

Town Meetings / Public Hearings / Workshops
Monday, September 25, 2023 at 6:00 PM
Town Campus, Room A

MINUTES

VIRTUAL MEETING INFORMATION

[Click Here for Zoom](#)

Passcode: 892917

LEGAL NOTICE

TOWN OF MADISON PUBLIC HEARING

The legal voters of the Town of Madison are hereby warned and notified that the Board of Selectmen will conduct a Public Hearing on Monday, September 25, 2023 at 6:00 p.m. in Room A at Madison Town Campus, 8 Campus Drive and via Zoom for the purpose of:

- a) reviewing a draft Ordinance for Citations

Please open meeting attachments to view the proposed ordinance.

The Town of Madison does not discriminate on the basis of disability, and the meeting facilities are ADA accessible. Individuals who need assistance are invited to make their needs known by contacting 203.245.5644 or by email to ferranted@madisonct.org at least five (5) business days prior to the meeting.

First Selectwoman Lyons called the Public Hearing to order and read the legal notice. Selectwoman Gordon, Selectman Goldberg (Zoom) and Selectman Wilson were present.

Also present: Erin Mannix, Town Planner (Zoom).

First Selectwoman Lyons noted there were no citizens from the public in person or on Zoom. She explained the staff were asked to do one final review of the ordinance and to provide comments if applicable.

E. Mannix reviewed a number of items within the Citation Ordinance that will affect the Land Use Department as it relates to the issuance of municipal citations for zoning violations, inland wetlands & watercourses violations, and blight violations. The Board agreed to get further clarity on these items from Town Counsel and come back at a future meeting for approval.

Respectfully submitted,
Jaclyn Lehet

TOWN OF MADISON CONNECTICUT
CITATIONS
Proposed draft Ordinance

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1.0 HEARING OFFICER

- A. The Board of Selectmen shall appoint one or more citation hearing officers, other than police officers, Town employees or persons authorized under ordinance or state statute to issue citations, civil penalties and/or fines, to conduct citation hearings. Said citation hearing officers shall serve for terms of two years and shall be empowered to hear appeals from issuance of citations as herein provided. No hearing officer may be an elected Town Official, a Town employee or an individual having enforcement authority over the citation at issue.
- B. Notwithstanding the above, the First Selectman shall choose from the appointees which hearing officer shall preside over each citation appeal and may appoint the Parking Violation Hearing Officers to serve as citation hearing officers.

2.0 STATUTORY AUTHORIZATION AND PURPOSE

The purpose of this chapter is to establish a citation hearing procedure in accordance with C.G.S. §§ 7-148(c)(10)(a), 7-152b, 7-152c, and 22a-226 (Environmental Protection – civil penalty) to be applied and followed in all instances when citations are issued by Town of Madison municipal officials and employees.

3.0 CITATION PROCEDURE

- A. Regulations and ordinances of the Town may be enforced by citations issued by designated municipal officers or employees, provided that the regulations and ordinances have been designed specifically by the Town for enforcement by citation in the same manner in which they were adopted, and the designated municipal officer or employee issues a written warning providing notice of the specific violation before issuing the citation.

- B. After a citation has been issued and the fine or penalty has not been paid, the Town shall send a written notice to the alleged violator by either certified mail/return receipt, or personally served on and by first class mail, no later than twelve (12) months after the expiration of the final period for the uncontested payment of fines, penalties, costs or fees for any citation issued under any ordinance or regulation of the Town for an alleged violation. Such notice shall inform the violator and any other persons cited of the following:
 - a. The allegations against the violator and other persons cited and the amount of the fines, penalties, costs or fees due;
 - b. That the alleged violator or other person cited may contest their liability by delivering to the Office of the First Selectperson in person or by mail, written notice within twenty (20) days of the date of the Town's original notice to said violator that they desire to contest their liability before a citation hearing officer;
 - c. That if the alleged violator does not demand such a hearing, an assessment and judgment shall be entered against them; and
 - d. That such judgment may issue without further notice.
- C. If the alleged violator or other person to whom notice has been sent pursuant to Subsection C above wishes to admit liability for any alleged violation, they may, without requesting a hearing, pay the full amount of the fines, penalties, costs or fees in person or by mail to "The Town of Madison". Any alleged violator or other person who does not deliver or mail a written demand for a hearing within twenty (20) days of the date of the first notice provided in Subsection C above shall be deemed to have admitted liability, and the designated municipal official shall certify the alleged violator'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 law and shall follow the procedures set forth in Subsection E below. A receipt of payment for such fines, penalties, costs or fees shall be issued to the payee. Payment shall be inadmissible in any proceeding, civil or criminal, to establish the conduct of such person or other person making the payment.
- D. 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 such notice, provided that the hearing officer shall grant, upon good cause shown, any reasonable request by an interested party for postponement or continuance. Any person requesting a hearing under this chapter may be represented by an attorney at their own expense.

4.0 HEARING PROCEDURE

- A. An original or certified copy of the initial notice of violation issued by a police officer or other issuing official shall be filed and retained by the Town and shall be deemed to be a business record within the scope of C.G.S. § 52-180 and shall be evidence of the facts

contained therein. Such original or certified copy shall be introduced as evidence before the hearing officer.

- B. The presence of the police officer or issuing official shall be required at the hearing if requested by the alleged violator or other person wishing to contest liability.
- C. The alleged violator or other person wishing to contest liability shall appear at the hearing and may present evidence on their behalf. A designated Town official, other than the hearing officer, may present evidence on behalf of the Town.
- D. If the alleged violator fails to appear, the hearing officer may enter an assessment by default against them upon a finding of proper notice and liability under the applicable ordinances or regulations; however, the hearing officer may accept from the alleged violator copies of police reports, motor vehicle department documents, and other official documents by mail. After review of the submitted documents, the hearing officer may determine that the appearance of the alleged violator is unnecessary and find in favor of such person.
- E. The hearing officer shall conduct the hearing in the order and form and with such methods of proof as they deem 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. In considering an appeal, the standard of proof shall be by preponderance of the evidence. The citation hearing officer shall consider all facts and circumstances that said officer deems to be relevant. If the offense consists of a motor vehicle parking violation, proof of the registration number of the motor vehicle involved shall be *prima facie* evidence in all proceedings that the owner of such vehicle was the operator thereof, provided that in the case of a leased or rented motor vehicle, such proof shall be *prima facie* evidence in any proceeding that the lessee was the operator thereof. All evidence and testimony must be presented at the time of said hearing; no other testimony or evidence shall be considered. The hearing officer shall announce their decision at the end of the hearing and shall issue a written decision within five (5) days after the conclusion of the hearing by certified mail, return receipt, or personally served on and mailed by first class mail, to the person who requested the hearing. The decision shall also be filed with the Town Clerk's Office within fourteen (14) days from the date of the final decision.
- F. If the hearing officer determines that the alleged violator or other person is not liable, they shall dismiss the matter and enter their determination in writing accordingly. If the hearing officer determines that the person is liable for the violation, they shall forthwith enter and assess the fines, penalties, costs or fees against such person as provided by the applicable ordinance or regulation.

5.O RECORD OF ASSESSMENT

- A. If the 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 geographical area in which the Town is located, together with an entry fee as required by law. The certified copy of the notice of assessment shall constitute a record of assessment. Within such twelve-month period, assessments against the same person may be accrued and filed as one record of assessment. The Clerk of the court shall enter judgment in the amount of such record of assessment and court costs including the entry fee against such person in favor of the Town. 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 person.
- B. In the event that the civil penalties and/or fines imposed by the hearing officer are made pursuant to the provisions of an ordinance regulating blight, adopted pursuant to C.G.S. § 7-148(c)(7)(H)(xv), and the civil penalties and/or fines and costs associated with the same under the blight ordinance are not paid on the date of the entry of the assessment, then the civil penalties and/or fines and costs shall constitute a lien of the Town of Madison on the real property where said blight exists which lien may be continued, recorded and released in the manner provided by the Connecticut General Statutes for the continuing, recording and releasing of property tax liens. Each such lien may be enforced in the same manner as property tax liens, including foreclosure of the real property. Said lien shall remain an encumbrance upon the subject property until such time as the blight conditions are abated and all civil penalties and/or fines, fees and costs assessed have been paid.

6.0 APPEAL OF ASSESSMENT

The 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 the notice of assessment by filing a petition to reopen the assessment, together with an entry fee in an amount equal to the entry fee for a small claims case pursuant to § 52-259 of the Connecticut 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.

7.0 ISSUANCE OF WRITTEN WARNING

In those instances where there is time to do so and where a continuing violation is not causing immediate or significant harm, a written warning providing notice of the specific violation shall be sent prior to issuing the citation.

8.0 AMOUNT OF FINE, PENALTY, COST, OR FEE

The fine, penalty, cost or fee imposed for a violation of a Town ordinance or regulation shall be the fine, penalty, cost or fee provided in the specific ordinance or regulation. If such ordinance or regulation does not provide for a specific fine, penalty, cost or fee, then under this chapter

the fine, penalty, cost or fee for any single violation shall not exceed the amount of \$100, unless otherwise specifically provided by the Connecticut General Statutes.

9.0 DISPOSITION OF MONEY RECEIVED

All moneys received pursuant to the procedure set forth above shall be remitted to the office of the Town Tax Collector. All payments of fines and penalties of any ordinance or regulation adopted pursuant to Section 7-148 of the Connecticut General Statutes shall be considered delinquent if not paid or appealed within fifteen (15) days of their date of issuance. Payment is deemed to be made on the date that it is received by the Town of Madison.

10.0 APPLICABILITY; AMENDED CHAPTERS

Each of the following ordinances is amended to add the following section: "Enforcement. This ordinance has been specifically designated for enforcement by citations issued by designated municipal officers or employees, and the citation hearing procedure established by Chapter __, Citations, shall be followed." This ordinance also shall apply to any and all future ordinances adopted by the Town that include enforcement by citation.

Article/Section	Title	Number of Section to be Added
III/8	Fire Marshall	8-43
VIII/15	Inland Wetlands and Watercourses	15-174
II/12-26	Parking Violations	12-29
II/19	Street Signs and Building Numbers	19-26
III/11	Peddlers	11-54
IV/11	Solicitors	11-79
I/18	Solid Waste Management – Septic Systems	18-13
VII/15	Zoning Regulations	15-149
	To be continued (not exhaustive)	