

AN ORDINANCE AMENDING ARTICLE II OF CHAPTER 20 OF THE CODE OF ORDINANCES BY ESTABLISHING A HEARING PROCEDURE FOR PARKING VIOLATIONS

WHEREAS, Section 7-152b of the Connecticut General Statutes provides a hearing procedure of parking violations which Connecticut municipalities may adopt by local ordinance; and

WHEREAS, the adoption of such a hearing procedure enables municipalities to use the judicial process to collect on delinquent parking violations which should, in turn, improve the collections for delinquent parking violations.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORWICH, that the following sections be added or amended in Article II of Chapter 20 of the Code of Ordinances:

Sec. 20-19. Same—Fines and penalties.

Each owner or operator receiving a notice provided in section 20-18 ~~may pay to the public parking commission personally or by mail~~ shall pay as a penalty for and in full satisfaction of such violation the following sums:

- (a) Obstructing driveway \$25.00
- (b) Parking too far from curb \$15.00
- (c) Parking too close to corner \$15.00
- (d) Double parking \$25.00
- (e) Parking on wrong side of street \$15.00
- (f) Parking in crosswalk \$15.00
- (g) Parking too close to fire hydrant \$25.00
- (h) Violation of snow regulations \$25.00
- (i) Parking in handicapped zone \$100.00
- (j) Parking in fire zone \$25.00
- (k) Parking in posted no parking zone \$15.00
- (l) Overtime parking \$5.00
- (m) Parking at bus stop, taxi stand or loading zone \$15.00
- (n) Parking on sidewalk \$15.00
- (o) Parking in intersection \$15.00
- (p) Obstructing traffic \$25.00
- (q) Left wheel to curb \$15.00
- (r) Other \$15.00

The failure of such owner or operator to make such payment to said commission within 14 days shall render ~~him~~ them liable to payment of double the above fines.

The failure of such owner or operator to make such payment to said commission within 30 days shall render ~~him~~ them liable to the penalty provided by the Connecticut General Statutes for ~~infractions~~ violations.

Any convenience fees or other collection costs may be passed onto such owner or operator by the commission.

[The current language of Sec. 20-21 regarding prima facie evidence shall be replaced as follows:]

Sec. 20-24. Hearing procedure for parking violations

Pursuant to §§ 7-148, 7-152b, and 14-305 to 14-308, inclusive, of the Connecticut General Statutes, the city enacts the hearing procedure for parking violations described herein.

a) Hearing officers. The parking commission shall appoint one or more parking violation hearing officers to conduct hearings for parking violations. Such hearing officers cannot be personnel who are authorized to issue such violations or who otherwise work for the police department or parking commission.

b) Notice of violation. Within two years from the expiration of the final period for the uncontested payment of fines, penalties, costs or fees for any alleged parking violation, the city shall send notice to the motor vehicle operator, if known, or the registered owner of the motor vehicle by first class mail at their address according to the registration records of the Department of Motor Vehicles or by electronic mail, if the operator or owner's electronic mail address is known. Such notice shall inform the operator or owner:

- i) of the allegations against them and the amount of the fines, penalties, costs or fees due;
- ii) that they may contest their liability before a parking violations hearing officer by delivering in person, by electronic mail or by mail written notice within 10 days of the date thereof;
- iii) that if they do not demand such a hearing, an assessment and judgment shall enter against them; and
- iv) that such judgment may issue without further notice.

c) Proof of liability. Whenever a violation of such an ordinance occurs, proof of the registration number of the motor vehicle involved shall be prima facie evidence in all proceedings provided for in this section that the owner of such vehicle was the operator thereof; provided, the liability of a lessee under section 14-107 shall apply.

d) Admission of liability. If the person who is sent notice pursuant to subsection (b) of this section wishes to admit liability for any alleged violation, such person may, without requesting a hearing, pay the full amount of the fines, penalties, costs or fees admitted to in person or by mail to an official designated by the city. Such payment shall be inadmissible in any proceeding, civil or criminal, to establish the conduct of such person or other person making the payment. Any person who does not demand a hearing within 10 days of the date of the first notice provided for in subsection (b) of this section shall be deemed to have admitted liability, and the designated official shall certify such person's failure to respond to the hearing officer. The hearing officer shall thereupon enter and assess the fines, penalties, costs or fees provided for by the applicable ordinances and shall follow the procedures set forth in subsection (f) of this section.

e) Hearing procedure.

- i) Any person who requests a hearing shall be given written notice of the date, time and place for the hearing. Such hearing shall be held not less than 15 days nor more than 30 days from the date of the mailing of notice, provided the hearing officer shall grant upon good cause shown any reasonable request by any interested party for postponement or continuance. An original or certified copy of the initial notice of violation issued by a police officer or other issuing officer shall be filed and retained by the city, be deemed to be a business record within the scope of section 52-180 and be evidence of the facts contained therein. The presence of the police officer or issuing officer shall be required at the hearing if such person so requests. A person wishing to contest their liability shall appear at the hearing in person or by means of electronic equipment, and may present evidence in their behalf. A designated official, other than the hearing officer, may present evidence on behalf of the city.

ii) If such person fails to appear, the hearing officer may enter an assessment by default against them upon a finding of proper notice and liability under the applicable statutes or ordinances. The hearing officer may accept from such person copies of police reports, Department of Motor Vehicles documents and other official documents by mail and may determine thereby that the appearance of such person is unnecessary. The hearing officer shall conduct the hearing in the order and form and with such methods of proof as he deems fair and appropriate. The rules regarding the admissibility of evidence shall not be strictly applied, but all testimony shall be given under oath or affirmation. The hearing officer shall announce their decision at the end of the hearing. If the hearing officer determines that the person is not liable, they shall dismiss the matter and enter their determination in writing accordingly. If the hearing officer determines that the person is liable for the violation, they shall forthwith enter and assess the fines, penalties, costs or fees against such person as provided by the applicable ordinances of the city.

f) Notice of assessment and judgment. If such assessment is not paid on the date of its entry, the hearing officer shall send by first class mail a notice of the assessment to the person found liable and shall file, not less than 30 days or more than 12 months after such mailing, a certified copy of the notice of assessment with the clerk of a superior court facility designated by the Chief Court Administrator together with an entry fee of \$8.00. The certified copy of the notice of assessment shall constitute a record of assessment. Within such 12-month period, assessments against the same person may be accrued and filed as one record of assessment. The clerk shall enter judgment, in the amount of such record of assessment and court costs of \$8.00, against such person in favor of the city. Notwithstanding any provision of the general statutes, the hearing officer's assessment, when so entered as a judgment, shall have the effect of a civil money judgment and a levy of execution on such judgment may issue without further notice to such person.

g) Appeal. A person against whom an assessment has been entered pursuant to this section is entitled to judicial review by way of appeal. An appeal shall be instituted within 30 days of the mailing of notice of such assessment by filing a petition to reopen assessment, together with an entry fee in an amount equal to the entry fee for a small claims case pursuant to section 52-259, at the Superior Court facility designated by the Chief Court Administrator, which shall entitle such person to a hearing in accordance with the rules of the judges of the Superior Court.

Purpose:

To establish a hearing procedure for parking violations to enable the use of the judicial process to collect on delinquent parking violations which should, in turn, improve the collections for delinquent parking violations.

Mayor Peter Albert Nystrom
Alderman Stacy Gould
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