

**Proposed Amendments 8/11/09 to the:
ORDINANCE ESTABLISHING HEARING PROCEDURE
FOR TOWN CITATIONS AND FINES 3/2/04**

WHEREAS: The Town of Seymour requires that its Town ordinances be adhered to by the public; and

WHEREAS: It is economical and efficient to provide for citations and the implementation of fines to insure compliance with the Town's ordinances; and

WHEREAS: The Connecticut General Statutes (Sec. 7-152c) require that in order to effectuate enforcement of said citations, a municipality establish a citation hearing procedure.

IT IS THEREFORE ORDAINED: That the Town of Seymour shall establish the following procedures for issuance of citations and appeal of fines established by ordinance.

A. HEARING OFFICER **OR COMMITTEE**

The First Selectman shall appoint one or more hearing officers **or committee** to conduct hearings authorized by ordinance or state statute in the manner as herein provided. The hearing officers **or committee** shall serve for a term of two (2) years and shall be appointed in accordance with applicable provisions of Article 9 of the Town Charter. Town employees, police officers or persons authorized under ordinance or statute to issue citations shall not be eligible to serve as citation hearing officers.

B. NOTICE TO VIOLATOR OF CITATION

At any time within twelve (12) months from the expiration of the final period for the uncontested payment of fines, penalties, costs or fees for any citation issued under any ordinance adopted pursuant to Section 7-148 of the Connecticut General Statutes for an alleged violation thereof the Town of Seymour shall, upon the direction of its hearing officer **or committee** send notice to the alleged violator. This notice shall include the following information:

1. The allegations against such person and the amount of the fines, penalties, costs or fees due;
2. That such person may contest his liability before a citation hearing Officer by delivering, by mail or in person, written notice of his intent to appeal within ten (10) days of the date of the notice;
3. That if such person does not demand a hearing an assessment and judgment shall be entered against him; and
4. That such person shall not receive further notice of the issuance of such judgment from the Town.

This section shall only apply to enforcement action provided to the Town of Seymour under the Connecticut General Statutes (Sec. 7-148).

C. ADMISSION OF LIABILITY

Any person sent notice pursuant to Section B of this ordinance may admit liability for the alleged violation. He may pay, without requesting a hearing, by mail or in person, the full amount of the fines, penalties, costs or fees admitted to, directly to the Administrative Assistant to the First Selectman. **Payment to be made out to Town of Seymour.** The Administrative Assistant shall provide such person with a receipt of such fine, penalties, costs or fees. Such payment shall be inadmissible in any proceeding, civil or criminal, to establish the conduct of such person or other person making the payment.

D. ADMISSION OF LIABILITY FOR FAILURE TO RESPOND

Any person who fails to deliver or mail a written demand for a hearing within ten (10) days of the date of the first notice provided under Section B of this ordinance shall be deemed to have admitted liability and the Administrative Assistant shall certify such person's failure to respond to the hearing officer **or committee**. The hearing officer **or committee** shall thereupon enter and assess the fines, penalties, costs or fees provided for by applicable ordinances and shall file his **the** decision in writing with the Town Clerk's Office within seven (7) **fourteen (14)** days of the date thereon.

E. HEARING PROCEDURE

Any person requesting a hearing under Section B of this ordinance shall be given written notice of the date, time and place for the hearing. Such hearing shall be held not less than fifteen (15) days, nor more than thirty (30) days from the date of the mailing of this notice, provided that the hearing officer **or committee** shall grant, upon good cause shown, any reasonable request by any interested party for a postponement or continuance. Any person requesting a hearing under this ordinance may be represented by an attorney at his own expense.

The procedure for the hearings will be in accordance with the following:

1. An original or certified copy of the initial citation issued by the issuing official or policeman shall be filed with the Administrative Assistant to the First Selectman and retained as a business record within the scope of Section 52-180 and evidence of the facts contained therein. Such original or copy shall be introduced as evidence before the hearing officer.
2. The presence of the police officer or issuing official shall be required at the hearing if the violator so requests in writing no later than five (5) days before such hearing is scheduled.
3. A person wishing to contest his liability shall be present at such hearing and may present evidence in his behalf. If such person fails to appear, the hearing officer **or committee** may enter an assessment against him upon finding of proper notice and liability under the applicable ordinance.
4. The alleged violator may submit police reports, investigatory and citation reports and any other official documents by mail to the hearing officer **or committee**. The hearing officer may determine, after reviewing these documents, that the appearance of the violator is unnecessary.

5. A designated municipal official, other than the hearing officer **or committee**, may present evidence on behalf of the municipality at any hearing held under this ordinance.
6. Any hearing conducted under this ordinance shall be done in a fair, just and impartial manner. The hearing officer **or committee** shall conduct the hearing in the order and form and with such methods of proof as he they deems fair and appropriate. The rules regarding admissibility of evidence shall not be strictly applied but all testimony will be given under oath.
7. The entire hearing shall be tape recorded and such recording shall be retained by the Town for one (1) year, or longer if directed by Town Counsel.

F. HEARING OFFICER'S **OR COMMITTEE'S** DECISION

The hearing officer **or committee** shall announce his the decision at the end of the hearing.

If the hearing officer **or committee** finds that the person requesting the hearing is not liable for violations of Town ordinances as charged, such hearing officer **or committee** shall dismiss the matter and enter his determination in writing accordingly.

If the hearing officer **or committee** determines that the person requesting the hearing is liable for violation of Town ordinance, he shall forthwith enter and assess the fines, penalties, costs or fees against such person as provided by applicable ordinance.

All decisions of the hearing officer **or committee** shall be in writing and filed with the Town Clerk's Office within seven (7) fourteen **(14)** days of the date thereon.

G. ASSESSMENT AND ENFORCEMENTS

If the assessment of the hearing officer **or committee** is not paid on the date of its entry, the hearing officer **or committee** shall send by first class mail a notice of the assessment to the person found liable and shall file, not less than thirty (30) days nor more than twelve (12) months after such mailing a certified copy of the notice of assessment with the Clerk of the Superior Court in Derby or the geographical area in which Seymour is located. Notwithstanding any other provisions of the Connecticut General Statutes, the hearing officer's or committee's assessment, when so entered as a judgment, shall have the same effect as a civil money judgment and levy of execution in such judgment may issue without further notice to such person.

H. APPEAL OF ASSESSMENT

A person against whom an assessment has been entered pursuant to this section is entitled to judicial review by way of appeal; providing the appeal is instituted within thirty (30) days of the mailing of notice of such assessment, and the appropriate entry fee for small claims cases is paid to the superior court for the geographical area in which Seymour is located. Such person shall then be entitled to a hearing in accordance with the rules of the judges of the Superior Court.

(All additions are in BOLD and deletions are underlined.)