

FINAL DRAFT

(07-29-15)

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

(a) The Mayor, with the consent of the Town Council, shall appoint up to four [eight (8)] parking violation hearing officers. Such officers shall serve for a term of two years from the effective date of appointment. The officers shall not be employees of the Police Department or of those agencies which administer any aspect of traffic maintenance, parking, engineering or enforcement. The Town shall provide a suitable hearing room in which hearings and administrative appeals 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.

(b) The hearing officers shall be empowered to hear appeals from the issuance of parking violation citations under subsection (d) or (e) of this section 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.]

(c) Administrative Appeal Procedure:

(1) Any person or owner of a vehicle who has received a parking violation citation may request from the Town an administrative appeal of the citation in writing, using a form provided by the Town, within ten calendar days from the date of the citation. Notice of the finding in an administrative appeal shall be given to the appellant in writing, within sixty calendar days of the receipt of the appeal;

(2) Payment of the fine and penalty shall be stayed pending the administrative appeal. Payment of the fine and any penalty shall be made within ten calendar days of mailing of the finding of the administrative appeal, unless the parking violation citation has been voided or a further appeal has been taken under (d) below.

(d) Any person or owner of a vehicle receiving a parking citation violation may request a hearing in writing, on a form provided by the Town, within ten calendar days of any of the following:

(1) Issuance of a parking citation violation;

(2) Issuance of an adverse decision in an administrative appeals; or

(3) Issuance of a notice pursuant to subsection (e) of section 21.6a.

Payment of the fine and any penalty shall be made within ten calendar days of the finding of the appeal, unless the parking violation citation has been voided.

[(d)] (e) (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 days, but not more than thirty 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.

(f) If such fine and penalty is not paid [on the date of the judgment of the hearing Officer] pursuant to subsections (c) or (d) of this section, 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 days nor more than twenty-four 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 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.

(g) 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 days of the mailing of notice of such assessment.

- (7) Notice of the finding in the formal appeal shall be given to the appellant in writing after a decision has been rendered at the formal appeal hearing.