

OFFICE OF THE CITY CLERK  
HARTFORD, CONNECTICUT

PUBLIC HEARING NOTICE  
HARTFORD MUNICIPAL BUILDING 550 MAIN STREET

MONDAY NOVEMBER 20, 2017  
7:00p.m.

**Councilpersons; Gale, Jennings, Sanchez, Thames and Winch 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 November 20, 2017.**

- 1. ORDINANCE AMENDING CHAPTER 2, ARTICLE V DIVISION 9B TO CHANGE THE NAME OF THE HARTFORD COMMISSION ON LESBIAN, GAY, BISEXUAL, AND TRANSGENDER ISSUES TO HARTFORD LGBTQ+COMMISSION, OF THE MUNICIPAL CODE.**

Referred to the Legislative Affairs Committee

- 2. ORDINANCE AMENDING CHAPTER 31, ARTICLE V CONCERNING SNOW AND ICE REMOVAL OF THE MUNICIPAL CODE.**

Referred to the Quality of Life and Public Safety Committee

- 3. ORDINANCE AMENDING CHAPTER 17 TO ADD ARTICLE VI - PREGNANCY INFORMATION DISCLOSURE AND PROTECTION OF THE MUNICIPAL CODE.**

Referred to the Health & Human Services Committee

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

- A regular **Legislative Affairs Committee** meeting will be held on the second Wednesday of each month at 5:30 P.M. in the Council Chambers.

**Kevin L. Murray** 860-757-9563  
[Kevin.murray@hartford.gov](mailto:Kevin.murray@hartford.gov)

- 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](mailto:Kevin.murray@hartford.gov)

**Adrian Texidor** 860-757-9567  
[adrian.texidor@hartford.gov](mailto:adrian.texidor@hartford.gov)

- A regular meeting of the **Health & Human Services Committee** will take place on the First Monday of each month at 5:30 P.M, except for holidays and special dates, in the Council Chambers 2nd floor 550 Main Street, Hartford CT.

**Shelly Jackson** (860) 757-9569  
[JACKS004@hartford.gov](mailto:JACKS004@hartford.gov)

**Attest:**

**John V. Bazzano**  
City Clerk



ITEM #

ON AGENDA

Luke A. Bronin  
Mayor

October 23, 2017

Honorable Thomas J. Clarke II, Council President, and  
Members of the Court of Common Council  
City of Hartford  
550 Main Street  
Hartford, CT 06103

**RE: Commission Renaming**

Dear Council President Clarke:

Attached for your consideration is an ordinance amending Chapter 2, Article V, Division 9B of the Municipal Code. The purpose of the amendment is to change the name of the Hartford Commission on Lesbian, Gay, Bisexual, and Transgender Issues to "**Hartford LGBTQ+ Commission**".

As you know, the Commission had become inactive in 2014 and, earlier this year, I appointed five new members and charged them with reinvigorating the Commission. They have reviewed the governing ordinance and have recommended that the name be changed to the Hartford LGBTQ+ Commission to be as inclusive as possible and to more appropriately reflect the terms used by members of the community. I recommend this change for your consideration.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Luke A. Bronin".

Luke A. Bronin  
Mayor

550 Main Street  
Hartford, Connecticut 06103  
Telephone (860) 757-9500  
Facsimile (860) 722-6606

Introduced by:

Mayor Luke A. Bronin

HEADING  
AND  
PURPOSE

**AN ORDINANCE AMENDING CHAPTER 2, ARTICLE V, DIVISION 9B OF THE  
HARTFORD MUNICIPAL CODE**

COURT OF COMMON COUNCIL,  
CITY OF HARTFORD

October 23, 2017

Be It Hereby Ordained by the Court of Common Council of the City of Hartford that Chapter 2, Article V, Division 9B of the Municipal Code be amended as follows.

**DIVISION 9B – [HARTFORD COMMISSION ON LESBIAN, GAY, BISEXUAL AND  
TRANSGENDER ISSUES] HARTFORD LGBTQ+ COMMISSION**

**Sec. 2-286. - Established; purpose and duties.**

There is hereby established the Hartford LGBTQ+ (Lesbian, Gay, Bisexual, Transgender, Queer Plus) Commission [on Lesbian, Gay, Bisexual and Transgender Issues]. The purpose of the Hartford LGBTQ+ Commission [on Lesbian, Gay, Bisexual and Transgender Issues] shall be:

- (1) To assist in the elimination of bigotry, discrimination and prejudice against [lesbian, gay, bisexual and transgender] persons of the LGBTQ+ community in the City.
- (2) To study the conditions and needs of lesbians, gays, bisexuals and transgender persons in Hartford and make recommendations to the court of common council regarding City policy, services, goals and administration, and their impact on persons of the LGBTQ+ community [lesbians, gay men, bisexuals, and transgender individuals] in Hartford.
- (3) To hold forums or public hearings as it deems necessary for the purpose of gathering information or providing information to the public.
- (4) To provide information to the community concerning the commission's activities and to serve as an educational resource within the community to fight bigotry, discrimination and prejudice on the basis of sexual orientation, gender identity or gender expression.
- (5) To serve as a clearinghouse for information and resources regarding issues concerning the [lesbian, gay, bisexual and the transgender] LGBTQ+ community.
- (6) The commission shall file periodic reports with the mayor's office and with the town clerk for transmittal to the court of common council, which council shall review said reports for council action.

(Ord. No. 22-92, 4-27-92; Ord. No. 46-03, 9-8-03; Ord. No. 16-04, 10-25-04; Ord. No. 1-12, 1-23-12)

**Sec. 2-287. - Membership; terms; offices; meetings; compensation.**

(a) *Membership.* The Hartford LGBTQ+ Commission [on Lesbian, Gay, Bisexual and Transgender Issues] shall be comprised of fifteen (15) members, who shall be appointed by the mayor and confirmed as members by the court of common council. The composition of this commission shall reflect, but is not limited to, the diversity of the LGBTQ+ community [lesbian, gay, bisexual, and transgender persons] in the [C]city of Hartford and in Hartford County whose backgrounds encompass different ages and abilities, as well as economic, ethnic, racial and social groups. Not less than a majority of the members shall be Hartford electors.

(b) *Compensation.* The members of the commission shall serve without compensation.

(c) *Terms.* Members shall serve for three-year terms, except of the fifteen (15) members first appointed, five (5) shall serve for a term of one (1) year, five (5) shall serve for a term of two (2) years, and five (5) shall serve for a term of three (3) years. Each member shall serve for the term appointed and until a successor is appointed and confirmed. In the event of death, inability to serve or resignation of any member of the commission, a successor shall be appointed by the mayor and confirmed by the council to serve the unexpired period of the term for which such member has been appointed.

(d) *Officers.* The commission shall elect a chairperson, a vice-chairperson and a secretary annually from its membership.

(e) *Meetings.* The commission shall meet at least once monthly at a time and place to be determined by the commission and at such other times as determined by the chairperson. All members shall be given at least forty-eight (48) hours' notice of all regular or special meetings. A quorum shall consist of a majority of all members of the commission. The commission shall keep records of its meetings.

(Ord. No. 22-92, 4-27-92; Ord. No. 46-03, 9-8-03; Ord. No. 17-04, 10-25-04; Ord. No. 1-12, 1-23-12)

**Sec. 2-288. - Funding; clerical assistance.**

a) The commission may apply for any federal, state, local or private grants or funding for all or any of its purposes, and carry out a funding program to achieve its purposes as set forth in section 2-286 above.

b) The commission may accept, with prior approval of the council, on behalf of the city, contributions, grants, bequests or assistance for all or any of its purposes.

c) The council may make appropriations to cover the expenses of the commission, including, but not limited to, staff expenses.

d) The Division of Human Relations of the Finance Department [office of corporation counsel] shall provide such clerical and staff assistance as the commission may need and shall designate one (1) or more representatives from that office as a liaison with the commission for the purposes of coordinating its activities with the activities of other departments, agencies and commissions.

(Ord. No. 22-92, 4-27-92; Ord. No. 46-03, 9-8-03; Ord. No. 30-11, 5-23-11)

Introduced by:

Councilman Julio Concepcion

HEADING  
AND  
PURPOSE

**AN ORDINANCE AMENDING CHAPTER 31, ARTICLE V OF THE HARTFORD  
MUNICIPAL CODE**

COURT OF COMMON COUNCIL,  
CITY OF HARTFORD

October 23, 2017

Be It Hereby Ordained by the Court of Common Council of the City of Hartford that Chapter 31, Article V – Snow and Ice Removal be amended as follows.

**ARTICLE V. - SNOW AND ICE REMOVAL**

**Sec. 31-141. - Enforcement of article.**

It shall be the duty of the department of police, under the direction of the chief of police, to see that the provisions of this article are complied with.

**Sec. 31-142. - Defense available to owners for violations by tenants.**

In prosecutions against any property owner arising from a violation of this article, the defendant shall be allowed to show that the occupant of the premises has agreed to conform to the provisions of this article and to save the owner harmless from all fines for violation thereof. Proof of such agreement shall be a sufficient defense to such prosecution.

**Sec. 31-143. - Duty of property owner, occupant, etc., to remove snow from sidewalks.**

The tenant, occupant, owner or agent of any premises abutting upon any street or public place in the City where there is a sidewalk graded, paved or planked, shall cause all snow to be removed from such sidewalk within six (6) hours after the conclusion of the storm [it has fallen, been deposited or found, or within three (3) hours after sunrise when the snow has fallen in the nighttime].

**Sec. 31-144. - Fire hydrants to be cleared.**

All snow and ice accumulating in the street higher than a point four (4) inches below the bottom of the lowest outlet on any fire hydrant, and within a radius of three (3) feet from the center of such hydrant, shall be removed by the tenant, occupant, owner or agent of the premises fronting on that portion of the street, within six (6) hours after such snow and ice has ceased to fall or accumulate, or within three (3) hours after sunrise when the snow has fallen in the nighttime.

**Cross reference**— Fire prevention and protection generally, Ch. 13.

**Sec. 31-145. - Removing or sanding ice and sleet on sidewalks.**

Whenever any sidewalk mentioned in section 31-143, or any part thereof, is covered with ice, the tenant, occupant, owner or agent of the premises shall, within six (6) hours of the conclusion of a storm [thereafter or within three (3) hours after sunrise] cause such sidewalk to be made safe and convenient by removing the ice therefrom, or by covering the sidewalk with sand or some other suitable substance.

**Sec. 31-146. - Penalty for snow and ice violations.**

The tenant, occupant, owner or agent of any premises whose duty it is to clear the sidewalk adjacent thereto who violates any of the provisions of sections 31-143 through 31-145, section 31-149, or section 31-151 or who refuses or neglects to comply with such sections shall be subject to the issuance of a citation and a fine of ninety-nine dollars (\$99.00). Each day such violation continues shall constitute a separate violation.

**Sec. 31-147. - Liability of officers and directors of corporations.**

Whenever a corporation violates the provisions of sections 31-143 through 31-145, the officers and directors of such corporation shall be personally liable to pay any fine incurred by such corporation.

**Sec. 31-148. - Duty of city officers to clear sidewalks owned by city; liability.**

It shall be the duty of the Director of Public Works to cause to be cleared and cared for, in accordance with this article, all sidewalks belonging to the City not adjoining the land of private persons, except such sidewalks as are under the special charge of other officers. It shall be the duty of all such city officers to cause to be cleared, in accordance with this article, all sidewalks fronting on land under their official charge. The Director of Public Works and other city officers shall be personally liable to the same penalties for any neglect in relation to the sidewalks under their official charge as are private persons for a like offense.

**Sec. 31-149. - Removal of snow from roofs.**

Every tenant, occupant, owner or agent having control of a building standing upon or so near the line of a street that snowslides from the roof may endanger public travel shall, within a reasonable time after the termination or abatement of a snowstorm, cause the snow to be removed from the roof thereof, in such manner as will not endanger travelers.

**Sec. 31-150. - Snow and ice on public sidewalks.**

(a) State law adopted. The provisions of G.S. § 7-163a are hereby adopted, and are set forth in subsections (b) and (c).

(b) Liability of city. Notwithstanding the provisions of G.S. § 13a-149 or any other general statute or special act, the City shall not be liable to any person injured in person or property caused by the presence of ice or snow on a public sidewalk unless the City is the owner or person in possession and control of land abutting such sidewalk, other than land used as a highway or street provided the City shall be liable for its affirmative acts with respect to such sidewalk.

(c) **Liability, duty of abutting landowner:**

(1) The owner or person in possession and control of land abutting a public sidewalk shall have the same duty of care with respect to the presence of ice or snow on such sidewalk toward the portion of the sidewalk abutting his property as the municipality had prior to the effective date of this section adopted pursuant to the provisions of G.S. § 7-163a and shall be liable to persons injured in person or property where a breach of such duty is the proximate cause of such injury;

(2) No action to recover damages for injury to the person or to property caused by the presence of ice or snow on a public sidewalk against a person who owns or is in possession and control of land abutting a public sidewalk shall be brought but within two (2) years from the date when the injury is first sustained.

**Sec. 31-151. - Throwing snow and ice into streets.**

No person shall throw or put, or cause to be thrown or put, any snow or ice from any private property or from any area in the rear or outside of the legally laid-out sidewalk into any street in the City that creates a safety hazard.

**Sec. 31-152. - Additional Code sections.**

Tenants, occupants, owners or agents of any premises should refer to Chapter 15, Article I of this Code for additional duties regarding garbage and refuse.

**Secs. 31-153—31-175. - Reserved.**



Luke A. Bronin  
Mayor

ITEM #

3

ON AGENT

November 13, 2017

Honorable Thomas J. Clarke II, Council President, and  
Members of the Court of Common Council  
City of Hartford  
550 Main Street  
Hartford, CT 06103

**RE: Pregnancy Information Disclosure and Protection**

Dear Council President Clarke:

Attached for your consideration is an ordinance designed to ensure that women seeking reproductive healthcare services are protected from false, misleading, or deceptive practices by crisis pregnancy centers ("CPCs").

CPCs present the appearance of a medical clinic, but often do not have licensed medical providers on site providing care. This ordinance is being proposed in response to concerns that have been raised over the past several months that women have been purposely misled into believing they are seeing a licensed medical provider when they are not.

The ordinance narrowly addresses this issue by (1) requiring centers to disclose whether or not a licensed medical provider is on premise providing care and (2) prohibiting false, misleading, or deceptive advertisement. Penalties of \$100 per day for violations may be imposed. Enforcement of the ordinance will be the responsibility of the Hartford Department of Health & Human Services.

This ordinance is supported by Hartford GYN Center, NARAL Pro-Choice Connecticut, the Connecticut Coalition for Choice, Planned Parenthood of Southern New England, the Hispanic Health Council, True Colors, the National Institute for Reproductive Health, Physicians for Reproductive Health, Councilwoman Wildaliz Bermudez, and many others. The ACLU of CT also supports the proposed language.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "L. Bronin".

Luke A. Bronin  
Mayor

550 Main Street  
Hartford, Connecticut 06103  
Telephone (860) 757-9500  
Facsimile (860) 722-6606



Introduced by:

Mayor Luke A. Bronin

HEADING  
AND  
PURPOSE

**AN ORDINANCE AMENDING CHAPTER 17 OF THE HARTFORD MUNICIPAL CODE TO ADD ARTICLE VI – PREGNANCY INFORMATION DISCLOSURE AND PROTECTION**

COURT OF COMMON COUNCIL,  
CITY OF HARTFORD

November 13, 2017

Be it ordained by the Court of Common Council of the City of Hartford that Chapter 17 of the Municipal Code be amended to add Article VI. – Pregnancy Information Disclosure and Protection as follows.

**ARTICLE VI. – PREGNANCY INFORMATION DISCLOSURE AND PROTECTION**

**Section 17-138. Findings**

(a) The Council’s intention is to ensure that individuals in Hartford have access to comprehensive information about, and timely access to, all types of reproductive health services including, but not limited to, pregnancy, prenatal care, emergency contraception, and abortion.

(b) Pregnancy decisions are time sensitive, and care early in pregnancy is important, whether a woman chooses to continue her pregnancy and needs prenatal care or wants to end her pregnancy and needs an abortion. Connecticut prioritizes the health of women and families, and low-income women can receive immediate access to free or low-cost comprehensive family planning services and pregnancy-related care through Connecticut’s Medicaid program.

(c) Prenatal care, abortion and emergency contraception are all time sensitive services. Increasing the proportion of women receiving adequate and early prenatal care is a pronounced objective of the United States Department of Health and Human Services. The federal Centers for Disease Control and Prevention urges that comprehensive prenatal care begin as soon as a woman decides to become pregnant. Similarly to prenatal care, delayed access to abortion and emergency contraception poses a threat to public health. Delay in accessing abortion or emergency contraception creates increased health risks and financial burdens and may eliminate a women's ability to obtain these services altogether, severely limiting her reproductive health options. Delays in deciding to terminate a pregnancy, in particular, may mean that a less invasive method is no longer available or that the woman is prevented from choosing an abortion altogether.

(d) A woman’s right to choose whether to terminate a pregnancy is protected by both the federal and state Constitutions, and is protected from interference by third parties and the government.

(e) Many people have deeply held religious and moral beliefs both supporting and opposing abortion, and the City respects the right of individuals to express and promote such beliefs.

(f) In recent years, clinics that seek to counsel clients against abortion have become common throughout Connecticut, with more than 20 such clinics in the state. These clinics are often referred to as crisis pregnancy centers (“CPCs”). Although some CPCs are licensed to provide various medical services to pregnant women, most CPCs are not licensed medical clinics.

(g) While some CPCs openly acknowledge, in their advertising and their facilities, that they do not provide abortions or emergency contraception or refer clients to other providers of such services, many CPCs, through their appearance and services offered, appear to offer abortion services and unbiased and comprehensive counseling. Moreover, some CPCs have engaged in conduct that intentionally leads clients to believe that they are in a reproductive health care facility and/or have received reproductive health care and counseling from a licensed medical provider when, in fact, they have not.

(h) The Council finds that there are CPCs in Hartford that advertise as medical facilities and use signage similar to actual medical facilities.

(i) It is vital that pregnant women in Connecticut know whether they are getting medical care from licensed professionals. Facilities that advertise and provide pregnancy testing and care must advise clients, at the time they are seeking or obtaining care, whether or not these facilities have licensed medical professionals on staff who provide or directly supervise that care.

(j) Many CPCs advertise on billboards, mass-transit facilities, and through websites, and some CPCs utilize a technology that allows them to target social media advertisements to women when they approach or enter an abortion clinic.

(k) Most clients do not come to CPCs as a result of a referral from a medical professional. Clients with an unplanned pregnancy or at risk of an unplanned pregnancy are often experiencing emotional and physical stress and are therefore especially susceptible to false or misleading elements in advertising by CPCs. These circumstances raise the need for regulation that is more protective of consumers of pregnancy center services.

(l) Because of the time-sensitive and constitutionally protected nature of the decision to terminate a pregnancy, false and misleading advertising by clinics that do not offer or refer clients for abortion or emergency contraception is of special concern to the City. When a woman is misled into believing that a clinic offers services that it does not in fact offer, she loses time crucial to the decision whether to terminate a pregnancy. Under these circumstances a client may also lose the option to choose a less invasive method, or to terminate the pregnancy at all.

(m) The City respects the right of pregnancy services centers to counsel against abortions, if the centers are otherwise operating in compliance with this Chapter, and the City does not intend by this Chapter to regulate, limit, or curtail such advocacy. However, women seeking medical care or those who have chosen to terminate a pregnancy should not be misled and delayed by the actions or false advertising of CPCs.

(n) After carefully balancing the constitutionally protected right of a woman to choose to terminate her pregnancy, the right of individuals to express their religious and ethical beliefs about abortion, and the harm to women effected by even slight delays that can be caused by false advertising for pregnancy and/or abortion services, the City has determined that there exists a need to regulate false and misleading advertising by pregnancy services centers and to require that pregnancy centers make certain disclosures to ensure that patients are adequately informed when they seek services at a pregnancy services center.

### **Section 17-139. Definitions**

For the purposes of this Chapter, the following terms shall have the following meanings:

(a) "Abortion" shall mean the termination of a pregnancy for purposes other than producing a

live birth. "Abortion" includes, but is not limited to, a termination using pharmacological agents.

(b) "Client" shall mean an individual who is inquiring about or seeking services at a pregnancy services center.

(c) "Emergency contraception" shall mean one or more prescription drugs (1) used separately or in combination, to prevent pregnancy, when administered to or self-administered by a patient, within a medically-recommended amount of time after sexual intercourse, (2) dispensed for that purpose in accordance with professional standards of practice, and (3) determined by the United States Food and Drug Administration to be safe for that purpose.

(d) "Health information" shall mean any oral or written information in any form or medium that relates to health insurance and/or the past, present, or future physical or mental health or condition of a client.

(e) "Licensed medical provider" shall mean a person licensed or otherwise authorized under the provisions of federal, state, or local law to provide medical services.

(f) "Pregnancy services center" shall mean a facility, including mobile facilities, the primary purpose of which is to provide services to women who are or may be pregnant, that either (1) offers obstetric ultrasounds, obstetric sonograms or prenatal care to pregnant women, or (2) has the appearance of a medical facility. A pregnancy service center has the appearance of a medical facility if two or more of the following factors are present:

- (1) The facility offers pregnancy testing and/or pregnancy diagnosis;
- (2) The facility has staff or volunteers who wear medical attire and uniforms;
- (3) The facility contains one or more examination tables;
- (4) The facility contains a private or semi-private room or area containing medical supplies and/or medical instruments;
- (5) The facility has staff or volunteers who collect health information from clients; or
- (6) The facility is located on the same premises as a state-licensed medical facility or provider or shares facility space with a state-licensed medical provider.

It shall be prima facie evidence that a facility has the appearance of a medical facility if it has two or more of the characteristics listed above. "Pregnancy service center" does not include or mean any facility or office that is licensed by the state of Connecticut or the United States government to provide medical or pharmaceutical services or where a licensed medical provider is present to directly provide or directly supervise the provision of all services described in this subdivision that are provided at the facility.

(g) "Premises" shall mean land and improvements or appurtenances or any part thereof.

(h) "Prenatal care" shall mean services consisting of physical examination, pelvic examination, or clinic laboratory services provided to a woman during pregnancy. Clinic laboratory services refers to the microbiological, serological, chemical, hematological, biophysical, cytological, or pathological examination of materials derived from the human body, for the purposes of obtaining information, for the diagnosis, prevention, or treatment of disease or the assessment of health condition.

#### **Section 17-140. Required Disclosures**

(a) A pregnancy services center shall disclose if it does or does not have a licensed medical

provider on the premises who provides or directly supervises the provision of all of the services at such pregnancy services center.

(b) The disclosures required by this section must be provided:

(1) in writing, in English and Spanish in a size and style as determined in accordance with rules promulgated by the City Department of Health and Human Services on (A) at least one sign conspicuously posted in the entrance of the pregnancy services center; (B) at least one additional sign posted in any area where clients wait to receive services; and (C) in any advertisement promoting the services of such pregnancy services center in clear and prominent letter type and in a size and style to be determined in accordance with rules promulgated by the Department; and

(2) orally, whether by in person or telephone communication, upon a client or prospective client request for any of the following services: (A) abortion; (B) emergency contraception; or (C) prenatal care.

(c) Penalty. Covered facilities that fail to comply with the requirements of this Section (Required Disclosures) of this Chapter are liable for a civil penalty of one hundred dollars (\$100) per offense. Each day any such violations continue shall constitute a separate offense.

#### **Section 17-141. Prohibition of false, misleading, or deceptive advertising**

(a) It is unlawful for any pregnancy services center, with intent directly or indirectly to perform pregnancy-related services (professional or otherwise), to make or disseminate or cause to be made or disseminated any statement concerning those services, professional or otherwise, or concerning any circumstance or matter of fact connected with the proposed performance or disposition thereof, which is untrue, misleading, or deceptive, whether by statement or omission, that the pregnancy services center knows, or which by the exercise or reasonable care should know, to be untrue or misleading. This prohibition applies to statements made before the public in the city or statements that are made, disseminated or caused to be disseminated from the city before the public anywhere, in any newspaper or other publication, or in any other manner or means whatsoever, including over the Internet.

(b) It is unlawful for any pregnancy services center, with intent directly or indirectly to perform pregnancy-related services (professional or otherwise), to make or disseminate or cause to be so made or disseminated any such statement identified in subsection (a) as part of a plan or scheme with the intent not to perform the services expressly or impliedly offered, as advertised.

(c) Penalty. Covered facilities that fail to comply with the requirements of this Section (Prohibition of False, Misleading, or Deceptive Advertising) of this Chapter are liable for a civil penalty of one hundred dollars (\$100) per offense. Each day any such violations continue shall constitute a separate offense.

#### **Section 17-142. Enforcement and opportunities to cure**

(a) The City Department of Health and Human Services may enforce the provisions of Section 3 (Required Disclosures) and Section 4 (Prohibition of False, Misleading, or Deceptive Advertising) of this Chapter through a civil action in any court of competent jurisdiction, following exhaustion of administrative remedies. Prior to initiating a civil action, the City shall:

(1) Provide the covered facility with written notice of noncompliance, which informs the

facility that it is subject to a civil penalty if it does not correct the violation within ten (10) days from the date the notice is sent to the facility.

(2) Verify that the violation was not corrected within the ten-day period described in paragraph (1).

(b) Any civil penalties imposed by the court pursuant to Sections 3(e) or 4(c) of this Chapter shall be paid to the City of Hartford.

(c) Upon a finding by a court of competent jurisdiction that a pregnancy services center has violated Section 3 or 4 of this Chapter, the City shall be entitled to recover penalties from each and every party responsible for the violation. In addition, if the City prevails it shall be entitled to reasonable attorney's fees and costs pursuant to order of the court.

(d) Nothing in this Chapter shall be interpreted as restricting or otherwise limiting the enforcement authority that state law or the Charter or Municipal Code vest in the City, its agencies, officers or employees or any state agency.

(e) Nothing in this Chapter shall be interpreted as creating a right of action for any party other than the City.

(f) Nothing in this Chapter shall be interpreted as restricting, precluding or otherwise limiting a separate or concurrent criminal prosecution under the Municipal Code or state law. Jeopardy shall not attach as a result of any court action to enforce the provisions of this Chapter.

#### **Section 17-143. General provisions.**

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

(b) No Conflict with State or Federal Law. Nothing in this ordinance shall be interpreted or applied so as to create any requirement, power, or duty in conflict with any federal or state law.

(c) Undertaking for the General Welfare. In adopting and implementing this ordinance, the City of Hartford is assuming an undertaking only to promote the general welfare. It is not assuming, nor is it imposing in its officers and employees, an obligation for breach of which it is liable in money damages to any person who claims that such breach proximately caused injury.

This ordinance shall become effective 30 days from the date of passage.