

..title

ORDINANCE AMENDMENT TO TITLE III OF THE CITY OF NEW HAVEN'S CODE OF ORDINANCES REGARDING CHAPTER 29 – TRAFFIC AND MOTOR VEHICLES  
ADDING ARTICLE VII ENTITLED “SCHOOL BUS VIOLATION DETECTION,  
MONITORING, AND ENFORCEMENT SYSTEM”

..body

WHEREAS, the safe transportation of school children is of the utmost importance to the City of New Haven (“City”); and,

WHEREAS, the Connecticut General Assembly passed Public Act 24-107 (“Public Act”), authorizing municipalities to implement live digital video school bus violation detection and enforcement systems to identify and enforce violations of § 14-279 of the Connecticut General Statutes; and,

WHEREAS, the City seeks to utilize the authority granted by the Public Act to improve public safety and reduce the incidence of vehicles illegally passing stopped school buses through the deployment of a School Bus Violation Detection, Monitoring, and Enforcement System (“Monitoring System”); and,

WHEREAS, the Monitoring System will be administered and enforced by the Department of Transportation, Traffic, and Parking of the City and is designed to ensure compliance with laws governing school bus safety and protect children across the City; and,

WHEREAS, the ordinance sets forth clear definitions, enforcement mechanisms, due process protections, and funding procedures to support fair and efficient implementation of the Monitoring System in accordance with the Public Act and § 7-152c of the general statutes.

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

1. The Board of Alders of the City of New Haven hereby adopts Article VII – School Bus Violation Detection, Monitoring, and Enforcement System, including Sections 29-147 through 29-157 of Chapter 29 – Traffic and Motor Vehicles, as fully set forth in the ordinance presented to the Board and attached hereto.
2. That the Department of Transportation, Traffic, and Parking is authorized to oversee the implementation, operation, and enforcement of the Monitoring System in accordance with the ordinance and the provisions of Public Act 24-107, including entering into agreements for installation, operation, and maintenance of the system.
3. That all fines and revenues collected as a result of enforcement under this ordinance shall be used to improve public safety within the City, including but not limited to addressing the costs associated with the Monitoring System.

4. That the Mayor, or their designee, is authorized to take all steps necessary to implement and effectuate this ordinance, including the appointment of hearing officers pursuant to § 7-152c of the general statutes.
5. That 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 Board of Education or City of New Haven deems desirable or necessary, including any subsequent amendments to agreements regarding installation, maintenance, and implementation of school bus stop arm camera technology and its associated enforcement program
6. That 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.

### **TITLE III - CODE OF GENERAL ORDINANCES**

#### **CHAPTER 29 – TRAFFIC AND MOTOR VEHICLES**

##### **Article VII – School Bus Violation Detection, Monitoring, and Enforcement System.**

##### **Sec. 29-147. School Bus Violation Detection, Monitoring, and Enforcement System.**

Pursuant to the authority granted in Public Act 24-107, of the 2024 Session of the Connecticut General Assembly (the “Public Act”) as may be amended from time to time, the City of New Haven (the “City”) hereby adopts this ordinance to authorize the use of live digital video school bus violation detection monitoring systems (the “Monitoring System”) and to provide a process for the enforcement of this ordinance including procedures set forth in § 7-152c of the general statutes (the “Monitoring Enforcement System”). The Monitoring System and the Monitoring Enforcement System shall be implemented, administered, overseen and enforced by the City’s Transportation, Traffic and Parking Department.

##### **Sec. 29-148. Definitions.**

The following words, terms, and phrases, when used in this ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Driver, motor vehicle, number plate, and owner* shall have the same meanings as provided in § 14-1 of the general statutes.

*Live digital video school bus violation detection monitoring system or monitoring system* means a system with one or more camera sensors and computers that produce live digital and recorded video images of motor vehicles being operated in violation of § 14-279 of the general statutes as amended by Public Act 24-

107 and which produce a live visual image that is viewable remotely and a recorded image of the number plate of a motor vehicle violating § 14-279, as amended by Public Act 24-107. Such recorded image shall indicate the date, time and location of the violation. The Monitoring System shall, to the extent practicable, record images of the number plate of a motor vehicle only and shall not record images of the occupants of such motor vehicle or of any other persons or vehicles in the vicinity at the time the images are recorded.

*"municipal school bus violation enforcement system"* means a system with one or more camera sensors and computers that produce: (1) Digital and recorded video images of motor vehicles being operated in violation of an ordinance adopted pursuant to subsection (b) of section 4 of Public Act 24-107, (2) a visual image that is viewable remotely and a recorded image of the number plate of a motor vehicle violating an ordinance adopted pursuant to subsection (b) of this section, and (3) a recorded image that indicates the date, time and location of the violation.

*School Bus or Schoolbus* shall have the same meaning as provided in § 14-275 of the general statutes.

#### **Sec. 29-149. Contractual Services.**

The City may enter into agreements for contractual services including vendors for the installation, operation and maintenance of such of the Monitoring System. Any agreement for contractual services to install, operate and maintain the Monitoring System shall:

- (a) provide for the compensation to the contractor or vendor for the expense of the monitoring services and cost of equipment provided by the vendor and for the reimbursement of the vendor for the expenses of installing, operating and maintaining the monitoring system by using, in whole or in part, amounts remitted to the City in accordance with subsection (e) of § 51-56a of the general statutes, in respect to the violation of § 14-279 of the general statutes, as amended by Public Act 24-107;
- (b) require the contractor or vendor to, on an annual basis, submit a report to the City that includes, but is not limited to: (1) The total number of citations issued pursuant to § 14-279b of the general statutes, as amended by Public Act 24-107, as a result of a violation detected and recorded by the Monitoring System, and (2) the total amount of funds collected from such citations.

#### **Sec. 29-150. City Obligations and Reporting.**

To use the Monitoring System, the City shall be required to:

- (a) not later than thirty days after receipt of the report required by § 29-139(b) of this ordinance, submit such report to the joint standing committees of the General Assembly having cognizance of matters relating to transportation and public safety and security;
- (b) not later than October first following adoption of this ordinance, and not later than October first in each year thereafter in which this ordinance is in effect, submit a report to the Connecticut Department of Transportation, which shall include, but need not be limited to:
  - (a) A copy of such ordinance, (b) the total number of citations issued for a violation of such ordinance in the prior fiscal year, (c) the total amount of funds collected for such violations in the prior fiscal year, and (d) how the municipality spent such funds in the prior fiscal year.

- (c) post warning signs on all school buses in which the Monitoring System is installed and operated pursuant to § 14-279 of the general statutes, as amended by Public Act 24-107 indicating the use of such system.

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

(a) 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.

(b) 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;
- (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. 29-152. Fine for violation.**

(a) The City shall impose a fine for committing a violation of this ordinance in the amount of two hundred fifty dollars (\$250.00) against the owner of a motor vehicle who commits a violation of this ordinance.

(b) The City shall collect such fines, with proceeds credited to the City.

(c) Payment of a fine and any associated fees may be made by electronic means.

(d) A reasonable fee, not to exceed fifteen dollars (\$15.00), may be imposed for the costs associated with the electronic processing of the citation.

(e) Funds received by the City from such fines shall be used for the purposes of improving public safety in the City, including but not limited to compensating any private vendor that installs, operates or maintains the City's Monitoring System.

**Sec. 29-153. Fine for violation. Monitoring enforcement system.**

(a) In accordance with C.G.S. § 7-152c, any owner issued a citation for violating the provisions of this ordinance may, within thirty (30) 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.

The mayor shall appoint one (1) or more citations hearing officers, all of whom shall serve without pay, other than City police officer(s) or persons who work in the City police department or employees of the Transportation, Traffic and Parking 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 the person's education, special skills and training.

Any appointed 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) Any person who timely requests a hearing pursuant to subsection (a) of this section shall be given written notice of the date, time and place for the hearing. The hearing shall be held not less than fifteen days nor more than thirty days from the date of the mailing of the citation, provided the hearing officer shall grant upon good cause shown any reasonable request by any interested party for postponement or continuance.

(d) 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.

(e) 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.

(f) 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.

(g) A person wishing to contest the person's liability shall appear at the hearing and may present evidence. A designated City official, other than the hearing officer, may present evidence on behalf of the municipality. If the person fails to appear, the hearing officer may enter an assessment by default against the person upon a finding of proper notice and liability under this ordinance. The hearing officer may accept from the person copies of police reports, investigatory and citation reports, and other official documents by mail and may determine thereby that the appearance of such person is unnecessary.

(h) 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 the 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 this 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 the person as provided by this ordinance.

(i) The burden of proof shall be preponderance of the evidence.

(j) 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.

#### **Sec 29-154. Defenses.**

(a) All defenses shall be available to any person who is alleged to have committed a violation of this ordinance, including, but not limited to, that:

- (1) The operator was driving an emergency vehicle in accordance with the provisions of subdivision (1) of subsection (b) of section 14-283 of the general statutes;
- (2) the violation was necessary to allow the passage of an emergency vehicle;
- (3) the violation was necessary in order for the operator to comply with an order or direction from a law enforcement officer, which is observable on the recorded images;
- (4) the violation was necessary to avoid injuring the person or property of another;

- (5) the violation took place during a period of time in which the motor vehicle had been reported as being stolen to a law enforcement unit, as defined in section 7-294a of the general statutes, and had not been recovered prior to the time of the violation;
- (6) the operator received a citation for a violation of section 14-279 of the general statutes, as amended by this act, for the same incident; or
- (7) the violation was incurred while participating in a funeral procession.

(b) It shall not be a defense that the Monitoring System recorded images of the occupants of such motor vehicle or of any other persons or vehicles in the vicinity at the time the images were recorded.

(c) No recorded image produced by a monitoring system pursuant to this section may be introduced as evidence in any other civil or criminal proceedings.

(d) Violations of this ordinance shall not be made part of the driving control record, as described in section 14-111l of the general statutes, of such owner and may not be used for any purpose in the provision of a motor vehicle insurance policy.

(e) A digital still or video image produced by a municipal school bus violation enforcement system to enforce this ordinance shall be destroyed the later of: (1) Ninety days after the date of the creation of such digital still or video image, or (2) upon payment or final disposition of all matters related to a citation issued for a violation of this ordinance to which such digital still or video image pertains.

**Sec. 29-155. The Public Act.**

To the extent of applicability, any provisions of Public Act 24-107 that are necessary to further and/or effectuate this ordinance are hereby incorporated and adopted in toto, herein.

**Sec. 29-156. Severability.**

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by any decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

**Sec. 29-157. Repealer.**

All City ordinances, bylaws, orders, resolutions, or parts thereof, inconsistent herewith are hereby repealed only to the extent of such inconsistency. This repealer shall not be construed to revive any ordinances, bylaws, orders, resolutions, or parts thereof, heretofore repealed.

This ordinance shall take effect upon adoption.