



**Town of Mansfield  
Agenda Item Summary**

**To:** Town Council  
**From:** Matt Hart, Town Manager *Matt*  
**CC:** Maria Capriola, Assistant to Town Manager; Lon Hultgren, Director of Public Works; Storrs Center Parking Steering Committee  
**Date:** June 25, 2012  
**Re:** Proposed Revisions to Traffic and Parking Ordinance and Regulations

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**Subject Matter/Background**

Council received the proposed new parking ordinance and regulation changes at its February 14, 2012 meeting. The Council formed an ordinance development and review subcommittee to review these proposals, and the subcommittee met on March 7 and June 18, 2012. The subcommittee has revised both the regulations and the ordinance and is now forwarding the provisions to the full Council for action.

With respect to the proposed parking ordinance (Chapter 182), the subcommittee is recommending only minor wording changes.

For the regulations (Chapter A198), the subcommittee is proposing both minor wording changes and the following substantive changes:

- 1) The street names that define the Storrs Center area have been modified to account for the eventual renaming of the road to the post office.
- 2) Parking signs posted by a member of the Storrs Center Parking Cooperative have to be approved by the Town.
- 3) The appointment of special constables by the Town Manager has been strengthened to give the manager more control over the appointment and removal of these constables as well as their duties and area of jurisdiction.
- 4) Appointed special constables will be required to complete and submit a hold harmless document.
- 5) The period of time for paying parking fines has been shortened from 21 to 10 days.

**Financial Impact**

Fines collected through implementation of the regulations will help defray parking enforcement costs.

### Legal Review

The Town Attorney has assisted in the drafting of these proposals, and participated in the ordinance subcommittee review meetings.

### Recommendation

As a public hearing is required for the proposed parking ordinance, staff recommends that the Town Council set a public hearing at the July 9, 2012 meeting to solicit public comment concerning both the new parking ordinance and the changes to the parking regulations.

If the Council supports this recommendation, the following motion is in order:

*Move, to schedule a public hearing for 7:30 PM at the Town Council's regular meeting on July 9, 2012, to solicit public comment regarding the proposed Motor Vehicle Traffic and Parking Ordinance and the revisions to the Motor Vehicle Traffic and Parking Regulations.*

### Attachments

- 1) June 18, 2012 draft of proposed new parking ordinance
- 2) June 18, 2012 draft of proposed revisions to parking regulations
- 3) Minutes from the March 7, 2012 and June 18, 2012 meetings of the Ordinance Development and Review Subcommittee
- 4) February 7, 2012 draft of proposed new parking ordinance
- 5) February 7, 2012 draft of proposed revisions to parking regulations

**Town of Mansfield, CT**  
**Motor Vehicle Traffic & Parking Ordinance**  
**Final Draft – June 18, 2012**

Chapter 182, "Vehicles and Traffic," is repealed and the following "**Motor Vehicle Traffic and Parking Ordinance**," is substituted in its place as the NEW Chapter 182.

**Chapter 182, Article I**

**Section 182-1. Title.**

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

**Section 182-2. Legislative Authority.**

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

**Section 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.

B. Any motor vehicle parked in violation of the provisions of Section 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 Section 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 Section 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.

**Section 182-4. Fines for Offenses.**

Any person who violates any provision of Section 182-3 of this Article shall be fined in accordance with the schedule of fines set forth in the Motor Vehicle Traffic & Parking Regulations authorized by Section 182-6 of this Ordinance. Said fines are payable to the Collector of Revenue of the Town of Mansfield within ten days of the date of issuance of

a parking violation citation ticket. Fines may be contested in compliance with the provisions of Article II of this Chapter, the “**Hearing Procedure for Parking Violations Ordinance**”, below.

**Section 182-5. Right of Towed Vehicle Owner to a Hearing.**

As required by Connecticut General Statutes section 14-150, any owner of a motor vehicle towed or otherwise removed under the authority of Section 182-3 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 ten days after the mailing date of the written notice to the owner that the motor vehicle has been towed.

**Section 182-6. Traffic Regulations.**

As authorized by Connecticut General Statutes Sections 14-307 and 14-312, the Traffic Authority of the Town of Mansfield is empowered by this Ordinance 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 Section 182-4 of this Article.

**Chapter 182, Article II**

**Section 182-7. Title.**

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

**Section 182-8. Legislative Authority.**

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

**Section 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.

### **Section 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.

### **Section 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 section 7-148 or sections 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 ten 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.

### **Section 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 section 14-107 shall apply.

### **Section 182-13. Admission of Liability.**

If a person who is sent notice pursuant to section 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 ten days of the first notice provided for in section 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 section 182-14, below.

#### **Section 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 fifteen days nor more than thirty 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 section 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 thirty days or more than twelve 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 thirty 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 section 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.

**MOTOR VEHICLE TRAFFIC & PARKING REGULATIONS**  
**Chapter A198 Town of Mansfield Code**  
**Final Draft – June 18, 2012**

**Chapter A198. TRAFFIC REGULATIONS** is/are hereby amended as follows:

The Title of the Chapter is repealed and replaced as follows: **MOTOR VEHICLE TRAFFIC & PARKING REGULATIONS.**

**Section A198-1A(2)** is repealed and replaced, as follows: **Title 14, Sections 14-145, 14-150 and 14-297 through 14-314, inclusive.**

**Section A198-1C(3)** is repealed and replaced, as follows: **Chapter 182, Motor Vehicle Traffic & Parking.**

**NEW Section A-198-5A** is added, as follows:

**Section A-198-5a. Storrs Center Parking Regulations**

A. In addition to the restrictions listed in Section A-198-5 above, no vehicle shall be permitted to remain parked on any public roadway in the Storrs Center Development Area, which consists of the area in northern Mansfield bounded by and including the road to the post office (now or formerly known as the extension of South Eagleville Road) and South Eagleville Road to the south, the Town Office building, Region 19 (E.O. Smith High School), and the University of Connecticut's Fine Arts Complex to the west, Dog Lane and the University's Bishop Center to the north, the Center for Hellenic Studies Paideia, the new Village Street (paralleling Storrs Road) and the Storrs Post Office to the east, in the following manner:

(1) In violation of any sign posted by the Traffic Authority of the Town of Mansfield, or the Traffic Commission of the State of Connecticut or the Mansfield Downtown Partnership which limits or regulates the parking of vehicles within the Storrs Center Development Area.

(2) In violation of any sign regulating parking posted by a member of the Storrs Center Parking Cooperative within the above described Storrs Center Development Area. Any such sign must be approved by the Town Manager or his designee.

B. Vehicles in violation of any parking regulation herein may be subject to fines and towing. Owner/operators of violating vehicles will be responsible for paying both the fine for towing and the actual costs of towing. Except in instances where a vehicle is a hazard to pedestrians or vehicular traffic or impedes the delivery of emergency services, tow warning notices shall be placed on vehicles prior to towing. Vehicles may be towed for parking in violation of the parking infractions listed in Attachment 1, trespass on private property, parking while not being present on the premises or for exceeding the parking limits in designated parking spaces by 50 percent of the allowable time limit for said space in accordance with Sections 14-307 and 14-145 of the Connecticut General Statutes.

C. The Town of Mansfield, the Mansfield Downtown Partnership, the Storrs Center Alliance and their designated agents are hereby authorized to tow vehicles for parking violations in the above described Storrs Center Development area. Vehicles towed from private property shall be in accordance with Sections 14-307 and 14-145 of the CGS and at the request of the property owner who shall have both a

standing letter of trespass and an indemnification on file with the Town and the Mansfield Downtown Partnership.

D. In accordance with section 7-192 of the Connecticut General Statutes, the Mansfield Town Manager may upon request appoint special constables for terms of not more than two years to enforce parking laws and regulations in the Storrs Center Development Area. Any party to the "Cooperative Agreement for Parking Enforcement in and Adjacent to the Storrs Center Development" may file a standing letter of trespass with the Office of the Town Manager. Said letter may include a request that the Town Manager appoint any employee or other nominee of the party to be a special constable. The Town Manager shall have reasonable discretion to determine whether an individual is suitable for appointment and will be appointed as a special constable. The Town Manager may limit the geographical jurisdiction of any such appointee, and subject their appointment to such limitations, restrictions and conditions as the Town Manager deems appropriate. An Appointee shall have no property interest in their appointment, and shall serve at the pleasure of the Town Manager. Said constables shall be trained in parking enforcement by the Town and/or Mansfield Downtown Partnership prior to engaging in any enforcement activities. The services of any such special constable will be paid for by the requesting party, not by the Town of Mansfield. No such person may begin service as a special constable unless the requesting party has completed and submitted a "hold harmless" indemnification to the Town of Mansfield, Storrs Center Alliance, LLC, and to any Third Party Operator designated by said Town and LLC, to the satisfaction of said entities for any actions or liability of such employee or nominee of such party resulting from parking law or regulation enforcement in their role as special constable.

E. Penalties for Violations shall be in accordance with the Town's current Parking Violation Fine Schedule as listed in A-198 Attachment 1. Any person who violates any provision of these regulations shall be subject to the fines set forth herein. Any such fine must be paid to the Collector of Revenue within 10 days of the date on which the parking citation ticket is issued.

F. Any fine may be appealed as provided in Chapter 182, Article II of the Code of the Town of Mansfield, the "Hearing Procedure for Parking Violations Ordinance," and in Section A198-10 of these regulations, below.

G. Towing of vehicles from public parking areas shall be in accordance with Section 14-307 of the CGS. Towing appeals shall be made on DMV form A-25 "Request for Hearing Contested Tow" filed with the Office of the Mansfield Resident State Troopers. Towing of vehicles from private parking areas shall be in accordance with Section 14-145 of the CGS.

H. The cost of towing incurred by the towing party shall be paid prior to the release of the vehicle.

*Section A198 Attachment 1*

**Town of Mansfield  
Parking Violation Fine Schedule**

(Amended effective 7-1-1994; 9-28-2009; \_\_\_\_-2012, effective \_\_\_\_\_)

<u>Infraction</u>	<u>Fine</u>
Parking on a sidewalk	\$25
Parking on a lawn, island or unpaved area	\$25
Parking in violation of a posted sign	\$30
Parking beyond specified time limits (except in the parking garage)	\$30
Any violation resulting in towing	\$25 plus the cost of the

original violation

Parking with a lost, forged or spurious permit/decal	\$30
Parking on the wrong side of the street	\$30
Parking more than 12 inches from the curb	\$30
Parking within 25 feet of an intersection	\$30
Parking within 25 feet of a stop sign	\$30
Parking obstructing a driveway/bikeway	\$30
Parking with no Town permit/decal	\$30
Double parking	\$30
Parking in a crosswalk/bikeway	\$30
Parking in a designated "no parking" area	\$30
Parking in a loading zone	\$50
Parking in a restricted or reserved space	\$30
Parking in a bus stop	\$50
Parking causing a traffic hazard	\$50
Parking in violation of snow ordinance	\$50
Parking in a fire lane	\$50
Parking within 10 feet of a hydrant	\$50
Parking in a handicapped space or zone	\$150

Section A-198-7 is repealed and replaced as follows:

**A-198-7 Parking and Snow Removal.**

No 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, with the exception of the Storrs Center Parking Garage, between the hours of 12:00 midnight and 6:00 a.m. from November 1 through April 15.

Section A-198-9B is repealed and replaced as follows:

B. Any person who violates any provision of these regulations shall be subject to a parking citation ticket fine as established by the Traffic Authority in the Parking Violation Fine Schedule set forth in these Regulations. Any such fine must be paid to the Collector of Revenue within 10 days of the date on which the parking citation ticket is issued. Any fine may be appealed as provided for in Chapter 182, Article II of the Code of the Town of Mansfield, the "Hearing Procedure for Parking Violations Ordinance."

Section A-198-10 is repealed and replaced as follows:

**Section A-198-10. Appeals.**

Any fine may be appealed as provided for in Chapter 182, Article II of the Code of the Town of Mansfield, the "Hearing Procedure for Parking Violations Ordinance," and in these regulations. Appeals for parking violations shall be made to the Office of the Mansfield Resident State Troopers by making a request for hearing as permitted by Section 182-13 of said Ordinance. If said appeal is upheld by the Hearing Officer, no payment shall be necessary; if said appeal is denied, payment of the required fine shall be made to the Collector of Revenue. The decision of the Hearing Officer may be appealed to the Superior Court per Section 182-16 of the "Hearing Procedure for Parking Violations" Ordinance.

**Schedule A198 Attachment I**

Removed and replaced by section A-198-5a. H. above.

Town of Mansfield  
Town Council Ordinance Development and Review Subcommittee for the proposed Parking Regulation  
revisions and new Traffic and Parking Ordinance  
Minutes of the Meeting – March 7, 2012

Present: Council members: Shapiro, Paulhus & Ryan; Hultgren (staff), O'Brien (Town Attorney)

The meeting was convened at approximately 4:35 PM in Conference Room B of the Town Office Building. Shapiro was elected chairperson by acclamation.

Hultgren explained the development process for the proposed regulations to regulate parking in the Storrs Center area (revisions to Chapter A-198 of the Town's regulations) and the proposed ordinance to allow for the enforcement of all Town parking regulations via hearing officers and the courts (a new, two-article ordinance to be known as Chapter 182).

Shapiro asked about signs posted by a member of the Storrs Center parking Cooperative. Hultgren said that while no specific standards for signs were included in the regulations, these could be added at a later date. He said that signage could also be covered in the training for special constables that will be required.

Discussion ensued from all present about the process that the Town Manager would use to remove a constable and whether this should be included in the regulations or not. (Current wording says that a special constable may be removed for cause). O'Brien will look at the enabling statute and report on the advisability of adding more process language.

After discussion of whether or not a special constable would have the power to enforce parking on property not under his/her control, O'Brien was directed to draft additional language outlining the specific authority of special constables for section A-198-5a D.

Ryan suggested eliminating the phrase "in any year" from the applicable sections in both the regulations and ordinance.

O'Brien explained the reasoning behind having a new ordinance (Chapter 182) similar to the ordinances already adopted to enforce fines in other areas the Town assesses.

Some discussion on the hearing officers took place. O'Brien said that a manual and session reviewing it would be held in the near future with the Town's 3 existing hearing officers.

Shapiro suggested either adding the length of time persons have to pay their fines to the ordinance or referencing the section in the regulations that specifies this time period.

O'Brien and Hultgren will redraft the regulations and ordinance to incorporate the above suggestions and circulate it to committee members prior to the next meeting, which will be set after the changes are completed and distributed.

The meeting was adjourned at approximately 5:35 PM.

Respectfully submitted,

Lon Hultgren  
Director of Public Works