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Meeting Minutes—Feb. 11, 2026

### Public Protection & Safety Committee

1. Call to order: Chair Sullivan called the meeting to order at 6:00 p.m.
2. Pledge of allegiance
3. Roll call:  
*Members Present:* Tim Sullivan, Kathy Nunes Peterson, Kathy Mullen Kohl, Kathleen Elbaum, Tim Condon (phone)  
*Also Present:* WPD Chief Balestracci, Lt. Ferland and Lt. Flanagan; Susan Driscoll-RTM, Steve Besade-RTM
4. Public Comment: Speaking in favor of Mass Gatherings ordinance review: Kathleen Jacques (see agenda for comments); Yvonne Sims; Bonnie Fenn Sullivan; and Tina DuBosque (see attached). Chief Balestracci briefly discussed working with the group that applied for a mass gathering license last year and arranging for police presence and certain other accommodations required by the town to be provided free of charge before the application was rejected.
5. Previous Minutes: Motion by Condon, second by Nunes Peterson, to approve the July 21, 2025, minutes as presented.  
Voice vote: 4-Yes 0-No 1-Abstain (Elbaum) Motion passed.
6. Consideration of/possible action on items referred to committee:
  - A. Street Takeovers and Enforcement Cameras (RTC 8/4/25): WPD Chief Balestracci, Lt. Ferland and Lt. Flanagan showed news videos of dangerous street takeovers in several CT towns. They explained that while last year's ATV ordinances were spurred by the rash of ATV takeovers, with injuries and a death, in nearby towns, we have nothing on the books to discourage and protect against the new takeover events that involve (mostly) legally registered cars and vehicles. They distributed copies (attached) of Danbury, New Britain, Groton, and Sterling ordinances.  
The Chief stressed that the Board of Police Commissioners has no immediate plans to apply for state approval for the use and placement of traffic enforcement cameras. But results coming in from the ten or so towns that have them in place are showing a reduction in speeding violations within a few weeks of the initial fines being issued and paid. He noted that state laws prevent the fine revenue generated by such cameras from being used for anything other than traffic safety and road repairs. He acknowledged that many have privacy concerns about the cameras' use, but explained that the Board already has a privacy policy in place that prohibits sharing identifying information—gathered, for example, with traffic stops and speed radar—with other states or federal agencies. He expressed confidence that policy would extend to enforcement cameras, if the Board pursued that option, and added that several towns have reset their cameras so broad sharing isn't possible. When asked about potential use in school zones, he offered his opinion that if the Board were to go with cameras, the most effective location would be the high-speed, high-traffic section of Rt 32, where it is difficult for cruisers to stop and pursue violators. The Lieutenants distributed copies of Enforcement Cameras ordinances from the towns of Washington and Middletown.

- B. Review of assigned duties to Director of Fire Services (RTC 6/3/24): Condon explained the intent was to codify that the Director's duties reflected statutory provisions for Fire Chiefs and promised to provide a copy of the previous committee's draft language.
- C. Review of Mass Gathering ordinance, Chptr 9.08 (RTC 2/2/26): Brief discussion by members on the one-size-fits-all requirements in current ordinances and commenters' suggestions on neighboring towns' multiple categories of assemblies and alternative application requirements based on the purpose, crowd size and duration of the event. Complete Waterford, East Lyme, and New London Mass Gatherings ordinances to be provided for review before the next meeting.

Motion by Nunes Peterson; second by Mullen Kohl to adjourn at 6:56 p.m. Voice vote: Unanimous.

Submitted by  
Kathy Nunes Peterson, PP&S Committee

*encl:* DuBosque comments-Mass Gatherings  
CT Street Takeover Ordinances (4)  
CT Enforcement Cameras Ordinances (2)

February 11, 2026

*DuBosque Public Comment*

TO: Town of Waterford Public Protection and Safety Committee

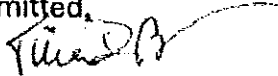
I request that the Waterford, Connecticut, Municipal Code, Title 9 - PUBLIC PEACE, MORALS AND WELFARE, Chapter 9.08 - MASS GATHERINGS be reviewed and fully rewritten, as you were tasked to at the February 2 Representative Town Meeting, in a timely manner to better reflect the times in which we live, to enable a reasonable and prompt process for permitting people to assemble in peaceful, lawful, non-violent ways, which is our United States Constitutional First Amendment Right, the Freedom of Religion, Speech, Press, Assembly, and Petition.

*Our neighbor to the east, the City of New London, has regulations applicable to large gatherings.*

I urge you, our elected leaders, to review The City of New London's Code of Ordinances, Chapter 18, ARTICLE VI. - DEMONSTRATIONS AND SPECIAL EVENTS, which follows below,, and take their approach to heart when restructuring the Town of Waterford's Municipal Code, Title 9.

Respectfully submitted,

Tina DuBosque  
Quaker Hill



**City of New London, Connecticut, Code of Ordinances, Chapter 18, Article VI. -  
Demonstrations and Special Events**

**ARTICLE VI. - DEMONSTRATIONS AND SPECIAL EVENTS**

To create an ordinance permitting and regulating demonstrations and special events that Demonstration is the gathering of ten (10) persons or more for the purpose of demonstrating, speechmaking, marching and holding of vigils where such gathering shall be held upon any street, side walk or other public place under the control of the town. Demonstrations and special events may be held pursuant to a permit issued in accordance with the provisions of this article

A person seeking issuance of a demonstration or special event permit shall file an application with the city manager at the municipal building on forms provided by such office.

(a)

Filing period.

(1)

An application for a demonstration or special event permit shall be filed in writing with the city manager not less than ten (10) days in advance of any proposed demonstration or special event.

(2)

Applications shall be received during the regular business hours, Monday through Friday, holidays excepted.

(3)

All demonstration and special event applications shall be deemed granted subject to all limitations and restrictions applicable unless denied within five (5) days of receipt.

(b)

Contents.

(1)

Name, address, telephone number of person in charge of seeking to conduct such demonstration or special event.

(2)

If conducted for or on behalf of, or by an organization, authorized and responsible heads or organization.

(3)

Date and time of demonstration or special event.

(4)

Route to be traveled, starting and termination point.

(5)

Approximate number of persons, animals or vehicles involved.

(6)

Number of hours of demonstration or special event.

(7)

Demonstration or special event to occupy all or portion of street.

(8)

Assembly point of the demonstration or special event.

(9)

Purpose of such demonstration or special event.

(c)

Permit fee.

(1)

There shall be no permit fee.

(2)

The applicant shall indemnify and hold harmless the city or any of its officers, agents, servants or employees from any liability or causes of action which might arise by reason of granting the permit and from any cost incurred in cleaning up any waste material produced or left by the assembly.

(3)

The applicant shall guarantee the city the payment of any expenses which may accrue as a result of the gathering.

(4)

The applicant shall post a bond if deemed necessary.

**Sec. 18-104. - Standards for Issuance.**

The city manager shall issue a permit unless from a consideration of the application he finds:

(a)

An approved prior application for the same time and place has been received; in which case, an alternate site, if available, may be proposed by the city manager.

(b)

It reasonably appears the proposed time and/or place will substantially interrupt the safe and orderly movement of vehicular and/or pedestrian traffic.

(c)

It reasonably appears that the participants in the proposed demonstration or special event will by force or threat or force willfully injure, intimidate or interfere with, or attempt to injure, intimidate or interfere with any person or class of persons participating in or enjoying any benefit, service, privilege, right, program, facility or activity provided or administered by the United States or receiving federal financial assistance, or by any state or subdivision thereof.

**Sec. 18-105. - Structures.**

In connection with permitted demonstrations or special events, temporary structures (including speakers stand, platforms, lecterns, chairs, portable sanitation facilities, press and news facilities) shall be permitted.

(a)

All temporary structures must conform with the regulations of the zoning board and building inspector's office.

(b)

Reasonable restrictions upon temporary structures will be in the best interest of protecting the area involved and traffic and public safety considerations.

(c)

All temporary structures must upon twenty four (24) hours' notice, be capable of being removed and the site restored.

(d)

Sound or amplifying systems shall be allowed if approved.

**Sec. 18-106. - Notice of rejection.**

The city manager may direct the chief of police to investigate and recommend approval or disapproval of the application, stating the reasons therefor.

**Sec. 18-107. - Notice of revocation.**

Any such revocation prior to the demonstration or special event, shall be in writing and approved by the city manager or his designee and shall state the reasons for revocation.

**Sec. 18-108. - Appeal procedure.**

Any person aggrieved shall have the right to appeal the denial or revocation of a demonstration or special event permit to the city council through the city manager. The

notice of appeal shall be in writing and filed within five (5) days after the application revocation or rejection.

**Sec. 18-109. - Further appeal.**

Any person aggrieved by the denial or revocation of the demonstration or special event permit may appeal to the superior court provided such appeal is taken within five (5) days of such denial or revocation.

**Sec. 18-110. - Public conduct during demonstrations or special events.**

(a)

No fire arms or dangerous weapons of any kind may be possessed, either exposed or concealed, by any participant in the demonstration or special event or by any person affiliated with and present upon any public street or other public place.

(b)

"Dangerous weapon" shall be defined as any device designed or capable of being used to inflict serious injury upon person or property, including, but not limited to firearms, knives of any kind or type having a blade in excess of three (3) inches in length, razors, and razor blades, metallic knuckles, clubs, blackjacks and night-sticks, dynamite, cartridges, bombs, grenades, mines and other powerful liquid or solid explosives and loaded canes.

(c)

The restrictions upon fire arms and weapons shall not apply to persons acting lawfully and within their scope of duties and authority.

(d)

The chief of police, upon notification from the city manager, shall have the authority to prohibit or restrict the parking of vehicles along a highway or part thereof consisting of the demonstration or special event route, and it shall be unlawful for any person to park or leave unattended any vehicle in violation thereof. The chief of police shall post signs to such effect.

**Sec. - Penalty.**

Any person, firm or corporation charged with violation of any of the provisions of this article may, upon conviction, be fined in an amount not exceeding one hundred (\$100.00) Each day such violation is committed or permitted to continue, shall constitute a separate offense and shall be punishable as such hereunder.



# ORDINANCE

CITY OF DANBURY, STATE OF CONNECTICUT

CITY COUNCIL

2026

**Be it ordained by the City Council of the City of Danbury:**

That the Code of Ordinances of Danbury, Connecticut is hereby amended by adding to Chapter 44, entitled "Street Takeovers," consisting of one (1) new section, which said sections read as follows:

## **SEC. 46-6. Street Takeovers.**

(a) *Generally.* This ordinance is enacted pursuant to Connecticut Public Act 25-80, in order to protect public safety, preserve the orderly use of public highways and parking areas, and deter illegal street takeovers in the City of Danbury.

(b) *Definitions.* As used in this section, the following terms shall have the meanings described herein, unless the context clearly indicates that a different meaning is intended.

*Street Takeover:* As defined in C.G.S. § 14-224(c)(1), "Street Takeover" shall mean, the unauthorized occupation of any portion of a public highway or parking area by blocking or impeding the regular flow of traffic with the intent to cause disorder or create a nuisance for other users of such highway or parking area.

*Participant.* Any person who organizes, promotes, participates in, or gathers with intent to observe and actually observe a street takeover in the City of Danbury.

(c) *Prohibited Conduct.* No person shall organize, promote, participate in, or gather to observe and actually observe a street takeover within the City of Danbury.

(d) *Penalties.* Pursuant to Public Act 25-80 and C.G.S. § 14-224(g)(2), as amended by Public Act 25-80, any person who violates the provisions of this section shall be subject to criminal penalties and/or at the election of the municipal enforcement authority, a fine in the amount of one thousand dollars (\$1,000.00) for a first violation, one thousand five hundred dollars (\$1,500.00) for a second violation and two thousand dollars (\$2,000.00) for a third or subsequent violation.

(e) *Vehicle Seizure.* Any vehicle used in violation of this section shall be impounded until:

- i. the fine imposed pursuant to Section (d) is paid; and
- ii. any related charges, including but not limited to, towing and storage fees, are paid;  
and
- iii. any overdue property taxes on such vehicle imposed pursuant to Chapter 203 of the general statutes are paid.

(f) *Forfeiture and Destruction of Forfeited Vehicles.* The impounded vehicle shall be deemed forfeited to the City of Danbury if, after six months following such impoundment, and notice to the owner or lienholder pursuant to Section (g), the owner or lienholder of such vehicle has failed to pay such fines and related charges. Any vehicle forfeited pursuant to the provisions of this section shall be sold at public auction conducted by the City, or destroyed. The proceeds of such sale shall be deposited in the General Fund of the City.

(g) *Notice.* No vehicle shall be forfeited under the provisions of this subsection to the extent of the interest of an owner or lienholder by reason of any act or omission committed by another person, if such owner or lienholder did not know and could not have reasonably known that such vehicle was being used, or was intended to be used in violation of this section, and such owner or lienholder collects the vehicle and pays all fines, costs and taxes as set forth in Section (e) not later than six months after the date that the municipality: (1) posts notice on the municipality's website indicating that such vehicle, shall be forfeited if not collected within a six (6) month period, and (2) mails such notice to such owner or lienholder.

(h) *Enforcement.* The enforcement authority pursuant to this section shall be deemed to be the Danbury Police Department.

(i) *Hearing/Payment Process.* A person against whom an assessment or fine has been entered, or the owner/lienholder of the vehicle seized pursuant to Section (f), shall be entitled to a Hearing in accordance with the procedures set forth in Chapter 2 Section 2.3 of this Code.

EFFECTIVE DATE: This Ordinance shall take effect thirty (30) days after publication, as provided by law and section 3-10 of the Charter of the City of Danbury. Adopted by the City Council on January 6, 2026; Approved by Mayor Roberto L. Alves on January 7, 2026. ATTEST: S/S Elisa Etcheto, Legislative Assistant.



## *New Britain Street Takeovers*

### **ARTICLE VII. - MOTOR SCOOTERS, DIRT BIKES, MINIBIKES, POCKET BIKES, BICYCLES WITH HELPER MOTORS, ALL-TERRAIN VEHICLES<sup>[7]</sup>**

#### *Footnotes:*

-- (7) --

*Editor's note— Res. No. 36896-2, adopted Sept. 18, 2025, repealed the former Art. VII, §§ 15-147—15-149, and enacted a new Art. VII, §§ 15-147—15-150. Due to the fact that § 15-150 already exists in the Code in Art. VIII, and at the editor's discretion, § 15-150 of Res. No. 36896-2 was renumbered as § 15-149.1, as set out herein. The former Art. VII pertained to motor scooters, minibikes, pocket bikes, bicycles with helper motors and derived from Ord. No. 28181-2, adopted Sept. 14, 2004; Res. No. 28659-2, adopted Aug. 18, 2005; Res. No. 33671-2, adopted Dec. 22, 2016; and Res. No. 34304-2, adopted July 18, 2018.*

#### **Sec. 15-147. - Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*All-terrain vehicle* shall mean a self-propelled vehicle designed to travel over unimproved terrain as defined in G.S. § 14-379 and which has been determined by the commissioner of motor vehicles to be unsuitable for operation on the public roads, including, but not limited to, utility terrain vehicles.

*Dirt bike* shall mean a two-wheeled motorized recreational vehicle designed to travel over unimproved terrain and not designated to travel on a public road, as defined in G.S. § 14-1. Dirt bike does not include an all-terrain vehicle as defined in G.S. § 14-379 or motor-driven cycle as defined in G.S. § 14-1.

*Motor-driven cycle* means any motorcycle, motor scooter, or bicycle with an attached motor which has a manufactured seat height not less than twenty-six (26) inches and is propelled by an engine having a piston displacement of less than fifty (50) c.c.

*Motor scooter, minibike, pocket bike, mini-cycles, mini sport bikes, mini motorcycles, chopper scooters, and any other similar wheeled vehicle or bicycle* designed for the transport of one (1) or more persons which is powered by any type of motor, except:

- (1) Any motorcycle or motorized bicycle as defined in state statutes.
- (2) Any vehicle registered as a motor vehicle by the registrar of motor vehicles or lawfully exempt from such registration.
- (3) Any wheelchair used by a person with physical disabilities or any similar mobility-assisting device used by a person whose ambulatory mobility has been impaired by age, illness or physical ailment, or electric personal assistive mobility devices.
- (4) Any self-propelled snow plows, snow blowers and lawn mowers when used for the purposes for which they were designed and operated at speeds not exceeding four (4) miles per hour.
- (5) Any moped or scooter which meets Federal Department of Transportation and State department of transportation guidelines for on-road transportation and whose owner's manual specifically indicates an ability to be driven on public roads.
- (6) Any vehicle owned or leased by the City of New Britain.
- (7) These exceptions do not apply to subsection 15-148(b).

*Snowmobile* shall mean any self-propelled vehicle designed for travel on snow or ice.

*Street takeover* shall mean taking over a portion of a public highway or parking area by blocking or impeding the regular flow of traffic with intent to cause disorder or create a nuisance for other users of such highway or parking area.

(Res. No. 36896-2, 9-18-25)

### **Sec. 15-148. - Operations prohibited.**

(a) Pursuant to G.S. §§ 7-148a, 14-390 and 14-390m and notwithstanding any other provisions of this Code, any person who operates any motor scooter, minibike, pocket bike, bicycle with a helper motor, mini-motorcycle, dirt bike, all-terrain vehicle, or snowmobile on any portion of any public or private street shown on the official map of the city, and/or any public property, including sidewalks, playgrounds and parks within the City of New Britain or on watershed property owned by the city and located in another municipality shall be fined one thousand dollars (\$1,000.00) for a first violation, one thousand five hundred dollars (\$1,500.00) for a second violation and two thousand dollars (\$2,000.00) for a third or subsequent violation.

(b) Pursuant to G.S. §§ 7-148a, 14-390 and 14-390m and notwithstanding any other provisions of this Code, any person who operates any vehicle, motor scooter, minibike, pocket bike, bicycle with a helper motor, mini-motorcycle, dirt bike, all-terrain vehicle, snowmobile on any watershed property in the city or any watershed property owned by the city and located in another municipality shall be fined one thousand dollars (\$1,000.00) for a first violation, one thousand five hundred dollars (\$1,500.00) for a second violation and two thousand dollars (\$2,000.00) for a third or subsequent violation.

(c) Any vehicle which is in violation of subsection (a) and (b) shall be subject to seizure and forfeiture by the city subject to any bona-fide lien, lease or security interest in said vehicle including, but not limited to, a lien under G.S. § 14-66c. No seizure and forfeiture may take place if the violation was committed by a third party and the owner or lienholder did not know and could have not reasonably known that the vehicle was being used in violation of this section and such owner or lienholder collects such vehicle not later than ninety (90) days after the date, whichever is later, that the city (1) posts notice on its website indicating that such vehicle shall be forfeited if not collected within such ninety-day period, and (2) mails such notice to such owner or lienholder.

(d) Any vehicle seized and forfeited pursuant to this section shall be sold at public auction conducted by the city or destroyed by the municipality. The proceeds of such sale shall be paid to the city treasurer and deposited into the general fund.

(e) Any person who rides as a passenger on any motor scooter operated in violation of the above shall be fined fifty dollars (\$50.00).

(Res. No. 36896-2, 9-18-25)

### **Sec. 15-149. - Sale of gasoline for illegal purposes.**

(a) No retail dealer of gasoline shall sell, offer for sale, or attempt to sell, any article or product represented as gasoline for use in an all-terrain vehicle, dirt bike, motor-driven cycle, mini-motorcycle, motor scooter, minibike, mini-cycle, mini sports bike, chopper scooter or pocket bike as defined in section 15-147 of the Code of Ordinances, unless that vehicle is conveyed to and from the retailer's premises by a registered motor vehicle as defined in G.S. § 14-1, and no individual shall purchase or attempt to purchase gasoline for this purpose.

(b) Signs with the words "FUELING OF UNAUTHORIZED VEHICLES PROHIBITED" in English at least one (1) inch in height with a contrasting margin shall be posted at all dispensing locations. The location of warning signs shall be based on local conditions but shall be visible and legible from all gas pumps.

(c) Section 15-149 shall be enforced by the New Britain Police Department.

(d) An individual or retail dealer of gasoline who violates any provision of subsections (a) or (b) shall be fined two hundred fifty dollars (\$250.00) for each offense.

(Res. No. 36896-2, 9-18-25)

### **Sec. 15-149.1. - Street takeovers prohibited.**

(a) Pursuant to Public Act No. 25-80, effective October 1, 2025, no person shall organize, participate in or gather with intent to observe and actually observing a street takeover. Any person who violates this section shall be fined one thousand dollars (\$1,000.00) for a first violation, one thousand five hundred dollars (\$1,500.00) for a second violation and two thousand (\$2,000.00) for a third violation.

(b) Any vehicle which is used in violation of subsection (a), shall be impounded by the city until any fine imposed pursuant to this section and any related charges, including, but not limited to, towing fees and overdue property taxes are paid.

(c) Any vehicle which is used in violation of subsection (a) is deemed forfeited to the municipality if, after six (6) months following such impoundment, the owner or lienholder has failed to pay such fines and related charges.

(Res. No. 36896-2, 9-18-25)

## **Ordinance To Enact Additional Penalties For Participating In Street Takeovers**

Be it ordained and enacted by the Town of Groton under authority of the Groton Town Charter and Connecticut General Statutes, Sections 7-148 and 14-379, et seq.:

### **ARTICLE I: FINDINGS**

It is found that the operation of motorbikes, all-terrain vehicles and similar off-road vehicles can result in serious bodily injury or death, can be a public nuisance to residents and landowners, a breeding ground of trespass and property damage, and be dangerous to the health, safety and welfare of the citizens of the Town of Groton.

### **ARTICLE II: DEFINITIONS:**

- (a) "Town" means the Town of Groton.
- (b) "All-terrain vehicle" means a self-propelled vehicle designed to travel over unimproved terrain and which has been determined by the State of Connecticut Commissioner of Motor Vehicles to be unsuitable for operation on the public highways and is not eligible for registration under chapter 246.
- (c) "Mini-motorcycle" means a vehicle that (1) has not more than three wheels in contact with the ground, (2) has a manufactured seat height of less than twenty-six inches measured at the lowest point on top of the seat cushion without the rider, and (3) is propelled by an engine having a piston displacement of less than 50 c.c.
- (d) "C.G.S." means Connecticut General Statutes.
- (e) "Dirt bike" means a two-wheeled motorized recreational vehicle designed to travel over unimproved terrain and not designed for travel on a highway as defined in Connecticut General Statutes Section 14-1.
- (f) "Motorcycle" means a two- or three-wheeled motor vehicle capable of transporting or carrying one or more persons, such as a dirt bike, trail bike, motor-cross, endurance, or a flat-track.
- (g) "Operate," unless otherwise provided, means to control the course or otherwise use.
- (h) "Owner," unless otherwise provided, means the owner of the all-terrain vehicle. (i) "Street Takeover," means taking over a portion of a public highway or parking area by blocking or impeding the regular flow of traffic with intent to cause disorder or create a nuisance for other users of such highways or parking area.

### **ARTICLE III: EXEMPTIONS**

The provisions of this Ordinance shall not apply (1) to the operation of an all-terrain vehicle, a mini-motorcycle, or a motorcycle on premises owned or leased by the owner of such vehicle (except that Article IV(d) and (e) and Article VI shall apply); (2) to the operation of an all-terrain vehicle, a mini-motorcycle, or a motorcycle, in any organized contest as long as such vehicle holds a valid, effective registration awarded by Connecticut or by another state or the United States; (3) to a motorized cart used in the ordinary course of the game of golf or in the care of an active golf course; (4) to an automated chair designed for handicap use, such as an automated or motor-propelled wheelchair; (5) to an ATV or maintenance vehicle when used in the movement of snow on the vehicle owner's driveway or on-site parking lot; and (6) to state or municipal governmental and public safety use. This Ordinance shall apply to registered motorcycles only when they are being used off-road for recreational purposes.

#### ARTICLE IV: PROHIBITION OF USE.

(a) No person shall operate an all-terrain vehicle, mini-motorcycle, or motorcycle upon any public highway or parking area for in any race, contest, demonstration of speed or skill or street takeover.

#### ARTICLE V: REQUIREMENT TO CARRY VEHICLE REGISTRATION AND WRITTEN LANDOWNER'S PERMISSION; FINE, CONFISCATION AND FORFEITURE.

The use of an all-terrain vehicle, mini-motorcycle, or motorcycle, on private land without the owner's permission constitutes unlawful trespass and is prohibited. The written permission of the private landowner or his agent shall be carried on such vehicle and shall be available for inspection whenever such vehicle is being operated.

No person operating an all-terrain vehicle shall refuse upon request to produce to an authorized law enforcement officer the written permission of the private landowner or his agent upon whose property such all-terrain vehicle is being operated. Any person acting in violation of this Ordinance shall pay, in addition to any towing charges, storage fees or any other costs or expenses that may have been incurred as a result of the vehicle being impounded, a fine of One Thousand Dollars (\$1,000) for the first offence, One Thousand Five Hundred Dollars (\$1,500) for a second offence, and Two Thousand Dollars (\$2,000) for a third and each subsequent offense.

Without limitation, any person acting in violation of this ordinance where such violation causes damage to private or municipal property, the person shall be liable for civil damages to fully repair or replace the same. This includes damage to trees, shrubs, open space, fences or other property.

In addition to any fine herein, any all-terrain vehicle, a mini-motorcycle, or a motorcycle used in violation of this Ordinance shall become subject to impoundment, and to confiscation by and forfeiture to the Town. The Groton Police Department or any authorized State Police officer is hereby authorized to confiscate any all-terrain vehicle, a mini-motorcycle, or a motorcycle used in violation of this Ordinance, and to hold same as evidence in any related criminal proceeding, pending disposition. If the Town confiscates an all-terrain vehicle, mini-motorcycle, or a motorcycle used to violate this ordinance, it shall conduct the procedure set forth in Connecticut General Statutes Section 54-33g, and sell it at a municipally conducted public auction. The sale proceeds shall be paid to the municipal treasurer for deposit into the municipality's general fund. Notwithstanding, the sale proceeds shall first be used to satisfy any bona fide lien, lease, or security interest (including a lien for towing and storing a vehicle). Proof that said all-terrain vehicle, a mini-motorcycle, or a motorcycle (i) was stolen from the owner at the time of such violation, (ii) was due to someone else's act or omission if the owner or lienholder did not know, and could not have reasonably known, that the all-terrain vehicle was used or was intended to be used in violation of a municipal ordinance, shall be a defense to the confiscation and forfeiture of the all-terrain vehicle, a minimotorcycle, or a motorcycle. In no event shall any confiscated all-terrain vehicle, a mini-motorcycle, or a motorcycle be held for longer than a period of six (6) months.

Any such vehicle impounded only may be released to the owner upon proof of registration, subject to payment of any and all fines, towing and storage fees.

#### ARTICLE VI. MISCELLANEOUS

Any conflict between any provision of this Ordinance and any provision of Chapter 255 of the General Statutes shall be governed by the provision of said Chapter 255. Said ordinance shall become effective in accordance with the Town Charter.

**ORDINANCE PROHIBITING STREET TAKEOVERS AND RELATED RECKLESS  
ACTIVITIES**

**BE IT ORDAINED**, that the Town of Sterling does hereby adopt the following ordinance:

**§\_\_-1. PURPOSE**

The purpose of this ordinance is to promote the public health, safety, and welfare by prohibiting and penalizing the organization, participation in, or spectating of street takeovers within the Town of Sterling. Street takeovers pose a serious threat to public safety, interfere with the normal flow of traffic, and disrupt community order. This ordinance is adopted pursuant to the authority granted by Public Act 25-80.

**§\_\_-2. DEFINITIONS**

For this ordinance, the following definitions shall apply:

- A. "All-terrain vehicle" means a self-propelled vehicle designed to travel over unimproved terrain and which has been determined by the State of Connecticut Commissioner of Motor Vehicles to be unsuitable for operation on the public highways and is not eligible for registration under Chapter 246 of the Connecticut General Statutes.
- B. "Dirt bike" means a two-wheeled motorized recreational vehicle designed to travel over unimproved terrain and not designed for travel on a highway as defined in Connecticut General Statutes § 14-1.
- C. "Mini-motorcycle" means a vehicle that (1) has not more than three wheels in contact with the ground, (2) has a manufactured seat height of less than twenty-six inches measured at the lowest point on top of the seat cushion without the rider, and (3) is propelled by an engine having a piston displacement of less than 50 c.c.
- D. "Motorcycle" means a two- or three-wheeled motor vehicle capable of transporting or carrying one or more persons, such as a dirt bike, trail bike, motor-cross, endurance, or a flat-track.
- E. "Participate" means to operate or ride in a vehicle involved in a street takeover.
- F. "Organize" means to arrange, promote, or facilitate a street takeover event, including through social media or other communication platforms.
- G. "Spectate" means to be present at the location of a street takeover and observe the event, regardless of whether they arrived intending to do so.
- H. "Street Takeover" means the unlawful and willful act of impeding or blocking the normal flow of traffic on a public street, highway, or parking lot to engage in, facilitate, or spectate activities

## DRAFT Street Takeover Ordinance

such as reckless driving, vehicle stunts, street racing, burnouts, doughnuts, or any similar activity.

### §\_\_-3. PROHIBITED CONDUCT

It shall be unlawful for any person to:

- A. Organize, promote, facilitate, or participate in a street takeover.
- B. Recklessly operate a motor vehicle during a street takeover.
- C. Attend or spectate a street takeover with the intent to observe or encourage the event.
- D. Without limitation, any person acting in violation of this ordinance where such violation causes damage to private or municipal property, the person shall be liable for civil damages to fully repair or replace the same. This includes damage to trees, shrubs, open space, fences or other property.

### §\_\_-4. PENALTIES

#### A. Fines:

- 1. First offense: Fine not exceeding **\$1,000**
- 2. Second offense: Fine not exceeding **\$1,500**
- 3. Each subsequent offense: Fine not exceeding **\$2,000**

#### B. Vehicle Seizure and Forfeiture:

- 1. In addition to any fine herein, any all-terrain vehicle, mini-motorcycle, or motorcycle used in violation of this Ordinance shall become subject to impoundment, and to confiscation by and forfeiture to the Town of Sterling . The First Selectman or any authorized State Police officer is hereby authorized to confiscate any all-terrain vehicle, mini-motorcycle, or motorcycle used in violation of this Ordinance, and to hold same as evidence in any related criminal proceeding, pending disposition.
- 2. If the Town of Sterling confiscates an all-terrain vehicle, mini-motorcycle, or motorcycle used in violation of this ordinance, it may conduct the procedure set forth in Connecticut General Statutes § 54-33g and sell it at a municipally conducted public auction.
- 3. If the Town of Sterling confiscates a dirt bike, mini-motorcycle, or other similar unauthorized vehicle, and such vehicle remains unclaimed for more than 90 days, the Town of Sterling may destroy the vehicle in accordance with state law.

## DRAFT Street Takeover Ordinance

4. Vehicles used in repeated offenses may be forfeited to the State of Connecticut under applicable law.
5. Any vehicle impounded only may be released to the owner upon proof of registration, subject to payment of any and all fines, towing and storage fees

### §\_\_-5. ENFORCEMENT

The First Selectman and the Connecticut State Police shall be authorized to enforce the provisions of this ordinance. Officers may issue citations, seize vehicles, and initiate proceedings for license suspension, vehicle forfeiture, and vehicle destruction in accordance with applicable law.

### §\_\_-6. SEVERABILITY

If any provision of this ordinance is found to be invalid or unenforceable by a court of competent jurisdiction, such provision shall be severed, and the remainder of the ordinance shall remain in full force and effect.

### §\_\_-7. EFFECTIVE DATE

This ordinance shall take effect fifteen (15) days after publication in accordance with the Connecticut General Statutes.

*NOTE ADDED by S. Driscoll—Sterling Board of Selectman Feb 18, 2026, meeting agenda...  
Update on Draft; Town does not have its own police department and relies on CT State Police.  
Attorney to determine whether town needs to provide an entity to enforce the ordinance.*

Sec. 70.01 Use of Automated Traffic Enforcement Safety Devices.

Pursuant to the authority granted in and by Connecticut General Statutes (CGS) 14-307c, the so-called ATESD Act (the "Act" ) as such statute may be from time to time amended, the Town of Washington (the "Town") does hereby authorize the deployment and use of Automated Traffic Enforcement Safety Devices (alternately referred to as "ATESD"; "Device": "Devices", "Apparatus") at locations identified in a plan submitted to and approved by the Connecticut Department of Transportation ("Conn.DOT") within school zones, pedestrian safety zones, and other places within the boundaries of Washington, Connecticut.

Sec. 70.02. Definitions.

For the purposes of this ordinance and as authorized by the Act, the following words, terms, and phrases used in this ordinance shall have the meanings and definitions ascribed to them in said CGS 14-307c and as follows:

- (a) Automated traffic enforcement safety device ("ATESD") means a Device or Apparatus designed to detect and collect evidence of alleged traffic violations by recording images that capture the number plate, date, time, and location of a motor vehicle that (i) exceeds the posted speed limit by ten (10) or more miles per hour or (ii) fails to stop such vehicle when facing a steady red signal on a traffic control signal.
- (b) Automated traffic enforcement safety device operator ("Operator") means and is a person who is trained and certified to operate an automated traffic enforcement safety device. (c) Code means the Washington Connecticut Code of Ordinances
- (d) Pedestrian safety zone means an area designated by the Office of State Traffic Administration or the Washington Traffic Authority ("Traffic Authority" ) pursuant to CGS 14-307a.
- (e) Personally identifiable information means information created or maintained by the Town or a vendor that identifies or describes an owner and includes, without limitation, the owner's address, telephone number, number plate, photograph, bank account, credit and/or debit card number, or the date, time, location, or direction of travel on a highway.
- (g) Driver, number plate and owner have the same meanings as ascribed to those words as provided in and by CGS section 14-1.
- (h) School zone means an area designated by the Office of State Traffic Administration or the Traffic Authority pursuant to CGS S 14-212b.



(i) Traffic authority is the Board of Selectman, traffic control sign, and traffic control signal all have the same meanings as provided in CGS 14-297,

(j) Vendor means a person or entity that provides services to the Town pursuant to this ordinance and operates, maintains, leases, or licenses Apparatus, or is authorized to review and assemble the recorded images captured by an ATESD device and forward such recorded images to the Town.

#### Sec. 70-03. Vendors.

The Town may enter into contracts with vendors for the design, installation, operation, or maintenance, or any combination thereof, of Apparatus and ATESD services. If a vendor designs, installs, operates, or maintains a Device, the vendor's fees may not be contingent on the number of citations issued or fines levied or paid pursuant to this ordinance. Notwithstanding the Municipal Purchasing procedures set forth in Title III, Chapter 32 of the Code, contracts may be solicited and awarded to vendors by employment of the State of Connecticut bidding process, or by way of the processes and procedures of said Chapter 32 of the Code. The vendor solicitation process employed shall be that selected by the Washington Purchasing Authority in its sole discretion. In the event of a conflict between said Chapter 32 and this ordinance relating to the purchase or lease of Apparatus and related services, the provisions of this ordinance shall control. The ultimate selection of vendors and awarding of contracts shall be made by said Purchasing Authority in consultation with the Commander of CSP Troop L or their designee. All contracts for such Devices, and directly related ATESD services must be in writing. Notwithstanding any express or implied term or provision of Chapter 32 to the contrary, the approval by the legislative body to permit the First Selectman to execute all such contracts shall be granted at the time of the adoption hereof..

Sec. 70-04. Operation of Automated Traffic Enforcement Safety Devices (ATESDs). All automated traffic enforcement safety devices shall be operated by an automated traffic enforcement safety device operator.

#### Sec. 70-05. Violation.

(a) The owner of a motor vehicle commits a violation of this ordinance if the person operating such motor vehicle:

(1) Exceeds the posted speed limit by ten (10) or more miles per hour and such operation is detected by an automated traffic enforcement safety device; or (2) Fails to stop such motor vehicle when facing a steady red signal on a traffic control signal and such failure is detected by an automated traffic enforcement safety device.

(b) Automated traffic enforcement safety devices shall be used solely for identifying violations of this ordinance.

(c) For the first thirty (30) days after a location is equipped with an operational Device, the owner of a motor vehicle that allegedly violates this ordinance that is detected by such device shall receive a written warning instead of a citation.

(a) Whenever an automated traffic enforcement safety device detects and produces recorded images of a motor vehicle allegedly committing a violation of this ordinance, a sworn member or employee of the Connecticut State Police, a sworn Washington Police Constable or such other Town employee

designated by the Board of Selectman with the approval of the Commander of CSP Troop L or their designee, shall review and approve the recorded images provided by such device. If, after such review, the member or employee determines that there are reasonable grounds to believe that a violation occurred, the member or employee may issue by first class mail a citation to the owner of such motor vehicle

(b) A citation under this ordinance shall include the following:

- (i) The name and address of the owner of the motor vehicle;
- (ii) The number plate of the motor vehicle;
- (iii) The violation charged;
- (iv) The location of the automated traffic enforcement safety device and the date and time of the violation;
- (v) A copy of or information on how to view, through electronic means, the recorded images that captured the alleged violation;
- (vi) A statement or electronically generated affirmation by the member or employee who viewed the recorded images and determined that a violation occurred;
- (vii) Verification that the automated traffic enforcement safety device was operating correctly at the time of the alleged violation and the date of the most recent calibration check performed pursuant to the Public Act;
- (viii) The amount of the fine imposed and how to pay such fine; and
- (ix) The right to contest the violation and request a hearing pursuant to CGS 7152c.

(c) 1. In the case of an alleged violation involving a motor vehicle registered in Connecticut, the citation shall be sent by first class mail not later than thirty (30) days after the identity of the owner is determined and shall be mailed to the address of the owner that is in the records of the Department of Motor Vehicles.

2. In the case of an alleged violation involving a motor vehicle registered in another jurisdiction, the citation shall be sent by first class mail not later than thirty (30) days after the identity of the owner is determined and shall be mailed to the address of the owner that is in any official record or the Motor Vehicle Department in the other jurisdiction issuing such registration.

(d) A citation not mailed to an owner within sixty (60) days after the alleged violation shall be invalid after the expiration of such time.

Sec. 70-06. Enforcement and Fine.

(a) This ordinance may be enforced by any sworn officer of the Connecticut State Police or a sworn Town of Washington Police Constable such citation shall impose a fine against the owner of a motor vehicle that commits a violation of this ordinance.

(b) The fine for a first violation of this ordinance shall be fifty dollars (\$50.00). The fine for each subsequent violation of this ordinance shall be seventy-five dollars (\$75.00). These fines shall be imposed against the owner of the motor vehicle committing a violation of this ordinance.

(c) Payment of a fine and any associated fees may be made by electronic means.

(d) A fifteen dollar (\$15.00) fee shall be imposed for costs associated with the electronic processing of the payment of a fine.

(e) Any funds received by the Town from fines imposed pursuant to this ordinance shall be used for the purposes of improving transportation mobility, investing in transportation infrastructure improvements, or paying the costs associated with the use of automated traffic enforcement safety devices within the Town.

#### Sec. 70-07. Appeal.

Any owner issued a fine for violating the provisions of this ordinance may, within ten (10) days of the receipt of the fine, appeal in writing to a citation hearing officer in accordance with CGS S 7-152c, the provisions of which relating to hearing procedure are included herein, adopted and made a part hereof by reference.

#### Sec. 70-08. Defenses.

The defenses available to the owner of a motor vehicle that is alleged to have committed a violation of this ordinance shall include, but are not limited to, any one or more of the following:

(a) The operator was driving an emergency vehicle in accordance with the applicable provisions of CGS ss 14-283.

(b) The traffic control signal was inoperative, which is observable on the recorded images.

(c) The violation was necessary for the operator to comply with an order or direction from a law enforcement officer, which is observable on the recorded images.

(d) The violation was necessary to allow the passage of an authorized emergency vehicle, which is observable on the recorded images.

(e) The violation took place during a period of time in which the motor vehicle had been reported as being stolen to a law enforcement unit, as defined in CGS 7-294a, and had not yet been recovered prior to the time of the violation.

(f) The automated traffic enforcement safety device was not in compliance with the calibration check required pursuant to the applicable provisions of the Act..

#### Sec. 70-08. Disclosure of Personally Identifiable Information.

(a) No personally identifiable information shall be disclosed by the Town or a vendor to any person or entity, including any law enforcement unit, except where the disclosure is made in connection with the charging, collection, and enforcement of the fines imposed pursuant to this ordinance.

(b) No personally identifiable information shall be stored or retained by the Town or a vendor unless such information is necessary for the charging, collection, and enforcement of the fines imposed pursuant to this ordinance.

(c) The Town or a vendor shall destroy all personally identifiable information and other data that specifically identifies a motor vehicle and relates to a violation of this ordinance not later than thirty (30) days after any fine is collected or the resolution of a hearing conducted for the alleged commission of such violation, whichever is later.

(d) Any information and other data gathered from automated traffic enforcement safety devices shall be subject to disclosure under the Freedom of Information Act, as defined in CGS 1-200, except that no personally identifiable information may be disclosed.

#### Sec. 70-09. Compliance with CGS 14-307c and Savings Provision.

To the extent of applicability and/or in the event this ordinance omits any material statutory element or requirement, the provisions of the Act that are necessary to further and/or effectuate this ordinance or to render this ordinance compliant with the Act are hereby incorporated and adopted in toto, herein.

#### Sec. 70-10. Severability and Repealer.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by any decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. All ordinances, bylaws, orders, resolutions, or parts thereof, inconsistent herewith are hereby repealed only to the extent of such inconsistency. This repealer shall not be construed to revive any ordinances, bylaws, orders, resolutions, or parts thereof, heretofore repealed.

#### Sec. 70-11. Amendment by operation of law

Should CGS 14-307c be amended or revised, then and in those events, this ordinance shall be automatically amended and revised to conform to such statutory revisions.

This ordinance shall take effect on the 15<sup>th</sup> day after publication.

Approved Special Town Meeting 7-18-2024

Ordinance No. 12-24  
DATE: July 26, 2024

## ORDINANCE

**BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN:**  
That Chapter 99 of the Middletown Code of Ordinances be added as follows:

### **CHAPTER 99 –AUTOMATED TRAFFIC ENFORCEMENT SAFETY DEVICES**

#### **§ 99-1. Use of automated traffic enforcement safety devices.**

Pursuant to the authority granted in Public Act 23-116, Section 11, of the 2023 Session of the Connecticut General Assembly (the “Public Act”) as may be amended from time to time, the City of Middletown (the “City”) hereby authorizes the use of automated traffic enforcement safety devices at locations within school zones, pedestrian safety zones, and other places within the boundaries of the City, provided that the locations of such devices are identified in a plan submitted to and approved by the Connecticut Department of Transportation, together with any other requirements of the Public Act (the “ATESD Program”). The ATESD Program shall be implemented, administered, and overseen by the City’s Transportation, Traffic and Parking Department.

#### **§ 99-2. Definitions.**

The following words, terms, and phrases, when used in this ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Automated traffic enforcement safety device* (“ATESD”) means a device designed to detect and collect evidence of alleged traffic violations by recording images that capture the number plate, date, time, and location of a motor vehicle that (i) exceeds the posted speed limit by ten (10) or more miles per hour, or (ii) fails to stop such vehicle when facing a steady red signal on a traffic control signal.

*Automated traffic enforcement safety device operator* (“ATESD Operator”) means a person who is trained and certified to operate an automated traffic enforcement safety device.

*"Driver," "motor vehicle," "number plate," and "owner"* have the same meanings as provided in C.G.S. § 14-1 of the general statutes.

*Pedestrian safety zone* means an area designated by the Office of State Traffic Administration or the traffic authority of the City pursuant to C.G.S. § 14-307a.

*Personally identifiable information* means information obtained, created or maintained by the City or a vendor as part of the ATESD Program that identifies or describes an owner and includes, but is not be limited to, the owner’s name, address, social security number, telephone number, email address, number plate, photograph, bank account information, credit card number, debit card number, or the date, time, location, or direction of travel on a highway.

*School zone* means an area designated by the Office of State Traffic Administration or the traffic authority of the City pursuant to C.G.S. § 14-212b.

*Traffic authority, traffic control sign, and traffic control signal* shall all have the same meanings as provided in C.G.S. § 14-297.

*Vendor* means a person or entity that (i) provides services to the City under this ordinance and the ATESD Program; (ii) operates, maintains, leases, or licenses an ATESD; or (iii) is authorized to review and assemble the recorded images captured by an ATESD and forward such recorded images to the City.

### **§ 99-3. Contractual Services.**

The City may enter into agreements for contractual services including vendors for the design, installation, operation, or maintenance, or any combination thereof, of ATESDs. If a vendor designs, installs, operates, or maintains an automated traffic enforcement safety device, the vendor's fees may not be contingent on the number of citations issued or fines paid pursuant to this ordinance.

### **§ Sec. 99-4. Operation of automated traffic enforcement safety device.**

All ATESDs shall be operated by an automated traffic enforcement safety device operator.

### **§ Sec. 99-5. Violation.**

- A. An owner of a motor vehicle commits a violation of this ordinance if the person operating the motor vehicle:
  - 1. Exceeds the posted speed limit by ten (10) or more miles per hour and such operation is detected by an ATESD; or
  - 2. Fails to stop such motor vehicle when facing a steady red signal on a traffic control signal and such failure is detected by an ATESD.
- B. ATESD shall be used solely for identifying violations of this ordinance.
- C. For the first thirty (30) days after a location is equipped with an operational ATESD, the owner of a motor vehicle that allegedly violates this ordinance that is detected by such device shall receive a written warning instead of a citation.

### **§ Sec. 99-6. Penalty for violation.**

- A. Whenever an ATESD detects and produces recorded images of a motor vehicle allegedly committing a violation of this ordinance, a sworn member or employee of the City's Police Department or an employee of the City's Transportation, Traffic and Parking Department, as designated by the Local Traffic Authority ("ATESD Official"),

shall review and approve the recorded images provided by such device. If, after such review, the ATESD Official determines that there are reasonable grounds to believe that a violation occurred, the City may issue by first class mail a citation to the owner of such motor vehicle pursuant to Section 11, subsection (i) of the Public Act.

B. A citation under this ordinance shall include the following:

1. The name and address of the owner of the motor vehicle;
2. The number plate of the motor vehicle;
3. The violation charged;
4. The location of the automated traffic enforcement safety device and the date and time of the violation;
5. A copy of or information on how to view, through electronic means, the recorded images that captured the alleged violation;
6. A statement or electronically generated affirmation by the sworn member or employee who viewed the recorded images and determined that a violation occurred;
7. Verification that the automated traffic enforcement safety device was operating correctly at the time of the alleged violation and the date of the most recent calibration check performed pursuant to the Public Act;
8. The amount of the fine imposed and how to pay such fine; and
9. The right to contest the violation and request a hearing pursuant to C.G.S. § 7-152c.

C. In the case of an alleged violation involving a motor vehicle registered in Connecticut, the citation shall be sent by first class mail not later than thirty (30) days after the identity of the owner is determined and shall be mailed to the address of the owner that is in the records of the Department of Motor Vehicles. In the case of an alleged violation involving a motor vehicle registered in another jurisdiction, the citation shall be sent by first class mail not later than thirty (30) days after the identity of the owner is determined and shall be mailed to the address of the owner that is in the records of the official in the other jurisdiction issuing such registration.

D. A citation shall be invalid unless mailed to an owner not later than sixty (60) days after the alleged violation.

**§ Sec. 99-7. Fine for violation.**

A. The City shall impose a fine against the owner of a motor vehicle who commits a violation of this ordinance.

- B. The fine for a first violation of this ordinance shall be not more than fifty dollars (\$50.00). The fine for each subsequent violation of this ordinance shall be not more than seventy-five dollars (\$75.00). These fines shall be imposed against the owner of the motor vehicle committing a violation of this ordinance.
- C. Payment of a fine and any associated fees may be made by electronic means.
- D. A reasonable fee, not to exceed fifteen dollars (\$15.00), may be imposed for the costs associated with the electronic processing of the payment of a fine.
- E. Any funds received by the City from fines imposed pursuant to this ordinance shall be used for the purposes of improving transportation mobility, investing in transportation infrastructure improvements, traffic safety or paying the costs associated with the ATESD Program within the City.

#### **§ Sec. 99-8. Appeal.**

- A. Any person who is aggrieved because of the imposition of a fine under this article may appeal to the Chief of Police or his/her designee in writing, within 10 days of the imposition of such fine. Any person requesting a hearing shall be given written notice of the date, time, and place of the hearing. Such hearing shall not be held less than 15 days nor more than 30 days from the date of the mailing of the notice.
- B. A person wishing to contest a notice of violation shall appear at the hearing and shall have the right to present evidence. A hearing officer appointed by the Mayor shall conduct a hearing and follow the procedures set forth in C.G.S. § 7-152c, as amended from time to time. 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 the decision at the end of the hearing.
- C. If the individual filing the appeal fails to appear at the hearing, the hearing officer may enter an assessment by default against said individual upon a finding of proper notice and liability under the applicable statutes or ordinances.
- D. If the hearing officer finds the appealing party liable for the violation and said person does not pay the fine, the City shall take steps allowable under C.G.S. 7-152c(f), which may be amended from time to time, or shall take any other action to recover the assessment and fees, which is permissible under state or federal law.
- E. Hearings will be at the Middletown Police Department.

#### **§ Sec. 99-9. Defenses.**

The defenses available to the owner of a motor vehicle that is alleged to have committed a violation of this ordinance shall include, but are not limited to, any one or more of the following:

- A. The operator was driving an emergency vehicle in accordance with the applicable



provisions of C.G.S. § 14-283.

- B. The traffic control signal was inoperative, which is observable on the recorded images.
- C. The violation was necessary for the operator to comply with an order or direction from a law enforcement officer, which is observable on the recorded images.
- D. The violation was necessary to allow the passage of an authorized emergency vehicle, which is observable on the recorded images.
- E. The violation took place during a period of time in which the motor vehicle had been reported as being stolen to a law enforcement unit, as defined in C.G.S. § 7-294a, and had not yet been recovered prior to the time of the violation.
- F. The ATESD was not in compliance with the annual calibration check required pursuant to the applicable provisions of subsection (h) of Section 11 of Public Act 23-116.

**§ Sec. 99-10. Disclosure of personally identifiable information.**

- A. No personally identifiable information shall be disclosed by the City or a vendor to any person or entity, including any law enforcement unit, except where the disclosure is made in connection with the charging, collection, and enforcement of the fines imposed pursuant to this ordinance.
- B. No personally identifiable information shall be stored or retained by the City or a vendor unless such information is necessary for the charging, collection, and enforcement of the fines imposed pursuant to this ordinance.
- C. The City or a vendor shall destroy all personally identifiable information and other data that specifically identifies a motor vehicle and relates to a violation of this ordinance not later than thirty (30) days after any fine is collected or the resolution of a hearing conducted for the alleged commission of such violation, whichever is later.
- D. Any information and other data gathered from automated traffic enforcement safety devices shall be subject to disclosure under the Freedom of Information Act, as defined in C.G.S. § 1-200, except that no personally identifiable information may be disclosed.

**§ Sec. 99-11. Reporting.**

In addition to the reporting requirements set forth in Section 13 of Public Act 23-116, the Transportation, Traffic and Parking Department shall, on a biannual basis, provide the ATESD Working Group as designated by the City with a written report that gauges the effectiveness of the ATESD Program.

**§ Sec. 99-12. The Public Act.**

To the extent of applicability, any provisions of Public Act 23-116 that are necessary to

further and/or effectuate this ordinance are hereby incorporated and adopted into to, herein.

**§ Sec. 99-13. Severability.**

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by any decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

**Submitted by:** Council Member Jeanette Blackwell.

**Approved by:** Public Safety Commission at its regular meeting held on July 15, 2024.  
General Counsel Commission at its special meeting held on July 25, 2024.

**Status: TABLED**  
**by Common Council, City of Middletown**  
**at its meeting held on: AUGUST 5, 2024**

**Status: APPROVED**  
**by Common Council, City of Middletown**  
**at its meeting held on: SEPTEMBER 3, 2024**

*K: review/ ordinance/ PD – Ch. 99 automated safety devices – ORD 12-24 – 3 Sept 2024*