

ORDINANCE ESTABLISHING CITATION PROCEDURES AND FINES FOR MUNICIPAL CODE VIOLATIONS

Ordinance # 22-3

Be it enacted by the Board of Selectmen of the Town of Columbia:

1. Any official authorized by law to issue citations for violations of ordinances or regulations of the Town of Columbia (“Citation Official”), including but not limited to the Zoning Enforcement Officer (“ZEO”) or Deputy Zoning Enforcement Officer (“DZEO”) for violations of the zoning regulations and the Blight Enforcement Officer for violations of the Anti Blight Ordinance are authorized to issue citations for violations of the respective regulations or ordinances to the extent and in the manner provided by this Ordinance. Any such citation shall be served on a form designed for this use and may be served either by hand delivery or sent by certified mail, return receipt requested, to the person named in such citation. If the person named in a citation sent by mail refuses to accept such mail, the citation may be sent then by regular mail. The Citation Official shall file and retain an original or certified copy of the citation.
2. That the citation may be issued for any violations of the Town of Columbia regulations or ordinances in force as of the date of the citation.
3. That, unless the agency which adopted the regulation or ordinance that is the subject of the citation establishes a lesser amount for the fine for each such citation in their written procedures, such fine shall be One Hundred and Fifty Dollars (\$150) for each day of the continuation of non-compliance and shall be payable to the Treasurer of the Town of Columbia.
4. That any person receiving such a citation shall be allowed a period of thirty (30) calendar days from his or her receipt of the citation to make an uncontested payment of the fine specified in the citation to the Treasurer. If the citation has been sent by regular mail pursuant to the provisions of paragraph 1 of this Ordinance, the day of receipt of the citation shall be deemed to be four calendar days after the day of mailing of the citation.
5. If a person who has been issued a citation does not make uncontested payment of the fine specified in the citation to the Treasurer within the time allowed under paragraph 4 of this Ordinance, the Citation Officer shall send a notice to the person cited, within twelve (12) months of the end of such uncontested payment period, informing such person:
 - a. of the allegations against him or her and the amount of the fines;
 - b. that the person cited may contest liability before a hearing officer appointed by the Board of Selectmen pursuant to paragraph 6 of this Ordinance, by delivering, in person or by mail, within ten days of the date of the notice, a written demand for a hearing;
 - c. that if the person cited does not demand such a hearing, an assessment and judgment shall be entered against him or her; and
 - d. that such judgment may issue without further notice.

6. The Board of Selectmen shall appoint one or more citation Hearing Officers to conduct the hearings as necessary and described in Connecticut General Statutes Section 7-152c or as amended from time to time by the General Assembly. Neither any Citation Officer, the Chief Building Official, nor any employee or member of any other board or commission that promulgated the regulations or ordinance at issue in the citation within the Town may be appointed as a Hearing Officer.
7. If the person who is sent notice pursuant to paragraph 5 of the Ordinance wishes to admit liability for any alleged violation, he or she may, without requesting a hearing, pay the full amount of the fine, either in person or by mail, to the Citation Officer. All fines shall be made payable to the Treasurer of the Town of Columbia. Such payment shall be inadmissible in any proceedings, 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 days of the date of the first notice described in paragraph 5 of this Ordinance shall be deemed to have admitted liability, and the Citation Officer shall certify to the Hearing Officer that such person has failed to respond. The Hearing Officer shall thereupon enter and assess the fines provided for by this Ordinance and shall follow the procedures set forth in paragraph 9 of this Ordinance.
8. Any person who requests a hearing shall be given a written notice of the date, time and place for the hearing. Such hearing shall be held not less than fifteen days nor more than thirty days from the date of the mailing of notice, provided that the Hearing Officer shall grant upon good cause shown any reasonable request by an interested party for postponement or continuance. An original certified copy of the initial notice of violation issued by the issuing official shall be filed and retained by the Town and shall be deemed to be a business record within the scope of Section 52-180 of the Connecticut General Statutes and shall be evidence of the facts contained therein. The presence of the Citation Officer who issued the citation shall be required at the hearing if requested by the person who was issued the citation. A person wishing to contest his or her liability shall appear at the hearing and may present evidence on his or her behalf. The Citation Officer, or his designee (who may be any municipal official other than the Hearing Officer), may present evidence on behalf of the Town. If the person who received the citation fails to appear, the Hearing Officer may enter an assessment by default against him or her upon a finding of proper notice and liability under the applicable provisions of the regulations or ordinance. The Hearing Officer may accept written information by mail from the person who received the citation 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 or she 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 or her decision at the end of the hearing. If the Hearing Officer determines that the person who received the citation is not liable, the Hearing Officer shall dismiss the matter and enter his or her determination in writing accordingly. If the Hearing Officer determines that the person who received the citation is liable for the violation, the Hearing Officer shall forthwith enter and assess the fines against such person as provided by this Ordinance.

9. If such assessment is not paid on the date of its entry, the Hearing Officer shall send, by first class mail, an Assessment Notice to the person who has been found liable and shall file, not less than thirty days nor more than twelve months after such mailing, a certified copy of the Assessment Notice with the Clerk of the Superior Court for the geographical area in which the Town is located together with the applicable entry fee. The certified copy of said Assessment shall constitute a record of assessment. Within any twelve-month period, one or more assessments against the same individual may be accrued and filed as one record of assessment.

10. The Clerk of the Superior Court shall enter a judgment in the amount of the record of assessment and court costs of eight dollars against the cited individual in favor of the Town of Columbia. 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 of such judgment may issue without further notice to such individual.

11. Pursuant to Section 7-152c(g) of the Connecticut General Statutes, as the same may be amended from time to time, the individual against whom an assessment is entered is entitled to judicial review by way of appeal. The appeal must be instituted in the manner and within the time periods provided by the Section 7-152c(g) of the Connecticut General Statutes, as the same may be amended from time to time, or pursuant to the rules of the judges of the Superior Court.

Town Meeting adoption	April 5, 2005
Publication Date	April 11, 2005
Effective Date	May 1, 2005
Ordinance amended by Board of Selectmen	December 16, 2014