

Ordinance for Citation Appeals and Hearing process

1. Establishment; purpose

It is hereby found and declared that it is desirable to adopt a citation hearing procedure in accordance with and under authority contained in Connecticut General Statutes § 7-152c in order to permit a local forum under which citizens may be heard in connection with citations that may be issued by municipal officials in connection with any municipal ordinance.

2. Definitions

CITATION: A written statement of the relevant conditions and facts giving rise to the zoning or ordinance violation, including a reference to the specific ordinance or section(s) of the zoning regulations which has been violated, the time period during which the violation has existed, the potential fine and the cited persons right to appeal.

NOTICE: Any notice required by this chapter shall be given and is sufficient if provided in one of the following forms:

- A. In-hand delivery by an agent designated by the Board of Selectmen.
- B. Certified mail, return receipt requested, addressed to the person cited at his last known address.
- C. Delivery by any commercial carrier or delivery service such as Fed Ex or UPS.
- D. A commercial process server, state marshal, police officer or constable.

HEARING OFFICER: Citation Hearing Officer, appointed by the Board of Selectmen, authorized to conduct hearings and issue decisions in connection with citations for violation of any municipal ordinance or regulation.

OFFICER: The Zoning Enforcement Officer or other municipal official charged with enforcing a municipal ordinance or regulation or who issued the notice of violation or citation.

3. Appeals and hearing process

- A. Any person who wishes to appeal a citation, may do so in writing on a form provided by the Town within 10 days of receipt of said citation.
- B. Any person who requests a hearing shall be given written notice as defined herein of the date, time and place for the hearing. Such hearing shall be held not less than 15 days nor more than 30 days from the date of mailing of notice.
- C. Any person wishing to contest liability shall appear at the hearing and may present evidence on his behalf. If cited 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 presence of the issuing official or policeman shall be required at the hearing if such person so requests.

- D. Any municipal official may present evidence on behalf of the Town of Somers.
- E. The hearing officer shall conduct the hearing in the order and form and with such methods of proof as he deems fair and appropriate, and as otherwise provided in CGS Section 7-152c.
- F. All decisions of the hearing officer shall be in writing and rendered no more than 30 days after the close of said hearing.
- G. If the hearing officer determines the person is not liable, he shall dismiss the matter.
- H. If the 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 provided by the applicable ordinances of the Town of Somers.
- I. If such assessment is not paid by the date of 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 30 days or more than 12 months after such mailing, a certified copy of the notice of assessment with the clerk of a superior court facility designated by the Chief Court Administrator together with an entry fee of \$8. The certified copy of the assessment shall constitute a record of assessment. Within such 12 month period, assessments against the same person may be accrued and filed as one record of assessment. The clerk shall enter judgement in the amount of such record of assessment and court cost of \$8, against such person in favor of the Town of Somers. Notwithstanding any 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.
- J. Any person against whom an assessment has been entered pursuant to this section is entitled to judicial review by way of appeal to the superior court. An appeal shall be instituted within 30 days of the mailing of notice of such assessment by filing a petition to reopen the assessment, with an entry fee of an amount equal to the entry fee for a small claims case pursuant to section 52-259, at a superior court facility designated by the Chief Court Administrator, which shall entitle such person to a hearing in accordance with the rules of the judges of the Superior Court.

4. Effect on other laws

The provisions of this chapter shall be in addition to and not in derogation of any and all provisions of the Connecticut General Statutes and the Code of the Town of Somers.