

**WHEREAS**, The Board of Aldermen of the City of Waterbury, being desirous of amending the Waterbury Code of Ordinances, does hereby approve and adopt the following amendments to the Code.

**NOW THEREFORE BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF WATERBURY THAT:** Waterbury Code of Ordinances Chapter 12, “Civil Enforcement”, authorizing the issuance of citations and establishing a general procedure for appeal of citations, is added as follows:

Chapter 12 – Civil Enforcement

**§ 12.01 CITATIONS AND APPEAL AUTHORIZED**

(A) Pursuant to Connecticut General Statutes § 7-148(c)(10), the City may enforce violations of the City of Waterbury Zoning Regulations and the provisions of this Code designated in § 12.02 by the issuance of a citation. This chapter shall not preclude enforcement of violations of other provisions by citation if expressly provided for elsewhere within this Code. Each citation shall be issued by a police officer or designated municipal employee who shall issue a written warning providing notice of the specific violation before issuing the citation. Such citation may be appealed through the citation appeal procedure established in § 12.03.

**§ 12.02 ZONING REGULATIONS AND CODE SECTIONS TO BE ENFORCED BY CITATION**

The City of Waterbury Zoning Regulations and the following sections of this Code are hereby designated for enforcement by citation pursuant to this chapter:

§ 99.05 Signs and Street Stands

§ 99.55 Snow and Ice Removal

§ 99.57 Snow and Ice Not to be Shoveled into Street

§ 161.02 Permits (Donation Bins)

§ 161.04 Requirements for Operation and Maintenance (Donation Bins)

**§ 12.03 CITATION APPEAL PROCEDURE**

(A) *Applicability.* Unless otherwise expressly provided within this Code, this section shall apply upon the issuance of a citation for violation of any provision of this Code or the City of Waterbury Zoning Regulations.

(B) *Appointment of citation hearing officers.* The Mayor shall appoint one or more citation hearing officers, other than police officers or employees or other persons who issue citations, to conduct hearings authorized by this section.

(C) *Notice of violation.* Within twelve months from the expiration of the period for the uncontested payment of fines, penalties, costs or fees for citations issued under any provision of this Code or zoning regulations adopted pursuant to § 7-148 of the Connecticut General Statutes, the city shall send notice to the person cited. The notice shall inform the person cited: (1) Of the allegations against him, and the amount of the fines, penalties, costs or fees due; (2) that he may contest his liability before a citation hearing officer by delivering in person or by mail written notice within ten days of the date thereof; (3) that if he does not demand such a hearing, an assessment and judgment shall be entered against him; and (4) that the judgment may issue without further notice.

(D) *Admission of liability.* If the person or entity who is sent notice pursuant to subsection (C) of this section 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 city. Such payment shall be inadmissible in any proceeding, civil or criminal, to establish the conduct of the 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 (C) above shall be deemed to have admitted liability, and the designated municipal official shall certify the person or entity's failure to respond to the citation hearing officer. The citation hearing officer shall thereupon enter and assess the fines, penalties, costs or fees as set forth in the schedule of fees, charges, penalties and rewards attached to the annual budget of the city, pursuant to § 41.11 of this Code, and shall follow the procedures set forth in subsection (G) of this section.

(E) *Right to hearing; notice; timing of hearing.* Any person 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 fifteen days nor more than thirty days from the date of the mailing of notice, provided the citation hearing officer shall grant upon good cause shown any reasonable request by any interested party for postponement or continuance.

(F) *Hearing procedure.* An original or certified copy of the initial notice of violation issued by the issuing official or police officer shall be filed and retained by the municipality, and shall be deemed to be a business record and evidence of the facts contained therein. The presence of the issuing official or police officer shall be required at the hearing if such person so requests. A person wishing to contest his liability shall appear at the hearing and may present evidence in his behalf. A designated municipal official, other than the hearing officer, may present evidence on behalf of the municipality. 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. The citation hearing officer may accept from such person copies of police reports, investigatory and citation reports, and other official documents by mail and may determine thereby that the appearance of such person is unnecessary. The citation hearing officer shall conduct the hearing in the order and form and with such methods of proof as he 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. The citation hearing officer shall announce his decision at the end of the hearing. If the citation hearing officer determines that the person is not liable, he shall dismiss the matter and enter his determination in writing accordingly. If the citation hearing officer determines that the person is liable for the violation, he shall forthwith enter and assess the fines, penalties, costs or fees against such person as set forth in the schedule of fees, charges, penalties and rewards attached to the annual budget of the city, pursuant to § 41.11 of this Code.

(G) *Notice of assessment; filing in Superior Court; effect.* If such assessment is not paid on the date of its entry, the citation 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 days or more than twelve months after such mailing, a certified copy of the notice of assessment with the clerk of the Superior Court for the Judicial District of Waterbury together with an entry fee of eight dollars. 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 of eight dollars, against such person in favor of the municipality. Notwithstanding any provisions of the Connecticut General Statutes, the hearing officer's assessment, when 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) *Right to judicial review.* A person against whom an assessment has been entered pursuant to this section is entitled to judicial review by way of appeal. An appeal shall be instituted within thirty 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, at the Superior Court for the Judicial District of Waterbury, which shall entitle such person to a hearing in accordance with the rules of the judges of the Superior Court.