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Chapter 15

Citations

[HISTORY: Adopted by the Town of Canton 9-25-2002 by Ord. No. 216. Amendments noted where applicable.]

§ 15-1 Purpose.

The purpose of this chapter is to establish a citation hearing procedure in accordance with §§ 7-148(c)(10)(A), 7-152b, and 7-152c of the General Statutes to be followed in all instances when citations are issued by Town officials.

§ 15-2 Definitions.

As used in this chapter, the following words and phrases shall have the meanings indicated:

ALLEGED VIOLATOR

- A. In all violations, the person who has been issued a citation by an issuing official; or
- B. In motor vehicle parking violations, the motor vehicle operator or the registered owner of the motor vehicle.

CITATION

The document setting forth a specific violation of the Town's ordinances or other regulations.

HEARING

The session for deciding whether or not an alleged violator is liable.

HEARING OFFICER

The person who holds a hearing.

ISSUING OFFICIAL

The municipal officials or employees authorized to issue citations.

§ 15-3 Enforcement by citation.

Ordinances of the Town that provide that this chapter and the citation hearing procedure shall apply to such ordinances and the ordinances listed in § 15-11 of this chapter may be enforced by citations.

§ 15-4 Appointment of hearing officers.

[Amended 12-14-2011]

The First Selectman shall appoint one or more hearing officers to conduct hearings. No hearing officer may be an elected or appointed Town official or a Town employee.

§ 15-5 Notice.

- A. After a citation has been issued and the fine, penalty, cost, or fee has not been paid, the Town shall send notice to the alleged violator promptly (and no later than 12 months after the expiration of the final period for the uncontested payment of fines, penalties, costs, or fees for any citation).

B. Such notice shall inform the alleged violator of the following:

- (1) The allegations against the alleged violator and the amount of the fines, penalties, costs, or fees due.
- (2) That the alleged violator may contest his or her liability before a hearing officer by delivering in person or by mail written notice within 10 days of the date of the original notice to said alleged violator that he or she desires to contest his or her liability before a hearing officer.
- (3) That if the alleged violator does not demand a hearing, an assessment and judgment shall be entered against him or her.
- (4) That such judgment may issue without further notice.

§ 15-6 Admission of liability without hearing.

If the alleged violator wishes to admit liability for any alleged violation, he or she may, without requesting a hearing, pay the full amount of the fines, penalties, costs, or fees admitted to in person or by mail to the official designated by the Town. Any alleged violator who does not deliver or mail a written demand for a hearing within 10 days of the date of the first notice provided in § 15-5 above shall be deemed to have admitted liability, and the designated municipal official shall certify the alleged violator's failure to respond to the hearing officer. The hearing officer shall thereupon enter and assess the fines, penalties, costs, or fees provided for in the ordinance and shall follow the procedures set forth in § 15-8 below.

§ 15-7 Hearing procedure.

- A. Any alleged violator 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 such notice, provided that the hearing officer shall grant upon good cause shown any reasonable request by an interested party for postponement or continuance. An original or certified copy of the initial citation issued by the issuing official shall be filed and retained by the Town, shall be deemed to be a business record within the scope of § 52-180 of the General Statutes, and shall be evidence of the facts contained therein.
- B. If the alleged violator fails to appear, the hearing officer may enter an assessment by default against him or her upon a finding of proper notice and liability under the applicable ordinance.
- C. The hearing officer may accept from such alleged violator copies of police reports, Department of Motor Vehicle documents and other official documents by mail and may determine thereby that the appearance of the alleged violator is unnecessary.
- D. The presence of the issuing official shall be required at the hearing if the alleged violator so requests. The alleged violator shall appear at the hearing and may present evidence in his or her behalf. A designated Town official, other than the hearing officer, may present evidence on behalf of the Town.
- E. The hearing officer shall conduct the hearing in the order and form and with such methods of proof as he or she 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.
- F. If the offense consists of a motor vehicle parking violation, proof of the registration number of the motor vehicle involved shall be prima facie evidence in all proceedings that the owner of such vehicle was the operator thereof, provided that in the case of a leased or rented motor vehicle, such proof shall be prima facie evidence in any proceeding that the lessee was the operator thereof.
- G. The hearing officer shall announce his or her decision at the end of the hearing. If he or she determines that the alleged violator is not liable, he or she shall dismiss the matter and enter his or her determination in writing accordingly. If he or she determines that the alleged violator is liable for

the violation, he or she shall forthwith enter and assess the fines, penalties, costs, or fees against such person as provided by the applicable ordinance.

§ 15-8 Notice of assessment; appeal.

- A. If an assessment made under § **15-7G** above 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 file, not less than 30 days nor more than 12 months after such mailing, a certified copy of the notice of assessment with the Clerk of the Superior Court designated by the Chief Court Administrator, together with an entry fee as required by law. The certified copy of the notice of assessment shall constitute a record of assessment. Within such twelve-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 as provided by law, against such person in favor of the Town. 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. **[Amended 12-14-2011]**
- B. The person against whom an assessment has been entered pursuant to this chapter is entitled to judicial review by way of appeal in accordance with § 7-152b or 7-152c of the General Statutes.

§ 15-9 Penalties for offenses.

[Amended 12-14-2011]

Any person who violates or fails to comply with the provisions of this Code shall be subject to a fine of \$90 for each offense unless another fine or penalty is specified in this Code or in the General Statutes.

§ 15-10 Disposition of money received.

All moneys received pursuant to the procedure set forth in this chapter shall be remitted to the Tax Collector.

§ 15-11 Applicability and amended ordinances.

[Amended 12-14-2011]

Each of the following ordinances is amended to add the following section: "Enforcement. This ordinance has been specifically designated for enforcement by citations issued by designated municipal officers or employees, and the citation hearing procedure established by Chapter **15**, Citations, shall be followed."

- A. Chapter **179**, Alcoholic Beverages, Article **I**, Possession on School Property.
- B. Chapter **185**, Animals, Article **I**, Animal Control.
- C. Chapter **225**, Cigarettes and Tobacco Products, Article **I**, Vending Machines.
- D. Chapter **254**, Firearms.
- E. Chapter **300**, Massage Parlors.
- F. Chapter **323**, Parks and Recreation Areas, Article **I**, Mills Pond Recreation Area.
- G. Chapter **362**, Signs.
- H. Chapter **369**, Solid Waste, Article **I**, Unlawful Deposits, and Article **II**, Recycling.
- I. Chapter **375**, Streets and Sidewalks, Article **II**, Snow and Ice Removal, Article **III**, Obstructions, Article **IV**, Sliding on Public Ways, Article **V**, Sidewalk Displays, Article **VI**, Street Numbers, Article **VII**, Flow of Water on Public Ways, and Article **VIII**, Scenic Roads.

- J. Chapter **400**, Vehicles and Traffic, Article **I**, Parking of Tractor-Trailers, Article **III**, Weight Limits, and Article **IV**, General Regulations.
- K. Chapter **405**, Vehicles, Discarded.
- L. (NEW) Chapter ____ Illicit Discharge and Stormwater Connection Ordinance