

## **Hearing Ordinance**

### 1.0 Purpose and Authority:

In accordance with Section 7-152c of the Connecticut General Statutes, as the same may be amended from time to time, there is hereby established a citation hearing procedure for use in contesting citations issued in accordance with Town Ordinances where such hearing procedures apply.

2.0 The First Selectman shall appoint one or more citation hearing officers, other than police officers or employees or persons who issue citations, to conduct the hearings authorized by this Ordinance.

3.0 If any person who is sent notice pursuant to a Town Ordinance wishes to admit liability for any alleged violation, he/she may, without requesting a hearing, pay the full amount of the fine admitted to, in person or by mail to the Town of New Canaan. Checks should be made payable to the Treasurer of the Town of New Canaan.

4.0 Such payment shall be inadmissible in any proceeding, civil or criminal, to establish the conduct of such person or other person making the payment.

5.0 Any person who does not deliver or mail written demand for a hearing within thirty (30) days of the notice provided for in the subject Town Ordinance shall be deemed to have admitted liability, and the person issuing the citation shall certify such person's failure to respond to the hearing officer. The hearing officer shall thereupon enter and assess the fine provided for by the subject Ordinance, and shall follow the procedures set forth in Section 14.0 of this Ordinance.

6.0 Any person who requests a hearing shall be given written notice by certified mail 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 notice, provided the hearing officer shall grant postponement or continuance for any reasonable request by any interested party for good cause shown.

7.0 An original or certified copy of the initial citation issued by the issuing official shall be filed and retained by the Town of New Canaan and shall be deemed to be a business record within the scope of Section 52-180 of the Connecticut General Statutes and evidence of the facts contained herein.

8.0 The presence of the issuing official shall be required at the hearing. A person wishing to contest his/her liability shall appear at the hearing and may present evidence in his/her behalf.

9.0 A designated municipal official, other than the hearing officer, may present evidence on behalf of the municipality.

10.0 If the person that demanded a hearing fails to appear, the hearing officer may enter an assessment by default against him/her upon finding of proper notice and liability under this Ordinance.

11.0 The hearing officer may accept from such person copies of investigatory and citation reports and other official documents by mail and may determine thereby that the appearance of such person is not necessary.

12.0 The hearing officer shall conduct the hearing in the order and form and with such methods of proof, as he/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.

13.0 The hearing officer shall announce his/her decision at the end of the hearing. If the hearing officer determines that the person is not liable, he/she shall dismiss the matter and enter his/her determination in writing accordingly. If the hearing officer determines that the person is liable for violation, the hearing officer shall forthwith enter and assess the fines, penalties, costs or fees against such person as provided by this Ordinance.

14.0 If such assessment is not paid on the date of entry, the hearing officer shall send by first class mail a notice of 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 notice of assessment with the clerk of the Superior Court facility designated by The Chief Court Administrator, together with the statutory entry fee. Within such twelve-month period, assessments against the same person may be accrued and filed as on record of assessment. Notwithstanding any other provisions of the Connecticut General Statutes, the hearing officer's assessment, when so entered as a judgement, shall have the effect of a civil money judgement and a levy of execution on such judgement may be issued without further notice to such person.

15.0 Appeals: A person against whom an assessment has been entered pursuant to this Ordinance is entitled to judicial review by way of appeal. An appeal shall be instituted within thirty (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, in the Superior Court, which shall entitle such person to a hearing in accordance with the rules of the judges of the Superior Court.

16.0 Effective Date: The ordinance was adopted by the New Canaan Town Council on December 13, 2000, to be effective on April 1, 2001.