

**#970**

**An Ordinance Amending Chapter 11, Article II, Division 1 of the East Haven Code regarding Stopping, Standing, and Parking**

**WHEREAS**, Chapter 11, Article II, Division 1 of the East Haven Code presently addresses the topic of "Stopping, Standing, and Parking"

**AND WHEREAS**, the Town wishes to update and amend said regulation and wishes to include a contestment process;

**NOW THEREFORE, BE IT ORDAINED** that Chapter 11, Article II, Division 1 is amended to include the following section:

**"Sec. 11-18. Procedure for Contesting parking violations.**

- (a) Any person wishing to contest any violation of Sec. 11-16 or any fine levied pursuant to Sec. 11-17 may request and file an application for contestment at the East Haven Police Department during the hours of 9:00 a.m. to 3:00 p.m., Monday through Friday, within ten (10) business days of the time indicated on the notice of violation.
- (b) Upon receipt of an application of contestment, the application will be assigned to a hearing officer and scheduled for a contestment hearing before a contestment hearing officer within 60 days of receipt by the East Haven Police Department.
- (c) Members of the Board of Police Commissioners shall serve as contestment hearing officers and the apportionment of hearings and frequency of service by commissioners as hearing officers shall be set and determined by resolution of the Commission. At all times, the Commission shall cause to be published, on the department website, a list of all commission members presently serving as contestment hearing officers.
- (d) Contestment hearings shall be scheduled no earlier than 6:30 p.m., Monday through Thursday and held at the East Haven Police Department. At a contestment hearing, the contesting party may present any evidence in support of his or her application. The Police Department may, in its discretion, present evidence as well. At the conclusion of a contestment hearing, the contestment hearing officer shall weigh the evidence presented and render a decision, in writing, on a form prescribed by the Commission on the application for contestment. The decision of the contestment hearing officer shall be final. A copy of the final decision shall be mailed to the contesting party and shall serve as a record of the proceedings of the same.

(e) The filing of an application of contestment shall toll the payment and penalty timelines provided for in Section 11-17(b) until a final decision is rendered regarding an application of contestment. In the event that an application for contestment is denied, the contesting party shall have ten (10) business days from the date of denial to remit any penalties due. In the event the penalties are not paid within ten (10) business days following the date of final decision, said penalty shall double."

(f) Any written appeal of any violation of Sec. 11-16 or of any fine levied pursuant to Sec. 11-17 submitted prior to the enactment of this Section shall retroactively be addressed pursuant to the provisions of this Section as if it had been in place at the time said written appeal was submitted."

**BE IT FURTHER ORDAINED** that Chapter 11, Article II, Division 1, Sec. 11-16(c)(viii) is revoked and replaced with the following:

Sec. 11-16(c)(viii)

"On the wrong side of the street or facing traffic."

**BE IT FURTHER ORDAINED** that all other sections of Chapter 11, Article II, Division 1 shall remain in full force and effect, unchanged by this revision.

This Ordinance shall be effective in accordance with the provisions of the East Haven Town Charter.

Submitted by:

Danelle Feeley, Council Clerk

Date: 7/9/15

Approved by: Joseph Maturo, Jr., Mayor

Date: 7/9/15

Received by: Stacy Gravino, Town Clerk

Date: 7/9/15