

SUBSTITUTE

Introduced by: Luke A. Bronin, Mayor

**HEADING
AND
PURPOSE**

**AN ORDINANCE AMENDING CHAPTER 1, SECTION 1-5 OF THE HARTFORD
MUNICIPAL CODE**

COURT OF COMMON COUNCIL,
CITY OF HARTFORD

March 13, 2017

Be It Hereby Ordained by the Court of Common Council of the City of Hartford that Chapter 1, Section 1.5 of the Municipal Code of the City of Hartford be amended as follows.

Chapter 1 – GENERAL PROVISIONS

Sec. 1-5. – Hearing procedure for citations.

- (a) *Appointment of citation hearing officers.* There shall be a hearing procedure for citations established in accordance with G.S. § 7-152c. The [city manager] Corporation Counsel shall appoint one (1) or more persons to act as citation hearing officers to conduct hearings authorized by this section, except that no police officer, member of the corporation counsel's office, employee, or other person who issues citations shall be authorized to conduct hearings.
- (b) *Notice of violation, fines, rights.* Within twelve (12) months from the expiration of the final period for the uncontested payment of fines, penalties, costs or fees for any citation issued under any ordinance adopted pursuant to G.S. § 7-148, and for the violation of any zoning ordinance in Chapter 35 of this Municipal Code, notice shall be sent to the property owner of the alleged violation. Such notice shall inform the owner and other person cited: (1) Of the allegations against him and the amount of the fines, penalties, costs, or fees due; (2) That he may contest his liability before a citation hearing officer by delivering in person or by mail written notice within ten (10) days of the date thereof; (3) That if he does not demand such a hearing, an assessment and judgment shall be entered against him; and (4) That such judgment may issue without further notice.
- (c) *Admission of liability.* If the person who is sent notice pursuant to subsection (b) 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 City [of Hartford, Tax Collector, 550 Main Street, Hartford, CT 06103] department that issued the citation. 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 (a) of this section shall be deemed to have admitted liability, and the [city manager] Corporation Counsel 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 ordinances and shall follow the procedures set forth in this section.
- (d) *Conduct of hearing.* Any person who requests a hearing pursuant to subsection (c) of this section 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 an interested party for postponement or continuance. An original or certified copy of the initial notice of violation issued by the issuing official or police officer shall be filed and retained by the municipality, and shall be deemed to be a business record and evidence of the facts contained therein. The presence of the issuing official or police 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

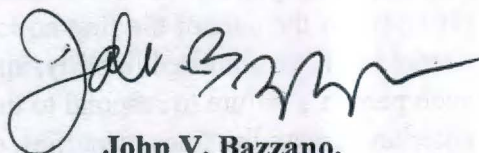
behalf. The corporation counsel or his designee shall present evidence on behalf of the city. If the owner or person cited fails to appear, the hearing officer may enter an assessment by default against him upon a finding of proper notice and liability under the applicable statutes or ordinances. The hearing officer may accept from such person copies of police reports, investigatory and citation reports, 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 the 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 the hearing officer determines that the person is not liable, the matter shall be dismissed and the determination entered in writing accordingly. If the hearing officer determines that the person is liable for the violation, he shall forthwith enter and assess the fines, penalties, costs, or fess against such person as provided by the applicable ordinances.

- (e) *Notice of assessment.* 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 Judicial District of Hartford together with an entry fee of eight dollars (\$8.00), against such person in favor of the municipality. Notwithstanding any other provisions, 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. Fines stemming from the Anti-Blight and Property-Maintenance Program in Chapter 9, Article V, herein, may be continued as anti-blight liens pursuant to Connecticut General Statutes § 7-148aa.
- (f) *Appeal.* 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 the entry fee for a small claims case in the superior court for the Judicial District of Hartford, which shall entitle such person to a hearing in accordance with the rules of the judges of the superior court.

This ordinance shall be effective upon passage

The ordinance was adopted by the Court of Common Council at a regular meeting held March 13, 2017 by roll-call vote 9 to 0, and approved by the Mayor, March 20, 2017.

Attest:



**John V. Bazzano,
Town and City Clerk.**

Copies to: Mayor, Chief Operating Officer, Corporation Counsel, Director of Finance, Director of Management and Budget, Hartford Parking Authority, Director of Public Works, Chief of Police and Municode.