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ORDINANCE AMENDMENT OF THE NEW HAVEN BOARD OF ALDERS TO VARIOUS SECTIONS OF THE CITY OF NEW HAVEN'S CODE OF ORDINANCES, UPDATING ALL EXISTING PROCEDURES FOR CIVIL CITATION ENFORCEMENT

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WHEREAS, the Corporation Counsel of the City of New Haven has designated a new uniform process for Citation Enforcement under Chapter 32 of the Code of Ordinances; and

WHEREAS, the following ordinance sections currently contain citation and hearing enforcement procedures which differ from the new uniform procedure:

Sec. 4-68; Sec. 4 1/2 -4; Sec. 4 1/2-7; Sec. 4 1/2 -11; Sec. 4 1/2 -17; Sec. 9-51; Sec. 9-52; Sec. 11-27; Sec. 13-409; Sec. 13-601; Sec. 17-47; Sec. 17-84; Sec. 17-85; Sec. 17-118; Sec. 17-133; Sec. 17-149; Sec. 18-82; Sec. 18-83; Sec. 18-91; Sec. 19-12; Sec. 26-43; Sec. 26-44; Sec. 26-46; Sec. 27-84; Sec. 29-30.1; Sec. 29-134; Sec. 29-134.1; Sec. 29-141; Sec. 29-142; Sec. 29-151; Sec. 29-153; and TITLE V ARTICLE II Par. 203, 204, and 206.

WHEREAS, the Corporation Counsel of the City of New Haven desires to amend various paragraphs of the ordinances relative to citation enforcement to remove all discrepancies from the new uniform procedure in order to ensure uniformity and effectiveness of the process for issuing, appealing, and enforcing citations for violation of city ordinances; and

WHEREAS, the Corporation Counsel of the City of New Haven submits the proposed ordinance amendments herewith.

NOW, THEREFORE, BE IT ORDAINED by the Board of Alders of the City of New Haven that the following sections of Ordinances of the City of New Haven be amended as follows:

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Chapter 4 AIRPORT

ARTICLE IV. NOISE AND SAFETY STANDARDS

Sec. 4-68. Appeals from decisions of airport manager.

Any aircraft owner or lessee, or any member of the general public (including legal entities of any nature) may appeal an action of the airport manager under sections 4-65 or 4-67 in writing within seven (7) calendar days of notice of such action to the board of airport commissioners. The board of airport commissioners shall meet within seven (7) calendar days to review such appeal, and shall issue a ruling thereon within ten (10) calendar days thereafter. Rulings of the board of airport commissioners hereunder are final and conclusive.

(Ord. of 2-4-85)

Chapter 4½ BURGLARY AND ROBBERY ALARM SYSTEMS

ARTICLE II. ADMINISTRATION

Sec. 4½-4. Definitions.

For the purpose of this chapter the following definitions shall apply:

Alarm business shall mean any person(s) engaged in the business of selling, installing, servicing, maintaining, repairing, replacing, moving or removing, alarm systems in the city, and shall include the designee(s) of such person(s).

Alarm administrator shall mean the person designated by the chief of police to perform administrative functions relating to the registration of alarms, and verification of the appropriate state licenses as required by this chapter.

Alarm appeal hearing officer shall mean the person appointed by the mayor, who conducts proceedings pertaining to false alarm charges and other alleged violations of this chapter, and assesses false alarm penalties per Chapter 32 of this Code.

Alarm dispatch request shall mean a notification by the alarm business to the police dispatch operator that a manual or automatic alarm has been activated at a particular alarm site.

Alarm site shall mean a single premise or location served by an alarm system or systems. If each tenancy in a multi-tenant building complex is served by a separate alarm system, each tenancy shall be considered a separate alarm site.

Alarm subscriber shall mean a person or entity that buys, leases or otherwise obtains an alarm system, and thereafter installs it or has it installed. Additionally, the term "alarm subscriber" shall mean a person who has control of a premise in which an operable alarm system exists.

Alarm system shall mean any mechanism, equipment, or device which is designated to detect an unauthorized entry into any building or onto any property, or to direct attention to a robbery, burglary, or other emergency in progress, and to signal the above occurrences either by a local or audible alarm or by a silent or remote alarm. The following devices shall not constitute alarm systems within the meaning of this subsection:

- (1) Fire alarm systems;

- (2) Devices that are not installed, operated or used for the purpose of reporting an emergency to the police department; and
- (3) Alarm devices that the New Haven Department of Police Service Family Services Division, such as the Emergency Notification System (ENS /Domestic Violence Alarm link, etc., temporarily installed.

Alarm tape/dialing device shall mean a telephone device or attachment that is mechanically, automatically, or electronically connected by a telephone line to the city's public safety answering point.

Apartment building shall mean any building containing two or more rental units.

Burglary alarm shall mean an audible or silent alarm signal generated by the manual activation of a device intended to direct attention to a wrongful entry, robbery, burglary or attempted criminal act, requesting law enforcement response.

Central station shall mean an office to which alarm systems are connected, where operators supervise the circuits continuously, and where a live voice subsequently relays messages to the police department.

Common cause shall mean a common technical difficulty or malfunction that causes an alarm system to generate a series of false alarms, all of which occur within seventy-two (72) hours. The series of false alarms shall be counted as one (1) false alarm only if their cause is repaired before it generates additional false alarms, documentation of the repair is provided to the police chief, and the alarm system generates no additional false alarms within thirty (30) days following the repair of the documented cause.

Communication console shall mean the locations in the city used to receive and/or dispatch requests for emergency service.

Direct wire connection shall mean the connection between any alarm system from any specific location through a direct leased telephone wire to a city communication console or to a private alarm contractor.

Duress alarm shall mean an alarm system signal generated by the entry of a designated code into an alarm system in order to signal that the alarm subscriber is being forced to turn off the system, and needs law enforcement response.

Electrical surge shall mean an increase in voltage significantly above the designated level in a flow of electricity. In normal household and office wiring the standard voltage is 120 volts.

False alarm shall mean there is no evidence of a crime, or other activity that warrants the assistance of the New Haven Police Department on the premises, as indicated by the investigation of a police officer on the scene, or by the lack of a police report filed by the property owner, and no individual who was on or near the premises, or who had viewed a video communication from the premises, called for the dispatch or confirmed a need for police response.

The following causes shall be excluded from the finding of a false alarm:

- (1) Damage, testing or repair of a malfunction of telephone company equipment or line provided that such incidents are promptly reported to the telephone company;
- (2) Extraordinarily violent conditions of nature including, but not limited to, hurricanes, tornadoes, floods or other acts of God;
- (3) An attempted and unauthorized or illegal entry, of which there is visible evidence;
- (4) When the resident intentionally activates the alarm while acting under a reasonable belief that a need exists to call the police department;
- (5) When an alarm is followed by a call to the police department canceling the alarm by giving proper information, prior to its arrival at the source of the alarm;
- (6) When there is a failure in the electrical power to the alarm or other condition beyond the control of the alarm user. This condition does not encompass electrical surges as defined herein;

- (7) When an alarm is activated during an alarm system testing procedure, provided that the alarm subscriber first notifies and receives permission from the appropriate local authority to test the system;
- (8) An alarm activated as a result of a common cause as defined herein;
- (9) An alarm activated by a power outage lasting longer than the life of a fully charged battery.
- (10) The false alarm for which the penalty has been assessed did not originate at the premises of the alarm subscriber who has been assessed the fee.
- (11) Other extraordinary causes not reasonably subject to the control of the alarm business or alarm subscriber.

Holdup alarm shall mean a silent alarm signal generated by the manual activation of a device intended to signal a robbery or other criminal act in progress.

Intrusion alarm system shall mean an alarm system not manually activated signaling an entry or attempted entry into the area protected by the system, i.e., motion detector.

Local alarm shall mean any alarm device audible at the alarm site.

One Plus duress alarm shall mean the manual activation of a silent alarm signal by entering a code that adds one to the last digit of the normal arm/disarm code at a keypad. [e.g. normal code = 1234; One Plus duress code = 1235]

Panic alarm shall mean an audible alarm system signal generated by the manual activation of a device intended to signal a life threatening or emergency situation requiring law enforcement response.

Vision obscuring device shall mean an alarm system or device that emits or produces real or simulated smoke, fog, vapor or any substance that obscures vision.

(Ord. No. 1607, 11-16-09)

Sec. 4½-7. Alarm appeal hearing officer.

- (a) There shall be an alarm appeal hearing officer in the city, who is appointed by the mayor, and has the powers and duties granted to the hearing officer under this chapter and under the provisions of chapter 32 of this code.
- (b) The alarm appeal hearing officer conducts proceedings pertaining to false alarm charges and other alleged violations of this chapter.

(Ord. No. 1607, 11-16-09)

ARTICLE III. ALARM BUSINESSES

Sec. 4½-11. Noncompliance; fine; assessment.

- (a) Any existing alarm businesses registered with the city as of the effective date of this chapter as amended must comply with this section within ninety (90) days of such date.
- (b) If the alarm business owner fails to comply with any of the above listed duties, he/she shall be liable for a fine up to the maximum authorized by state statutes per incident. Each noncompliance shall be deemed a separate offense. All penalties assessed under this chapter shall be due and payable on the date that written notice of any penalty due is issued. If any penalty is not paid within sixty (60) days of the notice date, the amount of the penalty shall be doubled.

- (c) Such noncompliance or other wrongful conduct, as determined by the alarm administrator, may be reported to the Connecticut Department of Consumer Protection. Such complaints may result in discipline in accordance with Title 20 Chapter 393 of Connecticut General Statutes.
- (d) Fines under this chapter shall be enforced by citation and hearings in accordance with chapter 32 of this code.
- (e) The alarm administrator or his/her designee shall collect all charges for offenses, and place them in the city's general fund. (Ord. No. 1607, 11-16-09)

ARTICLE V. ALARM SUBSCRIBERS

Sec. 4½-17. False alarms; alarm subscriber liability.

- (a) The alarm subscriber shall be responsible for the maintenance and service of his/her alarm system, and shall be responsible for all malfunctions of alarm equipment. As such, unless otherwise provided, he/she shall be liable for false alarms.
- (b) The alarm subscriber may be issued a citation and may appeal such citation under the procedure of Chapter 32 of the code.
- (c) A request for a hearing with the alarm appeal hearing officer under the procedure of Chapter 32 of this code shall stay the assessment of additional penalties for that violation until the hearing officer makes a final decision. The burden to prove any matter shall be upon the alarm subscriber raising such matter. It shall not be a defense to any penalty assessment that:
 - (1) The false alarms were the result of faulty or malfunctioning equipment;
 - (2) The false alarms were caused by electrical surges; or
 - (3) The false alarms were caused by the fault of another person during a non-criminal incident.
- (d) The following causes shall be deemed affirmative defenses, and be excluded from the finding of a false alarm:
 - (1) Damage, testing or repair of a malfunction of telephone company equipment or line, provided that such incidents are promptly reported to the telephone company;
 - (2) Extraordinarily violent conditions of nature including, but not limited to, hurricanes, tornadoes, floods or other acts of God;
 - (3) An attempted and unauthorized or illegal entry, of which there is visible evidence;
 - (4) When the resident intentionally activates the alarm while acting under a reasonable belief that a need exists to call the police department;
 - (5) When an alarm is followed by a call to the police department canceling the alarm by giving proper information, prior to its arrival at the source of the alarm;
 - (6) When there is a failure in the electrical power to the alarm or other condition beyond the control of the alarm user. This condition does not encompass electrical surges as defined herein;
 - (7) When an alarm is activated during an alarm system testing procedure, provided that the alarm subscriber first notifies and receives permission from the appropriate local authority to test the system;
 - (8) An alarm activated as a result of a common cause as defined herein;
 - (9) An alarm activated by a power outage lasting longer than the life of a fully charged battery;

- (10) The false alarm for which the penalty has been assessed did not originate at the premises of the alarm subscriber who has been assessed the fee.
 - (11) Other extraordinary causes not reasonably subject to the control of the alarm business or alarm subscriber.
 - (e) The city's corporation counsel may approve such other mitigating circumstances as deemed necessary in the interest of justice.
 - (f) False alarms caused by the actions of on-scene employees of an alarm business shall not be credited against the alarm subscriber, but shall be the responsibility of the alarm business.
- (Ord. No. 1607, 11-16-09)

Chapter 9 BUILDINGS AND PROPERTY

ARTICLE II. BUILDING DIVISION OF THE LIVABLE CITY INITIATIVE

Sec. 9-51. Anti-blight and property maintenance ordinance.

Declaration of Policy.

This section is to be known as the Anti-Blight and Property Maintenance Ordinance and is enacted and authorized pursuant to Conn. General Statutes, Section 7-148(c)(7)(H)(xv), as amended from time to time.

It is hereby found and declared that a large number of real properties containing blighted lots and blighted buildings exist within the City of New Haven, and that the continued existence of such blighted lots and buildings contributes to the decline of neighborhoods.

It is further found that these blighted lots and buildings adversely affect the city's economic well-being, and are inimical to the health, safety and welfare of the city's residents.

It is further found that there are many instances where property maintenance of real properties in the City of New Haven is deficient or lacking leading to progressive deterioration of such properties and the creation of blighted conditions. Accordingly, it is in the best interests of the citizens of the City of New Haven that the city set minimum standards for property maintenance so as to assure that properties within the city be maintained in conformity with such standards and so as to assure that none of these structures and properties will deteriorate and adversely affect their surrounding neighborhoods.

It is found and declared that by reason of lack of maintenance and progressive deterioration, certain structures and properties have the further effect of creating blighted conditions and initiating slums, and that if the same are not curtailed and removed, the aforesaid conditions will grow and spread and will necessitate in time the expenditures of large amounts of public funds to correct and eliminate the same. By reason of timely regulations and restrictions, as herein contained, the growth of slums and blight may be prevented and neighborhood and property values may thereby be maintained, the desirability and amenities of residential and nonresidential uses and neighborhoods enhanced, and the public health, safety and welfare protected and fostered.

- (a) *Definitions.* For the purpose of this section, the following words and terms shall have the following meanings:
 - (1) *Blighted* shall mean deteriorating, in a state of ill repair, filthy or decaying.
 - (2) *Building official* shall mean the building official as defined in Conn. General Statutes, Section 29-260, as amended from time to time.
 - (3) *Capable individual* shall mean a person that can be reasonably expected to perform maintenance of a building and/or yard work around a property or premises. This shall include children above sixteen (16) years of age who is not a disabled individual as defined herein.

- (4) *City* shall mean the City of New Haven.
- (5) *Dilapidated* shall mean a building or structure or part thereof that would not receive a certificate of occupancy if it were applied for.
- (6) *Director* shall mean the Executive Director of the Livable City Initiative, or any successor agency to the Livable City Initiative.
- (7) *Disabled individual* shall mean, in the case of an owner-occupied residence, an individual who has a disability meeting the definitions for a mental or physical disability as defined under the Americans with Disabilities Act of 1990, and does not have other household members capable of providing the necessary maintenance, nor the financial resources sufficient to hire someone to provide the necessary maintenance.
- (8) *Dwelling, dwelling unit or unit* shall mean any space within a building that is or can be occupied or rented by or to a single person or entity for his/her/its sole use, and is intended to be a single and distinct space.
- (9) *Elderly individual* shall mean, in the case of an owner-occupied residence, an individual over the age of sixty-five (65), who does not have a household member capable of providing the necessary maintenance, nor the financial resources sufficient to hire someone to provide the necessary maintenance.
- (10) *Enforcement officer(s)* shall mean an employee or employees of the city designated by the mayor to enforce the provisions of this section.
- (11) *Exempt property* shall mean any city-owned property, and any building or structure undergoing remodeling, restoration, repair or renovation under a current building permit, provided that the violations will be corrected thereby and that the building official determines that the work is proceeding in a reasonably expeditious timeframe.
- (12) *Hearing officer(s)* shall mean the anti-blight and property maintenance hearing officer(s) designated by the mayor to hear and adjudicate appeals from citations for violation(s) of this ordinance under chapter 32 of this Code.
- (13) *Livable City Initiative* shall mean the city's Livable City Initiative, or any successor agency to the Livable City Initiative, as established in this Code.
- (14) *Low-income individual* shall mean, in the case of an owner-occupied residence, an individual, or when more than one person resides on the premises, a family unit, that has an income below the highest level of income established by the State of Connecticut's Elderly Tax Relief Program. This level is the upper limit of step 5 as set forth in the Connecticut General Statutes, Section 12-170aa(c). It is immaterial that a person is not elderly with regards to this section because the reference to Section 12-170aa(c) is only for the purpose of providing a guideline with regard to income levels for this section.
- (15) *Mayor* shall mean the mayor of the City of New Haven.
- (16) *Owner* shall mean any owner, agent, tenant or person in control of real property situated in the city.
- (17) *Real property or premises* shall mean:
 - (i) Any dwelling or dwelling unit including one-family, two-family and multiple-family dwellings, whether vacant or occupied;
 - (ii) Any lot, plot or parcel of land, whether vacant or occupied;
 - (iii) Any building of non-dwelling use, including commercial properties, whether vacant or occupied;
 - (iv) Any mixed use, commercial and residential building, whether vacant or occupied;
 - (v) Any accessory structure accessory to any building, whether vacant or occupied; and

- (vi) Any apartments, boardinghouses, group homes, lodging homes, rooming houses, tenement houses or dormitories, or other similar buildings, whether vacant or occupied.
- (b) *Prohibition on creating or maintaining anti-blight violations and/or property maintenance violations.* No person, firm or corporation, including any owner of real property within the city shall cause or allow any such real property or premises to exist or be created or maintained in a manner that constitutes an anti-blight violation and/or a property maintenance violation as defined in this section.
- (c) *Anti-blight violations.* The following conditions existing on any real property within the city shall constitute anti-blight violations under this section:
- (1) It is determined by the building official or by health department reports that existing conditions pose a serious or immediate danger to the community (i.e. a life-threatening condition, or a condition which poses a health or safety risk to the public).
 - (2) It is becoming dilapidated as documented by the building division of the Livable City Initiative's housing code inspection reports.
 - (3) It is attracting illegal activity as documented in police department reports.
 - (4) It is a fire hazard as determined by the fire marshal, or as documented in fire department reports.
 - (5) It constitutes a health or sanitary problem, as determined by the health director.
 - (6) It contains unauthorized storage or accumulation of junk, trash, rubbish, litter or refuse of any kind; the parking of inoperable vehicles (unless the premises is a legally licensed junkyard) or the presence of any inoperable machinery and equipment.
 - (7) It is a factor creating a substantial and unreasonable interference with the lawful use and enjoyment of other space within the building, or of other premises within the vicinity of the building, structure or lot, as documented by complaints or cancellation of insurance on nearby properties.
- (d) *Property maintenance violations.*
- (1) *Property maintenance violations* shall mean the violation of the following standards with respect to lots or parcels:
 - (i) All premises shall be graded, drained, kept free of persistent standing water and maintained in a clean, safe and sanitary condition. Surface and subsurface water shall be appropriately drained to prevent the development of stagnant ponds.
 - (ii) No shopping baskets, carts or wagons shall be left unattended or standing, and the baskets, carts or wagons shall be collected as often as necessary and removed to an appropriate enclosure intended for such purpose or to the interior of the building or buildings from which they were taken.
 - (iii) All fences shall be maintained. Such maintenance shall include, but not be limited to, painting as needed, removal or covering of graffiti, and the replacement or repair of fences, which may become in disrepair.
 - (iv) All landscaping shall be maintained so that lawns, hedges, bushes and trees shall be kept neatly and free from becoming overgrown and unsightly where exposed to public view and where the same may have a tendency to depreciate adjoining property. The maintenance shall include, but not be limited to, the replacement of trees and shrubs, which may die or otherwise be destroyed. Grass, weeds or similar growths shall not reach a height greater than one (1) foot on any premises. Front yards shall not be allowed to deteriorate into unattended bare, dirt patches;
 - (v) The planting strip fronting the premises shall be maintained in a safe condition, neat, mowed as necessary, and free of litter, poison ivy, ragweed, and other noxious plant.

- (vi) Steps, walks, driveways, parking spaces and similar paved areas shall be maintained to afford safe passage under normal use and weather conditions. Any holes or other hazards that may exist shall be filled and necessary repairs and replacement accomplished. All off-street parking facilities shall be swept as often as necessary in the determination of the enforcement officer.
 - (vii) Yards, courts and vacant lots shall be kept clean and free of physical hazards, rodent harborage and infestation, and shall be maintained in a manner that will prevent accumulations of trash, garbage, litter, debris and rubbish. The owner of the property shall maintain the premises litter-free, and shall remove discarded or inoperative appliances, furnishings or machinery.
 - (viii) All signs exposed to the public view shall be maintained in good repair. Excessively weathered or faded signs shall be removed or put into good repair. A non-operative or broken electrical or other sign shall be repaired or removed.
 - (ix) Trash receptacles shall be emptied on a regular basis.
 - (x) All places of business that serve food or drink to patrons (e.g., restaurants, cafes, bars, etc.) shall maintain receptacle(s) for the disposal of cigarettes on their premises and shall empty the receptacle(s) on a regular basis.
- (2) *Property maintenance violations* shall also mean the violation of the following standards with respect to buildings and structures:
- (i) The exterior of buildings and structures shall be maintained so that it is not dilapidated or decaying, not open to the elements, and so that its appearance shall not have a tendency to depreciate adjoining property. The following factors may be considered in determining whether a building or structure is being maintained: missing or boarded windows or doors; collapsing or missing walls, roof or floor; exterior walls which contain holes, breaks, loose or rotting materials or the presence of graffiti, or exterior walls which are not properly surface-coated to prevent deterioration; siding that is seriously damaged or missing; foundation walls which contain open cracks or leaks or are structurally faulty; overhang extensions, including but not limited to canopies, signs, awnings, stairways, fire escapes, standpipes and exhaust ducts which contain rust or other decay; chimneys and other appurtenances which are in a state of disrepair; and insect screens which contain tears or ragged edges.
 - (ii) The foundation walls of every building shall be maintained in good repair, free of graffiti and in structurally sound condition.
 - (iii) Foundations, floors, and walls shall be in good painted or finished condition without peeling.
 - (iv) Exterior walls (including doors and windows), roofs, and the areas around doors, windows, chimneys and other parts of a building shall be maintained as to keep water from entering the building and to prevent undue heat loss from occupied areas. Materials which have been damaged or show evidence of dry rot or other deterioration shall be repaired or replaced and refinished in a workmanlike manner. Exterior walls, roofs and other parts of the building shall be free from, loose and unsecured objects and material. Such objects and materials shall be removed, repaired or replaced.
 - (v) Buildings and structures shall be maintained free of insect, vermin, pigeon and rodent harborage and infestation.
 - (vi) Buildings and structures shall be maintained in a clean and sanitary condition free from health, safety and fire hazards.
 - (vii) All storefronts, both occupied and non-occupied, and their walls exposed to public view shall be kept in a good state of repair and free of graffiti.

Property maintenance violations shall also include any conditions which unreasonably hinder the use of adjacent properties, block or interfere with the use of the public sidewalk and/or public or private

street or right of way, or obstruct the sighting of any road sign, obstruct utility lines or other cables to or around the premises, or extend or infringe beyond the boundaries of the premises.

Property maintenance violations shall also include situations in which the overall condition of the premises causes an unreasonable impact on the enjoyment of or value of neighboring properties as expressed by persistent complaints from adjoining and nearby property owners.

Property maintenance violations shall not include the violation of any of the above standards when they exist on exempt property.

- (e) *Penalty for violation.* Violation of this section shall result in a fine up to one hundred dollars (\$100.00) or the maximum amount authorized by state statutes or this Code for each day that said violation continues.
- (f) *Enforcement.* The director and/or other official designated by the mayor shall be charged with supervising the enforcement of this ordinance. The mayor shall also designate an enforcement officer or officers to carry out the enforcement of this section. It shall be the duty of the enforcement officer(s) to enforce the provisions of this section and any rules or regulations promulgated under this section. The enforcement officer shall undertake inspections of complaints for the purpose of documenting violations of this section. The enforcement officer may order any owner who violates this ordinance to abate such violation, and shall be hereby authorized and empowered to issue citations for violations of this section. The enforcement officer shall also be authorized and empowered to effectuate the removal or abatement of the anti-blight violation and/or property maintenance violation under the procedures set forth in this section.
- (g) *Inspections and investigations: reports.* The enforcement officer shall initiate inspections and investigations and shall receive information and complaints, concerning violations of the provisions of this section. The enforcement officer shall provide the director with monthly written status reports indicating the number of complaints, violations identified, active and closed cases and other information as requested.
- (h) *Special consideration.* Special consideration shall be given to any individual who is an elderly individual or a disabled individual, if such individual is elderly or disabled and no capable individual resides in the residence. In such cases, the enforcement officer may give such elderly individual or disabled individual additional time, not to exceed sixty (60) days, to correct the violation, and at the expiration of any additional time granted by the enforcement officer, the director may grant such elderly individual or disabled individual additional time, not to exceed sixty (60) days, to correct the violation.

Where the owner of a premises where an anti-blight violation and/or property maintenance violation is found to be a low income individual under this section, the enforcement officer may give special consideration to such individual by providing additional time, not to exceed sixty (60) days, to correct the violation, and at the expiration of any additional time granted by the enforcement officer, the director may grant such low income individual additional time, not to exceed sixty (60) days, to correct the violation.

However, in the case of an owner who is an elderly individual, a disabled individual or a low-income individual, if the violations have to do with lawn, brush, weeds and shrub maintenance or keeping the grounds free from rubbish and debris, or if the violations constitute a danger to the public health, safety or welfare, neither the enforcement officer nor the director shall grant additional time to correct the violation.

- (i) *Notice of violation.* The city shall serve a written notice to an owner of a premises of the violation(s) of this section by personal in-hand service or delivery, or by mailing such notice to the owner's last known address by certified mail, return receipt requested. Such notice shall direct the removal, correction or abatement of the violation within ten (10) calendar days after receipt of the written notice and shall notify the owner that failure to remove, correct or abate the violation shall result in the issuance of a citation in accordance with Chapter 32 of this Code. Such notice shall further inform the owner that the city may cause the removal or abatement of the violation at the expense of the owner.
- (j) *Citation/Penalties.* The city shall enforce violations of this section through the citation and hearing procedure of Chapter 32 of this Code.

- (k) *Hearing officer.* Hearing Officers shall be appointed pursuant to chapter 32 of this code.(l) *Appeal.* Appeals shall be conducted pursuant to chapter 32 of this code.
- (m) *Waiver of fines.* The director shall waive and release fines and liens if the city acquires the premises. If the premises is purchased by a private third-party buyer, the director may also waive and release part or all of the fines and liens at the time of the sale of the premises, if in the director's opinion, the buyer has the financial ability and intention to immediately rehabilitate the premises, or the director may defer the enforcement of the fines until all rehabilitation work is completed to the satisfaction of the director.
- (n) *Fines collected.* All funds collected by the city as fines through the civil citation process shall be deposited into an account to be administered by the director to be used for associated costs in enforcing and administering this ordinance (e.g., court fees, service of notices and citations, copying, postage, etc.). The account shall be a continuing or revolving account.
- (o) *Abatement by city when public health danger*
- (1) *Notice to abate public health danger.* In addition to the any other actions prescribed and specified in this section, the enforcement officer or other official designated by the mayor is hereby authorized and empowered to issue a written notice of public health violation to the owner of a premises within the city to correct, remove or abate violations which are dangerous to the public health, safety or welfare. Such notice shall be served by in-hand service or delivery, or shall be mailed by registered mail to the owner at his/her last known address.
 - (2) *Actions upon noncompliance.* Upon the failure, neglect or refusal of any owner so notified to correct, remove or abate such violations which are dangerous to the public health, safety or welfare within ten (10) calendar days after receipt of the written notice provided for in subsection (1) above, or within ten (10) days after the date of such notice in the event the same is returned to the city because of the inability to make delivery thereof, provided the same was properly addressed to the last known address of the owner, the city may cause such abatement by city staff or an independent contractor engaged by the city of such violation(s) at the expense of the owner of the premises where such violation(s) exist.
 - (3) *Conference granted to owner.* Any owner notified under subsection (1) above shall be granted a conference with the director or his/her designee upon the written request of the owner within such ten (10) calendar day period. Such conference shall be granted as soon as practicable, but the conference shall in no way stay the required abatement of such violations and any accumulation of fines imposed.
 - (4) *Recorded statement constitutes lien.* Upon completion of the abatement of such violation(s) by city staff or by an independent contractor engaged by the city to abate the violation(s), the director or his/her designee shall determine the actual cost of the abatement and shall bill the owner therefor. Upon the failure of the owner to pay the city the amount of such charge within thirty (30) days from the date of such bill, the director or his/her designee shall cause to be recorded in the land records of the city a sworn statement detailing the cost and expense incurred for the abatement work, the date the work was done and the location of the property upon which the work was done. The recordation of the sworn statement shall constitute a lien on the property.
- (p) *Rules and regulations.* The director may promulgate rules and regulations providing for the reasonable interpretation of the terms of this section, and for the day-to-day conduct of the investigation and enforcement under this section, so long as such rules and regulations do not exceed the scope of this section.
- (q) *Consistency with other enforcement methods.* This section is intended to be enforced and applied in a manner consistent with other available administrative remedies for the enforcement of anti-bligh violations and/or property maintenance violations, but is not intended to be exclusive of such other remedies, penalties or enforcement actions which may be available to the city.

(Code of 1985, § 9-30; Ord. of 10-21-91, § 1; Ord. of 5-20-96, § 3; Ord. of 4-17-97; Ord. of 6-7-99; Ord. No. 1266, 8-7-00; Ord. No. 1401, 1-3-06; Ord. No. 1599, 9-21-09)

Sec. 9-52. Property maintenance; elevators.

- (a) *Definitions.* For the purpose of this section only, the following words and terms shall have the following meanings:
- (1) *City* means the City of New Haven.
 - (2) *Code Enforcement Officer* means City of New Haven Housing Code Enforcement Officials, Health Department Enforcement Officials, Building Official, Livable City Initiative Officials ("LCI"), City Engineer, Zoning Enforcement Officer and Fire Marshal of the City of New Haven or his/her designee, which includes Housing Code Inspector(s) unless otherwise specified, or other City official(s) otherwise authorized to administer the licensing and inspection of residential rental property.
 - (3) *Director of the Livable City Initiative* means the director of the City's agency known as the Livable City Initiative (LCI) or his/her designee unless otherwise specified.
 - (4) *Elevator* means a hoisting and lowering mechanism equipped with a car or platform which moves in guides or rails in a substantially vertical direction, other than an inclined stairway chairlift and a vertical wheelchair or incline lift, including sidewalk elevators used for the carrying of persons or freight.
 - (5) *Exempt Property* means any City-owned property, and any building or structure undergoing remodeling, restoration, repair, or renovation under a current building permit, provided that the violations will be corrected thereby, and that the Building Official determines that the work is proceeding in a reasonably expeditious timeframe. City-owned property is only exempt from Section (f) Penalty for violation below.
 - (6) *Hearing Officer(s)* means the Hearing Officer(s) designated by the Mayor to hear and adjudicate appeals from citations for violation(s) of this ordinance per chapter 32 of this code.
 - (7) *Housing Code Inspector* means a City employee who conducts rental housing property inspections for purposes of determining whether such property complies with minimum housing code standards as outlined in the City's applicable regulations. The Housing Code Inspector works under the direction of the code enforcement officer.
 - (8) *Livable City Initiative* means the City's Livable City Initiative or any successor agency to the Livable City Initiative, as established in this Code.
 - (9) *Mayor* means the Mayor of the City of New Haven.
 - (10) *Owner* means any person, who either alone or jointly or severally with others holds legal title to any residential elevator building, with or without accompanying actual possession.
 - (11) *Operator* means any person, who either alone or jointly or severally with others has charge, care, or control of any residential elevator building, as Owner or agent of the Owner, or as executor, executrix, administrator, administratrix, trustee, or guardian of the estate of the Owner. Any such person thus representing the actual Owner.
 - (12) *Person(s)* means and includes any individual, firm, corporation, association, or partnership.
 - (13) *Residential Elevator Building* means any building located in the City, which is wholly or partly used as a residential building with at least one (1) elevator.
- (b) *Applicability:* every provision of this title shall apply to residential buildings with at least one (1) elevator as its only accessible means of ingress and egress for persons with disabilities to any floor above or below the ground-floor, including garages.

- (c) *Violations:* With respect to Residential Elevator Buildings with at least one (1) elevator as its only accessible means of ingress and egress for persons with disabilities to any floor above or below the ground-floor, including garages, any one of the following constitutes a violation of this section:
- (1) A failure to provide twenty-four (24) hours advance written notice of scheduled maintenance on the elevators or failure to conduct scheduled maintenance in accordance with industry standards and manufacturer's recommended maintenance, or
 - (2) Improper or inadequate maintenance or repairs resulting in inoperable or out-of-service elevator(s), or
 - (3) A failure to install a Knox box outside each Residential Elevator Building where elevators are located approved by the New Haven Fire Department, or
 - (4) Failure to repair elevators within forty-eight (48) hours of the elevator being out of service. For purposes of this subsection, an elevator that is the only means of access for persons with disabilities to a floor above or below a ground floor shall be deemed in violation of this subsection if it is out of service for more than forty-eight (48) consecutive hours or more than two times in any consecutive thirty (30) day period unless:
 - (i) The Owner or Operator demonstrates that the delay in repair is due to circumstances beyond Owner(s)' control and has a valid elevator service contract and a twenty-four-hour service line; and
 - (ii) The Owner demonstrates that Owner has offered to pay for any loss of earned income, equivalent, alternative housing, and moving costs for all tenants with disabilities and their families residing in the Residential Elevator Building until the repair(s) is complete, or
 - (5) Failure to display signage in elevator as required by Section (d) below, or
 - (6) Failure to meet noticing requirements as required by Section (e) below.
- (d) Every elevator shall be posted with signage in English and Spanish with instructions regarding where to call if the elevator becomes inoperable as follows:
- (1) Such signage shall not be less than 8½" x 11" with a minimum of 24-point San Serif-type font and shall be posted inside and outside each elevator as close as possible to the call buttons but not higher than 60" from the floor.
 - (2) Language on the sign shall include: "If this elevator is not working and it is an emergency, dial 911. If it is not an emergency and you do not have access to another working elevator for at least forty-eight (48) consecutive hours, call Livable City Initiative at (203) 946-7090.

Si este elevador no funciona y es una emergencia, marque el 911. Si no es una emergencia y no ha tenido acceso a otro elevador en funcionamiento durante al menos cuarenta y ocho (48) horas consecutivas, llame a Livable City Initiative al (203) 946-7090."
- (e) Any Owner or Operator of a Residential Elevator Building shall notify all current tenants in writing of their rights under this section within thirty (30) days of the passage of this ordinance, and at the time they sign a lease and annually thereafter.
- (f) *Penalty for violation.* Violation of this section shall result in a fine up to two hundred fifty dollars (\$250.00) or the maximum amount authorized by state statutes for each day that said violation continues after receipt of written citation of said violation.
- (g) *Enforcement.* The Director of the Livable City Initiative and/or any other official designated by the Mayor shall be charged with supervising the enforcement of this ordinance. It shall be the duty of the code enforcement officer(s) to enforce the provisions of this section and any rules or regulations promulgated hereunder. The Code Enforcement Officer shall undertake investigations of complaints for the purpose of documenting violations of this section. The Code Enforcement Officer may order any Owner or Operator who violates this ordinance to correct such violation and shall be hereby authorized and empowered to issue

citations for violations of this section. The Code Enforcement Officer shall also be authorized and empowered to effectuate the removal or abatement of the property maintenance violation under the procedures set forth in this section and may cause a lien to be placed on the property in the amount of said cost. The Code Enforcement Officer shall also be authorized and empowered to relocate tenants at the cost of the Owner, when necessary, as determined by Section (c)(4) above.

- (h) *Notice of violation.* The City shall serve a written notice of violation to the Owner of a Residential Elevator Building of the violation(s) of this section. Such notice shall direct that the correction of the violation "must be made a high priority." If within two (2) calendar days after receipt of the written notice of violation, the Owner fails to correct the violation, the Code Enforcement Officer shall issue a citation in accordance with this ordinance. Such citation shall further inform the Owner that the City may cause the correction of the violation and relocation of the tenants at the expense of the Owner.
- (i) *Citation/penalties.* If the Owner fails to correct or abate the violation within two (2) calendar days after receiving a notice of the violation, as provided in subsection (h) above, the City shall serve a written civil citation on the Owner of the Residential Elevator Building and enforce the citation per chapter 32 of this Code. However, if the Owner, within that two (2) day period, demonstrates to the Code Enforcement Officer that the violation has occurred as a result of a casualty loss for which insurance is available, but the Owner needs additional time to correct the violation, then the code enforcement officer, in the officer's discretion, may issue a written stay of the enforcement of the citation and the enforcement of any fines imposed against the Owner. Said stay shall be expressly conditioned upon correction of the violation on the Residential Elevator Building within a specified period of time not to exceed thirty (30) days, unless the Owner requests in writing to the Director of Livable City Initiative within the time specified by the Code Enforcement Officer that the stay should be extended for an additional period of time, in which case, the Director of Livable City Initiative may extend such stay in writing for an additional time not to exceed sixty (60) days. If the conditions of the stay have not been met within the specified time, or the time period as it may be extended, as provided above, the stay will be terminated, and all fines assessed against the Owner shall be enforced against the Owner in accordance with this section and chapter 32 of this Code. This section does not absolve the Owner or Operator of their obligations to their tenants with disabilities under (c)(4)(ii) above.
- (l) *Waiver of fines.* The Director of Livable City Initiative shall waive and release fines and liens if the City acquires the Residential Elevator Building. If the Residential Elevator Building is purchased by a private third-party buyer, the director may also waive and release part or all of the fines and liens at the time of the sale of the building, if in the director's opinion, the buyer has the financial ability and intention to immediately rehabilitate the building, or the director may defer the enforcement of the fines until all rehabilitation work is completed to the satisfaction of the director.
- (m) *Fines collected.* All funds collected by the City as fines through the civil citation process shall be deposited into an account to be administered by the Director of Livable City Initiative to be used for associated costs in enforcing and administering this ordinance (e.g., court fees, service of notices and citations, copying, postage, etc.). The account shall be a continuing or revolving account.

(Ord. No. 1987, 11-9-2023)

Editor's note(s)—Ord. No. 1987, adopted November 9, 2023, renumbered the former § 9-52 as § 9-53 and enacted a new § 9-52 as set out herein. The historical notation has been retained with the amended provisions for reference purposes.

Chapter 11 CIVIL EMERGENCY MANAGEMENT

Sec. 11-27. Penalty.

Any person violating any of the provisions of this chapter or any order, rule or regulation issued pursuant thereto shall be deemed guilty of a misdemeanor and shall be punished by a fine not exceeding one hundred dollars (\$100.00).

(Ord. of 12-29-50, § 13)

Chapter 13 FIRE PREVENTION CODE

ARTICLE IV. PERMITS AND REGISTRATION

Sec. 13-409. Appeals.

Notwithstanding the provisions of section 13-500 to 13-506 of this code inclusive any vacant building registrant or owner may be subject to citations and civil fines in accordance with chapter 32 of this Code, and may appeal the fines issued against them in accordance with chapter 32 of this code as amended from time to time.

(Ord. No. 1925, 1-3-22)

ARTICLE VI. PENALTIES

Sec. 13-601. Penalties.

- (a) Any person who shall violate any provision of this code may be punished by a fine of not more than one hundred dollars (\$100.00) or, upon conviction, by imprisonment for not more than thirty (30) days. A violation of each provision of this code shall constitute a separate offense. Failure to comply with any order issued by the fire marshal pursuant to this code is a violation. Each day's failure to comply with such order shall constitute a separate offense.
- (b) Any owner or person who shall violate any provision of the vacant building code or provide false information to the enforcement officer shall be punished by a fine of \$250.00 per unit per day.

(Ord. No. 1925, 1-3-22)

Chapter 17 LICENSES AND PERMITS

ARTICLE XIII. OUTDOOR PAY PHONES

Sec. 17-47. Enforcement.

LCI, the department of public works and the department of police services are empowered to enforce this article in addition to all other methods of enforcement. This article may also be enforced through the civil citation process under chapter 32 of this code.

(Ord. of 1-8-01)

ARTICLE XIV. (NEW) RESIDENTIAL RENTAL BUSINESS LICENSES

Sec. 17-84. Penalties/citations.

- (a) The city shall issue a notice of failure to comply to any owner who fails to comply with the above regulation. Said notice of violation shall indicate the property subject to the provisions of this article XIV and what provision(s) have not been complied with. The notice of failure to comply shall be mailed to the owner at his/her/its last known address and shall be placed on the land records in the city clerk's office and will not be removed until compliance with the provisions herein.
- (b) The city shall enforce this ordinance through the citation and hearing procedure of chapter 32 of this code.

Sec. 17-85. Hearing officer.

- (a) The city shall enforce this ordinance through the citation and hearing procedure of chapter 32 of this code.

ARTICLE XV. CONTACT INFORMATION REQUIREMENTS FOR RENTAL PROPERTY INCLUDING THE REGISTRATION OF FORECLOSING/FORECLOSED RESIDENTIAL PROPERTIES

Sec. 17-118. Hearing/appeal.

Any person who violates this article may be subject to a citation and fine, and may appeal said fine in accordance with chapter 32 of this code.

(Ord. No. 1573, § 8, 11-6-08)

ARTICLE XVI. COMMERCIAL WASTE COLLECTORS

Sec. 17-133. Appeals.

Any person aggrieved by a decision rendered by the issuer regarding the denial, suspension, cancellation or revocation of permits may appeal said decision in accordance with section 17-1.16 of this chapter as it is amended from time to time.

(Ord. No. 1557, 4-16-07; Ord. No. 1916, 6-7-21)

(Supp. No. 28)

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ARTICLE XVII. PEDAL CABS (PEDICABS)

Sec. 17-149. Penalties.

It shall be unlawful to violate any of the provisions of this article, and the penalty for violation of any provision, as levied by the police chief and his designees or by the director of transportation, traffic and parking and his designees, shall be a fine of fifty dollars (\$50.00) for the first offense, and an additional fifty dollars (\$50.00) per offense thereafter to the maximum allowable under state statute (two hundred fifty dollars (\$250.00)). In any instance in which the operator or owner/licensee shall feel the penalty was unfairly imposed, he/she shall be afforded the opportunity to be heard in accordance with the procedure in chapter 32 of this code.

(Ord. No. 1601, 11-5-09)

Chapter 18 OFFENSES AND MISCELLANEOUS PROVISIONS

ARTICLE II. - NOISE CONTROL

Sec. 18-82. Violations and penalties.

- (a) Any person violating this article shall be fined up to the maximum amount authorized by state statutes or this Code per occurrence. Each day such violation continues shall constitute a separate violation. In the case of refuse collection noise violations, the fines shall be issued to the company owning the refuse collection vehicle, not the individual driver.
- (b) Any person who violates the provision of section 18-79 of this chapter, Motor Vehicle Noise, that applies to noise generated by the operation and use of an external speaker attached to a motor vehicle may be issued a citation in accordance with chapter 32 of this code and fined in an amount not to exceed one thousand dollars (\$1,000.00) for a first violation, in an amount not to exceed one thousand five hundred dollars (\$1,500.00) for a second violation, and in an amount not to exceed two thousand dollars (\$2,000.00) for a third or subsequent violation.
- (c) Failure to pay the fine within the time allotted may be enforced pursuant to chapter 32 of this code and C.G.S. Sec. 7-152c through which the city may obtain a judgment against the person cited in the Superior Court.
- (d) The New Haven Police Department may seize any external speaker upon probable cause that it is creating noise in violation of this section and may remove it from the motor vehicle to which it is attached and remove or tow such external speaker to a secure location for impoundment. Before the owner of any such impounded property may remove the external speaker from impoundment, he or she shall submit to the operator of such pound or to such other person as the chief of police shall designate, within forty-five (45) days of citation, a written request for return of the speaker pursuant to section 18-83 of this chapter.
- (e) Any external speaker seized pursuant to this section that is not claimed by its owner under the terms of this section for a period of forty-five (45) days after citation or in the case of a speaker being held as evidence not claimed by its owner within forty-five (45) days of permission of the court to return the external speaker, or disposition of such criminal proceeding, whichever is later, shall be forfeited to the city and sold at a public auction conducted by the city. The proceeds from such sale shall be deposited into the city's general fund.
- (f) No external speaker shall be forfeited to the extent of the interest of an owner by reason of any act or omission committed by another person if such owner did not know and could not have reasonably known that such external speaker was being used or was intended to be used in violation of a municipal ordinance.

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(Supp. No. 28)

(Ord. No. 1422, 7-6-06; Ord. No. 1916, 6-7-21; Ord. No. 2023-0017, 9-5-23)

Sec. 18-83. Hearing prior to forfeiture of external speaker.

- (a) Violations of this article shall be enforced by the citation and hearing procedure of Chapter 32. In addition to the requirements of Chapter 32, all citations for violations of this chapter must be sent to any lienholder and to the owner of the external speaker, or if no owner can be identified, to the person charged with the violation.
- (b) During a hearing under the procedure of chapter 32 of this code, an external speaker may be ordered forfeited upon a finding that there is clear and convincing evidence that the external speaker was used to violate this ordinance or any other city ordinance or the motor vehicle or criminal laws of this state;
- (c) Following the hearing, the hearing officer who conducted the hearing shall issue a written decision ordering the forfeiture of the external speaker or ordering the return of the external speaker to its owner, except that the hearing officer who conducted the hearing, shall not order the release of any external speaker that is required to be kept as evidence in any investigation or legal proceeding related to any criminal or motor vehicle offense. If the speaker is ordered to be returned, the applicant shall sign a receipt for the return of the speaker.
- (d) Any external speaker that is subject to a bona fide mortgage, assignment of lease or rent, lien, or security interest shall not be ordered forfeited in violation of the rights of the holder of such mortgage, assignment of lease or rent, lien, or security interest.
- (e) Any external speaker ordered forfeited shall be disposed of consistent with this ordinance.
- (f) If within forty-five (45) days of the delivery of the citation, no owner or lienholder of the external speaker has requested a hearing, the external speaker will be considered abandoned and disposed of consistent with this ordinance.

Sec. 18-91. Appeals.

Any person aggrieved by a decision rendered by the Noise Variance Review Committee may appeal said decision in accordance with the procedure set forth in Sec. 17-1.16(c) of this Code as it is amended from time to time.

(Ord. No. 1422, 7-6-06; Ord. No. 1916, 6-7-21; Ord. No. 2023-0017, 9-5-23)

Note(s)—Formerly, § 18-90.

Chapter 19 PARKS, RECREATION AND TREES

Sec. 19-12. Enforcement.

- (a) The police are authorized to arrest any person for any violation of these rules and regulations in this chapter.
- (b) Park security officers have the authority to issue a citation for the violation of any rule or regulation in this chapter. Such officers have the authority to ask any person in violation of such rule or regulation to leave the park, playground or other facility under the jurisdiction of the parks department.

(Ord. of 5-3-82, § 1; Code of 1985, § 19-18; Ord. No. 1406, 3-6-06)

Chapter 26 STORMWATER DISCHARGES

ARTICLE III. VIOLATIONS, ENFORCEMENT AND PENALTIES

Sec. 26-43. Appeal of citation for violation.

Any person receiving a citation for a violation of this chapter may appeal the determination of the city engineer in accordance with chapter 32 of the City's Code of Ordinances. The decision of the hearing officer, or his or her designee, shall be final.

(Ord. No. 1800, § 7.3, 6-6-16)

Sec. 26-44. Enforcement measures after appeal.

If the violation has not been corrected pursuant to the requirements set forth in the notice of violation or, in the event of an appeal under chapter 32, within thirty (30) days of the decision of the hearing officer upholding the decision of the city's engineer, then representatives of the City of New Haven may enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the government agency or designated contractor to enter upon the premises for the purposes set forth above.

(Ord. No. 1800, § 7.4, 6-6-16)

Sec. 26-46. Civil penalties.

In the event the alleged violator fails to take the remedial measures set forth in the notice of violation or otherwise fails to cure the violations described therein within ten (10) days, or such greater period as the city engineer shall deem appropriate, after the citation and hearing procedure of chapter 32, the hearing officer may impose a penalty not to exceed five hundred dollars (\$500.00) (depending on the severity of the violation) for each day the violation remains unremedied after receipt of the notice of violation.

(Ord. No. 1800, § 7.6, 6-6-16)

Chapter 27 STREETS, SIDEWALKS AND PUBLIC WAYS

ARTICLE III. EXCAVATIONS

Sec. 27-84. Appeals.

Any person aggrieved by the decision rendered by the issuer regarding suspension, cancellation or revocation of permits may appeal such action in accordance with the procedures set forth in section 17-1.16 of this Code as the same may be amended from time to time.

(Ord. No. 1587, 4-20-09)

Chapter 29 TRAFFIC AND MOTOR VEHICLES

ARTICLE III. PARKING, STOPPING AND STANDING

Sec. 29-30.1. Hearing and collection procedure for parking violation adopted.

- (a) The city hereby adopts the parking violation hearing and collection procedure as set forth below, a copy of which is on file in the office of the city clerk.
- (b) The mayor shall appoint one (1) or more parking violations hearing officers, all of whom shall serve without pay, other than police officers or persons who issue parking tickets or work in the police department, to conduct the hearings authorized by this section. No person shall be appointed to the position of hearing officer unless such person is:
 - (1) At least eighteen (18) years of age;
 - (2) In the opinion of the appointing official, a person capable of fairly administering the applicable provisions of law based on such person's background and experience, including but not limited to education, special skills and training, and history of criminal and motor vehicle violations.

Any hearing officer whose personal interests do or may give the appearance of conflict with the hearing officer's official responsibilities herein enumerated shall remove himself from presiding over any such hearing, and in such case the appointing official shall appoint a substitute hearing officer for the hearing. Any hearing officer may be removed at any time by the appointing official for whatever reason such official deems sufficient.

- (c) The city may, at any time within two (2) years from the expiration of the final period for the uncontested payment of fines, penalties, costs or fees for any alleged violation under any ordinance adopted pursuant to Connecticut General Statutes section 7-148 or sections 14-305 to 14-308 inclusive, send notice to the motor vehicle operator, if known, or the registered owner of the motor vehicle by first class mail at such person's address according to , the registration records of the department of motor vehicles, or by electronic mail if the operator or owner's electronic mail address is known. Such notice shall inform the operator or owner:
 - (1) Of the allegations against them and the amount of fines, penalties, costs or fees due;
 - (2) That they may contest their liability before a parking violations hearing officer by delivering in person, by electronic mail or by mail written notice within ten (10) days of the date thereof;
 - (3) That if they do not demand such a hearing, they shall be deemed to have admitted liability and an assessment and judgement shall enter against them; and
 - (4) That such judgment may issue without further notice.

Whenever a violation of such an ordinance occurs, proof of the registration number of the motor vehicle involved shall be prima facie evidence in all proceedings provided for in this section that the owner of such vehicle was the operator thereof.

(d) If the person who is sent notice pursuant to subsection (c) wishes to admit liability for any alleged violation, such 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 city. Such payment shall be inadmissible in any proceeding, civil or criminal, to establish the conduct of such person or other person making the payment. Any person who does not deliver or mail written demand for a hearing within ten (10) days of the date of the first notice provided for in subsection (c) shall be deemed to have admitted liability, and the designated city official 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 the applicable ordinances and shall follow the procedures set forth in subsection (f) of this section.

(e) 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 (15) days nor more than thirty (30) days from the date of the mailing of notice, unless an earlier date is agreed to by the person requesting the hearing, and provided the hearing officer shall grant upon good cause shown any reasonable request by any interested party for postponement or continuance. The original or certified copy of the initial notice of violation issued by the issuing officer, shall be presented by the city at such hearing, shall be deemed to be a business record within the scope of section 52-180 of the Connecticut General Statutes, and shall be evidence of the facts therein. The presence of the

issuing officer shall not be required at such hearing in person or by means of electronic equipment, unless the person so requests. A person wishing to contest their liability shall appear at the hearing and may present evidence on their behalf, or may request the hearing be conducted by mail, and may submit documents and copies of reports for the hearing officer's review. A designated city official, other than the hearing officer, may present evidence on behalf of the city. If the person fails to appear, or fails to request a hearing by mail within the set time frame, the hearing officer may enter an assessment by default against them upon a finding of proper notice and liability under applicable statutes or ordinances. 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 their decision at the end of the hearing. If the hearing officer determines that the person is not liable, the hearing officer shall dismiss the matter and enter their determination in writing accordingly. If the hearing officer determines that the person is liable for the violation, the hearing officer shall forthwith enter and assess the fines, penalties, costs or fees against such person as provided by the applicable ordinances of the city.

- (f) If such assessment is not paid on the date of its entry, the hearing officer shall turn all records of the proceedings over to the parking enforcement administrator, who may instruct the city to use any and all legal means to collect fines and penalties due: Such means may include (but not be limited to):
- (1) Use of a collection agency;
 - (2) Civil proceedings;
 - (3) Issuance of a state infraction;
 - (4) Vehicle impoundment; or
 - (5) Withholding registration renewal.

Furthermore, 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 a superior court facility designated by the Chief Court Administrator 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 town, city or borough. 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.

- (g) 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 pursuant to section 52-259, at the 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.

(h)

Editor's note(s)—A nonamendatory ordinance enacted Nov. 9, 1981, §§ 1—6, approved Nov. 18, 1981, and effective Dec. 5, 1981, has been codified herein as § 29-30.1 at the discretion of the editor.

Cross reference(s)—Additional provisions relative to contesting penalties and appointment of hearing officers, § 29-31(c), (d).

ARTICLE VI. POCKET BIKES, MINIBIKES, DIRT BIKES, ALL-TERRAIN VEHICLES, ETC.

Sec. 29-134. Seizure of motorized recreational vehicles; disposal.

- (a) Any person who operates a motorized recreational vehicle in violation of subsection 29-132(a) above or is the owner of any such vehicle who knowingly permits its operation in violation of subsection 29-132(a) above will be subject to seizure of said vehicle(s) pursuant to Conn. Gen. Stat. §§ 54-33g, 14-390, and 14-390m which allow for seizure of property. A police officer who observes any motorized recreational vehicle being operated in violation of subsection 29-132(a), (b), (c), or (d) above may detain such person for purposes of enforcing the provisions of this article and may remove or tow such motorized recreational vehicle to a secure location for impoundment. Before the owner of any such impounded property may remove the vehicle from a vehicle pound, he/she shall furnish to the operator of such pound or such other person as the chief of police shall designate evidence of registration and ownership, shall sign a receipt for such property, and shall pay the cost of towing, plus the cost of storage for each day or portion of a day that such property is stored in excess of the first twenty-four (24) hours after seizure. The operator of such pound shall refuse the release of any such property lawfully seized that the chief of police has authorized to hold as evidence in a criminal investigation or proceeding. Such operator shall obtain written permission from the chief of police on any form or document prescribed by the chief of police prior to the release of such property held for evidence.
- (b) Any such motorized recreational vehicle that is not claimed by its owner under the terms of this section for a period of forty-five (45) days after seizure or in the case of a vehicle being held as evidence not claimed by its owner within forty-five (45) days of the cessation of such investigation or disposition of such criminal proceeding, whichever is later, may be disposed of at the direction of the chief of police after serving notice in the same manner as that required for the disposal of abandoned vehicles under Conn. Gen. Stat. § 14-150(e), except in the case that a vehicle that is not registered, such notice shall not require mailing to persons whose names are registered with the state department of motor vehicles.

(Ord. No. 1902, 12-7-20)

Sec. 29-134.1. Hearing prior to forfeiture of motorized recreational vehicle.

- (a) Violations of this article shall be enforced by the citation and hearing procedure of chapter 32 of this code. In addition to the requirements of chapter 32, all citations for violations of this chapter must be sent to any lienholder and to the owner of the motorized recreational vehicle, or if no owner can be identified, to the rider.
- (b) During a hearing under the procedure of chapter 32 of this code, a motorized recreational vehicle may be ordered forfeited upon a finding of any, but not limited to, of the following:
 - (1) There is probable cause to believe that the motorized recreational vehicle was possessed, controlled, or designed for use, or is or has been or is intended to be used, to violate, or in violation of any city ordinance or the motor vehicle or criminal laws of this state; or
 - (2) There is probable cause to believe that the motorized recreational vehicle was operated with reckless and wanton disregard for the welfare or property of others.
- (c) Following the hearing, the hearing officer who conducted the hearing, shall issue a written decision ordering the forfeiture of the motorized recreational vehicle or ordering the return of the motorized recreational vehicle to its owner, except that the hearing officer who conducted the hearing, shall not order the release of any motorized motor vehicle that is required to be kept as evidence in any investigation or legal proceeding related to any criminal or motor vehicle offense.

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- (d) Any motorized recreational vehicle that is subject to a bona fide mortgage, assignment of lease or rent, lien, or security interest shall not be ordered forfeited in violation of the rights of the holder of such mortgage, assignment of lease or rent, lien, or security interest.
 - (e) Any motorized recreational vehicle ordered forfeited shall be disposed of consistent with applicable law.
 - (f) If within thirty (30) days of the citation, no owner or lienholder of the motorized recreational vehicle has requested a hearing, the vehicle will be considered abandoned, disposed of under applicable law, and may be ordered forfeited and destroyed by the City.

(Ord. No. 1902, 12-7-20)

Article VII – Automated Traffic Enforcement Safety Devices

Sec. 29-142. Penalty for violation.

(a) The city shall enforce violations of this Article through the citation and hearing procedure of chapter 32 of this code.

(b) Whenever an ATESD detects and produces recorded images of a motor vehicle allegedly committing a violation of this ordinance, a sworn member or employee of the City’s Police Department or an employee of the City’s Transportation, Traffic and Parking Department, as designated by the Local Traffic Authority (“ATESD Official”), shall review and approve the recorded images provided by such device. If, after such review, the ATESD Official determines that there are reasonable grounds to believe that a violation occurred, the City may issue by first class mail a citation to the owner of such motor vehicle pursuant to Section 11, subsection (i) of the Public Act.

(c) A citation under this ordinance shall include the following:

- (1) The name and address of the owner of the motor vehicle;
- (2) The number plate of the motor vehicle;
- (3) The violation charged;
- (4) The location of the automated traffic enforcement safety device and the date and time of the violation;
- (5) A copy of or information on how to view, through electronic means, the recorded images that captured the alleged violation;
- (6) A statement or electronically generated affirmation by the sworn member or employee who viewed the recorded images and determined that a violation occurred;
- (7) Verification that the automated traffic enforcement safety device was operating correctly at the time of the alleged violation and the date of the most recent calibration check performed pursuant to the Public Act;
- (8) The amount of the fine imposed and how to pay such fine; and
- (9) The right to contest the violation and request a hearing pursuant to C.G.S. § 7- 152c.

(c) In the case of an alleged violation involving a motor vehicle registered in Connecticut, the citation shall be sent by first class mail not later than thirty (30) days after the identity of the owner is determined and shall be mailed to the address of the owner that is in the records of the Department of Motor Vehicles. In the case of an alleged violation

involving a motor vehicle registered in another jurisdiction, the citation shall be sent by first class mail not later than thirty (30) days after the identity of the owner is determined and shall be mailed to the address of the owner that is in the records of the official in the other jurisdiction issuing such registration.

(d) A citation shall be invalid unless mailed to an owner not later than sixty (60) days after the alleged violation.

Sec. 29-141. Appeal.

(a) In accordance with C.G.S. § 7-152c and chapter 32 of this code, any owner issued a citation for violating the provisions of this ordinance may, within ten (10) days of the date of the citation, deliver or mail an appeal in writing requesting a hearing to the ATESD Official, in care of the City's Transportation, Traffic and Parking Department.

(b) Appeals under this section shall be conducted pursuant to chapter 32 of this code.

Article VIII – School Bus Violation Detection, Monitoring, and Enforcement System.

Sec. 29-151. Penalty and Process for violation.

(a) The city shall enforce violations of this Article through the citation and hearing procedure of chapter 32 of this code.

(b) Whenever the Monitoring System detects and produces a live digital and recorded video image of a motor vehicle being operated in violation of this ordinance, a police officer or city employee designated by the Transportation, Traffic, and Parking Department, shall review the evidence file which shall include two or more digital photographs, recorded video, or other recorded images. If after review, the police officer or designated city employee determines that there are reasonable grounds to believe that a violation of this ordinance has occurred, such officer or designated city employee shall authorize the issuance of a citation for such alleged violation. If such officer or designated city employee authorizes the issuance of a citation for such alleged violation, the city or its designated agent shall, not later than thirty days after the alleged violation, mail by first class mail a citation to the registered owner of the motor vehicle together with a copy of two or more digital photographs, recorded video or other recorded images. In the case of an alleged violation involving a motor vehicle registered in another jurisdiction, the city shall send a copy of a citation to the address of the owner that is in the records of the official in the other jurisdiction issuing such registration not later than sixty days after the alleged violation.

(c) A citation under this ordinance shall include the following:

- (1) the name and address of the owner of the motor vehicle;
- (2) the number plate of the motor vehicle;
- (3) the ordinance allegedly violated;
- (4) the date, location, and time of the alleged violation;
- (5) a copy of or information on how to view, through electronic means, the recorded images described in this section;
- (6) a statement or electronically generated affirmation by the police officer or authorized employee who reviewed the recorded images and determined that the motor vehicle violated this ordinance;

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- (7) the fine imposed pursuant to the ordinance and how to pay such fine;
 - (8) notice of the right to contest the citation and instructions for how to request a citation hearing; and
 - (9) information advising the owner of the motor vehicle of the procedure for disclaiming liability by submitting an affidavit as described in subsection (j) of section 4 of Public Act 24-107 to the city.

Sec. 29-153. Appeal.

(a) In accordance with C.G.S. § 7-152c and chapter 32 of this code, any owner issued a citation for violating the provisions of this ordinance may, within ten (10) days of the mailing date of the citation, deliver, or mail an appeal in writing requesting a hearing to the city's Transportation, Traffic, and Parking Department.

(b) A manual or automated record prepared by the police officer, city employee or vendor in the ordinary course of business shall be prima facie evidence of such mailing and shall be admissible in any citation hearing as to the facts contained in the citation.

(c) A certificate or facsimile of a certificate of the review of the evidence produced by the City Monitoring Enforcement System, sworn to by the police officer or authorized city employee who conducted such review, shall be prima facie evidence of the facts contained in such certificate.

(d) A digital still or video image produced by the Monitoring System shall be sufficient evidence of a violation of this ordinance and shall be admitted at a citation hearing proceeding without further authentication.

(e) The owner of a motor vehicle shall be liable for any fine imposed pursuant to this ordinance section, unless (1) the vehicle identified by the Monitoring System is a leased or rented motor vehicle, in which case the lessee of such vehicle shall be liable for any such fine, or (2) an affidavit is filed pursuant to subsection (j) of section 4 of Public Act 24-107, in which case the operator shall be liable for any such fine.

TITLE V ARTICLE II

Par. 203. Appeals—Procedure, conduct. (Housing Code)

- (a) Fines under this paragraph shall be enforced under the citation and hearings process of Title III, Chapter 32 of the New Haven Code of Ordinances.
- (b) Any owner assessed a civil penalty by the hearing officer pursuant to this section who wishes to appeal such penalty based on the grounds that such violation was proximately caused by a tenant's reckless and willful act, shall have a right of appeal pursuant to C.G.S. § 7-148(c)(7)(A).

Par. 204. Same—Hearing officer; authority; conditions for granting extensions; modifications.

In any hearing held pursuant to Par. 203, the hearing officer may issue a written decision sustaining, modifying or withdrawing the enforcement order, and may also grant an extension or modification in accordance with the following conditions:

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- (a) *Extension.* The time for performance of any act required by the enforcement order may be extended for not more than eighteen (18) months subject to appropriate conditions and provided that the hearing officer makes specific written findings of fact based on evidence relating to the following factors:
- (1) That there are practical difficulties or unnecessary hardships that prevent the carrying out the strict letter of any provisions of this title; and
 - (2) That such extension is in harmony with the general purpose and intent of this title in securing the public health, safety and general welfare.
- (b) *Modifications.* A modification may be granted in a specific case and from a specific provision of this title subject to appropriate conditions and provided that the hearing officer makes specific written findings of fact based on evidence relating to the following factors:
- (1) That there are practical difficulties or unnecessary hardships that prevent carrying out the strict letter of the provision;
 - (2) That the effect of the strict application of the code provisions would be arbitrary in the specific case;
 - (3) That an extension would not result in an appropriate remedy for these practical difficulties or unnecessary hardships and this arbitrary effect; and
 - (4) That such modification is in harmony with the general purpose and intent of this title in securing the public health, safety and general welfare.

Par. 206. Same—Record of proceedings required; right of judicial appeal.

The proceedings at such hearings, including the findings and decision of the hearing officer, shall be summarized, reduced to writing, and entered as a matter of public record in the office of the enforcing officer and open to reasonable public inspection as required by law. Such record shall also include a copy of every notice or order issued in connection with the matter. A person aggrieved by the decision of the enforcing officer, hearing officer, or a Board of Alders decision made pursuant to Par. 203(b) may seek relief therefrom in any court of competent jurisdiction, as provided by the laws of this state.