CHAPTER 21. VEHICLES AND TRAFFIC[1]

ARTICLE 1. GENERAL PROVISIONS

Sec. 21-1. Abandoned and/or Inoperable Vehicles

(a) Definition. For purposes of Sections 21-1 and 21-2 of the Municipal Code, the terms below have the following meaning:

(1) "Motor vehicle" shall mean a machine propelled by power other than human power designed to travel along the ground by use of wheels, treads, runners, or slides and transport persons or property or pull machinery and shall include, without limitation, automobile, truck, trailer, motorcycle, tractor, buggy and wagon.

(2) "Street" shall have the same definition as set forth in Sec. 1-2(32) of the Municipal Code.

(3) "Public property" shall mean all real estate owned and/or maintained by the Town of East Hartford.

(4) "Abandoned motor vehicle" shall mean any motor vehicle within the Town which, after a good faith determination, has the appearance that the owner has relinquished control without the intention of reclaiming it, including, but not limited to, an istered vehic e a vehicle with invalid marker plates, or one which is damage., van •a ize•, dismantled, partially dismantled, inoperative, or unusable as a motor vehicle.

(5) "Person" shall have the same definition as set forth in Sec. 1-2(21) of the Municipal Code.

(b) Abandoned Vehicles Prohibited. No person shall park, store, leave or permit the parking, storing, or leaving of any motor vehicle of any kind which is in an abandoned condition whether attended to or not, upon any public. or private property within the town. This section shall not-apply to:

(1) Any motor vehicle on private property which is enclosed within a building held in connection with a business enterprise lawfully licensed by the Town and/or State and located within the appropriate zone;

(2) A duly licensed motor vehicle junk yard;

(3) Any motor vehicle which is in operable condition specifically adopted or designed for operation on drag strips or raceways, or retained by the owner for antique collection purposes, or any inoperable motor vehicle being restored to an operable condition, provided that:

(i) Only one such motor vehicle shall be permitted at any one time on the property in question;

(ii) Motor vehicle parts used in the restoration must be stored in the motor vehicle or in a structure;

(iii) Such motor vehicles are to be covered with a tarpaulin whenever work is not being done upon them;

(iv) In the case of a motor vehicle being restored to an operable

condition, a permit has been obtained from the Department of Inspections and Permits, said permit limited to sixty (60) days, renewable once for an additional sixty (60) days.

Notwithstanding subsection (3) above, nothing herein shall preclude more than one motor vehicle, if such additional vehicles are totally within an enclosed structure, outside of public view, and not in violation of any health, safety or zoning laws.

(c) Notice to Remove. Any officer of the Police Department, upon discovery of any abandoned motor vehicle, or upon notification by any official of the Department of Inspections and Permits, or any official of the Health Department of an abandoned motor vehicle, shall affix to such motor vehicle a notification sticker in a manner so as to be readily visible. Said notification shall contain the following information: (1) The date and time the notification sticker was affixed to the motor vehicle; (2) A statement that pursuant to Section 14-150 of the Connecticut General Statutes, if the motor vehicle is not removed within twenty-four (24) hours of the time the sticker was affixed, it shall be taken into custody, and stored at the owner's expense; (3) The location and telephone number where additional information may be obtained; and (4) The identity of the affixing officer. If said motor vehicle is not removed within such twenty-four (24) hour period, the police may order removal: Notwithstanding the above, if the abandoned motor vehicle is on private property, and the private property owner acknowledges that said vehicle is owned by him or her, or is on the property with the owner's consent, the order to remove shall be for within thirty (30) days. Nothing herein shall preclude the Town from removing any abandoned vehicle for traffic, health or safety purposes at any time deemed necessary.

(d) Notice of Disposition. If an abandoned vehicle has a market value, based on its current condition, of one hundred dollars ($100) or less, and is so vandalized, damaged or in disrepair as to be unusable as a motor vehicle, title to such motor vehicle shall, upon taking custody of such motor vehicle, immediately vest in the Town. Within forty-eight (48) hours of the time that such motor vehicle is taken into custody, the affixing department shall notify the Commissioner *of* Motor Vehicles, in writing, of the vehicle identification number and a description of the motor vehicle. Upon sale or other disposition of the motor vehicle, the affixing department shall give written notice by certified mail to the person who was the owner of such motor vehicle at the time of abandonment, if known, which notice shall state that the motor vehicle has been sold or otherwise disposed of. The proceeds *of* the sale or disposition, or the fair market value *of* the motor vehicle in its current condition, whichever is greater, less the towing and sale or disposal expenses, shall be paid to such person or his representatives, if claimed by him or them within one year from the date *of* sale. If such balance is not claimed within such period, it shall escheat to the municipality. If the expenses incurred by the municipality for towing and the sale or disposition of such motor vehicle exceed the proceeds of such sale or disposition, such person shall be liable to such municipality for such excess amount. For vehicles with a market value in excess of one hundred (100) dollars, notice shall be given, by certified mail, to the owner *of* such motor vehicle, if known, within forty-eight (48) hours of the time the motor vehicle is taken into custody, which notice shall state: (1) That the motor vehicle has been taken into custody and stored; (2) The location of the storage of the motor vehicle; (3) That such motor vehicle may be sold after fifteen (15) days if its market value does not exceed five hundred dollars ($500), or ninety (90) days if its market value exceeds five hundred dollars ($500); and (4) That the owner has a

right to contest the validity of such taking by application, on a form prescribed by the Commissioner of Motor Vehicles, to the hearing officer named **in** such notice within ten (10) days from the date of such notice. Such application forms shall be made readily available to the public at all offices of the town's police department. If the motor vehicle is on private property, the property owner and occupants shall also be provided with the same notice, provided that notice need only be given to a landlord in the case *of* an apartment complex with more than three (3) dwelling units. All sales and/or other dispositions of abandoned motor vehicles shall be accomplished in compliance with the notice and advertising provisions of Public Act No. 87-372 or such amendments and/or successor statutes adopted by the General Assembly.

(e) Penalty. Any person violating any of the provisions of this section shall be guilty of a misdemeanor, and, upon conviction, shall be subject to a fine of not more than one hundred dollars ($100). If the abandoned vehicle is on private property, each day which such violation continues after the expiration of the thirty (30) day removal order shall be considered a separate violation. If the abandoned vehicle is on a street or public property, the daily fine shall commence upon the posting of a notice on the vehicle. Nothing herein shall be construed as limiting the civil remedies available to a private property owner for damage to, or violation of, the owner's property rights by the owner of the abandoned vehicle.

(f) Removal by the Town. If the motor vehicle is on private property and has not been removed within the thirty >day period of compliance, the Town or its designee shall have the right to take possession of the abandoned vehicle and remove it from the premises. This thirty (30) day period may be extended by the hearing officer, appointed pursuant to Sec. 21-2 of the Municipal Code, if there is a pending appeal and if the vehicle is on private property. It shall be unlawful for any person to interfere with, hinder, or refuse to allow the Town or its designee to enter upon private property for the purpose of removing an abandoned motor vehicle under the provisions of this ordinance.

(g) Redemption of Impounded Motor Vehicle. The owner of any abandoned motor vehicle seized under the provisions of this section may redeem said motor vehicle prior to its disposition or destruction upon proof of ownership and payment to the Town and/or its designee such sum as determined and fixed for the actual and reasonable expense of removal, storage and any preliminary disposition costs.

(h) Liability of Owner or Occupant. Upon failure of the owner of the abandoned motor vehicle, the owner of the private property, and/or the occupant of the private property from which abandoned motor vehicles have been removed by the Town to pay the unrecovered expenses incurred by the Town in such removal, a lien shall be placed upon the property of the owner of the abandoned motor vehicle, or the owner of the property, and/or the occupant of the property, for the amount of such expenses.

(i) Designee of the Town. Any designee of the Town selected for purposes of storing or disposal of abandoned motor vehicles shall be selected through competitive bidding. The bid proposal shall provide that the Town shall be held harmless for any damage to, or disposal of, the abandoned motor vehicle by the designee in violation of state law.

(j) Towing Charges. The Purchasing Agent shall solicit bids for towing charges of abandoned vehicles to a central location designated by the Director of

Public Works. The Purchasing Agent shall also solicit bids for the removal and disposition of abandoned vehicles from said central location. The Town shall only be liable for towing charges of abandoned vehicles towed by order of the Town. The Town shall not be liable for any storage fees unless such storage is at the direction of the Town. Nothing herein shall preclude the tower from pursuing civil action against the owner of an abandoned motor vehicle.

[1]State Law Ref: As to abandoning vehicles generally, see C.G.S. Sec. 14-150, Charter Reference: Town not authorized to regulate vehicle equipment but may regulate traffic, Sec. 14-162. C.G.S. authority also given in Sec. 7-148, 7-194, (21), (22), C.G.S. rules of the road, Sec. 14-412 et seq.,C.G.S.

Sec. 21-2. Appeals Concerning Abandoned Motor Vehicles.

(a) Hearing Officer. Pursuant to Public Act 87-372, the Mayor shall appoint a suitable person, who shall not be a member of any state or local police department, to be a hearing officer to hear appeals, as authorized under subsection (b) of this ordinance.

(b) Appeals. Upon receipt of a notice to remove an abandoned motor vehicle, a person may appeal the determination that such vehicle is abandoned, such appeal to be filed within the thirty (30) day period provided for removal. If a vehicle has been towed in violation of Sec. 21-1 of this Code, an appeal challenging such towing may also be filed. Upon receipt of such an appeal, the hearing officer shall notify the custodian of the motor vehicle not to dispose of such motor vehicle until further order of the hearing officer. A hearing shall be scheduled within seven (7) days of the receipt of an appeal. If it is determined by the hearing officer that the motor vehicle is not abandoned, the notice to remove shall be lifted, and no penalties shall be imposed under Sec. 21-2 of the Municipal Code. If the hearing officer determines that the motor vehicle was towed in violation of Sec. 21-1 of the Municipal Code, the lien provisions of Sec. 21-1 of the Municipal Code shall not apply, and any towing and storage expenses incurred by the owner of the motor vehicle, or the owner or occupant of the property on which such motor vehicle was found, shall be reimbursed; provided that such appeal was brought within thirty (30) days of receiving the notice of removal, or if notice was wrongfully sent, within thirty (30) days of actual discovery of the towing. The hearing officer shall render his or her decision in writing, and note on the decision that any person aggrieved thereby may, within fifteen (15) days of the notice of such decision, appeal to the Superior Court for the Judicial District of Hartford/New Britain.

(c) Effective Date. The effective date of Sections 21-1 and 21-2 of this Code shall be twenty-one (21) days after its adoption, or when the hearing officer referred to in subsection (a) of Sec. 21-1 is duly appointed, whichever comes last.

Sec. 21-3. Parking Regulations.[2]

(a) No vehicle shall be permitted to remain stationary within ten (10) feet of any fire hydrant.

(b) (1) No vehicle shall be parked or permitted to remain parked upon the traveled portion of any highway or street between the hours of 2:00 A.M. and 5:00 A.M. unless the legal owner of such vehicle has previously obtained from the Director of Public Works a written permit, or from the Chief of Police a temporary

waiver, authorizing the parking of such vehicle upon the traveled portion of a highway or street between the hours of **2:00 A.M. and 5:00-A.M.** During all other times, provided no parking ban is in effect, vehicles shall be permitted to remain parked upon the traveled portion of any highway or street used by the public for no more than five (5) hours only if parked upon the right hand side of such highway or street in the direction in which the vehicle is headed. If such highway or street is curbed, such vehicle shall be placed in such a manner that its right hand wheels when stationary shall, when safety will permit, be within a distance of twelve (12) inches from the curb or from the edge of the pavement, if no curb exists.

(2) (2) The Director of Public Works is authorized to issue written one-year permits authorizing on-street parking during the 2:00 A.M. to 5:00 A.M. parking prohibition period set out in the provisions of sub-section (b)(1), above, to owners of vehicles who reside in the town upon written application and payment of the fee set for such exemption by the Council. No permit shall be issued by the Director if it is found, after inquiry, that the applicant owes any motor vehicle taxes to the Town.

The Director shall issue such one (1) year permits allowing an exemption from the provisions of sub-section (b)(1), above, to:

(i) vehicles owned by persons who reside in single family or other residential structures housing no more than six (6) families who do not have and cannot obtain off-street parking for their vehicles pursuant to Section 21-9 within the lots occupied by such residential structures, and are also unable to secure off-street parking for such vehicles within a reasonable distance from their residences; and

(ii) vehicles whose owner or principal operator has a disability and produces a letter from his/her physician documenting that such person cannot reasonably transgress the distance between his/her residence and his/her off-street parking area.

All written permits shall be prominently affixed to the upper left side of the vehicle's back window so that they may be visible to patrol officers when the vehicle is parked.

(3) The Chief of Police or his designee may, upon written application or verbal request, issue temporary waivers, not to exceed one (1) night in length, from the 2:00 A.M. to 5:00 A.M. limit set out in the provisions of sub-section (b)(1), above, to:

(i) vehicles owned by owners and/or tenants of residential structures when the parking lots and/or driveways of such structures are b e i n g d, resealed or repaired. Any such waiver may be extended upon verbal or written request for not more than three (3) additional consecutive nights;

(ii) vehicles owned by non-residents of the town visiting and/or temporarily residing with a resident of the town. Any such waiver may be extended upon verbal or written request for not more than three (3) additional consecutive nights; and

(iii) vehicles owned or operated by individuals who are unable to move the vehicle off the street due to a temporary mechanical malfunction of such vehicle for not more than one (1) night.

(4) Vehicles exempted from the A.M. time limit set out in the provisions of sub-section (b)(1), above, shall be parked in full compliance with all applicable parking ordinances and/or regulations.

(5) Whenever a parking ban is declared by the Chief of Police, as authorized by Town Ordinance 21-5, all vehicles, including those to which exemptions have been granted pursuant to the provisions of sub-sections (2) and (3), above, shall be removed from the street to off-street parking and shall be kept off the street until the parking ban has been ended by the Chief of Police.

Section 21-3(b)(1-5): Voted:5-19-92
Published: 6-5-92
Effective: 6-26-92

(c) No vehicle shall be permitted to remain parked within twenty-five (25) feet of any intersection or a marked crosswalk thereat, or within twenty-five (25) feet of a stop sign.

(d) No vehicle shall be permitted to remain stationary on a sidewalk, except bicycles, as permitted herein.

(e) No vehicle shall be permitted to remain stationary so as to prevent egress and ingress from or to a driveway, except with the permission of the owner of such driveway**.** (Effective: 6/5/87)

(f) No vehicle shall be permitted to remain stationary upon the traveled portion of any street or highway within an area properly designated as "no parking area" by duly constituted authority.

(g) No vehicle shall be permitted to remain stationary at a parking meter for a period of time longer than that set forth on such meter.

(h) No vehicle shall be permitted to remain stationary within the limits of the pubic street or highway in such a manner as to constitute a traffic hazard or obstruct the free movement of traffic thereon, provided a vehicle which has become disabled to such an extent that it is impossible or impracticable to remove, it may be permitted to so remain for a reasonable time for the purpose of making repairs thereto or of obtaining sufficient assistance to remove it.

(i) No vehicle shall, except in the zones restricted for angle parking, remain backed up to the curb, except when necessary or convenient during the work of loading or unloading.

(j) No vehicle shall be permitted to remain stationary upon the traveled portion of any highway except upon the right-hand side of such highway in the direction in which such vehicle is headed.

(k) No vehicle shall be permitted to remain stationary upon any tree belt or a similar town-owned strip of land adjacent to a public street or highway.

(Effective: 11/30/83)

[2]State Law Ref: Parking prohibited on sidewalks, C.G.S. Sec. 14-250a; similar restrictions to those in this section, C.G.S. Sec. 14-251, 14-252;; authority of Town to regulate and remove, see C.G.S. Sec. 14-307

Sec. 21-4. Parking Near Dwellings Restricted.

The parking of motor vehicles within fifteen (15) feet of any dwelling having three (3) or more stories above ground, used and maintained as a rooming house or an apartment house is

prohibited except on a public highway. Also the parking of any motor vehicle within fifteen (15) feet of any public housing unit is prohibited. The registered owner of a motor vehicle illegally parked in violation of this Section shall be presumed to have been the person who parked the vehicle.

Sec. 21-5. Emergency or Snow Parking Regulations.

The Chief of Police is authorized to suspend the parking regulations and prohibit parking temporarily in any area where, in his opinion, it is necessary in order to facilitate the removal of snow, or to prevent the obstruction of traffic in time of heavy snowfall or other emergency. He shall give notice of such temporary prohibition by radio and newspaper publicity. Any snowfall of five (5) inches or more shall, in itself, be sufficient notice that any parking which will obstruct traffic or the removal of snow is temporarily prohibited.

Sec. 21-6. Parking Violation Fines.

Any person violating any of the provisions of Sections 21-3 or 21-4 shall be fined in accordance with the Fee Schedule set by the Council, provided that the fine is paid at the police station within fourteen (14) days of the offense; otherwise the penalty shall be doubled.

Effective: 2/17/82

This is to certify that the East Hartford Town Council, in session Tuesday, July 16, 1996, voted that Section 21-6 of The Code of Ordinances, Town of East Hartford, Connecticut, is hereby repealed.

Sec. 21-6a. Notice To Be Attached to Vehicles Parked in Violation of Parking Ordinances; Penalties and Appeal of Such Notices.

(a) Any police officer or other duly authorized agent of the Town, upon finding a vehicle parked in violation of the provisions of Chapter 21 of The Code of Ordinances, or in violation of any statute, ordinance, rule or regulation pertaining to parking of vehicles, shall affix securely upon such vehicle a notice to such vehicle's operator or owner indicating the vehicle has been parked unlawfully.

(b) Such notice shall cite the statute, ordinance of the rule or regulation violated by the owner or operator of such vehicle and shall also include the following warning: The accumulation of five or more unpaid notices of parking violations upon any one vehicle may result in the impoundment or immobilization of such vehicle and the denial of motor vehicle registration by the State of Connecticut.

(c) The operator or owner of any vehicle to which such notice has been affixed shall, within seven calendar days of the time when such notice was attached to such vehicle, pay in person or by mail at the location designated by the Town, as a penalty or fine for the violation, the following fines: Fifteen dollars for any parking violation except there shall be a thirty dollar fine for parking in an established fire lane or parking in a designated handicapped zone without a permit.

(d) Failure to pay such fine within the seven day period shall cause such fine to be doubled. Failure to pay such fine within twenty-one days of the time when such notice was

attached to such vehicle shall cause such fine to be tripled.

(e) The Chief of Police shall, upon request of the Tax Collector, provide information concerning the identification and address of the owner of any vehicle to which a notice has been affixed for the purpose of enforcing the state and town motor vehicle laws. The Town may, at any time within two years from the expiration of the final period for the uncontested payment of fines, penalties, costs or fees for any alleged violation of the provisions of Chapter 21 of The Code of Ordinances, or any alleged violation of any statute, ordinance, rule or regulation pertaining to parking of vehicles, send a final notice to the operator or owner of any vehicle to which a notice of parking violation has been affixed. Such notice shall be sent by First Class mail to the address of such operator, if known, or the address of the owner as provided by the Department of Motor Vehicles, and shall inform such operator or owner:

(1) Of the allegations against him and the amount of the fines, penalties, costs or fees due; and

(2) That he may contest his liability before a Parking Violations Hearing Officer by delivering in person or by mail on a form provided by the Town written notice of appeal within ten days of the date thereof; and

(3) That if he does not demand such a hearing, an assessment and judgment shall enter against him; and

(4) That such judgment may issue without further notice. 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 Connecticut General Statutes Section 14-107 shall apply.

(f) If the person who is sent notice pursuant to subsection (e) wishes to admit liability for any alleged violation, he 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 Town. Such payment shall be inadmissible in any proceedings, civil or criminal, to establish the conduct of such person or other person making the payment. Any person who does not deliver or mail written demand for a hearing within ten days of the date of the first notice provided for in subsection (e) shall be deemed to have admitted liability, and the designated Town 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 the Town shall thereafter follow the procedures set forth in Subsection 7 of Section 21-6.e.

(g) The timely filing of any notice of appeal and request for hearing shall stay the accumulation of additional penalties and/or stay any other action cited in any notice from the Town until the appeal has been decided. Effective 8-17-96

Sec. 21.6b. Impoundment and Immobilization of Vehicles.

(a) Any vehicle which may be immobilized may be so immobilized under the direction of a police officer or other duly authorized agent of the Town. In addition to, or in lieu of impoundment, such vehicle may be immobilized in a manner that will prevent its operation by the attachment of a "boot" or any other mechanical device that will not cause damage to such vehicle unless it is moved while such "boot" or device is in place.

(b) In any case of a vehicle immobilized by a police officer or other authorized agent of the Town, there shall be placed on such vehicle in a conspicuous manner a notice to the owner of the vehicle stating that it has been immobilized, that any attempt to remove the vehicle may result in damage to the vehicle, that if the vehicle is moved and damaged any damage to the vehicle and/or device will be the responsibility of the owner and stating the place where necessary fees and charges may be paid to obtain release of the vehicle from immobilization.

(c) In the case of the impoundment of a vehicle, within seventy-two (72) hours after impoundment, the police department shall notify, by certified mail, the owner of such vehicle of the fact of its impoundment, the place where it may be recovered, and the conditions under which it will be released.

(d) Whenever a vehicle is immobilized or impounded or caused to be immobilized or impounded by personnel of the police department or other authorized agent of the Town, such personnel shall notify the police department headquarters of such impoundment or immobilization so that upon inquiry by the owner of the vehicle, the least amount of delay will be encountered in recovery of the vehicle by the owner.

Sec. 21.6c. Required Actions of Owner to Regain Possession.

No such vehicle shall be released unless the owner or his agent has established his identity and right to possession and has signed a proper receipt therefore. Before the owner or person in charge of any vehicle which has been impounded or immobilized shall be allowed to repossess or to secure the release of said vehicle, he or his agent shall pay or provide to the Town the following:

(a) The cost of removal and/or impoundment; plus

(b) The actual cost of storage for each day or portion of a day that such vehicle has been stored; plus

(c) All sums legally due for any parking violations issued and outstanding against such vehicle; plus

(d) The cost of repairs to or replacement of any immobilizing device damaged or destroyed by the unauthorized movement of the vehicle to which the device was attached.

September 17, 1990

Sec. 21-6d. Unauthorized Removal of Immobilized or Removed Vehicle.

Any person who, after having his vehicle removed or immobilized, shall remove such vehicle without complying with this Code of Ordinances shall, in addition to the charges provided for in said sections, be liable for any damage done to the immobilization device or mechanism and be subject to a fine of not more than ninety-nine dollars ($99.00).

Sec. 21-6e. Formal Hearing Procedure - Parking Violations Hearing Officers.

(a) The Mayor, with the consent of the Town Council, shall appoint eight (8) parking violation hearing officers. Such officers shall serve for a term of two (2) years from the effective date of appointment. The Town shall provide a suitable hearing room in which hearings are to be conducted and all necessary forms, papers, furnishings and equipment required by the hearing officers to perform their functions. The Town shall provide for the processing of cases prior to decisions by the hearing officer and for processing of cases after a hearing officer has made a decision.

Effective: 3-5-93

(b) The hearing officers shall be empowered to hear appeals from the issuance of parking violation citations and take such other actions in processing parking violations as authorized by state statutes, Town ordinances, rules and regulations.

(c) Any person or owner of a vehicle cited for a violation of any ordinance, rule or regulation of the Town pertaining to parking may request a hearing in writing, on a form provided by the Town, as indicated in Section 21-6.e. and 21-6.f. hereof.

(d) (1) In scheduling formal appeal hearings, the appellant shall be notified by mail of the place and time of the hearing. Such notice shall be provided at least fifteen (15) days, but not more than thirty (30) days, prior to the scheduled hearing date.

(2) The procedure for the hearing shall be informal as to the rules of evidence, but testimony shall be taken under oath or affirmation.

(3) The provisions of this section shall be construed in accordance with the provisions of applicable state statutes and Town ordinances.

(4) In considering an appeal, the hearing officer shall consider all relevant facts and circumstances and may require the personal appearance of the appellant and issuing officer.

(5) Should the hearing officer find in favor of appellant, he shall so certify to the Town, and the record of the citation shall be removed from the files of the Town.

(6) Should the hearing officer find the issuance of the citation proper, he shall so certify to the Town and no further appeal under this section shall be considered.

(7) If such violation is not paid on the date of the judgment of the hearing officer, the Town shall send by first-class mail a notice of the penalty assessment to the person found liable and shall file, not less than thirty (30) days nor more than twenty-four (24) months after such mailing, a certified copy of the notice of penalty assessment with the Clerk of the Superior Court for the geographical area in which the Town is located, together with an entry fee as required by statute. The certified copy of the notice of penalty assessment shall constitute a record of assessment. Within such twenty four (24) months 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 against such person in favor of the Town. Notwithstanding any other 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.

(8) A person against whom an assessment has been entered pursuant to this

section is entitled to judicial review by way of appeal. An appeal may be instituted as provided by statute within thirty (30) days of the mailing of notice of such assessment.

Sec. 21-6f. Request for Immediate Hearing When Vehicle is Immobilized or Impounded.

Any person whose vehicle is immobilized or impounded because of the existence of four or more outstanding violations may request an immediate hearing on the validity of the charges on which the immobilization of impoundment was based. A hearing shall be convened thereafter by one of the parking violation hearing officers as soon as practicable. The procedure for the hearing shall be informal as to the rules of evidence, but testimony shall be taken under oath or affirmation. In considering the charges, the hearing officer may consider all relevant facts and circumstances and require the personal appearance of the person requesting the hearing and the issuing officer. Should the hearing officer find in favor of the person charged, he shall so certify to the Town and the record of charge or charges shall be removed from the files of the Town and the vehicle released to the owner. Should the hearing officer find the issuance of the charge or charges proper, he shall so certify to the Town and no further appeal for a hearing shall be considered. The hearing officer shall determine the amount due the town for the cost of immobilization or impoundment and the amount due for violations outstanding. The owner may regain possession by paying the amount found due by the hearing officer and establishing his identity and right to possession and upon signing a proper receipt for the vehicle. If not paid on the same day, the owner shall also pay all charges due for storage of the vehicle.

Sec. 21-6g. Effective Date.

This Ordinance shall become effective on September 17, 1990.

Voted: 6/5/90
Published: 6/13/90
Effective: 9/17/90

Sec. 21-7. Presumption as to Violator.

In any prosecution or proceeding for unlawful parking, the registered owner of the vehicle so parked shall be presumed to be the operator thereof and prima facie guilty of having parked unlawfully.

Sec. 21-8. Use of Vehicles on Sidewalks.[3]

(a) No person shall operate any vehicle on any sidewalk customarily used by the public as such. This Section shall not prohibit the crossing of such walk by vehicles as an approach to any driveway or building that is properly constructed with aprons or approaches, nor shall it prohibit invalids' chairs or baby carriages.

(b) It shall be unlawful to use any sled or sleigh on any sidewalk.

[3]Cross Ref: As to bicycles on sidewalks, see Sec. 21-38. State Law Ref: As to Town's authority to regulate use of sidewalks, see Sec. 7-194 (23) Gen. Stats.

Sec. 21-8a. Pocket Bikes.

No person shall operate a minibike or minicycle on any town road or sidewalk. As used in this section "minibike or minicycle" shall have the same meaning as contained in Conn. Gen. Stat. section 14-1 and "sidewalk" shall have the same meaning as contained in Conn. Gen. Stat. section 14-286.

Voted: 01-04-05
Published: 01-12-05
Effective: 02-02-05

Sec. 21-9. Parking Prohibited on Front Lawns.

Driveway: A hard surface consisting of asphalt, concrete or some other recognized material used for driveways which is no greater than-ten (10) feet in width and which is used as a means of ingress and egress to parking area.

Parking Space: The area required for parking one (1) automobile, which in this regulation is held to be an area ten (10) feet wide and twenty (20) feet long, and having direct access to a street or alley.

Effective July 1, 1981, in a residential district, parking of motor vehicles shall not be permitted in that portion of the yard which lies between the living area (except a garage) of the dwelling and the street right-of-way. This ordinance shall not apply to motor vehicles parked on a driveway, and to one (1) parking space made up of a drive-way-type surface no larger in area than ten (120) feet long by twenty (20) feet wide. The Director of Inspections and Permits is authorized to grant up to two (2) exemptions renewable every two (2) years for each residence under the following circumstances:

a. Where there is a showing that the number of motor vehicles owned by the residents of the dwelling exceed the number of available parking spaces, as defined in the zoning ordinances, or
b. Where it is shown that the individual is handicapped as defined in Section 14-253a of the Connecticut General Statutes. A handicapped person, in order to establish evidence of a handicap, must present a doctor's certificate or present a current special parking identification card.

This ordinance shall apply to only one (1) and two (2) family dwellings. Penalty: The penalty for violating this ordinance shall be set by the Town Council in the Fee Schedule.

Effective July 1, 1981

Sec. 21-10. Racing Prohibited.[4]

No person shall race with bicycles or automobiles or try the speed of horses through or upon any street or highway of the Town.

[4]State Law Reference: As to prohibition against racing, see Sec. 14-224(b) C.G.S. As to bicycles, see Sec. 14-286 C.G.S.

Sec. 21-11. Designation of One Way Streets.

The traffic authority may designate any Town street or portion thereof, as being restricted to one-way traffic, and to alter, amend, modify or revoke such designation. the traffic authority shall erect appropriate signs, devices or markings giving notice thereof. Upon any such Town street so designated a vehicle shall be driven only in the direction indicated.

Sec. 21-12. Handicapped Parking Spaces.

(a) All motor vehicles except a vehicle displaying the special identification card provided for in Section 14-253a, Subsection (a) of the Connecticut General Statutes, or motor vehicles transporting holders of such a card, shall not park in any parking space which has been reserved for the handicapped.

(b) Any person who violates any provision of this Section, shall be subject to a fine as set by the Council in the Fee Schedule, provided that the fine is paid at the police station within twenty-four (24) hours of the offense, otherwise the penalty shall be increased as set forth in the Fee Schedule.

Sec- 21-13. Designation of Handicapped Parking Spaces.

(a) In the case of an existing public building or private building devoted to public use, with a parking lot capacity of ten or more vehicles, the Traffic Authority of the Town shall establish specific handicapped parking spaces by written order and cause a copy of such order to be delivered to the owners or agents of the building and the land on which it stands. The owner or agent thereof shall, within five days after receiving such order, mark the spaces in the manner described in Section 14-253a of the Connecticut General Statues.

Sec. 21-14. Prohibition of Through Truck Traffic on Governor Street, Prospect Street, Maplewood Avenue, Claremont Street, Ensign Street, Main Street, King Street, Rolling Meadow Drive, Barbara Drive, Sandra Drive, Deborah Drive, and Margery Drive.

(a) For the purposes of this ordinance, the term "truck" means a motor vehicle having a gross weight of seven thousand pounds or more designed, used or maintained primarily for the transportation of property or persons, and includes tractors capable of drawing one or more trailers, tractors drawing one or more trailers and buses.

(b) No person shall operate any truck on Governor Street between the intersection

of Governor Street and Prospect Street and the intersection of Governor Street and Main Street unless such person is engaged on a trip with a point of origin or point of destination located on: Governor Street, Prospect Street, Ellsworth Street, Richard Road, Fuller Avenue, Orchard Terrace, Sherman Avenue, Orchard Street, Roberts Court, Robin Terrace, Chapman Street, Chapman Place, John Street, Howard Street, Sterling Road, Stanley Street, Edwards Street, Vine Street, Adams Street, or Walter Place.

(c) No person shall operate any truck on Prospect Street between the intersection of Prospect Street and Main Street and the intersection of Prospect Street and Governor Street unless such person is engaged on a trip with a point of origin from or point of destination located on Governor Street or Prospect Street unless the point of origin or point of destination of the trip is located on: Governor Street, Prospect Street, Ellsworth Street, Richard Road, Fuller Avenue, Orchard Terrace, Sherman Avenue, Orchard Street, Roberts Court, Robin Terrace, Chapman Street, Chapman Place, John Street, Howard Street, Sterling Road, Stanley Street, Edwards Street, Vine Street, Adams Street, or Walter Place.

(d) No person shall operate a truck on Maplewood Avenue between the intersection of Claremont Street and Maplewood Avenue unless such person is engaged on a trip with a point of origin from or point of destination located on Maplewood Avenue or Claremont Street.

(e) No person shall operate a truck on Claremont Street between the intersection of Claremont Street and Park Avenue to the intersection of Claremont Street and Maplewood Avenue unless such person is engaged on a trip with a point of origin from or point of destination located on Maplewood Avenue or Claremont Street.

(f) No person shall operate a truck on Ensign Street between the intersection of Main Street and Riverside Drive unless such person is engaged on a trip with a point of origin from or point of destination located on Ensign Street or Willowbrook Road.

(g) No person shall operate a truck on Main Street between the intersection of Route 5 and Main Street and the South Windsor town line unless such person is engaged on a trip with a point of origin from or point of destination located on Main Street between the intersection of Route 5 and Main Street and the South Windsor town line.

(h) No person shall operate a truck on King Street between the intersection of Route 5 (also known as Ellington Road) and the South Windsor town line unless such person is engaged on a trip with a point of origin from or point of destination located on King Street between the intersection of Route 5 (also known as Ellington Road) and the South Windsor town line.

(i) No person shall operate a truck on Signor Street, Westbrook Street and Ann Street unless such person is engaged on a trip with a point of origin from or a point of destination located on Signor Street, Westbrook Street and Ann Street.

(j) No person shall operate a truck on Rolling Meadow Drive, Barbara Drive, Sandra Drive, Deborah Drive, and Margery Drive unless such person is engaged on a trip with a point of origin from or a point of destination on Rolling Meadow Drive, Barbara Drive, Sandra Drive, Deborah Drive, Margery Drive, Janet Drive, Butternut Drive, Judy Drive, Lombardo Drive, Hartz Lane, Jonathan Lane or Hilltop Farms Lane.

(k) The provisions of this Section shall not apply to trucks owned and operated by the Town of East Hartford or any of its departments, or to trucks and buses owned by the East Hartford Board of Education, or to trucks and buses operated by private contractors for the benefit of the Town of East Hartford or the East Hartford Board of Education.

(l) Any violation of the provisions of this Section shall subject the violator to a fine of not more than ninety nine dollars.

Voted: 05-21-02
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ARTICLE 2. BICYCLES AND BICYCLING. [5]

Sec. 21-15. Defined.

Bicycle shall mean a device propelled by human power which any person may ride, having two tandem wheels either of which is over twenty inches in diameter. Bicycle shall not include any motorized bicycles. Such motorized bicycles shall be deemed to be motor vehicles.

[5] State law reference: As to motorized bicycles, see Sec. 14-286, General Statutes. As to authority to regulate, see Sec. 14-189, General Statutes.

Sec. 21-16. Applicability of Article.

The regulations in this Article applicable to bicycles, shall apply wherever a bicycle is operated upon any street, or upon any public path set aside for the exclusive use of bicycles, subject to those exceptions stated herein.

Sec. 21-17. Applicability of Article to Non-Residents.

Non-residents must comply with the regulations on operation of bicycles in the Town, but need not be licensed in this Town.

Sec. 21-18. License Required.

No person who resides within the Town shall ride or proper a bicycle on any street, or upon any public path set aside for the exclusive use of bicycles, unless such bicycle has been licensed.

Sec. 21-19. License Application; Fee.

Application for a bicycle license shall be made upon a form provided by the Town and shall be made to the Chief of Police. An annual license fee as set by the Council in the Schedule of Fees shall be paid to the Town before each license or renewal is granted.

Sec. 21-20. Inspection of Bicycle.

The Chief of Police shall inspect each bicycle before licensing the same and shall refuse a license for any bicycle which he determines is in unsafe mechanical condition.

Sec. 21-21. License Issuance; Term; Denial; Records.

(a) The Chief of Police, upon receiving proper application thereforE, is authorized to issue a bicycle license which shall be effective until June 1st of the

following year.

(b) The Chief of Police shall not issue a license for any bicycle when he knows or has reasonable ground to believe that the applicant is not the owner of or entitled to the possession of such bicycle.

(c) The Chief of Police shall keep a record of the number of each license, the date issued and the name and address of the person to whom issued and the make, color, and bicycle frame number for which issued and a record of all bicycle license fees collected by him.

Sec. 21-22. License Plate or Sticker.

(a) The Chief of Police upon issuing a bicycle license shall also issue a license plate or sticker bearing the license number assigned to the bicycler, the name of the Town and the year for which issued.

(b) The Chief of Police shall cause such license plate or sticker to be firmly attached to the rear mudguard or frame of the bicycle for which issued, in such position as to be plainly visible from the rear.

(c) The license plate or sticker shall be kept attached to the bicycle, and no person shall remove it from the bicycle during the period for which issued except upon transfer of ownership or in the event the bicycle is dismantled and no longer operated upon any street in this Town.

(d) Such plates or stickers shall not be transferred from one person to another.

Sec. 21-23. License Renewal.

Upon the expiration of any bicycle license the same may be renewed upon application and payment of the same fee as upon original application.

Sec. 21-24. License Surrender or Assignment of Plate on Transfer.

Upon sale or other transfer of a licensed bicycle, the licensee shall remove the license plate and shall either surrender the plate to the Chief of Police, or may, upon proper application, but without payment of additional fee, have the plate assigned to another bicycle owned by the applicant. Stickers need not be surrendered to the Chief of Police but shall be removed upon such sale or transfer.

Sec. 21-25. Compliance with Article by Rental Agency.

A rental agency shall not rent or offer any bicycle for rent unless the bicycle is licensed and a license plate is attached thereto as provided herein and such bicycle is equipped with the lamps and other equipment required in this Article.

Sec. 21-26. Dealers' Report of Transactions Required.

Every person engaged in the business of buying or selling new or secondhand bicycles shall make a report to the Chief of Police of every bicycle purchased or sold by such dealer, giving the name and address of the person from whom

purchased and/or to whom sold, a description of such bicycle, make, color, and bicycle frame number thereof and the number of the license plate or sticker, if any is found thereon.

Sec. 21-27. Applicability of Traffic Regulations.[6]

Persons riding bicycles upon a roadway shall be subject to the traffic regulations of this town applicable to the driver of a vehicle, except as to special regulations in this Article, and except as to those provisions which by their nature have no application.

[6]State Law Ref: As to authority and applicability of traffic regulations to bicycles, see Sec.14-286a, C.G.S. person dismounts from the bicycle to make such turn, in which event such person shall obey the regulations applicable to pedestrians.

Sec. 21-28. Obedience to Traffic Signs and Devices.

(a) Any person operating a bicycle shall obey the instructions of the official traffic signals, signs and other control devices applicable to vehicles unless otherwise directed by a police officer.

(b) Whenever authorized signs are erected, indicating that no right, left or "U" turn is permitted, no person operating a bicycle shall disobey the direction of any such sign, except where such

Sec. 21-29. Riding Position; Number of Riders.[7]

(a) A person operating a bicycle shall not ride other than upon or astride the permanent and regular seat attached thereto, nor carry any other person upon such bicycle other than upon a firmly attached and regular seat thereon, nor shall **any** person ride upon a bicycle other than as above authorized.

(b) No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped

.

[7] State Law Ref: As to carrying a person other than the operator, see C.G.S. Sec. 14-287

Sec. 21-30. Speed Limitation.8

No person shall operate a bicycle at a speed greater than is reasonable and prudent under the conditions then existing.

[8] State Law Ref: As to speeding, see C.G.S. Sec. 14-286

Sec. 21-31. Riding on Right Side of Road.

Every person operating a bicycle upon a roadway shall ride as near to the right hand side of the roadway as practicable.

Sec. 21-32. Emerging from Alleys or Driveways.

The operator of a bicycle emerging from an alley, driveway or building, shall, upon approaching a sidewalk or the sidewalk area extending across any alleyway, yield the right-of-way to all pedestrians approaching on the sidewalk or sidewalk area, and upon entering the roadway shall yield the right-of-way to all vehicles approaching on the roadway.

Sec. 21-33. Attaching to Moving Vehicles.

No person riding upon any bicycle shall attach the same or himself to any moving vehicle upon a roadway.

Sec. 21-34. Riding Abreast Restricted.

Persons operating bicycles upon a roadway shall ride only in single file except on paths or parts or roadways set aside for exclusive use of bicycles.

Sec. 21-35. Carrying Articles While Bicycling.

No person operating a bicycle shall carry any package, bundle or article which prevents the rider from keeping both hands upon the handlebar or otherwise interferes with the operation of such bicycle.

Sec. 21-36. Parking.

No person shall park a bicycle upon a street other than upon a roadway against the curb or upon the sidewalk in a rack to support the bicycle, or against a building, or at the curb in such a manner as to afford the least obstruction to vehicle or pedestrian traffic.

Sec. 21-37. Use of Bicycle Paths.

Wherever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use such path and shall not use the roadway.

Sec. 21-38. Riding on Sidewalks.

Bicycles may be operated on sidewalks in public parts and in residential districts or on designated bikeways, provided that bicycles propelled by a friction type motor

shall not be operated on such sidewalks. Under all circumstances, the operator must yield the right-of-way to pedestrians using such areas, except for design designated bikeways, and due and proper care shall at all times be exercised by the operator for the pedestrians. No bicycles shall be operated upon any sidewalk where signs prohibit operation or in the central business district.

Sec. 21-39. Lights.

Every bicycle when in use at night shall be equipped with a lamp on the frame which shall emit a light visible from a distance of at least five hundred (500) feet to the front and with a red reflector on the rear which shall be visible from all distances from fifty (50) feet to three hundred (300) feet to the rear when directly in front of lawful upper beams of headlamps on a motor vehicle. A lamp emitting a red light visible from a distance of five hundred (500) feet to the rear may be used in addition to the red reflector.

Sec. 21-40. Warning Devices.

No person shall operate a bicycle unless it is equipped with a bell or other device capable of giving a signal for a distance at least one hundred (100) feet, except that a bicycle shall not be equipped with nor shall any person use upon a bicycle any siren or whistle.

Sec. 21-41. Brakes, Hand and Pedal Grips.

(a) Every bicycle shall be equipped with a brake which will enable the operator to make the braked wheel skid on a dry, level clean pavement.

(b) Each bicycle must be equipped with approved hand and pedal grips.

Sec. 21-42. Responsibility of Parent or Guardian.

The parent of any child and the guardian of any ward shall not authorize or knowingly permit any such child or ward to violate any of the provisions of this Article.

Sec. 21-43. Penalties.

In addition to any other penalty provided in this Code, the Chief of Police may impound a bicycle for any violation of the provisions of this Article for not more than sixty (60) days unless all fines are paid.

ARTICLE 4. SNOWMOBILES.

Sec. 21-44. Definitions.

(a) As used in this Article:

(1) Safety or dead-man throttle shall mean a device which when pressure is removed from the accelerator or throttle causes the motor to be disengaged from driving track.

(2) Snowmobile shall mean any motorized vehicle designed for travel primarily on snow or ice steered by wheels, skis or runners.

Sec. 21-45. Regulations.

(a) No person shall operate a snowmobile under any of the following circumstances:

(1) On private property of another without the express permission of the owner or occupant;

(2) On public school grounds, park property, recreational areas, golf courses or any other public property without express permission to do so by the head of the department which controls the property;

(3) On or along any public way normally used for vehicular traffic unless in a duly designated emergency or unless otherwise provided by the Chief of Police;

(4) In a manner so as to create loud, unnecessary or unusual noise and excessive smoke;

(5) At any time in a careless, reckless or negligent manner or at such speed so as to endanger or be likely to endanger the safety of any person or property;

(6) Between the hours of 10:00 P.M. and 8:00 A.M.; or

(7) Upon or connected to the snowmobile unless in a seat or device normally and properly attached for such purpose.

Sec. 21-46. Equipment Required.

(a) All snowmobiles operated within the Town shall be equipped with:

(1) Mufflers which are attached and which reduce the noise of operation of the vehicle to the minimum necessary for operating the vehicle and no person shall use a muffler cut-out, by-pass or similar device on the vehicle.

(2) Adequate brakes in good working condition.

(3) At least one (1) headlight and one (1) tail light.

(4) A safety or dead-man throttle in operating condition.

Sec. 21-47. Leaving Vehicle Unattended.

No person shall leave or allow a snowmobile to be or remain unattended on public property while the motor is running or with the keys for starting the vehicle left in the ignition.

Sec. 21-48. Transporting to Operating Areas.

When snowmobiles are transported to areas where their use is permitted, such transportation shall be by towing or hauling the snowmobile to such areas only.