

Chapter A182

LEGISLATIVE HISTORY

(SPECIAL ACTS OF GENERAL ASSEMBLY CONCERNING WEST HARTFORD)

- A. This chapter contains Special Acts of the General Assembly relating to West Hartford and deemed by town officials to be of sufficient general or historical interest to warrant printing in full in this volume. The original arrangement, section numbers, wording, etc., have been retained.
- B. Following is a list of the Special Acts not deemed to be of sufficient interest to warrant printing:

Year	Number or Volume	Subject
1859	p. 292, Vol. V	Annexation of part of Farmington
1893	p. 138, Vol. XI	Authority to construct sewers
1903	p. 85, Vol. XIV	Providing for sidewalks
1907	p. 163, Vol. XV	Authority to construct sewers; repeals 1893, p. 138 act
1911	p. 437, Vol. XVI	Authority to construct sewage disposal plants
1911	p. 446, Vol. XVI	Authority to maintain sewers
1911	p. 499, Vol. XVI	Authority to grant building permit
1913	p. 689, Vol. XVI	Water supply
1913	p. 690, Vol. XVI	Amends 1907 Sewers Act
1913	p. 717, Vol. XVI	Voting districts
1913	p. 833, Vol. XVI	Sprinkling and oiling of streets
1913	p. 949, Vol. XVI	Commission on town plan
1913	p. 952, Vol. XVI	Changes date of Annual Town Meeting; authorizes a Street Department and Board of Finance; extends power of town regarding construction of buildings
1915	p. 98, Vol. XVII	Powers of Town Plan Commission
1915	p. 151, Vol. XVII	Ordinances of town, miscellaneous
1915	p. 438, Vol. XVII	Transfer of water mains to Board of Water Commissioners

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Year	Number or Volume	Subject
1915	p. 63, Vol. XVII	Assessments of benefits and awards for damages in West Hartford
1915	p. 76, Vol. XVII	Amends 1907 act regarding sewers
1915	p. 84, Vol. XVII	Amends 1903 act regarding sidewalks
1915	p. 97, Vol. XVII	Amends 1913, p. 893, act regarding finances
1917	p. 798, Vol. XVII	Establishes Board of Police Commissioners
1917	p. 912, Vol. XVII	Authorizes town to construct trolley line
1917	p. 1173, Vol. XVII	Amends various acts
1919	p. 228, Vol. XVIII	Sewers, finances, School Committee and Assessment Commission
1920		Charter adopted by town vote November 2, 1920
1921	p. 356, Vol. XVIII	Validates 1920 Charter
1921	p. 913, Vol. XVIII	Election districts
1923	p. 10, Vol. XIX, Part I	Established Town Court
1923	p. 23, Vol. XIX, Part I	Amends 1917, p. 798, act establishing Board of Police Commissioners
1923	p. 85, Vol. XIX, Part I	Natural waterways
1923	p. 509, Vol. XIX, Part I	Amends Charter regarding voting districts
1923	p. 512, Vol. XIX, Part I	Assessments for street paving
1925	p. 913, Vol. XIX	Additional powers under Charter of 1920
1925	p. 693, Vol. XIX	Amends 1915, p. 63, act regarding benefits and awards
1925	p. 947, Vol. XIX	Amends 1915, p. 63, act regarding benefits and awards
1925	Sp. No. 470	Tax for collection of garbage, etc.
1927	Sp. No. 26	Amends 1907 act regarding sewers
1927	Sp. No. 30	Removal of snow and ice from sidewalks
1927	Sp. No. 36	Amends 1923, p. 512, act regarding paving of streets

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Year	Number or Volume	Subject
1927	Sp. No. 60	Established three-year terms for boards and commissions established by Council
1927	Sp. No. 192	Amends 1925, p. 934, act regarding zoning districts
1927	Sp. No. 214	Authorizes city to furnish water to town
1927	Sp. No. 331	Removal of obstructions to view at intersections
1927	Sp. No. 349	Amends 1923, p. 10, act regarding Town Court
1929	Sp. No. 35	Directs town to create Board of Health
1929	Sp. No. 36	Election of Town Councilmen
1929	Sp. No. 78	Amends 1927, Sp. No. 36, act regarding street paving
1929	Sp. No. 204	Concerns voting districts; repeals 1913, p. 717
1929	Sp. No. 383	Improvements on Prospect Avenue
1929	Sp. No. 395	Authorizes sewer bonds
1931	Sp. No. 82	Amends 1920 Charter regarding Town Council
1931	Sp. No. 94	Authorizes town to assess cost of public improvements on land outside town
1931	Sp. No. 95	Amends 1917, p. 798, regarding Board of Police Commissioners
1931	Sp. No. 105	Registration of voters
1931	Sp. No. 110	Registration of voters
1931	Sp. No. 147	Amends 1923, p. 10, regarding Town Court
1931	Sp. No. 176	Amends 1920 Charter regarding terms of boards, etc.
1931	Sp. No. 302	Places Simsbury Road in trunk line of highway
1931	Sp. No. 321	Authorizes metropolitan district
1931	Sp. No. 448	Board of Health; repeals 1925, Sp. No. 35

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Year	Number or Volume	Subject
1933	Sp. No. 266	Concerns town government; repeals 1917, p. 912, regarding trolley lines
1935	Sp. No. 4	Extending terms of office of officials
1935	Sp. No. 392	Amends 1933, No. 266, regarding finances
1935	Sp. No. 483	Old-age assistance tax
1935	Sp. No. 530	Revision of Charter
1937	Sp. No. 396	Validates certain irregular sales by Tax Collector of town
1937	Sp. No. 15	Consolidation of certain fire districts
1937	Sp. No. 18	Amends 1923 act establishing Town Court
1937	Sp. No. 20	Amends 1935 Charter
1939	Sp. No. 78	Attestation of land records
1939	Sp. No. 227	Amends Charter regarding boundaries
1941	Sp. No. 192	Amends Charter regarding duties of Collector of Revenue
1943	Sp. No. 40	Amends Charter regarding enactment of ordinances
1943	Sp. No. 42	Amends Charter regarding referendums
1943	Sp. No. 44	Amends Charter regarding powers and duties of Controller
1943	Sp. No. 405	Elimination of dangerous condition at named crossing
1945	Sp. No. 44	Amends 1935 Charter
1947	Sp. No. 56	Amends 1935 Charter regarding duties of Controller
1947	Sp. No. 382	Amends 1923 Act establishing Town Court
1947	Sp. No. 530	Amends 1935 Charter regarding building ordinances
1947	Sp. No. 531	Amends 1935 Charter regarding number of Selectmen
1949	Sp. No. 23	Authorizes sale of named property

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Year	Number or Volume	Subject
1949	Sp. No. 171	Amends 1935 Charter regarding fees paid to Clerk
1953	Sp. No. 1	Amends 1935 Charter regarding Pension Board
1953	Sp. No. 2	Amends 1935 Charter, various boards, etc.
1953	Sp. No. 3	Amends 1935 Charter regarding public parking
1953	Sp. No. 13	Amends 1935 Charter regarding Library Board; Town Planner
1953	Sp. No. 14	Amends 1923 Act establishing Town Court
1953	Sp. No. 15	Amends 1935 Charter regarding approval of appointments
1953	Sp. No. 247	Various amendments to 1935 Charter
1955	Sp. No. 72	Flood control in named area
1957	Sp. No. 562	1957 Charter
1957	Sp. No. 418	Concerns widening of specific highway in town
1959	Sp. No. 444	Amends 1957 Charter regarding zoning (provisions incorporated in present Charter)
1967	Sp. No. 101	Amends 1957 Charter regarding zoning (provisions incorporated in present Charter)
1969	Sp. No. 19	Amends 1957 Charter regarding zoning; duties of Board of Tax Review (provisions incorporated in present Charter)

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DIVISION 1 1854 Charter¹

Resolved by this Assembly:

Sec. 1. Incorporation.

That all that part of the town of Hartford, which is now included within the limits of the ecclesiastical society of West Hartford, with the inhabitants residing therein, be and the same is hereby incorporated into a separate town, under and by the name of West Hartford, with all the privileges and immunities and subject to all the duties and liabilities of other towns in this state, with the right to send one representative to the general assembly; and said town shall be a part of the probate district of Hartford and of the first senatorial district of this state.

Sec. 2. Responsibility for obligations of Hartford.

Said new town shall support and maintain all bridges within the same which have heretofore been supported by the town of Hartford; all paupers whom the town of Hartford now is or hereafter would (if this act were not passed) be liable to support on account of the legal settlement of said paupers in that part of Hartford hereby incorporated into a new town; and said new town shall execute and perform all contracts now subsisting between the town of Hartford and any other person or persons for all public works within the limits of said new town, and save the town of Hartford from all expense on account thereof.

Sec. 3. Finances, etc.

Said towns of Hartford and West Hartford shall respectively release to each other all their interest in the bridges, public buildings and other public estate without their respective limits; and said town of West Hartford shall be entitled to its proportion of the benefits, if any there be, and subject to its proportion of the liabilities, if any there be, connected with the town deposit fund, which proportion shall be according to the last enumeration of scholars in the society of West Hartford and the other portion of the town of Hartford; and the collector of the town of Hartford shall pay over to the treasurer of said new town such portion of the taxes laid on the grand list of 1859 as shall be realized from polls and ratable estate within said town of West Hartford; and said town of Hartford shall indemnify said new town against any and all liabilities to pay any part of the subsisting debt of the town of Hartford other than such indebtedness as may be connected with the town deposit fund, and said new town shall reimburse said town of Hartford for all expenditures made by such town of Hartford within the limits of said new town since the last annual meeting of the town of Hartford, and also for such portion of the state tax laid at said meeting as ought ratably to be paid by the inhabitants of said new town, and shall also assume and defray all expenditures and liabilities incurred by said town of Hartford for public works within the society of West Hartford, in anticipation of the

¹ Editor's Note: This Division contains the original 1854 Charter of the Town, found at Vol. IV, page 1282, No. 185 of the Special Acts of Connecticut of 1854.

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aforesaid taxes laid at said last annual meeting, and shall also reimburse said town of Hartford for all expenditures made and liabilities incurred for the new cemetery within said town of West Hartford; and the selectmen of said towns of Hartford and West Hartford are authorized to make any and all agreements and execute any and all instruments necessary to carry out the provisions of this section, and in case of any disagreement between them, the selectmen of either of said towns may apply to Samuel H. Woodruff, Esq., of Simsbury, who may decide and direct as to any matter of controversy arising under this act, and judgment and award shall be final and conclusive; and the expenses of such arbitration shall be borne equally by said towns.

Sec. 4. Town to constitute highway district.

Said new town shall be a highway district by itself, and the remaining portion of the town of Hartford outside of the limits of the city of Hartford shall be a highway district by itself, and the last mentioned district shall be subject to pay a two per cent highway tax, as now by law provided.

Sec. 5. First meeting.

The first meeting of the said new town shall be held on the third Monday of June, A.D. 1854, at the Vestry Room of the Congregational society in said town, at two o'clock in the afternoon; and Solomon S. Flagg, Esq., or in case of his failure to attend the same, H. G. Webster, Esq., shall be moderator of said meeting; and said meeting shall be warned by setting up a notice of the same on the public signpost in said new town, and at such other public place or places as said persons or either of them may think proper, at least five days before said meeting. And said town of West Hartford shall, at said first meeting have all the powers incident to other towns in the state, and full right to act accordingly; to elect town officers, and the officers so elected at such meeting shall hold their offices until others are chosen and sworn in their stead.

Sec. 6. When effective.

This resolve shall take effect from its passage.

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DIVISION 2
Boundary Adjustment, 1871
Vol. VII. Page 114.

CHANGING THE DIVISION
LINE BETWEEN THE TOWNS OF
HARTFORD AND WEST HARTFORD

RESOLVED BY THIS ASSEMBLY: That an alteration in the division line between the towns of Hartford and West Hartford shall be as follows; viz.:

From Farmington avenue north to Bloomfield town line, to remain as at present located; but changing the line from Farmington avenue, south as follows:

Commencing at the northwest corner of Farmington avenue at the present boundary stone, it shall cross Prospect Hill road to the northeast corner of said road and Farmington avenue; from thence running south on the east line of said Prospect Hill road to Park street road; thence in a direct line across Park street road to the McKegg road; and thence south on east line of the McKegg road and the east line of the Baker road until it strikes the present boundary line; thence south on the present boundary line between Hartford and West Hartford, to Newington town line.

Approved, July 19, 1871.

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DIVISION 3
Boundary Adjustment, 1913
Vol. XVI. Page 849.
(193)

AN ACT EXTENDING THE LIMITS OF
THE CITY OF HARTFORD

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Sec. 1. Extension of city of Hartford limits to include portion of West Hartford.

The territorial limits of the body politic and corporate, existing under the name of the city of Hartford, shall hereafter consist of the land and territory included in the present territorial limits, and in addition thereto, the land and territory hereinafter described:

All that portion of the highway known as Prospect avenue, situated in the town of West Hartford, between the limits of the north line of Farmington avenue and the south line of Park street, and bounded by the present dividing line between said town of West Hartford and said city of Hartford, and a line parallel to and seventy feet westerly from said dividing line; and all the land included in said bounds is hereby annexed and added to the corporate territory of the city of Hartford, and shall be included for purposes of suffrage and for all other purposes in the tenth ward of said city.

Sec. 2. Construction of streets, sidewalks, etc.; assessment.

The court of common council of the city of Hartford shall have exclusive power to lay out, alter, and construct within the territory so added by this resolution, highways, streets, sidewalks, curbs, gutters, sewers, and crosswalks. The board of street commissioners of said city may cause to be sprinkled or watered said highways, and may lay, with the approval of said court of common council, improved pavement thereon. Said court of common council may assess such part of the expense of such public work, including sprinkling and improved pavement, upon persons whose property is in the judgment of said court specially benefited thereby, whether such property is located in the city of Hartford, or in the town of West Hartford, and shall estimate the proportion of such expense which said persons shall respectively defray and enforce the collection of the same, or may, if they deem proper, assess the expense of any such public work, including repairs and including sprinkling and improved pavement directly upon the land benefited thereby, describing said land in said assessments by metes and bounds and specifying the amount so assessed on each piece so described respectively. Said land, on default of payment of said assessment within six months after public notice thereof shall have been given, shall be liable to be sold for the payment of the same.

Sec. 3. Assessment of abutting West Hartford lands.

All ordinances or parts of ordinances now or hereafter passed by the city of Hartford, concerning assessment and notice of the cost of public works and improvements shall be applicable to the land added to the territorial limits of the city of Hartford by this act and to the

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land abutting thereon, although situated in West Hartford, to the same extent as if said land in West Hartford, and found by the court of common council to be benefited by the layout, construction, and repair of any public work or improvement, including sprinkling of and improved pavements on said Prospect avenue, were within the present corporate limits of the city of Hartford, and the provisions of the charter of the city of Hartford respecting appeals from assessments for municipal improvements shall apply to all owners of property situated in West Hartford, which property, under the provisions of this act, may be assessed for such improvements.

Approved, May 30, 1913.

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DIVISION 4
Boundary Adjustment, 1915
Vol. XVI I. Page 214.

AN ACT EXTENDING THE CORPORATE
LIMITS OF THE CITY OF HARTFORD.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Sec. 1. Extension of city of Hartford limits to include portion of West Hartford.

The territorial limits of the body politic and corporate, existing under the name of the city of Hartford, shall hereafter consist of the land and territory included in the present territorial limits, and in addition thereto, the land and territory hereinafter described:

All that portion of the highway known as Prospect avenue, situated in the town of West Hartford, between the limits of the north line of Farmington avenue and the north line of Albany avenue, and bounded by the present dividing line between said town of West Hartford and said city of Hartford, and the westerly line of said Prospect avenue, and all the land included in said bounds is hereby annexed and added to the corporate territory of the city of Hartford, and shall be included for purposes of suffrage and for all other purposes, as follows:

From Farmington avenue to the north line of Asylum avenue in the tenth ward in said city, and from the north line of Asylum avenue to Albany avenue in the fourth ward in said city.

Sec. 2. Construction of streets, sidewalks etc.; assessment.

The court of common council of the city of Hartford is hereby given exclusive power to lay out, alter, and construct, within the territory so added under the provisions of this act, highways, streets, sidewalks, curbs, gutters, sewers, and crosswalks. The board of street commissioners of said city may cause said highway to be sprinkled or watered, and may lay, with the approval of said court of common council, improved pavement thereon. Said court of common council may assess such part of the expense of such public work, including sprinkling and improved pavement, upon persons whose property is in the judgment of said court specially benefited thereby, whether such property is located in the city of Hartford, or in the town of West Hartford, and shall estimate the proportion of such expense which such persons shall respectively defray and enforce the collection of the same, or may, if they deem proper, assess the expense of any such public work, including repairs and including sprinkling and improved pavement directly upon the land benefited thereby, describing such land in such assessments by metes and bounds and specifying the amount so assessed on each piece so described. Such land, on default of payment of such assessment within six months after public notice thereof, shall be liable to be sold for the payment of the same.

Sec. 3. Assessment of abutting West Hartford land.

All ordinances, or parts thereof, concerning assessment and notice of cost of public works and improvements shall be applicable to the land added to the territorial limits of the city of

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Hartford under the provisions of this act and to the land abutting thereon, although situated in West Hartford, to the same extent as if said land were situated in Hartford, and found by the court of common council to be benefited by the layout, construction, and repair of any public work or improvement, including sprinkling of and improved pavements on said Prospect avenue, and the provisions of the charter of the city of Hartford respecting appeals from assessments for municipal improvements shall apply to all owners of property situated in West Hartford, which property, under the provisions of this act, may be assessed for such improvements.

Approved, April 29, 1915.

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DIVISION 5
Boundary Adjustment, 1943
(Sp. No. 57)

AN ACT CONCERNING THE RE-ESTABLISH-
MENT OF PORTIONS OF THE BOUNDARY
LINE BETWEEN THE TOWNS OF FARMINGTON
AND WEST HARTFORD

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Sec. 1. Re-established — Tunxis road.

The boundary line between the towns of Farmington and West Hartford at the northerly end of Woodruff road and along Tunxis road, also known as Middle road, shall be as follows:

Beginning at a point on the present town line between the town of Farmington and the town of West Hartford and on the easterly highway line of Woodruff road, said point being marked by a granite monument, thence running in a northerly direction along the easterly highway line of Woodruff road, six hundred nineteen and seven-tenths feet, to the intersection of said easterly highway line with the southerly highway line of Tunxis road also known as Middle road, thence running along said southerly highway line as adopted at a public hearing held by the town of Farmington on June 26, 1940, in a southwesterly direction about two thousand one hundred eighty-eight feet to a point on said southerly highway line, one hundred feet westerly of a Farmington town highway bound, thence running northerly at right angles to said southerly highway line, eighty-two and five-tenths feet, to a point on the northerly highway line of said Tunxis or Middle road so-called, thence running in a southwesterly direction along said northerly highway line as adopted at a public hearing held by the town of West Hartford on April 8, 1942, about two thousand one hundred seventy-five feet to a point marking the intersection of said northerly highway line with the present town line between the town of Farmington and the town of West Hartford.

Sec. 2. Same — Hawley road.

The boundary line between said towns along the former town highway known as Hawley road and the easterly end of Mountain Spring road shall be as follows:

Beginning at a granite monument on the present town line between the town of Farmington and the town of West Hartford and on the southerly side of Hawley road, said monument being also located six hundred ninety-seven and eight-tenths feet northerly of the intersection of said town line with the northerly highway line of the state highway leading from Farmington to West Hartford, thence turning at an angle of $92^{\circ} - 34'$ to the right of said town line and running in a westerly direction one thousand eight hundred forty-one and four-tenths feet to an old monument on the north side of Hawley road marking the division or halfway point on said road, thence continuing the same course one thousand eight hundred fifty-five and two-tenths feet to a point on the present town line between the town of Farmington and the town of West

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Hartford, said point being located one hundred seventy-eight and four-tenths feet northerly of a town line monument at the bend of Mountain Spring road.

Approved, March 25, 1943.

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**DIVISION 6
ZONING
Vol. XIX. Page 934.
(469)**

AN ACT AUTHORIZING THE TOWN OF
WEST HARTFORD TO CREATE ZONING DISTRICTS

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Sec. 1. Authority to regulate.

The town council of the town of West Hartford is authorized to regulate the height, number of stories and size of buildings and other structures, the percentage of the area of the lot that may be occupied, the size of yards, courts and other open spaces, the density of population and the location and use of buildings, structures and land for trade, industry, residence or other purposes, within the limits of said town. Such regulations may provide that a board of appeals may determine and vary their application in harmony with their general purpose and intent, and in accordance with general or specific rules therein contained.

Sec. 2. Establishment of districts.

Said council may divide said town into districts of such number, shape and area as may be best suited to carry out the purposes of this act; and, within such districts, it may regulate the erection, construction, reconstruction, alteration or use of buildings or structures and the use of land. All such regulations shall be uniform for each class or kind of buildings or structures throughout each district, but the regulations in one district may differ from those in another district.

Sec. 3. Comprehensive plan, etc.

Such regulations shall be made in accordance with a comprehensive plan and shall be designed to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population and to facilitate the adequate provision for transportation, water, sewerage, schools, parks and other public requirements. Such regulations shall be made with reasonable consideration as to the character of the district and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout such town.

Sec. 4. Enforcement of regulations.

Said town council shall provide for the manner in which such regulations and the boundaries of such districts shall be respectively enforced and established and amended or changed. No such regulation or boundary shall become effective or be established until after a public hearing

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in relation thereto, held by said town council, at which parties in interest and citizens shall have an opportunity to be heard. At least fifteen days' notice of the time and place of such hearing shall be published in a newspaper having a substantial circulation in said town.

Sec. 5. Amendment of regulations.

Such regulations and boundaries, may, from time to time, be amended, changed or repealed. If any protest shall be filed with said council against any such change, signed by the owners of twenty per centum or more of the area of the lots included in such proposed change, or of those immediately adjacent in the rear thereof extending one hundred feet therefrom, or of those directly opposite thereto extending one hundred feet from the street frontage of such opposite lots, such change shall not become effective except by a vote of all the members of said town council. The provisions of section four of this act relative to public hearing and official notice shall apply to all changes or amendments.

Sec. 6. Commission.

Said town council shall appoint a commission to be known as the zoning commission to recommend the location of the boundaries of the various districts and the regulations to be enforced therein. Such commission shall make a preliminary report and hold public hearings before submitting its final report; and said town council shall not hold its public hearings or take action until it shall have received the final report of such commission. The present zoning commission of said town may be appointed as the new zoning commission.

Sec. 7. Board of appeals.

There shall be a board of appeals consisting of five members, and, when said board shall be first appointed, one member shall be appointed to serve for one year, one member for two years, one member for three years, one member for four years and one member for five years, and thereafter one member shall be appointed to said board annually for a term of five years at the time members of other commissions shall be appointed in said town. The members of said board of appeals shall be appointed by said town council and any member of said board may be removed for cause by said town council, but before any member of said board of appeals shall be removed, charges against him shall be presented to him in writing and he shall be given reasonable opportunity to be heard in his own defense. Any vacancy shall be filled for the unexpired portion of the term of the member whose place shall have become vacant. All meetings of said board shall be held at the call of the chairman and at such other times as said board may determine. Such chairman, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of said board shall be open to the public. Said board shall keep minutes of its proceedings, showing the vote of each member upon every question, or, if absent or failing to vote, indicating such fact, and shall also keep records of its examinations and other official actions. Every rule or regulation and every amendment or repeal thereof, and every order, requirement or decision of the board shall immediately be filed in the office of the board and shall be a public record.

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Sec. 8. Appeals.

Said board of appeals shall hear and decide appeals from and may review, modify or reverse, any order, requirement or decision made by any administrative official charged with the enforcement of any ordinance adopted pursuant to the provisions of this act. It shall also hear and decide all matters referred to it or upon which it shall be required to pass under any such ordinance. The concurring vote of four members of the board shall be necessary to reverse any order, requirement or decision of any such administrative official, or to decide in favor of the appellant any matter upon which it shall be required to pass under any such ordinance or to effect any variation in any such ordinance. Such appeal may be taken by any person aggrieved or by any officer, department, board or bureau of the town, and shall be taken within such time as shall be prescribed by a rule adopted by said board, by filing with the officer from whom the appeal shall have been taken and with said board a notice of appeal, specifying the grounds thereof. The officer from whom the appeal shall have been taken shall forthwith transmit to said board all the papers constituting the record upon which the action appealed from was taken.

Sec. 9. Stay of proceedings pending appeal.

An appeal shall stay all proceedings in the action appealed from, unless the officer from whom the appeal shall have been taken shall certify to the board of appeals after the notice of appeal shall have been filed with him that, by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by a court of record on application, on notice to the officer from whom the appeal shall have been taken, and on due cause shown.

Sec. 10. Hearing on appeal.

Said board shall fix a reasonable time for the hearing of any appeal and use due notice thereof to the parties and decide the same within a reasonable time. At such hearing, any party may appear in person and may be represented by agent or by attorney. Said board may reverse or affirm, wholly or partly, or may modify the order, requirement or decision appealed from, and shall make such order, requirement or decision as, in its opinion, ought to be made in the premises, and shall have all the powers of the officer from whom the appeal shall have been taken. If there shall be difficulty or unreasonable hardship in carrying out the strict letter of such ordinance, said board shall have authority, in passing upon appeals, to vary or modify the application of any of the regulations or provisions of such ordinance relating to the use, construction or alteration of buildings or structures or the use of land, so that the spirit of the ordinance shall be observed, public safety and welfare secured and substantial justice done.

Sec. 11. Judicial review of board decisions — Permitted.

Any person or persons severally or jointly aggrieved by any decision of said board, or any officer, department, board or bureau of said town, charged with the enforcement of any order, requirement or decision of said board, may, within fifteen days from the date when such decision shall have been rendered, take an appeal to the court of common pleas or the superior

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court for Hartford County, which appeal shall be made returnable to such court in the same manner as that prescribed for civil actions brought to such courts. Notice of such appeal shall be given by leaving a true and attested copy thereof with said board not less than twelve days before the return day to which such appeal shall have been taken. The appeal shall state the reasons upon which it shall have been predicated and shall not stay proceedings upon the decision appealed from, but the court to which such appeal shall be returnable may, on application, on notice to the board and on cause shown, grant a restraining order. The authority issuing the citation in such appeal shall take from the appellant, unless such appellant be an official of the town, a bond or recognizance to such board with surety to prosecute such appeal to effect and comply with the orders and decrees of the court.

Sec. 12. Same — Return of papers.

Said board shall be required to return either the original papers acted upon by it, and constituting the record of the case appealed from, or certified copies thereof.

Sec. 13. Same — Taking of testimony, etc.; decision.

The court, upon such appeal, shall review the proceedings of said board and, if, upon the hearing upon such appeal, it shall appear to the court that testimony is necessary for the equitable disposition of the appeal, it may take evidence or appoint a referee or committee to take such evidence, as it may direct, and report the same to the court with his findings of fact and conclusions of law, which report shall constitute a part of the proceedings upon which the determination of the court shall be made. The court, upon such appeal, and after a hearing thereon, may reverse or affirm, wholly or partly, or may modify or revise the decision appealed from.

Sec. 14. Same — Costs.

Costs shall not be allowed against said board unless it shall appear to the court that it acted with gross negligence or in bad faith or with malice in making the decision appealed from.

Sec. 15. Same — Priority.

Appeals from decisions of said board shall be privileged cases to be heard by the court, unless cause shall be shown to the contrary as soon after the return day as shall be practicable.

Sec. 16. Action to abate or prevent violations.

If any building or structure shall have been erected, constructed, alter, converted or maintained, or any building, structure or land shall have been used, in violation of any provision of this act or of any ordinance or other regulation made under authority conferred hereby, any official having jurisdiction, in addition to other remedies, may constitute an action or a proceeding to prevent such unlawful erection, construction, alteration, conversion, maintenance or use or to restrain, correct or abate such violation or to prevent the occupancy of

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such building, structure or land or to prevent any illegal act, conduct, business or use about such premises.

Sec. 17. Inspections.

Such regulations shall be enforced by the building inspector or the officer or official board or authority designated therein, who shall be authorized to cause any building, structure, place or premises to be inspected and examined and to order in writing the remedying of any condition found to exist therein or thereon in violation of any provision of the regulations made under authority of the provisions of this act. The owner or agent of any building or premises where a violation of any provision of such regulations shall have been committed or shall exist, or the lessee or tenant of any entire building or entire premises where such violation shall have been committed or shall exist, or the owner, agent, lessee or tenant of any part of the building or premises in which such violation shall have been committed or shall exist, or the agent, architect, builder, contractor or any other person who shall commit, take part or assist in any such violation or who shall maintain any building or premises in which any such violation shall exist, shall be fined not less than ten nor more than one hundred dollars for each day that such violation shall continue; but, if the offense be willful, the person convicted thereof shall be fined not less than one hundred nor more than two hundred and fifty dollars of [for] each day that such violation shall continue or imprisoned not more than ten days for each day such violation shall continue or both.

Sec. 18. Penalty — Generally.

Any person who, having been served with an order to discontinue any such violation, shall fail to comply with such order within ten days after such service or who shall continue to violate any provision of the regulations made under authority of the provisions of this act specified in such order shall be subject to a civil penalty of two hundred and fifty dollars, payable to the treasurer of said town.

Sec. 19. Same — Failure to comply with summons of board.

Any person who shall fail to comply with any lawful summons of the board of appeals, or to testify before said board when called upon so to do, concerning any matter before said board for hearing or review, shall be fined not more than one hundred dollars or imprisoned not more than thirty days or both.

Sec. 20. Conflict with other laws.

If the regulations made under authority of the provisions of this act shall require a greater width or size of yards, courts, or other open spaces, or a lower height of buildings or less number of stories, or a greater percentage of lot area to be left unoccupied, or impose other and higher standards than shall be required in any other statute, ordinance or regulation, the provisions of the regulations made under authority of the provisions of this act shall govern. If the provisions of any other statute, ordinance or regulation shall require a greater width or size of yards, courts or other open spaces or a lower height of building or a less number of stories or

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a great[er] percentage of lot area to be left unoccupied or impose other and higher standards than shall be required by the regulations made under the provisions of this act, the provisions of such statute, local ordinance or regulation shall govern.

Sec. 21. Prior zoning regulations to remain in effect until amended.

The zoning regulations adopted by the zoning commission of West Hartford, March 22, 1924, shall be deemed to have been adopted under the provisions of this act. Such regulations shall remain in effect until they shall have been amended or repealed by the town council, and the board of adjustment created pursuant to the provisions of Chapter 279 of the Public Acts of 1923 shall, until superseded by a board of appeals as herein provided, have all the powers and duties of such a board of appeals, and its orders or decisions shall be subject to review as herein provided.

Sec. 22. Chapter 279 of Public Acts of 1923 not applicable to town.

The provisions of said Chapter 279 shall not apply to the town of West Hartford.

Approved, June 24, 1925.

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DIVISION 7
Incinerator Residue
(373)

AN ACT CONCERNING INCINERATOR RESIDUE
IN THE TOWN OF WEST HARTFORD

The deposit, in any area of the town of West Hartford permitted under its zoning laws, of the residue from the incinerator operated by said town, which is inert, sanitary and noncombustible and its transportation in closed vehicles from the incinerator to the place of deposit, is not a nuisance.

Approved, July 6, 1967.

LEGISLATIVE HISTORY

DIVISION 8
Street and Sidewalk
Assessments and Maintenance
Vol. XVII. Page 798.
(107)

AN ACT AMENDING THE CHARTER OF THE
CITY OF HARTFORD CONCERNING LIENS IN
WEST HARTFORD AND WALKS ON THE WEST
SIDE OF PROSPECT AVENUE

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Sec. 1. Removal of snow and ice from West Hartford sidewalks abutting Prospect avenue.

The court of common council of the city of Hartford is authorized to enact ordinances to compel the occupants, persons in charge or owners of land or buildings in the town of West Hartford fronting or abutting on the west side of Prospect avenue to remove snow and ice from the sidewalks on the west side of said avenue, and to provide for the punishment by fine of the violation of said ordinances in the same manner and to the same extent as if said lands and buildings were within the limits of the city of Hartford, provided such ordinances are the same in tenor as ordinances which are in force with respect to the removal of snow and ice by persons residing in the city of Hartford.

Sec. 2. Benefits assessed on abutting West Hartford land to constitute lien, etc.

Benefits assessed or sprinkling assessments said pursuant to the charter powers granted under an act extending the limits of the city of Hartford, approved May 20, 1913, and under an act extending the corporate limits of the city of Hartford, approved April 29, 1915, against the owners of property in West Hartford, and also the cost or expense to the city of Hartford, of removing snow and ice from the sidewalk on the west side of Prospect avenue, or of making said sidewalk safe for public travel, shall constitute a lien upon the land on account of which said benefits were assessed, said sprinkling assessments laid, or in front of which said sidewalks were cleared of snow or ice, or made safe for public travel, as the case may be, which lien shall attach at the same time and be enforceable in the same manner as similar liens upon property in the city of Hartford, except that the certificate of lien on said property in West Hartford shall in each case be lodged with the town clerk of the town of West Hartford. The court of common council of the city of Hartford shall have power to enact ordinances in regard to the enforcement of such liens on said property in West Hartford where it has such power as to similar liens on property within said city provided such ordinances are the same in tenor as ordinances which are in force with respect to similar liens on property within said city.

Approved, March 27, 1917.