

CHAPTER 1. GENERAL PROVISIONS

Sec. 1-1. Designation and Citation of Code.

The ordinances embraced in the following Chapters and Sections shall constitute and be designated "the Code of Ordinances, Town of East Hartford, Connecticut", and may be so cited. The Code may also be cited in the provisions which follow, as "this code".

Sec. 1-2. Rules of Construction; Definitions.

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

- 1) Bond shall mean an obligation in writing, binding the signatory to pay a sum certain upon the happening or failure of an event.
- 2) Building shall mean any structure intended to have walls and a roof.
- 3) Business shall mean any profession, trade, occupation and any other commercial enterprise.
- 4) Clerk shall mean the Town Clerk.
- 5) Council shall mean the Town Council of the Town of East Hartford.
- 6) County shall mean the County of Hartford.
- 7) Definitions given within a Chapter or Article apply to words or phrases under such Chapter or Article.
- 8) Designee, following an official of the Town, shall mean the authorized agent, employee or representative of such official.
- 9) Gender: A word importing the masculine gender only shall extend and be applied to females and to firms, partnerships and corporations as well as to males.
- 10) Joint Authority: All words giving a joint authority to three (3) or more persons or officers shall be construed as giving such authority to a majority of such persons or officers.
- 11) Keeper and Proprietor shall mean and include persons, firms, association, corporations, clubs and co-partnerships, whether acting by themselves or a servant, agent or employee.
- 12) Mayor shall mean the Mayor of the Town of East Hartford.
- 13) Nuisance shall mean any act, thing, occupation, condition or use of property which shall continue for such length of time as to:
 - (A) Substantially annoy, injure or endanger the comfort, health, repose or safety of any person;
 - (B) In any way render any person insecure in life or in the use of his property; or
 - (C) Unlawfully and substantially interfere with, disturb, obstruct or tend to obstruct any person in the reasonable and comfortable use of his property.

**CHAPTER 1
General Provisions**

Sec. 1-2. Rules of
Construction; Definitions.

Sec. 1-2. Rules of
Construction; Definitions.

- 14) Number: A word importing the singular number only may extend and be applied to several persons and things, as well as to one person and thing.
- 15) Oath shall mean any form of attestation by which a person signifies that he is bound in conscience to perform an act or to speak faithfully and truthfully, and includes an affirmation or declaration in cases where by law, an affirmation may be substituted for an oath.
- 16) Occupant shall mean tenant or person in actual possession.
- 17) Operate shall mean carry on, keep, conduct, maintain, manage, direct or superintend.
- 18) Ordinances shall mean ordinances of the Town of East Hartford and all amendments and supplements thereto.
- 19) Owner shall mean one who has complete dominion over particular property and who is the one in whom legal or equitable title rests; when applied to a building or land, owner means any part owner, joint owner, owner of a community or partnership interest, life tenant, tenant in common, or joint tenant of the whole or part of such building or land.
- 20) Parade shall mean any march, procession, motorcade, or promenade consisting of persons, animals, or vehicles, or a combination thereof, having a common purpose, design, destination, or goal, upon any public place, which parade, march, procession, motorcade, or promenade does not comply with normal and usual traffic regulation or control.
- 21) Person shall mean any individual, natural person, Joint Stock Company, partnership, voluntary association, society club, firm, company, corporation, business trust, organization, or any other group acting as a unit, or the manager, lessee, agent, servant, partner, member, director, officer or employee of any of them, including an executor, administrator, trustee, receiver, or other representative appointed according to law.
- 22) Personal Property includes every species of property, except real property, as herein defined.
- 23) Property shall include real and personal property.
- 24) Public Officer shall mean Department Head.
- 25) Public Place shall mean and include any public street, road or highway, alley, lane, sidewalk, crosswalk, or other public way, or any public resort, place of amusement, stadium, athletic field, park, playground, public building or grounds appurtenant thereto, school buildings or school grounds, public parking lot or any vacant lot, the elevator, lobby, halls, corridors and areas open to the public of any store, office, or apartment building, or any other place commonly open to the public.
- 26) Real Property shall include lands, tenements and hereditament.
- 27) Reckless or Recklessly shall mean conduct performed in a heedless, careless or wanton manner with disregard or indifference towards the possible consequences or effect on rights of others.
- 28) Sidewalk shall mean any portion of a street between the curb line and the adjacent property line, intended for the use of pedestrians, excluding parkways.
- 29) Signature shall mean the name of a person, mark or symbol appended by him to a writing with intent to authenticate the instrument as one made or put into effect by him.

**CHAPTER 1
General Provisions**

Sec. 1-3. Captions.

Sec. 1-5. Amendments to Code; Effect of New

- 30) State shall mean the State of Connecticut.
- 31) State Law or General Law shall refer to the General Statutes of Connecticut, Revision of 1958, as amended.
- 32) Street shall mean and include streets, avenues, boulevards, roads, alleys, lanes, viaducts, recreation and park lands used for vehicular traffic, and all other public ways in the Town; and may include private ways over which the Town exercises jurisdiction.
- 33) Tenant or Occupant applied to a building or land, shall include any person holding a written or oral lease of or who occupies the whole or a part of such building or land, either alone or with others.
- 34) Tense: Words used in the past or present tense include the future as well as the past and present.
- 35) Time of Performance means the time within which an act is to be done as provided in any Section or any order issued pursuant to any Section, when expressed in days, and is computed by excluding the first and including the last day. If the last day is Sunday or a legal holiday, that day shall not be counted in the computation. When the time is expressed in hours, the whole of Sunday or a legal holiday, from midnight to midnight, is excluded.
- 36) Town shall mean the Town of East Hartford, in the County of Hartford, and the State of Connecticut.

(b) Words and phrases shall be construed according to the common and approved usages of the language, but technical words and phrases and others that have acquired a peculiar and appropriate meaning in the law, shall be construed and understood according to such meaning.

Sec. 1-3. Captions.

The captions of the Sections of this Code are intended as mere catchwords to indicate the contents of the Section and shall not be deemed or taken to be titles of such Sections, nor as any part of the Section; nor shall they be construed to govern, limit, modify, alter, or in any other manner, affect the scope, meaning or intent of any provision of this Code.

Sec. 1-4. Territorial Applicability.

This Code shall refer only to the commission or omission of acts within the territorial limits of the town and to that territory outside the town over which the town has jurisdiction or control by virtue of any Constitutional or Charter provision, or any law.

***Sec. 1-5. Amendments to Code; Effect of New Ordinances;
Amendatory Language.***

**CHAPTER 1
General Provisions**

Sec. 1-6. Code Provisions as
Continuations of Existing

Sec. 1-8. Conflicting
Provisions.

(a) All ordinances passed subsequent to this Code which may amend, repeal or in any way affect this Code, may be numbered in accordance with the numbering system of this Code and printed for inclusion herein. In the case of repeated chapters, sections and subsections, or any part thereof, by subsequent ordinances, such repealed portions may be excluded from the Code by omission from reprinted pages affected thereby.

(b) Amendments to any of the provisions of this Code shall be made by amending such provisions by specific reference to the section number of this Code, in substantially the following language: "That Section of this Code of Ordinances, Town of East Hartford, Connecticut, is hereby amended to read as follows: ." The new provisions shall then be set out in full as desired.

(c) In the event a new Section not heretofore existing in the Code is to be added, the following language should be used: "That the Code of Ordinances, Town of East Hartford, Connecticut, is hereby amended by adding a section to be numbered , which section reads as follows: "

(d) All Sections, Articles, Chapters or provisions desired to be repealed should be specifically repealed by Section, Article, or Chapter number, as the case may be.

Sec. 1-6. Code Provisions as Continuations of Existing Ordinances.

The provisions appearing in this Code, insofar as they relate to the same subject matter and are substantially the same as those ordinance provisions previously adopted by the Town and existing at the effective date of this Code, shall be considered as restatements and continuations thereof, and not as new enactments.

Sec. 1-7. Effect of Repeat of Ordinance; Revival.

(a) Neither the adoption of this Code nor the repeal hereby of any Ordinance of this Town shall in any manner affect the prosecution for violation of Ordinances, which violations were committed prior to the effective date hereof, nor be construed as a waiver of any license or penalty at the effective date due the unpaid under such Ordinance, nor be construed as affecting any of the provisions of such Ordinance relating to the collection of any such license or penalty or the penal provisions applicable to any violation thereof, nor to affect the validity of any bond or cash deposit in lieu thereof, required to be posted, filed or deposited pursuant to any Ordinance, and all rights and obligations hereof appertaining shall continue in full force and effect.

(b) Whenever any Ordinance repealing a former Ordinance, clause or provision is repealed, such repeal shall not be construed as reviving such former Ordinance, clause or provision, unless expressly provided therein.

Sec. 1-8. Conflicting Provisions.

(a) If the provisions of different Chapter, Articles, Divisions or Sections of this Code conflict with or contravene each other, the provisions of each Chapter, Article, Division or Section shall prevail as to all matters and questions growing out of the subject matter of that Chapter, Article, Division or Section.

**CHAPTER 1
General Provisions**

Sec. 1-9. Prohibited Acts
Include Causing, Permitting,

Sec. 1-12. Altering Code.

- (b) If clearly conflicting provisions are found in different Sections of the same Chapter, the provisions of the Section last enacted shall prevail unless the construction is inconsistent with the meaning of that Chapter.

Sec. 1-9. Prohibited Acts Include Causing, Permitting, Aiding.

Whenever in this Code any act or omission is made unlawful, it shall include causing, allowing, permitting, aiding, abetting, suffering or concealing the fact of such act or omission.

Sec. 1-10. Notices; Service and Proof.

(a) Unless otherwise specifically provided, whenever a notice is required to be given pursuant to any Section of this Code, such notice shall be given either by personal delivery to the person to be notified or by deposit in the United States Mail in a sealed envelope, postage prepaid, addressed to the person to be notified at his last known business or residence address as the same appears in the public records or other records pertaining to the matter for which such notice is served, or by any other method of delivery approved by law. Service by mail shall be deemed to have been completed at the time of deposit in the post office or any United States mailbox.

(b) Proof of giving any notice may be made by the certificate of any officer or employee of this Town or by affidavit of any person over the age of eighteen (18) years who actually accomplished personal service in conformity with this Code or other provisions of law applicable to the subject matter concerned, or by a return receipt signed by the recipient notified by United States Mail.

Sec. 1-11. Severability of Code.

It is declared to be the intention of the Council that the Sections, Subsections, paragraphs, sentences, clauses and words of this Code are severable. If any Section, Subsection, paragraph, sentence, clause or word is declared unconstitutional or otherwise invalid by the lawful judgment or decree of any court of competent jurisdiction, its unconstitutionality or invalidity shall not affect the validity of any of the remaining Sections, Subsections, paragraphs, sentences, clauses and words of this Code, since the Sections or parts of Sections would have been enacted by the Council without and irrespective of any unconstitutional or otherwise invalid Section, Subsection, paragraph, sentence, clause or word being incorporated into this Code.

Sec. 1-12. Altering Code.

No person shall change or amend by additions or deletions, any part of this Code or any Ordinance of the Town, or insert or delete pages or portions, thereof, or alter or tamper with such Code in any manner whatsoever with intent that any provisions of this Code or other Ordinance of the Town shall be misrepresented or with intent to commit a fraud thereby.

**CHAPTER 1
General Provisions**

Sec. 1-13. Same Offense
Punishable by Different

Sec. 1-15. Regulations
Promulgated by Directors

Sec. 1-13. Same Offense Punishable by Different Sections of Code.

In all cases where the same offense is made punishable or is created by different Sections of this Code, the Corporation Counsel may elect under which to proceed, but not more than one recovery shall be had against the same person for the same offense.

Sec. 1-14. General Penalty.

(a) Whenever in this Code or in any Ordinance of the Town any act is prohibited or is made or declared to be unlawful or an offense, misdemeanor or public nuisance or whenever in such Code or ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is provided therefore, the violation of any such provision of this Code or any Ordinance shall be punishable by a fine not exceeding Ninety-Nine (\$99.00) Dollars, or imprisonment for a term not exceed six (6) months, or by both such fine and imprisonment, unless a different penalty is prescribed by law.

(b) Each day any violation of any provision of this Code or any Ordinance shall continue, shall constitute a separate offense.

(c) The imposition of any punishment hereunder shall not prevent the enforced abatement of any unlawful conditions by the Town.

(d) The suspension or revocation of any license, certificate or other privilege conferred by the Town, shall not be regarded as a penalty for the purpose of this Code, but shall be in addition thereto.

Sec. 1-15. Regulations Promulgated by Directors

(a) Directors appointed by the Mayor to supervise the operations of administrative departments listed at Section 5.4 of the Town Charter may, when authorized by the Town Council by ordinance, promulgate and enforce administrative regulations that will assist such directors and departments in carrying out their prescribed duties. Such administrative regulations shall be consistent with Federal and State laws and regulations, the Town Charter and Ordinances enacted by the Town Council regarding the operations of such departments.

(b) Such regulations shall not become effective and enforceable until they have been reviewed and approved by the Corporation Counsel, Mayor and the Town Council.

Voted: June 7, 1994

Published: June 17, 1994

Effective: July 8, 1994