

Applicability.**Establishment of procedure.****Qualifications, appointment and removal of Hearing Officer.****Citation hearing procedure.****Municipal officer or employee to issue citations.****Applicability.**

Whenever any provision of the Ordinances of the Town of Bolton provides for enforcement of its provisions by imposition of fines, this citation hearing procedure may apply.

Establishment of procedure.

The Town of Bolton hereby establishes a citation hearing procedure in accordance with §§ 7-148(c)(10)(A) and 7-152c of the Connecticut General Statutes, as amended. Records of the proceedings and appointments under this chapter shall be kept in the office of the Town Clerk.

Qualifications, appointment and removal of Hearing Officer.**A.**

The Bolton Board of Selectman shall appoint one or more persons to be Citation Hearing Officers, other than police officers or Town employees, to conduct hearings authorized by this chapter. The term of said Citation Hearing Officer shall be two years. Notice of such designation shall be filed with the Bolton Town Clerk within two business days of the date of appointment by the Board of Selectman. The names and addresses of the Hearing Officers shall also be sent to the Commissioner of Motor Vehicles.

B.

No person shall be appointed to the position of Hearing Officer unless such person is:

(1)

At least 18 years of age;

(2)

Capable of fairly administering the applicable provisions of the ordinances based on such person's background and experience, including but not limited to education, special skills and training.

C.

Any Hearing Officer whose personal interests do or may reasonably give the appearance of conflict with the official's responsibilities herein enumerated shall remove him or herself from presiding over any such hearing, and in such case the First Selectman shall appoint a substitute Hearing Officer for that hearing.

D.

Any Hearing Officer may be removed at any time by the Board of Selectman for whatever reason is deemed sufficient, following reasonable inquiry into the facts and circumstances justifying removal, by the Board of Selectmen.

Citation hearing procedure.

A.

Warning notice of violation. Prior to utilizing the remedies set forth in this chapter, the Town of Bolton shall send to the alleged violator a written "warning notice of violation" which shall provide notice of the specific violation(s) at issue. Such warning notice shall be hand delivered or delivered in a manner consistent with the ordinance allegedly violated or sent to the alleged violator by registered or certified mail, return receipt requested.

B.

Notice of violation. At any time within 12 months from the expiration of the final period for the uncontested payment of fines, penalties, costs or fees for any citation issued under any ordinance herein for an alleged violation thereof, notice shall be hand delivered or delivered in a manner consistent with the ordinance allegedly violated or sent to the person(s) cited by the Town Clerk, by registered or certified mail, return receipt requested. Such notice shall inform the person(s) cited:

(1)

Of the allegations against the person(s) and the amount of fines, penalties, costs or fees due;

(2)

That the person(s) cited may contest liability before a Citation Hearing Officer by delivering in person, or by mail, written notice and request for a hearing within 10 calendar days of the date of notice specified in this Subsection **B**;

(3)

That if the person(s) cited does not demand such a hearing, an assessment and decision shall be entered against the such person(s); and

(4)

That such decision may issue without further notice.

C.

Admission of liability. If the person who receives notice pursuant to Subsection **B** wishes to admit liability for any alleged violation, that person 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 Town in said notice of violation. Such payment shall be inadmissible in any proceeding, civil or criminal, to establish the conduct of that person or other person making the payment.

D.

Failure to respond to notice of violation. Any person who does not pay the assessed fines, penalties, costs, or fees or does not deliver or mail written request for a hearing within 10 calendar days of the date of receipt of the notice provided for in Subsection **B** shall be deemed to have admitted liability; and the designated municipal officer shall certify that person's failure to respond to the Hearing Officer. The Hearing Officer shall thereupon record with the Town Clerk and assess the fines, penalties, costs, or fees provided for by the applicable ordinances and shall follow the procedures set forth in Subsection **G** of this section.

E.

Hearings.

(1)

Any person who, upon receipt of notice of violation, 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 15 calendar days nor more than 30 calendar days from the date of the mailing of notice provided for in Subsection **B**. The Hearing Officer shall grant, upon good cause show, a reasonable request for postponement or continuance.

(2)

A person who has requested a hearing to contest liability shall appear at the hearing and may present evidence. Prior to the hearing, the Hearing Officer may accept from that person copies of police reports, investigatory and citation reports, and other official documents, by mail, and may determine thereby and give written notice that appearance at the scheduled hearing is unnecessary. If the person's appearance is not exempted in writing and that person fails to appear, the Hearing Officer may enter an assessment by default against that person upon a finding of proper notice and liability under the applicable statutes or ordinances.

(3)

A designated Town official, other than the Hearing Officer, may present evidence on behalf of the Town. An original or certified copy of the notice of violation issued by the issuing official or police officer shall be filed and retained at the Town Clerk's office. It shall be deemed to be a business record within the scope of § 52-180 of the Connecticut General Statutes and constitute evidence of the facts stated therein. The presence of the issuing official or police officer shall be required at the hearing if the person charged so requests.

(4)

The Hearing Officer shall conduct the hearing in the order and form and with such methods of proof as he deems reasonable, 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.

(5)

The Hearing Officer shall announce the decision at the end of the hearing. If it is determined that the person charged is not liable, the matter shall be dismissed and such determination entered in writing on the record in the Town Clerk's office accordingly. If it is determined that the person charged is liable for the violation, the determination shall be entered in writing on the record accordingly and shall state the fines, penalties, costs or fees assessed against that person as provided by the applicable ordinances of the Town of Woodbridge.

G.

Assessment of liability.

(1)

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.

(2)

The Hearing Officer shall also file, not less than 30 calendar days nor more than 12 months after such mailing, a certified copy of the notice of assessment with the Clerk of the Superior Court for the geographical area of Tolland County, together with the appropriate entry fee. The certified copy of the notice of assessment shall constitute a record of assessment.

(3)

Within such twelve-month period, assessments against the same person may be accrued and filed as one record of assessment.

(4)

The Clerk of the Superior Court shall enter judgment, in the amount of such record of assessment and appropriate court costs, against such person in favor of the Town.

(5)

Notwithstanding any other provision of the Connecticut General Statutes, the Hearing Officer's assessment, when so entered as a decision, shall have the effect of a civil money judgment. A levy of execution on such judgment may be issued without further notice to such person or a lien may be placed on the property of the person found liable.

H.

Judicial review. A person against whom an assessment has been entered pursuant to this chapter is entitled to judicial review by way of appeal. An appeal shall be instituted within 30 calendar 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, in the Superior Court for the geographical area of Tolland County. Said person shall then be entitled to a hearing in accordance with the rules of the Judges of the Superior Court.

Municipal officer or employee to issue citations.

Upon receipt of a complaint from a responsible officer of the Town, the Town Clerk shall issue citations with which this chapter is concerned.

6/7/22

June Highlights

From Interim Town Administrative Officer

- Held second informational meeting on connectivity trail project
- Adopted affordable housing plan
- Held a trails committee meeting
- Completed negotiations and forwarded revised TA to Union
- Attended CROG Policy Board MTG
- Attended EHHD Board of Directors meeting
- Increased storm response reimbursement from FEMA by \$14,000.00 per federal vote
- Continuing negotiations on trash removal contract
- Continuing the budget process
- Beginning to put new computers into service
- We posted on line and in the paper for the Crewman III position
- Continue communications with Highway Staff during supervisor absence
- Held a unified command meeting for the Strawberry Festival
- Communicated with CONN DOT regarding temporary use of field entrance for Strawberry Fest
- Collaboration with Rob Miller regarding lake communications for algae blooms/ draft policy disseminated and meeting held
- Held a unified command meeting for the Statewide Drill
- Participated in the Statewide Emergency preparedness drill
- Held two Sewer Authority meetings
- Culvert repairs on Cook Drive underway
- Facilitated review of culvert issue at Bayberry
- Met with Hemlock Construction regarding Mark Anthony bridge
- Coordinating a meeting between Town Engineer and engineer from Hemlock
- Multiple job postings listed
- Second trash can invoices sent out

Respectfully submitted,

James Rupert
Interim Town Administrative Officer