Sec. 13-21. Hearing procedure for parking violations.

In accordance with section 7-152b of the General Statutes, the following hearing procedure is established for parking violations:

(1) Within two (2) years and seven (7) days after the date a parking ticket is issued under section 13-18 of this Code, the office of the first selectman may cause notice to be sent to the operator of the vehicle, if known, or the registered owner of the vehicle by first class mail at his address according to the registration records of the department of motor vehicles. Such notice shall inform the operator or owner:

a. Of the allegations against him and the amount of the fines, penalties, costs or fees due;

b. That he may contest his liability before a parking violations hearing officer by delivering in person or by mail written notice within ten (10) days of the date thereof;

c. That if ,he does not demand such a hearing, an assessment and judgment shall enter against him; and,

(2) That such judgment If the person who is sent notice pursuant to subsection (1) of this section wishes to admit liability for any alleged violation, he may, without requesting a hearing, pay the full amount of the fines, penalties, costs or fees admitted to in person or by mail to the office of the first selectman. 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 (1) of this section shall be deemed to have admitted liability, and the office of the first selectman shall certify such person's failure to respond to the parking violations hearing officer. The hearing officer shall thereupon enter and assess the fines, penalties, costs or fees due and shall follow the procedure set forth in subsection (4) of this section.

(3) 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, provided the hearing officer shall grant, upon good cause shown, any reasonable request by any interested party for postponement or continuance. An original or certified copy of the parking ticket issued by the issuing officer shall be filed and retained by the town, be deemed to be a business record within the scope of-section 52-180 of the General Statutes, and be evidence of the facts contained therein. The presence of the issuing officer shall be required at the hearing if such person so requests. A person wishing to contest his liability shall appear at the hearing and may present evidence in his behalf. A designated town official, other than the hearing officer, may present evidence on behalf of the town. If such person fails to appear, the hearing officer may enter an assessment by default against him upon a finding of proper notice and liability under the applicable statutes or ordinances. The hearing officer may accept from such person copies of police 'reports, motor vehicle department documents and other official documents by mail and may determine thereby that the appearance of such person is unnecessary. The hearing officer shall conduct the hearing in order and form and with such methods of proof, as he

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 his decision at the end of the hearing. If he determines that the person is not liable, he shall dismiss the matter and enter his determination in writing including an order for a refund of fines paid, if appropriate. If he determines that the person is liable for the violation, he shall forthwith enter and assess the fines, penalties, costs, or fees due against such person.

(4) If such assessment is not paid on the date of its entry, the hearing officer shall send by first class mail a notice of the assessment to the person found liable and shall file, not less than thirty (30) days nor more than twelve (12) months after such mailing, a certified copy of the notice of assessment with the clerk of the superior court for the geographic area in which the town is located, together with an entry fee of eight dollars ($8.00). The certified copy of the notice of assessment shall constitute a record of assessment. Within such twelvemonth period, assessments against the same person may be accrued and filed as one (1) record of assessment. The clerk shall enter judgment in the amount of such record of assessment and court costs of eight dollars ($8.00) against such person in favor of the town. 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.

(5) 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 (30) 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 of the General Statutes, in the superior court for the geographical area in which the town is located, which shall entitle such person to a hearing in accordance with the rules of the judges of the superior court.

(6) The first selectman shall appoint one (1) or more parking violation hearing officers, other than persons who issue parking tickets, to conduct hearings authorized by this section. All such officers shall serve for a term of two (2) years.

(Res. of 5-11-88(2), § III(2))

State law reference—Hearing procedure for parking violations, G.S. § 7-152b.