

OFFICE OF THE CITY CLERK
HARTFORD, CONNECTICUT

PUBLIC HEARING NOTICE
HARTFORD MUNICIPAL BUILDING 550 MAIN STREET

MONDAY AUGUST 21, 2017
7:00p.m.

Councilpersons; Clarke II, Concepción, Deutsch, Gale and Jennings will represent the Council at a Public Hearing to be held in the Council Chambers of the Municipal Building at 7:00 P.M., Monday August 21, 2017.

1. **ORDINANCE AMENDING CHAPTER 31 SECTION 31-32 THE OPERATION OR USE OF DIRT BIKES, ALL-TERRAIN VEHICLES, SNOWMOBILES, MOTOR DRIVEN CYCLES, OR MINI-CYCLES OF THE MUNICIPAL CODE.**
Referred to the Quality of Life and Public Safety Committee
2. **ORDINANCE AMENDING CHAPTER 25, SECTION 19 CONCERNING PROHIBITING WASTE ASSOCIATED WITH NATURAL GAS AND OIL EXTRACTION, OF THE MUNICIPAL CODE.**
Referred to the Public Works, Parks and Environment Committee.
3. **RESOLUTION REQUESTING THAT FIELD #8 AT COLT PARK BE NAMED LUIS "DRAK" COLÓN FIELD.**
Referred to the Public Building Dedication Committee

FOR MORE INFORMATION ON COMMITTEE MEETING DATE PLEASE CONTACT THE FOLLOWING:

- A regular **Quality of Life and Public Safety Committee** meeting will be held on the third Tuesday of each month at 5:30 P.M. in the Council Chambers.

Kevin L. Murray 860-757-9563
Kevin.murray@hartford.gov

Adrian Texidor 860-757-9567
adrian.texidor@hartford.gov

- A regular **Public Works, Parks, Recreation and Environment Committee** meeting will be held on the first Wednesday of each month at 5:30 P.M. in the Council Chambers.

Hicks, Haywood 860-757-9565
Haywood.R.Hicks@hartford.gov

- **Public Building Dedication Committee**

Linda Bayer (860)-757-9564
BAYEL001@hartford.gov

Attest:

John V. Bazzano
City Clerk

REPLACEMENT

ITEM #

ON AGENDA

Introduced by:

Council President Thomas J. Clarke II

HEADING AND PURPOSE

AN ORDINANCE ESTABLISHING A NEW SECTION – CHAPTER 31 SECTION 31-22 THROUGH 31-25 - THE OPERATION OR USE OF DIRT BIKES, ALL-TERRAIN VEHICLES, SNOWMOBILES, MOTOR-DRIVEN CYCLES, OR MINI-CYCLES

COURT OF COMMON COUNCIL
CITY OF HARTFORD
August 14, 2017

31-22 - Definitions.

The following words, terms and phrases, when used in this ordinance, shall have the meanings attributed to them in this section:

1. "Dirt bike" means a two-wheeled motorized recreational vehicle designed to travel over unimproved terrain and not designed for travel on a highway, as defined in Section 14-1 of the Connecticut General Statutes. "Dirt bike" does not include an all-terrain vehicle, as defined in Section 14-379 of the General Statutes, or a motor-driven cycle, as defined in Section 14-1 of the General Statutes.
2. "Snowmobile" means any self-propelled vehicle designed for travel on snow or ice, except vehicles propelled by sail.
3. "All-terrain vehicle" means a self-propelled vehicle designed to travel over unimproved terrain that has been determined by the commissioner of motor vehicles to be unsuitable for operation on the public highways and is not eligible for registration under Chapter 246 of the Connecticut General Statutes.
4. "Operate" means (1) to control the course of or otherwise use a dirt bike, snowmobile, all-terrain vehicle, motor-driven cycle, mini-cycle, or similar vehicle; or (2) being in possession of a dirt bike, snowmobile, all-terrain vehicle, motor-driven vehicle, mini-cycle or similar vehicle on any street or sidewalk in the city of Hartford or on any public property, including but not limited to school property, playgrounds and parks, within the city of Hartford, or on any private property, within the city of Hartford, without first obtaining the written permission of the property owner if the property is not owned by the operator, passenger, and/or owner of the motorized recreational vehicle, if such dirt bike,

snowmobile, all-terrain vehicle, motor-driven vehicle, mini-cycle or similar vehicle is capable of being set in motion by the motive power of the vehicle.

5. "Motor-driven cycle" means any motorcycle, motor scooter, or bicycle with an attached motor, with a seat height of not less than twenty-six (26) inches, and a motor having a capacity of less than fifty (50) cubic centimeters of piston displacement.

6. "Mini cycle" means pocket bikes, miniature (hereafter "mini") bikes, mini cycles, mini sport bikes, mini motorcycles, chopper scooters, and any other similar wheeled vehicle designed to transport one or more persons that is powered by any type of motor.

7. The terms "dirt bike," "snowmobile," "all-terrain vehicle," "motor-driven cycle," and "mini-cycle" shall not be deemed to include any of the following:

a. Any registered "motorcycle" as defined in the C.G.S. § 14-1(46); any registered "motor vehicle" as defined in C.G.S. § 14-1(47);

b. Any moped that meets Federal Department of Transportation guidelines for use on streets and is approved by the state of Connecticut Department of Motor Vehicles for use on streets, provided, however, the moped is operated pursuant to all applicable state laws, rules, and regulations and all other city of Hartford ordinances;

c. Any wheelchair or similar mobility assisting device utilized by a person with a physical disability or whose ambulatory mobility has been impaired due to age or physical ailment;

d. Any self-propelled snow plow, snow blower or lawn mower when used for the purpose for which it was designed and operated at a speed not to exceed four miles per hour;

e. Any vehicle owned or leased by the city of Hartford;

f. Any vehicle that is used solely for amusement, or as a novelty display item, and is operated during a parade or any other special event that is properly permitted and approved by the city of Hartford shall be excluded from this article; and

g. Any electric personal assistive mobility device (hereinafter "EPAMD") that is self-balancing, has two non-tandem wheeled devices, is designed to transport only one person, and has an electric propulsion system that limits the maximum speed of the device to twelve and one-half (12½) miles per hour or less.

For the purposes of Sections 31-23 and 31-24 of this ordinance, the terms "dirt bike," "snowmobile," "all-terrain vehicle," "motor-driven cycle," and "mini cycle" as defined in this

section, shall be collectively referred to as "motorized recreational vehicle(s)."

31-23 - Operations prohibited.

A. It shall be unlawful for any person to operate a motorized recreational vehicle and/or for any owner of a motorized recreational vehicle to knowingly permit the operation of his or her motorized recreational vehicle on any street or sidewalk in the city of Hartford or on any public property, including but not limited to school property, playgrounds and parks, within the city of Hartford.

B. It shall be unlawful for any person to ride as a passenger on a motorized recreational vehicle and/or for any owner of a motorized recreational vehicle to knowingly permit any person to ride as a passenger on his/her motorized recreational vehicle operated in violation of subsection A. above.

C. It shall be unlawful for any person to operate a motorized recreational vehicle, ride as a passenger on a motorized recreational vehicle, and/or for any owner of a motorized recreational vehicle to knowingly permit its operation on any private property, within the city of Hartford, without first obtaining the written permission of the property owner if the property is not owned by the operator, passenger, and/or owner of the motorized recreational vehicle.

1. It shall be unlawful to operate a motorized recreational vehicle, to ride as a passenger on a motorized recreational vehicle, and/or for any owner of a motorized recreational vehicle to knowingly permit its operation on private property before eight a.m. or after seven p.m. on weekdays, or before nine a.m. or after eight p.m. on weekends.

D. It shall be unlawful for any person to operate an EPAMD and/or for any owner of an EPAMD to knowingly permit the operation of his/her EPAMD on any street in the city of Hartford, provided, however, an EPAMD may be operated on any public sidewalk and/or crosswalk in the city of Hartford. An operator of an EPAMD shall yield to pedestrians and any wheelchair or similar mobility-assisting device as defined within this ordinance and shall comply with any applicable state of Connecticut laws or regulations.

31-24 - Penalties.

A. Any person who operates a motorized recreational vehicle in violation of Section 31-23A of this ordinance, or is the owner of a motorized recreational vehicle who knowingly permits its

operation in violation of Section 31-23A of this ordinance, may be fined a sum not to exceed one thousand dollars (\$1,000.00), but not less than five hundred dollars (\$500.00) for a first offense, may be fined a sum not to exceed one thousand five hundred dollars (\$1,500.00), but not less than one thousand dollars (\$1,000.00) for a second offense, or may be fined a sum not to exceed two thousand dollars (\$2,000.00), but not less than one thousand dollars (\$1,000.00) for any third or subsequent offense.

B. Any person who rides as a passenger on a motorized recreational vehicle in violation of Section 31-23. of this ordinance, or is the owner of a motorized recreational vehicle who knowingly permits a passenger to ride on his/her recreational motor vehicle in violation of Section 31-23B. of this ordinance, may be fined a sum not to exceed one thousand dollars (\$1,000.00), but not less than five hundred dollars (\$500.00) for a first offense, may be fined a sum not to exceed one thousand five hundred dollars (\$1,500.00), but not less than one thousand dollars (\$1,000.00) for a second offense, or may be fined a sum not to exceed two thousand dollars (\$2,000.00), but not less than one thousand dollars (\$1,000.00) for any third or subsequent offense.

C. Any person who operates a motorized recreational vehicle in violation of Section 31-23C. of this ordinance, rides as a passenger on a recreational motor vehicle in violation of Section 31-23C. of this ordinance, or is the owner of a motorized recreational vehicle who knowingly permits its operation in violation of Section 31-23C. of this ordinance may be fined a sum not to exceed one thousand dollars (\$1,000.00), but not less than five hundred dollars (\$500.00) for a first offense, may be fined a sum not to exceed one thousand five hundred dollars (\$1,500.00), but not less than one thousand dollars (\$1,000.00) for a second offense, or may be fined a sum not to exceed two thousand dollars (\$2,000.00), but not less than one thousand dollars (\$1,000.00) for any third or subsequent offense.

D. Any person who operates a motorized recreational vehicle in violation of Section 31-23C.1. of this ordinance, rides as a passenger on a recreational motor vehicle in violation of Section 31-23C.1. of this ordinance, or is the owner of a recreational motorized vehicle who knowingly permits its operation in violation of Section 31-23C.1. of this ordinance may be fined a sum not to exceed one thousand dollars (\$1,000.00), but not less than five hundred dollars (\$500.00) for a first offense, may be fined a sum not to exceed one thousand five hundred dollars (\$1,500.00), but not less than one thousand dollars (\$1,000.00) for a second offense, or may be fined a sum not to exceed two thousand dollars (\$2,000.00), but not less than one thousand dollars (\$1,000.00) for any third or subsequent offense.

E. Any person who operates an EPAMD in violation of Section 31-23D. of this ordinance, or is the owner of an EPAMD who knowingly permits its operation in violation of Section 31-23D. of this ordinance, may be fined a sum not to exceed one-hundred dollars (\$100.00), but not less than fifty dollars (\$50.00) for a first offense, may be fined a sum not to exceed two hundred dollars (\$200.00), but not less than one hundred dollars (\$100.00) for a second offense, or may be fined a sum not to exceed three hundred dollars (\$300.00), but not less than two hundred dollars (\$200.00) for any third or subsequent offense.

F. A police officer who observes any person in violation of any subsection of Section 31-23 of this ordinance may detain such person for purposes of enforcing the provisions of this ordinance and may remove or tow the motorized recreational vehicle in question into the custody of the Hartford police department, at the owner's expense, pending a disposition of such property by court order or otherwise by law and proof of ownership of such property (i.e., bill of sale). Such police officer shall obtain and record the name and address of the owner of the such vehicle at the time of removal. Before the owner or person in charge of any impounded motorized recreational vehicle shall be permitted to remove the vehicle from a vehicle pound, the owner shall furnish to the operator of such pound, or such other person as the chief of police shall designate, evidence of his or her registration and ownership, shall sign a receipt for such vehicle, and shall pay the cost of impoundment and administration, plus the cost of storage for each day or portion of a day that such vehicle is stored in the vehicle pound in excess of the first twenty-four (24) hours. The operator of such pound shall refuse the release of any motorized recreational vehicle lawfully seized that the chief of police has authorized to hold as evidence in a criminal investigation or civil or criminal proceeding. Such operator shall obtain written permission from the chief of police for release of the vehicle on any form or document prescribed by the chief of police prior to the release of such impounded motorized recreational vehicle.

Any such motorized recreational vehicle that is not claimed by its owner under the terms of this section for a period of 45 days after seizure, or in the case of a motorized recreational vehicle being held as evidence in a criminal investigation or civil or criminal proceeding, not claimed by its owner within 45 days of the cessation of such investigation or disposition of such proceeding, whichever is later, may be disposed of by direction of the chief of police after serving notice in the same matter as that required for the disposal of abandoned vehicles under C.G.S. §14-150(e), except in the case that a vehicle is not registered, such notice shall not require mailing to persons whose names are registered with the State Department of Motor

Vehicles.

31-25 - Posting by motorized recreational vehicle dealer.

Each motorized recreational vehicle dealer offering for sale, lease or rental any motorized recreational vehicle shall post this ordinance in a prominent location at said dealer's place of business.

Any motorized recreational vehicle dealer who violates any provision of this section shall have committed an infraction. For a first violation, the chief of police or his authorized agent shall issue a written warning providing notice of the specific violation and the time period within which it shall be corrected. If the motorized recreational vehicle dealer receiving the written warning fails to correct the violation within the time period specified in the warning, the chief of police or his authorized agent shall issue a fine of ninety-nine dollars (\$99.00). Any continuing violation that is discovered during any subsequent re-inspection shall result in a fine of ninety-nine dollars (\$99.00). Each re-inspection at which a violation is discovered shall constitute a separate violation.

HEADING
AND
PURPOSEAN ORDINANCE AMENDING CHAPTER 25, SECTION 19 OF THE HARTFORD
MUNICIPAL CODECOURT OF COMMON COUNCIL,
CITY OF HARTFORD

August 14, 2017

Be It Ordained by the Court of Common Council of the City of Hartford that Chapter 25, Section 19, of the Municipal Code of the City of Hartford is hereby amended to include the following ordinance:

Sec. 25-19. Ordinance Prohibiting Waste Associated with Natural Gas and Oil Extraction

(a) Purpose. The prohibition of waste associated with the drilling and extraction of natural gas and oil is hereby declared necessary for the protection of the health, safety, welfare and property of the residents of the City of Hartford pursuant to the provisions of Section 7-148 of the Connecticut General Statutes that pertain in any way to the protection of health, safety, welfare and property, as the same may be amended from time to time.

(b) Definitions for the Purposes of this Ordinance:

For the purposes of this Ordinance, the following terms, phrases, and words shall have the meanings given here, unless otherwise clearly indicated by the context:

- 1) "Hydraulic fracturing" shall mean the fracturing of underground rock formations, including shale and non-shale formations, by manmade fluid-driven techniques for the purpose of stimulating oil, natural gas, or other subsurface hydrocarbon production.
- 2) "Natural gas extraction activities" shall mean all geologic or geophysical activities related to the exploration for or extraction of natural gas, including, but not limited to, core and rotary drilling and hydraulic fracturing.
- 3) "Oil extraction activities" shall mean all geologic or geophysical activities related to the exploration for or extraction of oil, including, but not limited, to core and rotary drilling and hydraulic fracturing.
- 4) "Natural gas waste" shall mean: a) any liquid or solid waste or its constituents that is generated as a result of natural gas extraction activities, which may consist of water, brine, chemicals, naturally occurring radioactive materials, heavy metals, or other contaminants; b) leachate from solid wastes associated with natural gas extraction activities; c) any waste that is generated as a result of or in association with the underground storage of natural gas; d) any waste that is generated as a result of or in association with liquefied petroleum gas well storage operations; and e) any products or byproducts resulting from the treatment, processing, or modification of any of the above wastes.
- 5) "Oil waste" shall mean: a) any liquid or solid waste or its constituents that is generated as a

- result of oil extraction activities, which may consist of water, brine, chemicals, naturally occurring radioactive materials, heavy metals, or other contaminants; b) leachate from solid wastes associated with oil extraction activities; and c) any products or byproducts resulting from the treatment, processing, or modification of any of the above wastes.
- 6) "Application" shall mean the physical act of placing or spreading natural gas waste or oil waste on any road or real property located within the City of Hartford.

(c) Prohibitions

- 1) The application of natural gas waste or oil waste, whether or not such waste has received Beneficial Use Determination or other approval for use by the Department of Energy & Environmental Protection ("DEEP") or any other regulatory body, on any road or real property located within the City of Hartford for any purpose is prohibited.
- 2) The introduction of natural gas waste or oil waste into any wastewater treatment facility within or operated by the City of Hartford is prohibited.
- 3) The introduction of natural gas waste or oil waste into any solid waste management facility within or operated by the City of Hartford is prohibited.
- 4) The storage, disposal, sale, acquisition, transfer, handling, treatment and/or processing of natural gas waste or oil waste is prohibited within the City of Hartford.

(d) Provision to be included in bids and contracts related to the construction or maintenance of publicly owned and/or maintained roads or real property within the City of Hartford:

- 1) All bids and contracts related to the retention of services to construct or maintain any publicly owned and/or maintained road or real property within the City of Hartford shall include a provision stating that no materials containing natural gas or oil waste shall be utilized in providing such a service.
- 2) All bids and contracts related to the purchase or acquisition of materials to be used to construct or maintain any publicly owned and/or maintained road or real property within the City of Hartford shall include a provision stating that no materials containing natural gas or oil waste shall be provided to the City of Hartford.
- 3) The following statement, which shall be a sworn statement under penalty of perjury, shall be included in all bids related to the purchase or acquisition of materials to be used to construct or maintain any publicly owned and/or maintained road or real property within the City of Hartford and all bids related to the retention of services to construct or maintain any publicly owned and/or maintained road or real property within the City of Hartford: "We hereby submit a bid for materials, equipment and/or labor for the City of Hartford.. The bid is for bid documents titled _____. We hereby certify under penalty of perjury that no natural gas waste or oil waste will be used by the undersigned bidder or any contractor, sub-contractor, agent or vendor agent in connection with the bid; nor will the undersigned bidder or any sub-contractor, agent or vendor agent thereof apply any natural gas waste or oil waste to any road or real property within the City of Hartford as a result of the submittal of this bid if selected."

This ordinance shall apply to any and all actions occurring on or after the effective date of this ordinance. In response to a violation of this ordinance, the City of Hartford is empowered to a) issue "Cease and Desist" orders demanding abatement of the violation, b) seek any appropriate legal relief, including immediate injunctive relief, as a result of any violation of this ordinance; c) file a complaint with any other proper authority; and d) require remediation of any damage done to any land, road, building, aquifer, well, watercourse, air quality or other asset, be it public or private, within the City of Hartford. The City of Hartford may recoup from the offending person(s), jointly and severally, all costs, including experts, consultants and reasonable attorney's fees, that it incurs as a result of having to prosecute or remediate any infraction of this ordinance. For any violation of this Ordinance, the City of Hartford may also impose fines in the amount of \$250 per violation per day, or such other amount as is allowed by law, and seek any other remedies allowable under the law.

(f) Enforcement:

The City of Hartford's Department of Public Works is hereby empowered and authorized to, if appropriate, issue orders and other directives under this Ordinance and refer matters in connection therewith to the City of Hartford's Office of the Corporation Counsel. City of Hartford employees, officers and officials are not required to personally carry out testing of waste products to determine chemical contents, as this work may be done via contacting the State of Connecticut Department of Energy and Environmental Protection or the appropriate analytical laboratory or laboratories. If appropriate, the City of Hartford's Department of Public Works may request that the State of Connecticut Department of Energy and Environmental Protection pursue civil penalties allowable under the law.

(g) Severability

If any clause, sentence, paragraph, subdivision, section or part of this Ordinance or the application thereof to any person, individual, corporation, firm, partnership, entity or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, effect or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this Ordinance or in its application to the person, individual, corporation, firm, partnership, entity or circumstance directly involved in the controversy in which such order or judgment shall be rendered. To further this end, the provisions of this Ordinance are hereby declared to be severable.

(h) Conflicts with other Ordinances or Codes

In any case where a provision of this Ordinance is found to be in conflict with a provision of any other ordinance or code of the City of Hartford, the provision that establishes the higher standard for the protection of the health, safety, welfare and property of the residents of the City of Hartford shall prevail. In any case where a provision of this Ordinance is found to be in conflict with a provision of any other ordinance or code of the City of Hartford, which other ordinance or code establishes a lower standard for the protection of the health, safety, welfare and property of the residents of the City of Hartford, the provisions of this Ordinance shall be deemed to prevail, and such other ordinances or codes are hereby declared to be repealed to the extent that they may be found in conflict with this Ordinance.

(i) Transportation

Nothing in this ordinance shall be interpreted to ban the transportation of any product or by-product described herein on any roadway or real property within the City of Hartford.

This Ordinance shall take effect upon adoption.

INTRODUCED BY:

Majority Leader Concepción
Councilman James Sanchez
Minority Leader Wildalíz Bermudez

COURT OF COMMON COUNCIL

City of Hartford, August 14th, 2017

WHEREAS, Luis "Drak" Colón was born on July 1st, 1965 in Rio Piedras, Puerto Rico; and

WHEREAS, Mr. Colón moved to Hartford and graduated from Bulkeley High School in 1986; and

WHEREAS, he dedicated much of his life to playing, coaching, and mentoring softball players of all ages; and

WHEREAS, Mr. Colón made an invaluable impact to the players and their families in multiple softball leagues at Colt Park until his passing; and

WHEREAS, Los Amigos Softball League has collected over 200 signatures to honor Mr. Colón; now be it

RESOLVED, that softball field #8 at Colt Park be named Luis "Drak" Colón Field