

## Chapter 58

### VIOLATION AND CITATION HEARING PROCEDURES

**[HISTORY: Adopted by the Board of Selectmen of the Town of Granby as indicated in article histories. Amendments noted where applicable.]**

#### GENERAL REFERENCES

Fees — See Ch. A184.

#### ARTICLE I Zoning Violations [Adopted 9-22-1997]

##### **§ 58-1. Citations.**

The Zoning Enforcement Officer is authorized to issue citations for violations of the Zoning Regulations to the extent and in the manner provided by this article. Any such citation may be served either by hand delivery or by certified mail, return receipt requested, to the person named in such citation. If the person named in a citation sent by certified mail refuses to accept such mail, the citation may be sent by regular United States mail. The Zoning Enforcement Officer shall file and retain an original or certified copy of the citation.

##### **§ 58-2. Policy for issuance of citations.**

The Planning and Zoning Commission shall adopt a written policy governing the timing and circumstances under which the Zoning Enforcement Officer may issue a citation.

##### **§ 58-3. Statutory authority.**

A citation may be issued for any violation of the Zoning Regulations, designed in accordance with Connecticut General Statutes § 7-152c(c).

##### **§ 58-4. Penalties for offenses.<sup>1</sup>**

The fine for each such violation shall be not more than \$150, payable to the Town.

##### **§ 58-5. Time limit to make uncontested payment.<sup>2</sup>**

Any person electing not to request a hearing pursuant to § 58-6 shall be allowed 30 days from the receipt of the citation to make an uncontested payment of the fine specified in the citation to the Town. If the citation has been sent by regular mail pursuant to the

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<sup>1</sup>. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

<sup>2</sup>. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

provision of § 58-1 of this article, the day of receipt of the citation shall be deemed to be three business days after the day of mailing of the citation. The uncontested payment of the fine shall be inadmissible in any proceedings, civil or criminal, to establish the conduct of such person or other person making the payment.

**§ 58-6. Time limit to request hearing.** <sup>3</sup>

Should a person who has been issued a citation choose not to make payment of the fine as provided in § 58-5, said person may contest liability before a Hearing Officer appointed by the Town Manager as provided in §§ 58-8 and 58-9 of this article by delivering, in person or by mail, within 10 days of the date of the citation, a written demand for a hearing.

**§ 58-7. Failure to respond; assessment of fines.**

If the person cited does not make uncontested payment as provided in § 58-5, nor demand a hearing as provided in § 58-6, the Zoning Enforcement 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 article and follow the procedures set forth in § 58-10 of this article.

**§ 58-8. Notice of hearing.**

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 15 days nor more than 30 days from the date of the written demand for a hearing as provided in § 58-6, provided the Hearing Officer shall grant, upon good cause shown, any reasonable request by any interested party for postponement or continuance.

**§ 58-9. Hearing procedures.**

The presence of the Zoning Enforcement 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 liability shall appear at the hearing and may present evidence in his or her behalf. The Zoning Enforcement Officer may present evidence on behalf of the municipality. If the person who received the citation and requested the hearing fails to appear, the Hearing Officer may enter an assessment by default against such person upon a finding of proper notice and liability under the applicable provisions of the Zoning Regulations. 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 determine the conduct of the hearing in order and form and with such methods of proof as such 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 the 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 that

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<sup>3</sup>. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

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 enter and assess the fines against such as provided in § 58-10.

**§ 58-10. Notice of assessment.** <sup>4</sup>

If fines are not paid as required in §§ 58-7 and 58-9, 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 30 days nor more than 12 months after such mailing, a certified copy of the notice of assessment with the Clerk of the Superior Court, for the 13th Geographical Area, together with the entry fee specified in the General Statutes.<sup>5</sup> Further proceedings may then be held pursuant to the applicable provisions of the Connecticut General Statutes.

**§ 58-11. Appointment of Hearing Officers.**

The Town Manager shall appoint one or more citation Hearing Officers to conduct the hearings provided by this article. Neither the Zoning Enforcement Officer, Building Official, members of the Planning and Zoning Commission or Zoning Board of Appeals shall be appointed as a Hearing Officer pursuant to this article.

ARTICLE II  
**Parking and Ordinance Violations**  
[Adopted 8-9-1999]

**§ 58-12. Appointment of Hearing Officers.**

The Town Manager shall appoint one or more persons, who may not be persons authorized to issue parking tickets or citations or otherwise employed by the Town, to serve at the pleasure of the Town Manager, to conduct parking violation hearings and hearings on contested citations pursuant to C.G.S. §§ 7-152b and 7-152c.

**§ 58-13. Parking ticket procedures.**

Upon the violation of any ordinance or regulation promulgated pursuant to C.G.S. §§ 14-305 through 308, inclusive heretofore or hereafter adopted, any police officer may issue a parking ticket to the owner or operator of the motor vehicle in violation by affixing the same prominently to such motor vehicle. The parking ticket shall identify the offending vehicle by its registration number, state the specific violation, set out the date and time of the violation, specify the penalty for the violation, and shall require that the penalty be paid to the Tax Collector of the Town by not later than two weeks following the issuance of the parking ticket. If the owner or operator of the vehicle does not pay the penalty within the time specified, the Town shall cause a notice as required by C.G.S. § 7-152b(c) to be sent by first-class mail to the motor vehicle operator, if known, or to the registered owner of the motor vehicle. Thereafter the procedures for conducting hearings and assessing fines, penalties, costs or fees provided by the applicable ordinances as

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<sup>4</sup>. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

<sup>5</sup>. Editor's Note: See Ch. A184, Fees.

prescribed in C.G.S. § 7-152b(d) through (f) shall be employed. All such fines, penalties, costs, and fees shall be paid to the Town.

**§ 58-14. Citation procedures.**<sup>6</sup>

Except as provided in Article I, regarding the citation procedures and fines for zoning violations, upon the violation of any other ordinance or regulation of the Town for which a fine, penalty, costs, or fees are prescribed, heretofore or hereafter adopted, and any regulations promulgated thereunder, any police officer or other Town official or employee authorized by the Town Manager may issue a written warning to the person or persons responsible providing notice of the specific violation; and may at any time thereafter issue a citation to the person or persons responsible by delivering the same to such person or persons in hand, by leaving a true and attested copy thereof at such person's place of abode or by mailing a true and attested copy thereof to such person by first-class mail addressed to his or her residence address. The citation, which shall be on a form approved by the Town Manager, shall state the specific violation, set out the date and time of the violation, specify the penalty for the violation, and shall require that the penalty be paid to the Tax Collector of the Town by not later than two weeks following the issuance of the citation. If the person responsible does not pay the penalty within the time specified, the Town shall cause a notice as required by C.G.S. § 7-152c(c) to be sent by first-class mail to such person or persons. Thereafter the procedures for conducting hearings and assessing fines, penalties, costs, or fees provided for by the applicable ordinances as prescribed in C.G.S. § 7-152c(d) through (f) shall be employed. All such fines, penalties, costs, and fees shall be paid to the Town.

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<sup>6</sup>. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).