

**CHAPTER 65 - HEARING PROCEDURE FOR TOWN CITATIONS AND CIVIL PENALTIES AND/OR FINES**

**WHEREAS**, the Town of Bethel 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 civil penalties and/or fines to insure compliance with the Town's ordinances; and

**WHEREAS**, Connecticut General Statute §7-152c requires that in order to effectuate enforcement of said citations, a municipality establish a citation hearing procedure.

**NOW THEREFORE**, the Town of Bethel establishes the following procedures for issuance of citations and appeal of civil penalties and/or fines established by Town ordinances.

**Sec. 65-1. Hearing officer.**

The First Selectman shall appoint one or more hearing officers to conduct hearings authorized by state statute and this chapter in the manner as herein provided. The hearing officer shall serve for a term of two (2) years and shall be appointed in accordance with the applicable provisions of Article VII, C7-1, C7-2, C7-3 and C7-4 of the Town Charter. Town employees, police officers or persons authorized under ordinance or state statute to issue citations, civil penalties and/or fines shall not be eligible to serve as citation hearing officer.

**Sec. 65-2. 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, civil penalties, costs or fees for any citation issued under any ordinance adopted pursuant to §7-148 of the Connecticut General Statutes for an alleged violation thereof, the Town of Bethel, office of First Selectman shall, upon the direction of its hearing officer, shall send a written notice by certified mail, return receipt, or personally served on, and by first class mail to the person cited. This notice shall include the following information:

- A. The allegations against such person and the amount of the fine, civil penalties, costs of fees due;
- B. 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;
- C. That if such person does not demand such a hearing, an assessment and judgment shall be entered against him; and
- D. That such judgment may issue without further notice.

**Sec. 65-3. Admission of liability.**

Any person sent notice pursuant to Section 65-2. of this chapter may admit liability for the alleged violation. He may pay in full, without requesting a hearing, by mail or in person, the full amount of the fines, civil penalties, costs or fees admitted to, directly to the personnel in the office of the First Selectman. Payment shall be made to the Town of Bethelö. The personnel in the office of the First Selectman shall provide such person with a receipt of payment for such fines, civil penalties, costs or fees. Such payment shall be inadmissible in any proceedings, civil or criminal, to establish the conduct of such person or other person making the payment.

**Sec. 65-4. Admission of liability for failure to respond.**

Any person who fails to deliver or mail a written demand for a hearing within twenty (20) days of the date of the first notice provided under Section 65-2. of this chapter shall be deemed to have admitted liability, and the personnel of the Office of the First Selectman shall certify such person's failure to respond to the hearing officer. The hearing officer shall thereupon enter and assess the fines, civil penalties, costs or fees provided for by applicable ordinances and shall follow the procedures set forth in Section 65-7. of this chapter.

**Sec. 65-5. Hearing procedure.**

Any person requesting a hearing under Section 65-2 of this chapter shall be given written notice of the date, time and place for the hearing. Such hearing shall be 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 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 chapter may be represented by an attorney at his own expense.

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

A. An original or certified copy of the initial notice of violation issued by the issuing official or policeman shall be filed and retained with the personnel of the office of the First Selectman and shall be deemed to be a business record within the scope of §52-180 of the Connecticut General Statutes and evidence of the facts contained therein. Such original or certified copy shall be introduced as evidence before the hearing officer.

B. The presence of the issuing official shall be required at the hearing if the person so requests.

C. A person wishing to contest his liability shall appear at such hearing and may present evidence on his behalf. If such person fails to appear, the hearing officer may enter an assessment by default against him upon a finding of proper notice and liability under the applicable statutes or ordinances.

D. The person may submit copies of police reports, investigatory and citation reports and any other official documents by mail to the hearing officer. The hearing officer may determine after reviewing these documents that the appearance of the person at the hearing is unnecessary.

E. A designated municipal official, other than the hearing officer, may present evidence on behalf of the municipality at any hearing held under this chapter.

F. The hearing officer shall conduct the hearing in the order and form and with such methods of proof as the hearing officer deems to be fair and appropriate. The rules regarding admissibility of evidence shall not be strictly applied but all testimony will be given under oath or affirmation.

G. The entire hearing shall be recorded and such recording shall be retained by the Town for one (1) year, or longer if directed by Town Counsel.

**Sec. 65-6. Hearing officer decision.**

A. The hearing officer shall announce the decision at the end of the hearing. If the hearing officer determines that the person is not liable, the hearing officer shall dismiss the matter and enter his determination in writing accordingly.

B. If the hearing officer determines that the person is liable for the violation(s), the hearing officer shall forthwith enter and assess the fines, civil penalties, costs or fees against such person as provided by applicable ordinance.

C. All final decisions of the hearing officer shall be in writing by certified mail, return receipt or personally served on, and mailed by first class mail to the person who requested the hearing and filed with the Town Clerk's Office within fourteen (14) days from the date of the final decision.

**Sec. 65-7. Assessment and enforcement.**

A. If the assessment of the hearing officer 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 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 designated by the Chief Court Administrator along with the entry fee as set forth in §7-152c. of the Connecticut General Statutes. Notwithstanding any other provisions of the Connecticut General Statutes, the hearing officer's assessment when so entered as a judgment, shall have the same effect as a civil money judgment and levy of execution on such judgment may issue without further notice to such person.

B. In the event that the civil penalties and/or fines imposed by the hearing officer are made pursuant to the provisions of an ordinance regulating blight, adopted pursuant § 7-148 (c) (7) (H) (xv) of the Connecticut General Statutes, and the civil penalties and/or

finances and costs associated with the same under the blight ordinance are not paid on the date of the entry of the assessment, then the civil penalties and/or fines and costs shall constitute a lien of the Town of Bethel on the real property where said blight exists which lien may be continued, recorded and released in the manner provided by the general statutes of Connecticut for the continuing, recording and releasing property tax liens. Each such lien may be enforced in the same manner as property tax liens, including foreclosure of the real property. Said lien shall remain an encumbrance upon the subject property until such time as the blight condition shall be abated and all civil penalties and/or fines and costs assessed have been paid.

**Sec. 65-8. Appeal of Assessment.**

A person against whom an assessment has been entered pursuant to this chapter is entitled to judicial review by way of appeal, provided the appeal is instituted within thirty (30) days of the mailing of notice of such assessment by filing a petition to reopen the assessment, together with an entry fee in an amount equal to the entry fee for a small claims case pursuant to §52-259 of the Connecticut General Statutes at a Superior Court designated by the Chief Court Administrator.