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ORDINANCE AMENDMENT OF THE NEW HAVEN BOARD OF ALDERS TO TITLE III
– CODE OF GENERAL ORDINANCES, CHAPTER 29 – TRAFFIC AND MOTOR
VEHICLES, ADDING ARTICLE IX ENTITLED “AUTOMATED PARKING CONTROL
SYSTEMS”

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WHEREAS, the City of New Haven is responsible for managing public streets, parking regulations, curbside access, traffic safety, and the efficient use of public space; and

WHEREAS, illegal parking, stopping, and standing can interfere with traffic flow, emergency access, transit service, bicycle facilities, pedestrian crossings, loading zones, accessible parking, residential permit areas, and other important public uses of the curb; and

WHEREAS, the Department of Transportation, Traffic and Parking seeks to use available technology to support consistent and efficient enforcement of existing parking regulations; and

WHEREAS, Automated Parking Control Systems may include cameras, motor vehicle sensors, or other devices capable of reading and recording vehicle license plates, subject to the requirements and safeguards set forth in the ordinance; and

WHEREAS, the proposed ordinance amendment provides for due process including review by a reviewing officer before a citation may be issued, establishes notice and appeal procedures, and includes provisions related to system testing, privacy, data retention, disclosure, and contractual services; and

WHEREAS, the proposed ordinance amendment will allow the City to better manage parking compliance and curbside activity while preserving the right of individuals to appeal citations through the City’s existing parking violation appeal process.

NOW, THEREFORE, BE IT ORDAINED by the Board of Alders of the City of New Haven that:

1. The Code of Ordinances of the City of New Haven, Connecticut, is hereby amended by adding a section, to be numbered Article IX – “ Automated Parking Control Systems”, Section 29-158, which said section shall read as enclosed.
2. The Department of Transportation, Traffic, and Parking is authorized to oversee the implementation, operation, and enforcement of the Automated Parking Control System in accordance with the ordinance enclosed, including entering into agreements for installation, operation, and maintenance of the system.
3. The Mayor, or their designee, is authorized to take all steps necessary to implement and effectuate this ordinance.
4. The Mayor is authorized to sign any associated agreements or MOUs, agreements with contractors, and other documents, any of which may include indemnification provisions, and

which may have a term of longer than one year, that the City of New Haven deems desirable or necessary, including any subsequent amendments to agreements regarding installation, maintenance, and implementation of automated parking control system and its associated enforcement program

5. Any inconsistent provisions in prior ordinances, bylaws, resolutions, or regulations are hereby repealed to the extent of such inconsistency, and the ordinance shall take effect immediately upon adoption.

BE IT FURTHER ORDAINED that the aforesaid ordinance text amendments shall take effect upon publication of said amendments pursuant to the requirements of the New Haven Charter and Connecticut law.

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Sec. 29-158. - Automated Parking Control Systems

- (a) The City of New Haven ("city") hereby authorizes the Department of Transportation, Traffic and Parking to use automated parking control systems ("APCS"). The Director or his or her designee shall establish policies, procedures and/or guidelines for the location and placement of APCS to allow for efficient enforcement of parking violations.
- (b) Definitions.
 - (1) "Day(s)" means calendar days
 - (2) "Driver," "motor vehicle," "number plate," and "owner" have the same meanings as provided in section 14-1 of the Connecticut general statutes.
 - (3) "Automated Parking Control System(s)" ("APCS") means a method consisting of cameras, motor vehicle sensors, or other devices capable of reading and recording vehicle license plates. APCS may be permanently installed at a fixed location, temporarily installed at a fixed location, or may be mobile. When APCS is mobile it must be in a clearly marked and identifiable vehicle, authorized for such use by the city, that has the appropriate city markings or logo and identifiable vehicle marker plates.
 - (4) "Parking violation(s)" means any violation as set forth in sections 29-33 to 29-38; section 29-47; section 29-49; section 29-53; and section 29-55 of this code, or section 14-251 of the Connecticut general statutes. The fine or fee for such parking violations is set forth in section 17-201 of this code.
 - (5) "Personally identifiable information" means information obtained, created or maintained by the city or a city vendor as part of the use of an APCS and that includes, but is not be limited to, the motor vehicle owner's name, address, social security number, telephone number, email address, number plate, photograph, bank account information, credit card number, debit card number, or the date, time, or location of the parking violation.
 - (6) "Recorded image" means a photographic or digital image or video that depicts the parking violation; the front or rear of the vehicle; and any other pertinent information to establish that the parking violation occurred.
 - (7) "Reviewing officer" means an official employed or authorized by the city to perform the duties set forth in subsection (c) of this section.

- (8) "System location" means the physical location at which the APCS is installed to enforce parking laws. For mobile systems the APCS will use a locating system, such as GPS or similar system to establish the location of a violation.
- (c) Whenever an APCS produces a recorded image of a parking violation, a reviewing officer shall review the recorded image. If, after such review, the reviewing officer determines that there are reasonable grounds to believe that a parking violation occurred, the city may issue a citation by first class mail to the owner of the motor vehicle.
- (d) In the case of an alleged parking 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 by the city and shall be mailed to the last registered address of the owner that is in the records of the Department of Motor Vehicles. In the case of an alleged parking 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 by the city and shall be mailed to the address of the owner that appears in the records of the office of that jurisdiction that maintains motor vehicle registration information.
- (e) A citation shall be invalid unless mailed to an owner not later than sixty (60) days after the alleged parking violation.
- (f) The city shall impose a fine against the owner of the motor vehicle that commits a parking violation in an amount as outlined in section 17-201 of this code for the alleged violation.
- (g) The citation shall contain the following:
- (1) A description of the parking violation.
 - (2) The location where the parking violation occurred.
 - (3) The date and time of the parking violation.
 - (4) The name and address of the owner of the vehicle involved in the parking violation.
 - (5) The registration number displayed on the number plate of the vehicle involved in the parking violation.
 - (6) A copy of the recorded image of the parking violation. The city shall use all reasonable means not to show identifiable images of any occupants of the motor vehicle.
 - (7) The amount of the fine for the parking violation.
 - (8) The number of days the person has in which to pay or appeal the citation and a statement that the person incurs late payment penalties if the original fine is not paid or the citation is appealed.
 - (9) Information on available options to pay the fine set forth in the citation.
 - (10) Information regarding the owner's right to appeal the imposition of the fine.
 - (11) That the citation appeal must be in writing and received by the city within thirty (30) days after the date the citation was mailed.
 - (12) Information that failure to pay the fine or to appeal the citation within thirty (30) days of the date that the notice of violation was mailed, or failure to appear at the requested appeal hearing to contest the parking violation, is an admission of liability for the full amount of the fine stated in the notice of violation mailed to the person and waives the person's right of appeal the liability of the violation, except as allowable under sections 7-152b and 7-152c of the Connecticut general statutes.
 - (13) Information that if voluntary payment is made to the city within thirty (30) days after the date the notice of violation was mailed the payment shall constitute waiver of the city's right to prosecute further the parking violation.
- (h) Escalation of fines may occur in the event the fines assessed in the notice of violation are not paid in full within thirty (30) days following the date the notice of violation is mailed, said penalties shall double. In the event the penalties assessed in the notice of violation are not paid

in full within forty-five (45) days following the date the notice of violation is mailed, said penalties shall triple. At no time shall such penalties exceed two hundred fifty dollars (\$250.00), or the maximum amount authorized by state statutes or this code.

- (i) A person who receives a notice of violation of this section may appeal the alleged parking violation as specified in section 29-30-1 of this code.
- (j) Failure of a person to appear for a requested hearing shall be considered an admission of liability for the parking violation.
- (k) Collection of fines and fees produced as result of the APCS will be in accordance with section 29-30-1 of this code.
- (l) The APCS shall have the ability to be tested and calibrated for accuracy and reliability. A record of any APCS testing shall be available to hearing officers if requested.
- (m) In an appeal, it shall be an affirmative defense to liability under this section, to be proven by a preponderance of the evidence, that:
 - (1) The operator of the motor vehicle was acting in compliance with the lawful order or direction of a police officer.
 - (2) The motor vehicle was being operated as an authorized emergency vehicle as defined under Connecticut General Statute section 14-283.
 - (3) The motor vehicle was a stolen vehicle and being operated by a person other than the owner of the vehicle without the effective consent of the owner and had been reported to a law enforcement unit, as defined by Connecticut General Statute section 7-294a.
 - (4) By notarized (sworn to) statement of the owner and operator of the motor vehicle, that at the time the parking violation occurred, the owner of the motor vehicle assessed with the citation was not the operator of the motor vehicle.
- (n) Disclosure of personally identifiable information
 - (1) No personally identifiable information shall be disclosed by the city or a city vendor to any person or entity, including any law enforcement unit, except where the disclosure is made in connection with the charging, collection, and enforcement of the fines imposed pursuant to this ordinance.
 - (2) No personally identifiable information shall be stored or retained by the city or a city vendor unless such information is necessary for the charging, collection, and enforcement of the fines imposed pursuant to this ordinance.
 - (3) No later than thirty (30) days after the collection of a fine or the resolution of a hearing conducted for a parking violation citation issued pursuant to this ordinance, whichever is later, the city or a city vendor shall destroy all personally identifiable information and other data collected in accordance with this ordinance that specifically identifies a motor vehicle and relates to a parking violation citation. The city may retain a record identifying the location, date, time, violation, and disposition of the citation.
 - (4) Any information and other data gathered and maintained from the APCS shall be subject to disclosure under the Freedom of Information Act, as defined in C.G.S. § 1-200, except that no personally identifiable information may be disclosed.
- (o) Contractual Services

The city may enter into agreements for contractual services, including with vendors for the design, installation, operation, or maintenance, or any combination thereof, of an APCS. If a vendor designs, installs, operates, or maintains an APCS, the vendor's fees may not be contingent on the number of citations issued or fines paid pursuant to this section.