

SUBSTITUTE

roduced by:

Matthew D. Ritter, Councilperson
James M. Boucher, Councilperson

HEADING
AND
PURPOSE

ORDINANCE AMENDING CHAPTER 21, ARTICLE I, ADDING SECTIONS 21-18 THROUGH 21-23 OF CODE DE REGULATION AND LICENSING OF EXTENDED HOURS FOOD SERVICE ESTABLISHMENTS

COURT OF COMMON COUNCIL,
CITY OF HARTFORD

August 3, 2009

Be It Ordained by the Court of Common Council of the City of Hartford:

That sections 21-18 through 21-23 of the Municipal Code of Hartford are added as follows:

Sec. 21-18. Declaration.

The city has experienced significant problems with extended hours food service establishments and illegal activity within and surrounding extended hours food service establishments in the city for several years including but not limited to problems with loitering, violent crimes and other serious criminal activity.

This article is intended to aid in preventing crimes and nuisance, to protect employees of extended hours food service establishments and the consumer public at extended hours food service establishments between the hours of 1:30 a.m. and 5:00 a.m. and to establish safety and nuisance abatement standards for these extended hours food service establishments that are uniform throughout the city.

The city now declares, in order to permit the development and implementation of reasonable controls that will effectively protect the public, extended hours food service establishment operators and their patrons, that this article be enacted.

Sec. 21-19. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this article, except where the context clearly indicates a different meaning:

Business premises means the main structure and the property belonging to or associated with the business premises.

Extended hours food service establishment means any business establishment where food or meals may be purchased between the hours of 1:30 a.m. and 5:00 a.m. The term extended hours food service establishment does not include extended hours convenience stores.

Disorderly establishment means and includes any business and business premises where acts are performed or activities are conducted or condoned, whether inside or outside the business premises, which are contrary to the rules of good order and behavior, violative of the public peace, indecent, or which tend to corrupt the morals of the community and promote criminal activity.

Owner means the person, corporation, partnership, joint venture or other entity or group enterprise licensed to do business at an extended hours food service establishment at a particular location or locations, in lawful possession of said location by virtue of a deed, license, lease, sublease or other contract or agreement.

Sec. 21-20. Licensing requirements.

- (a) No extended hours food service establishment shall be open between the hours of 1:30 a.m. and 5:00 a.m. or any portion of that time without first applying for and receiving a license in accordance with Section 21-1 of this chapter.
- (b) The fee for this license will be ten dollars (\$10.00) per annum.

Sec. 21-21. Complaints and Review of Incidents by Chief of Police.

- (a) Complaint of violation. Any individual or any civic organization affected by the action or inaction of an

extended hours food service establishment subject to the provisions of this article may contact the Hartford Police Department to initiate a complaint.

The chief of police shall review all incident reports for property locations to which public safety personnel reported or were summoned or for which a complaint was filed with the police department for any loud, disturbing, illegal or violent conduct at any extended hours food service establishment ("premises"). Such incident reports shall contain the name and address of the premises and the name of the permittee(s) or owner(s) in charge of the premises.

- (b) Public safety. In addition to the provisions for fines and other penalties herein provided, extended hours food service establishment are premises subject to public safety police details pursuant to section 29-17 of this Code.

Sec. 21-22. Enforcement.

- (a) No owner of any extended hours food service establishment shall operate his, her or its business between the hours of 1:30 a.m. and 5:00 a.m. or any portion thereof, without a license nor allow, create, or maintain an environment that attracts or encourages criminal activity.
- (b) If an extended hours food service establishment owner operates his, her or its business without a license between the hours of 1:30 a.m. and 5:00 a.m. or any portion thereof, the Hartford Police Department, the director of health and human services or the director of development services has the authority to close the business and issue citations for each violation of operating without a license.
- (b) If serious criminal activity, as defined by the Hartford Police Department, including, but not limited to felonious conduct or narcotics or controlled drug offenses, as defined by Connecticut Law occurs on the premises of an extended hours food service establishment, that extended hours food service establishment shall be notified by the Hartford Police Department that failure to abate serious criminal activity on the premises may lead to the suspension of the business' extended hours food service establishment license. The Hartford Police Department may also recommend that said business hire a police detail to improve safety on the premises. Any citation issued pursuant to the terms of this article may be appealed with section 1-5 of the Code.
- (c) License suspension. Upon the occurrence of two (2) or more events involving serious criminal activity, or upon the recommendation of any of the agents or representatives of the city, the director of development services may reasonably conclude that the business constitutes a disorderly establishment, and the extended hours food service establishment license may be suspended for up to thirty (30) days. Such license may thereafter be suspended again or may be revoked if any serious criminal activity events occur during a twelve-month period. The director of development services may also at his discretion revoke the owner's extended hours food service establishment license to operate if the taxes on the business premises are delinquent.

Sec. 21-23. Appeals.

- (a) Appeal from suspension/revocation. Any owner or person designated by the owner may appeal his, her or its suspension or revocation of the license of an extended hours food service establishment in accordance with the following procedure:
- (1) Any person served with a notice of suspension or revocation shall be granted a hearing on the matter before the division of licenses and inspections upon petition. Such person shall file in the office of the division of licenses and inspections a written petition requesting such hearing and setting forth a brief statement of the grounds therefor, within three (3) business days after the date notice was served. Upon receipt of such petition, the division of licenses and inspections and/or its agents shall set a time and place for such hearing and shall give the petitioner written notice thereof. At such hearing, the petitioner shall be given the opportunity to be heard and to show why such notice should be modified or withdrawn.
- (2) After such hearing, the division of licenses and inspections and/or its agents shall sustain, modify or withdraw the notice, depending upon the finding as to whether the provisions of this chapter and of rules and regulations adopted pursuant thereto have been complied with. The license which has been suspended by a notice shall be deemed to be automatically revoked if a petition for hearing is not filed with the division of licenses and inspections within three (3) days after such notice is served.