Town of Mansfield
Agenda Item Summary

To: Town Council
From: Matt Hart, Town Manager MWH
CC: Maria Capriola, Assistant Town Manager; SGT Richard Cournoyer, Resident Trooper Coordinator; Lon Hultgren, Director of Public Works; Dennis O'Brien, Town Attorney
Date: June 10, 2013
Re: Amendments to Motor Vehicle Traffic and Parking Ordinance

Subject Matter/Background
Attached please find proposed revisions to the Motor Vehicle Traffic and Parking Ordinance. The objectives of the proposed amendments are to accomplish the following:

- *Section 182-3A* - revised to clarify that on-street parking is prohibited during all hours of the day year at any time of the year when there is any accumulation of snow or ice on the roads
- *Section 182-4A* – revised at the advice of iParq, the Town's ticketing vendor and Central Parking, the parking management company for Storrs Center, to double the fees on unpaid parking tickets as an additional enforcement tool. This is a common practice in many municipalities.
- *Section 182-4B* – revised to reinforce existing ordinance language regarding towing and to assist in the enforcement process
- *Section 182-5* – revised as a result of new section 182-4B

Recommendation
The Council may wish to send the proposed amendments directly to public hearing or refer the proposed amendments to the Ordinance Development and Review Subcommittee for review.

Depending on the action the Council wishes to take, one of the following motions would be in order:

Move, effective June 10, 2013, to schedule a public hearing for 7:30 PM at the Town Council's regular meeting on June 24, 2013, to solicit public comment regarding the proposed amendments to the Motor Vehicle Traffic and Parking Ordinance.

Move, effective June 10, 2013, to refer the proposed amendments to the Motor Vehicle Traffic and Parking Ordinance to the Ordinance Development and Review Subcommittee, for its review and consideration.

Attachments

1) Proposed amendments to the Motor Vehicle Traffic and Parking Ordinance (proposed deletions are ~~crossed out~~; amendments are underlined)

Chapter 182. MOTOR VEHICLE TRAFFIC AND PARKING

Article I. Parking

§ 182-1. Title.

This article shall be known and may be cited as the "Motor Vehicle Traffic and Parking Ordinance."

§ 182-2. Legislative authority.

This Article is enacted pursuant to the provisions and authority of §§ 7-148, 14-150, 14-307 and 14-312 of the Connecticut General Statutes.

§ 182-3. Parking restrictions; abandoned vehicles.

A. No motor vehicle shall be parked on any public highway under the jurisdiction of the Town of Mansfield, or in any area designated as a municipal parking area~~, between the hours of midnight and 6:00 a.m., from November 1 through April 15 when snowplowing is required.~~:

1) Between the hours of midnight and 6:00 a.m., from November 1 through April 15; or
2) At all times when there is any accumulation of snow or ice on said highways or parking areas.

B. Any motor vehicle parked in violation of the provisions of Subsection **A**, above, or in violation of any rule, regulation, order or other ordinance of the Town of Mansfield relative to or in connection with parking on public highways shall be deemed to be "apparently abandoned" as such term is used in § 14-150 of the Connecticut General Statutes, as amended, and such vehicle may then be taken into custody, towed or otherwise removed, stored, and thereafter sold in accordance with the provisions of said § 14-150.

C. The last owner of record of a motor vehicle found apparently abandoned, as shown by the files of the Department of Motor Vehicles, shall be deemed prima facie to have been the owner of such motor vehicle at the time such vehicle was apparently abandoned, and the person who apparently abandoned the same or caused or procured its apparent abandonment.

§ 182-4. Fines for offenses.

A. Any person who violates any provision of § **182-3** of this article shall be fined in accordance with the schedule of fines set forth in the Motor Vehicle Traffic and Parking Regulations*Editor's Note: See Ch. **A198**, Motor Vehicle Traffic and Parking Regulations.* authorized by § **182-6** of this article. Said fines are payable to the Collector of Revenue of the Town of Mansfield within 10 days of the date of issuance of a parking violation citation ticket. The amount of any fine not paid within ten days shall be doubled. Fines may be contested in compliance with the provisions of Article **II** of this chapter, the Hearing Procedure for Parking Violations Ordinance, below.

B. In addition to any motor vehicle which may be towed under the provisions of Connecticut General Statutes sections 14-145 or 14-150, any motor vehicle parked in violation of section 182-3 of this Article on which three or more prior parking fines under subsection A are due and unpaid, or on which

four or more such parking fines have been assessed within the past 12 months, may be towed and released to its owner only upon payment of all fines and charges.

§ 182-5. Right of towed vehicle owner to hearing.

As required by Connecticut General Statutes, § 14-150, any owner of a motor vehicle towed or otherwise removed under the authority of § **182-3** or section 182-4B of this article may request a hearing before a Motor Vehicle Towing Hearing Officer by filing a "Request for Hearing to Contest Vehicle Towing" form or a reasonable facsimile with the office of the Resident State Troopers at the Mansfield Town Hall no later than 10 days after the mailing date of the written notice to the owner that the motor vehicle has been towed.

§ 182-6. Traffic regulations.

As authorized by Connecticut General Statutes, §§ 14-307 and 14-312, the Traffic Authority of the Town of Mansfield is empowered by this article to make Motor Vehicle Traffic and Parking Regulations to supplement and enforce the parking restrictions and remedies permitted by this article and Chapter 249 of the General Statutes pertaining to traffic control and highway safety, including parking policies and restrictions. Any such regulations shall be subject to the approval of the Town Council of the Town of Mansfield. Such authority shall include, but not be limited to, the power of the Traffic Authority to establish and amend a schedule of fines for violations of this article and said Traffic Regulations promulgated hereunder, including the fines authorized by § **182-4** of this article.

Article II. Hearing Procedure for Parking Violations

§ 182-7. Title.

This Article shall be known and may be cited as the "Hearing Procedure for Parking Violations Ordinance."

§ 182-8. Legislative authority.

This Article is enacted pursuant to §§ 7-148, 7-152b, and 14-305 to 308, inclusive, of the Connecticut General Statutes.

§ 182-9. Intent.

This article is designed to establish a hearing procedure for the appeal and enforcement of fines, penalties, costs and fees for violations of local parking ordinances, regulations duly promulgated hereunder and State of Connecticut parking laws enforceable by municipal authorities.

§ 182-10. Appointment of Hearing Officers.

The Town Manager shall appoint one or more persons who are electors of the Town to serve as Parking Violation Hearing Officers to conduct hearings regarding the violation of parking ordinances and laws. No police officer or person who issues parking tickets or works in the Police Department may serve as a Parking Violation Hearing Officer.

§ 182-11. Notice of violation.

At any time within two years from the expiration of the final period for the uncontested payment of fines, penalties, costs or fees for any alleged violation under any motor vehicle parking ordinance or regulation adopted pursuant to Connecticut General Statutes, § 7-148 or §§ 14-305 to 14-308, inclusive, except for Article**II** of Chapter **152** of this Code of the Town of Mansfield, the Ordinance Regulating Residential Rental Parking, the Town may send notice to the motor vehicle operator, if known, or the registered owner of the motor vehicle by first class mail at their address according to the registration records of the Connecticut Department of Motor Vehicles. Such notice shall inform the operator or owner:

A. Of the allegations against the cited person and the amount of the fines, penalties, costs or fees due;
B. That the cited person may contest liability before a Parking Violations Hearing Officer by delivering in person or by mail written notice of demand for a hearing to the Office of the Mansfield Resident State Troopers at the address specified in the notice within 10 days of the date thereof;
C. That if a hearing is not so demanded, an assessment and judgment shall be entered against the cited person; and
D. That such judgment may issue without further notice.

§ 182-12. Proof of liability.

Whenever a violation of such an ordinance or regulation occurs, proof of the registration number of the motor vehicle involved shall be prima facie evidence in all proceedings provided for in this article that the owner of such vehicle was the operator thereof; provided that the liability of a lessee per General Statutes § 14-107 shall apply.

§ 182-13. Admission of liability.

If a person who is sent notice pursuant to § **182-11**wishes to admit liability for an alleged violation. the cited person may, without requesting a hearing, pay the full amount of the fines, penalties, costs or fees in person or by mail to the Collector of Revenue at the address specified in the notice. Any cited person who does not deliver or mail written notice of demand for a hearing within 10 days of the first notice provided for in § **182-11**, above, shall be deemed to have admitted liability, and the Office of the Mansfield Resident State Troopers shall certify such person's failure to respond to the Hearing Officer. The Hearing Officer shall thereupon enter and assess the fines, penalties, costs or fees provided for by any applicable law or ordinance and shall follow the procedures set forth in § **182-14**, below.

§ 182-14. Hearing procedure.

A. Any cited person who requests a hearing shall be given written notice of the date, time and place of the hearing. Such hearing shall be held not less than 15 days nor more than 30 days from the date of the mailing of such notice, provided the Hearing Officer shall grant upon good cause shown, any reasonable request by any interested party for postponement or continuance. An original or certified copy of the initial notice of violation issued by a police officer or other issuing officer shall be filed and retained by the Town, be deemed to be a business record within the scope of General Statutes, § 52-180, and be evidence of the facts set forth therein. The presence of the police officer or issuing officer

shall be required at the hearing if the cited person so requests. A person wishing to contest their liability shall appear at the hearing and present evidence in their own behalf. A designated town official, other than the Hearing Officer, may present evidence on behalf of the Town.

B. If the cited person fails to appear, the Hearing Officer may enter an assessment by default against the cited person by default upon a finding of proper notice and liability under the applicable statutes or ordinances. The Hearing Officer may accept from the cited person copies of police reports, Department of Motor Vehicles documents and other official documents by mail and may determine thereby that the appearance of such person is unnecessary. The Hearing Officer shall conduct the hearing in the order and form and with such methods of proof as the Hearing Officer 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 Hearing Officer shall announce a decision at the end of the hearing. If the Hearing Officer determines that the cited person is not liable, the matter shall be dismissed and the decision of the Hearing Officer entered in writing accordingly. If the Hearing Officer determines that the cited person is liable for the violation, said officer shall forthwith enter and assess the fines, penalties, costs or fees against such person as provided by the applicable law or ordinances of the Town.

§ 182-15. Notice of assessment and judgment.

If such assessment 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 30 days or more than 12 months after such mailing, a certified copy of the notice of assessment with the clerk of the appropriate court, which is now the Superior Court for the Tolland Judicial District, together with the appropriate entry fee. 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 said record of assessment and court costs against the cited person, in favor of the Town. Notwithstanding any other provision of the Connecticut 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.

§ 182-16. Appeal.

A cited person against whom an assessment has been entered pursuant to this article is entitled to judicial review by way of appeal. An appeal shall be instituted within 30 days of the mailing of notice of such assessment by filing a petition to open assessment, together with an entry fee in an equal amount to the entry fee for a small claims case pursuant to General Statutes, § 52-259, at the appropriate court, which is now the Superior Court for the Tolland Judicial District, which shall entitle such cited person to a hearing in accordance with the rules of the judges of the Superior Court.