. No more than eight newsracks shall be located on any public right-of-way within a space of 200 feet in any direction within the same block; provided, however, that no more than 16 newsracks shall be allowed on any one block. In determining which newsracks shall be permitted to be located or to remain if already in place, the Director of Public Works shall be guided solely by the following criteria:
- (1) First priority shall be daily publications (published five or more days per week);
 - (2) Second priority shall be publications published two to four days per week;
 - (3) Third priority shall be publications published one day per week.
 - (4) Fourth priority shall be publications published intermittently or less frequently than once per week.

§ 155-41. Standards for maintenance and installation.

Any newsrack which in whole or in part rests upon, in or over any public right-of-way shall comply with the following standards:

- A. No newsrack shall exceed four feet in height, two feet in width, or two feet in thickness.
- B. The name of the publication being dispensed therein in accord with the following standards:
 - (1) On the front of the newsrack, the lettering size shall not exceed 1 3/4 inches in height.
 - (2) On the sides and back of the newsrack, the lettering size shall not exceed 2 1/2 inches in height.
- C. No newsrack shall be used for advertising signs or publicity purposes other than that dealing with the display, sale, or purchase of the newspaper or news periodical sold therein.
- D. Each newsrack shall be made of metal and shall be painted in a color scheme consisting of a dark background with white lettering. Shades of red, yellow, or green similar to those used in traffic control signs or devices shall not be used on any newsrack.

- E. Each newsrack shall be equipped with a coin-return mechanism to permit a person using the machine to secure an immediate refund in the event the person is unable to receive the paid-for publication. The coin-return mechanism shall be maintained in good working order. This subsection shall not apply to newsracks for publications offered free of charge.
- F. Each newsrack shall have affixed to it in a readily visible place so as to be seen by anyone using the newsrack, a notice setting forth the name and address of the distributor and the telephone number of a working telephone service to call to report a malfunction, or to secure a refund in the event of a malfunction of the coin-return mechanism, or to give the notices provided for in this article.
- G. Each newsrack shall be so weighted and balanced as to prevent it from being tipped by the opening of its door, or by the impact of snow cast by a passing snowplow.
- H. Each newsrack shall be maintained in a neat and clean condition and in good repair at all times. Specifically, but without limiting the generality of the foregoing, each newsrack shall be serviced and maintained so that:
 - (1) It is reasonably free of dirt and grease;
 - (2) It is reasonably free of chipped, faded, peeling and cracked paint and graffiti in the visible painted areas thereof;
 - (3) It is reasonably free of rust and corrosion in the visible unpainted metal areas thereon;
 - (4) The clear plastic or glass parts thereof if any, through which the publications therein are viewed are unbroken and reasonably free of cracks, dents, blemishes and discoloration;
 - (5) The paper or cardboard parts or inserts thereof are reasonably free of tears, peeling or fading; and
 - (6) The structural parts thereof are not broken or unduly misshapen.
 - (7) It shall not contain any materials which pre-date the current issue of the publication. Such materials shall not be deposited in any public trash receptacle owned by the Town of West Hartford and shall not be deposited in any privately owned trash receptacle without the permission of the owner or renter thereof. In the event that the publication is manufactured from recyclable material, it shall be discarded in an appropriate manner for that type of recyclable material.
- I. No newsrack shall contain or utilize any electrically powered illumination or sound.

§ 155-42. Penalties for offenses.

Upon determination by the Director of Public Works that a newsrack has been installed, used or maintained in violation of the provisions of this article, an order to correct the offending condition shall be issued to the distributor of the newsrack. Such order shall be telephoned to the distributor and confirmed by mailing a copy of the order by certified mail, return receipt requested. The order shall specifically describe the offending condition, suggest actions necessary to correct the condition, and inform the newsrack distributor of the right to appeal. Failure to correct the offending condition within five days (excluding Saturdays, Sundays, and legal holidays) after the mailing date of the order or to appeal the order within three days after its receipt shall result in the offending newsrack being summarily removed and processed as unclaimed property. If the offending newsrack is not properly identified as to owner under provisions of § 155-39 hereof, it shall be removed immediately and processed as unclaimed property pursuant to Chapter 132 of

the Code of Ordinances of the Town of West Hartford. An impound fee, which shall be measured by the Town's cost and expense of impounding, shall be assessed against each newsrack summarily removed. The Director of Public Works shall cause inspection to be made of the corrected condition or of a newsrack reinstalled after removal under this section. The distributor of said newsrack shall be charged an inspection fee of \$25 for each newsrack so inspected. This charge shall be in addition to any other fees and charges required under this article.

§ 155-43. Appeals. [Amended 3-9-2004]

- A. Any person or entity aggrieved by a finding, determination, notice, order or action taken under the provisions of this article may appeal and shall be apprised of his or her right to appeal to the Town Manager. An appeal must be perfected within three days after receipt of notice of any protested decision or action by filing with the Town Manager a letter of appeal briefly stating therein the basis for such appeal. Any elector of the Town wishing to appeal the decision of the Director of Public Works to grant a permit for a newsrack placement, if he or she did not receive written notice of said decision, shall be authorized to submit such a letter of appeal within three days after the placement of the newsrack in question. A hearing shall be held on a date not more than 30 days after receipt of the letter of appeal. The appellant shall be given at least five days' notice of the time and place of the hearing. The Town Manager shall give the appellant, and any other interested party, a reasonable opportunity to be heard, in order to show cause why the determination of the Director of Public Works should not be upheld. At the conclusion of the hearing, the Town Manager shall make a final and conclusive decision. This decision shall be immediately appealable to a court of competent jurisdiction. In rendering a decision with respect to any appeal pursuant to this subsection, the Town Manager shall have the power to adjust, whether temporarily or permanently, any of the standards contained in § 155-41, but the approval of any such adjustments will not be effective until the day following that next regular meeting of the Town Council, at which meeting the Town Manager's proposed approval of such adjustment shall appear on the Town Council agenda. The communication from the Town Manager shall state that the Town Council may reject it. In the event of such rejection, the Town Manager shall reconsider his or her decision and render a revised decision promptly thereafter.
- B. Nothing contained in this article shall be interpreted to limit or impair the exercise by the Town of West Hartford of its police powers to remove any newsrack which presents a clear and present danger of imminent personal injury or property damage to users of the public rights-of-way.

§ 155-44. Existing newsracks.

This article shall apply to existing newsracks within the Town of West Hartford, except that the distributors thereof shall have 60 days within which to comply with its provisions or such additional time as may be allowed in the discretion of the Director of Public Works. Newsracks existing within single-family residential districts as of July 1, 2001, shall be permitted to remain in place, provided that their location shall be registered with the Director of Public Works in the manner prescribed by § 155-35 within 60 days following the effective date of this article.

§ 155-45. Abandonment.

In the event that a newsrack remains empty for a period of 30 continuous days, it shall be deemed abandoned, and may be treated in the manner as provided in § 155-42 for newsracks in violation of the provisions of this article.

§ 155-46. Severability.

If any section, subsection, sentence, clause, or phrase of this article is for any reason held to be invalid of unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this article.