

**Town of ANDOVER, CONNECTICUT**  
**Hearing Procedure for Citations Ordinance**

**Section 1: Title.**

This Ordinance shall be known and may be cited as the **Town of Andover** "Hearing Procedure for Citations Ordinance."

**Section 2: Legislative Authority.**

This Ordinance is enacted pursuant to Sections 7-148(c)(10)(A) and 7-152c of the Connecticut General Statutes.

**Section 3: Intent.**

This Ordinance is designed to establish a hearing procedure for the appeal and enforcement of fines, penalties, costs and fees for citations issued for violations of Town ordinances.

**Section 4: Appointment of Hearing Officers**

The **Town Administrator** shall appoint one or more persons who are electors of the **Town of Andover** to serve as citation hearing officers to conduct hearings regarding the violation of Town ordinances. No police officer, or any Town employee or person authorized to issue citations for the violation of any Town ordinance shall be permitted to serve as a citation hearing officer.

**Section 5: Notice of Violation**

At any time within twelve months from the expiration of the final period for the uncontested payment of fines, penalties, costs or fees for any citation issued under any Town ordinance for a violation thereof, the Town shall send notice to the cited person. Such notice shall inform the cited person:

- A. Of the allegations against the cited person(s) and the amount of the fines, penalties, costs or fees due;
- B. That the cited person may contest liability before a hearing officer appointed by the Board of Selectmen by delivering in person or by mail written notice of demand for a hearing to the **Office of the Town Administrator** at the **Andover Town Hall** within ten days of the date thereof;
- C. That if a hearing is not so demanded, an assessment and judgment shall be entered against the cited person; and

D. That such judgment may issue without further notice. For purposes of this section, notice shall be presumed to have been properly sent if such notice was mailed to such person's last known address on file with the tax collector or collector of revenue.

#### **Section 6: Admission of Liability.**

If a cited person who is sent notice pursuant to Section 5 wishes to admit liability for an alleged violation, the cited person may, without requesting a hearing, pay the full amount of the fines, penalties, costs or fees in person or by mail to the town treasurer at the address specified in the notice. Such payment shall be inadmissible in any proceeding, civil or criminal, to establish the conduct of the cited person or other person making the payment. Any cited person who does not deliver or mail written notice of demand for a hearing within ten days of the date of the notice provided for in Section 5, above, shall be deemed to have admitted liability and the **Town Administrator** 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 ordinance and shall follow the procedures set forth in Section 7, below.

#### **Section 7: Hearing Procedure.**

**A.** Any cited person who requests a hearing shall be given written notice of the date, time and place of the hearing. Such hearing shall be held not less than fifteen days nor more than thirty days from the date of the mailing of such 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 initial notice of violation issued by the issuing municipal agent or employee shall be filed and retained by the Town, be deemed to be a business record within the scope of General Statutes section 52-180, and be evidence of the facts set forth therein. At the request of the cited person the presence of the issuing municipal officer or employee shall be required at the hearing. A designated Town official other than the hearing officer may present evidence on behalf of the **Town of Andover**. A person wishing to contest their liability shall appear at the hearing and present evidence in their own behalf.

**B.** If the cited person fails to appear and such appearance has not been determined by the hearing officer to be unnecessary, the hearing officer may enter an assessment by default against the cited person upon a finding of proper notice and liability under the applicable ordinance. The hearing officer may accept from the cited person copies of written statements, police reports, investigatory and citation reports and other official documents by mail or hand delivery, and may determine thereby that the appearance of such person is unnecessary. 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 a decision at the end of the hearing. If the hearing officer determines that the cited person is not liable, the matter shall be dismissed and the decision of the hearing officer entered in writing accordingly. If the hearing officer determines that the cited person is liable for the

violation, said officer shall forthwith enter and assess the fines, penalties, costs or fees against the cited person as provided by the applicable ordinance.

#### **Section 8: Notice of Assessment and Judgment.**

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 cited person found liable and shall file, not less than thirty days nor more than twelve months after such mailing, a certified copy of the notice of assessment with the clerk of the appropriate court, together with the appropriate entry fee required by the court which is currently eight dollars per General Statutes section 7-152c(f). The certified copy of the notice of assessment shall constitute a record of assessment. Within such twelve-month period, assessments against the same cited person may be accrued and filed as one record of assessment. The clerk shall enter judgment in the amount of said record of assessment and court costs against the cited person, in favor of the **Town of Andover**. Notwithstanding any other provision of the Connecticut 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 cited person.

#### **Section 9: Appeal.**

A cited person against whom an assessment has been entered pursuant to this Ordinance 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 open assessment, together with an entry fee in an equal amount to the entry fee for a small claims case pursuant to General Statutes section 52-259, at the appropriate court, which shall entitle the cited person to a hearing in accordance with the rules of the judges of the Superior Court.

#### **Section 10: Other Remedies.**

No action taken pursuant to this Ordinance shall preclude the **Town of Andover** from pursuing other enforcement remedies, either in addition to those specified in this Ordinance or separately, in order to achieve lawful compliance with the ordinances of the **Town of Andover**.

Approved at September 28<sup>th</sup>, 2021 Special Town Meeting.