

SPECIAL TOWN COUNCIL MEETING

SEPTEMBER 30, 1993

7:00 P.M.

AGENDA

1. Roll Call and Pledge of Allegiance
2. PUBLIC HEARING for September 30, 1993 at 7:00 P.M. on a Proposed Ordinance Entitled, " An Ordinance Concerning Rapid Entry Into Multi-Dwellings, Commercial and/or Manufacturing Buildings within the Town of Wallingford"
3. PUBLIC HEARING for September 30, 1993 at 7:15 P.M. on an Ordinance Regulating Vehicle Towing Service on Behalf of or for the Town of Wallingford Police Department (together with Towing Regulations)
4. PUBLIC HEARING for September 30, 1993 at 8:15 P.M. on a Proposed Ordinance Establishing Traffic and Parking Regulations, Violations, Penalties, Enforcement, Collection and Hearing Procedures
5. PUBLIC HEARING for September 30, 1993 at 8:30 P.M. on an Ordinance Repealing Ordinance #352 Entitled, "An Emergency Snow Removal Parking Ordinance"
6. SET A PUBLIC HEARING for October 12, 1993 at 7:45 P.M. on an Ordinance Appropriating \$2,000,000 for the Design and Contract Administration Phase of Town-Wide School System Improvements and Authorizing the Issue of \$2,000,000 Bonds of the Town to Meet Said Appropriation and Pending the Issue Thereof the Making of Temporary Borrowings for Such Purpose

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SUMMARY

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SPECIAL TOWN COUNCIL MEETING

SEPTEMBER 30, 1993

7:00 P.M.

A Special Meeting of the Wallingford Town Council was held on Thursday, September 30, 1993 in the Robert Earley Auditorium of the Wallingford Town Hall and called to Order at 7:04 P.M. by Chairperson Iris F. Papale. All Councilors answered present to the Roll called by Town Clerk Kathryn J. Wall with the exception of Mr. Holmes who arrived at 7:08 P.M. and Mr. McDermott who arrived at 7:06 P.M. Mayor William W. Dickinson, Jr. arrived at 9:40 P.M. and left at 10:30 P.M. Town Attorney Janis M. Small was present; Comptroller Thomas A. Myers was not.

The Pledge of Allegiance was given to the Flag.

At this time Chairperson Papale turned the meeting over to Councilor Thomas Solinsky, Chairman of the Ordinance Committee and introduced the members of the Ordinance Committee, Thomas Solinsky, Susan Duryea and Steven Holmes.

ITEM #2 PUBLIC HEARING for September 30, 1993 at 7:00 P.M. on a Proposed Ordinance Entitled, "An Ordinance Concerning Rapid Entry Into Multi-Dwellings, Commercial and/or Manufacturing Buildings within the Town of Wallingford"

Motion was made by Mr. Doherty to Open the Public Hearing and Append Copy of the Ordinance to the Minutes of the Meeting, seconded by Mr. Solinsky.

Fire Chief Wayne Lefebvre and Deputy Fire Chief Harrington were present to present the proposed ordinance. Chief Lefebvre explained that quite often fire personnel are faced with the dilemma of being unable to again access to a building without incurring damage due to the fact that the responsible parties holding keys to the building are unable to be reached. The only option for fire personnel to take under these circumstances is to break a glass door (average cost \$400-500) or window to gain access. This causes not only a delay in response time prior to forced entry but burdens the owner with unexpected expenses.

This ordinance would help to better serve the public as well as enhance response time.

The "Knox Box", as it is referred to, is a repository container mounted securely to the outside of the building to house keys to the structure/dwelling. In order for fire personnel to gain access to the box a radio signal will need to be transmitted from headquarters to the fire truck authorizing access to the box via double key entry system. The entry is conducted under the supervision of a deputy chief.

If the box is vandalized and removed from the outer wall of the structure an alarm will sound alerting the public to the act. Once removed it is nearly impossible for the vandal to gain access into the box, itself. Presently, Gaylord Hospital and the utility divisions of the Town utilizes the "knox box" system.

Chief Lefebvre stated that one hundred twenty-seven (127) other fire departments in the State of Connecticut have adopted this system, however, not in the form of an ordinance.

He went on to say that approximately two hundred twenty-seven (227) malfunctions occurred with alarm systems within the past year. The common cause of the malfunctions were due to heat and smoke detectors.

The cost of the smallest unit available for purchase is \$90. The individual purchasing the unit will have to hire a private contractor for installation or they may choose to install it themselves.

Mr. McDermott was uneasy with the fact that this ordinance forces the businessman to incur an expense. The Economic Development Commission is trying to attract business to Wallingford and the Town is imposing expenses upon them. He was also concerned that, at some point in the future, the ordinance can be changed to include the homeowner. He was not comfortable with that idea.

Mr. Zandri asked, will the lack of installing a system jeopardize the workforce of the Fire Department?

Chief Lefebvre responded, no.

Mr. Zandri felt that this ordinance is being proposed as a convenience to the Fire Department. Too many mandates are imposed upon the towns by the State and now, in turn, the town is proposing a mandate for local businesses. He was opposed to the idea.

Attorney Small suggested that the ordinance can be narrowed down to specific circumstances.

Mr. Parisi was uncomfortable with government imposing themselves on businesses. He would much rather see the Fire Department initiate a public relations program for selling this idea to the businesses and then let them choose whether or not they wish to purchase the system. If the business were to suffer damage on one or two occasions when the department could not gain entry then, perhaps, the owner would consider the purchase. They have the right to do so.

Mr. Doherty asked, what is the cost to the Town when a false alarm or "dry run" occurs?

Chief Lefebvre explained that approximately twenty (20) department employees are dispatched along with five vehicles. Above and beyond that is the cost of fuel and wear and tear on the vehicles.

Mr. Doherty felt it would result in a savings to the Town.

Mr. Holmes felt that the Town should subsidize the program for the first year or two of its inception to take the bite out of a mandate. The businessman may feel that the Town is intruding into his right to choose otherwise. He suggested that a survey be conducted by the department to determine how many businesses and multi-unit dwellings this will effect.

Chief Lefebvre stated that the list has been obtained from the

Assessor's Office and it will take approximately six (6) months to extract the necessary data from it.

Mr. Zandri pointed out that the installation of the system will not have an effect on the number of false alarms, only the entry time to the building.

Ms. Papale was in favor of the idea of the system but was not comfortable dictating compliance to the community.

Mr. Solinsky pointed out that the Chief proposed thirty-six (36) months compliance rate in the ordinance. The Ordinance Committee revised that line to read "twelve (12) months".

Mr. Parisi asked the Chief if he has received any input/feedback from the community on this issue?

Chief Lefebvre responded, no.

Mr. Zandri agreed with Ms. Papale. He feels that a campaign on the part of the Fire Department should be initiated for the purpose of selling the public on the benefits of the program.

Mr. Killen suggested that the Fire Department consider imposing a fine for false alarms. Those funds could then be used by the Town to subsidize the system.

Mr. Zandri warned the Council that they have to be careful on imposing fines for false alarms since alarms are mandated by the Town.

Former Fire Chief Steven Hacku, 10 Colonial Lane stated that he is very familiar with this issue since he spent many years working on it. He agreed that an aggressive campaign to the public should be launched on the part of the department. He does not support mandating it. Perhaps businesses can be "grandfathered" into compliance should the Council decided to pass this ordinance. He pointed out that a skeleton crew is left at the scene of an alarm if no smoke or fire is visible and the crew is awaiting arrival of a keyholder.

Tim Sweeney, 15 Nod Brook Road, Firefighter, stressed that it is important to gain entry as soon as possible to keep the fire from gaining headway which then becomes a problem and safety issue to the fire personnel. He has encountered a circumstance where the keyholder has refused to make an appearance. He felt very uncomfortable leaving the scene without securing the building.

Maurice Russo, 107 Hope Hill Road, Firefighter pointed out that sprinkler systems are required, however, there is no language in an ordinance stating such requirement. Insurance companies may extend a discount to businesses who have participated in the program.

A representative of Monitor Controls of Wallingford supported the system.

Arnold Martin, Company 5 Volunteer Firefighter supported Mr. Sweeney's comments.

department to address questions/issues raised by the Council this evening. She was not prepared to vote on the issue until that information was brought forth to the Council.

Councilors Solinsky and Papale agreed.

Motion was made by Mr. Doherty to Close the Public Hearing, seconded by Mr. Parisi.

VOTE: All ayes; motion duly carried.

ITEM #3 PUBLIC HEARING for September 30.1 993 at 7:15 P.M. on an Ordinance Regulating Vehicle Towing Service on Behalf of or for the Town of Wallingford Police Department (together with Towing Regulations)

Motion was made by Mr. Doherty to Open the Public Hearing, seconded by Mrs. Duryea.

Police Chief Douglas Dortenzio, Deputy Chief Darryl York and Town Attorney Janis M. Small approached the Council to address this issue.

Chief Dortenzio explained that this ordinance has been two years in the making. It is designed to address a number of operational and legal problems that the Town has been faced with in years past. There has been approximately a dozen amendments to the ordinance over the past two years. Numerous meetings have been held with towers, the public, police officers, ordinance committee members and others which have led to the many different drafts and revisions before the Council this evening.

Mr. Solinsky opened the discussion to the public and, beginning with Section 1 of the Towing Ordinance, solicited comments from them.

Attorney Jim Williams stated for the record that he is representing four of the towing firms on the tower's list. He listed them as John Pierlioni; David Janicky, the Cyr Brothers and Bill Hawthorne. Mr. Williams resides at 19 Cliffside Drive. He stated that he has significant problems with provision 9 Powers of the Chief of Police.

Mr. Solinsky made it clear that there is pending litigation between the Town and the towers and the Town Attorney should inform the Council if information is being discussed which may jeopardize the case.

Attorney Williams feels that the proposed ordinance takes away the right to get a fair portion of the tow assignments under the current ordinance. He feels that the proposed ordinance gives the Chief of Police complete discretion to assign tow jobs based on rather broad criteria as set forth in the ordinance. Those criteria are the capacity and capability of each tower, the needs of the Town, the legal concerns, the needs and efficiency of the Police Department and the protection of the public. This broad criteria eliminates the towing rotational scheme. That removes the public's ability to challenge administration of the assignment of work under the ordinance completely. Any assignment that the Chief makes under that ordinance will meet at least one of the broad criteria. From a legal point of view the Town is moving from a Statute that now deals with towing in a

non-discretionary fashion to an ordinance which deals with towing in a very discretionary fashion. This leads to qualified immunity. No one from a legal point of view can challenge any administration under that Statute.

Attorney Williams added that the ordinance then goes on to exempt certain types of work from the rotational scheme, i.e., police vehicles and vehicles seized or impounded for investigatory purposes. He did not see any valid reasons for why those vehicles should be excluded from a rotational scheme. He stated that criteria can be established so that all towers on the list can meet the Town's concerns and work can be rotated on a fair basis.

Chief Dortenzio responded that the language in provision 9(d) is not innovative. It is designed to give the Police Department all the breathing room it needs to handle situations that no one can foresee in the future.

Attorney Williams would like language added to provision 9(e) stating that any tower that is called for seized or impounded vehicles would lose their next rotation call. This would result in a fairer distribution of the work.

Chief Dortenzio pointed out that Section 6(j) of the Towing Regulations states such language. He asked if the Town is more concerned with the interests of six or seven towers or with the legal obligations and interests of the Police Department in providing the best public service it can provide to the citizens of the Town while operating in a legal framework that not only has the department responsible to the Council and citizens of the community but also to a very demanding legal system in this state and country?

Motion was made by Mr. Holmes that Language be Added to Provision 9(e) which states: "If any particular tower is assigned a tow out of rotation, tower so summoned shall be considered to have utilized his/her next rotation call", seconded by Mr. Zandri.

A friendly amendment was added to the Motion by Mr. Holmes to include: "...with the exception of owner's request, police vehicles or vehicles seized or impounded for investigatory purposes..", seconded by Mr. Solinsky.

The language added to Provision 9(e) shall read as follows: If a particular tower is assigned a tow out of rotation (with the exception of owner's request, police vehicles or vehicles seized or impounded for investigatory purposes) tower so summoned shall be considered to have utilized his/her next rotation call.

VOTE: McDermott passed: Duryea, no; all others, aye: motion duly carried.

Motion was made by Mr. Holmes to remove the language "or assign" from line 1 of Provision 9(d), seconded by Mr. Solinsky.

VOTE: All ayes: motion duly carried.

The next item of discussion centered on Provision 9(g) of the proposed ordinance which reads as follows:

"The Chief of Police shall prepare and enforce reasonable rules and regulations for towers which may be changed from time to time as deemed necessary and may include, but not be limited to, regulations governing qualifications, approval, performance, suspension and removal of any tower".

The language in this provision did not sit well with the majority of the Council for they felt that all changes should be passed before them as is the case with every ordinance in town.

Chief Dortenzio felt that minor changes to fine tune the ordinance should be allowed to be made by him without having to schedule a meeting with the Town Council to do so. He felt that the Council was trying to "micro-manage" this aspect of the department.

Mr. Parisi disagreed and informed the Chief that all ordinances are brought before the Council for approval of recommended revisions.

Motion was made by Mr. Parisi to add the language, "subject to Town Council approval" to the first sentence after the words "The Chief of Police", seconded by Mr. Holmes.

VOTE: Doherty, Killen, McDermott and Papale, no; all others, aye: motion duly carried.

The Council revisited Provision 8 which addresses the appeal process. Much discussion ensued surrounding the issue of just how much time can lapse while appealing a decision.

Motion was made by Mr. Holmes to Add Language to Provision 8 which states, "The Hearing Officer shall hear the appeal within a reasonable amount of time but not to exceed ninety (90) days". The motion was seconded by Mr. Parisi.

Motion was made by Mr. Holmes to add a Friendly Amendment to the original motion which states that the "Town Council shall hear the appeal within thirty days".. seconded by Mr. Parisi.

VOTE: All ayes: motion duly carried.

There were no other questions pertaining to the remainder of the ordinance therefore the Towing Regulations were the next order of business.

TOWING REGULATIONS

Section 2 - MUNICIPAL TOWERS LIST

(b) The municipal towers list shall include all towers approved to tow on behalf of the Town of Wallingford, not to exceed nine (9) in number and who continually meet these overall regulations and the below listed minimum standards (list follows in regulations but has been omitted from these minutes for brevity).

Motion was made by Mr. Zandri to eliminate the language "...not to exceed nine (9) in number and..." from the regulations due to the fact that he supports free enterprise and feels that we should not deny a potential business the right to operate in this town. seconded

by Mr. Killen.

VOTE: Duryea, no; all others, aye; motion duly carried.

Attorney Williams initiated lengthy discussion over the issue of having the towers make themselves available or "on call" 24 hours a day for a driver who wishes to retrieve their vehicle. He felt that it was unreasonable to request this rate of availability and diminishes even greater any profit made by the vendor on the tow.

A gentleman by the name of Norm Neligon of Meriden stepped forward to announce that a State Statute addresses this issue and clearly states that the towers have to be available for such service.

Attorney Small left the meeting briefly to research this information which turned out to be correct. It was pointed out that a \$22.50 release fee is allowed under the law to be charged to the operator upon retrieval of his vehicle.

Section 6 - PROCEDURAL ISSUES

The next topic of discussion pertained to Section 6(b).

(b) No tow truck or person associated with a tower shall go to the scene of an accident or other towing event except in compliance with these regulations.

Mr. Killen felt that this section was unclear. Did this mean if a relative of a tower accompanied him/her on the drive that those individuals were in violation of the ordinance?

Upon discussing the intent of the language motion was made by Mr. Holmes to add the language "for the purposes of soliciting business" to the subsection immediately following the words "the scene of an accident...". Seconded by Mrs. Duryea.

VOTE: All ayes; motion duly carried.

Motion was made by Mr. Holmes to Change Section 8 (untitled) to Reflect the Same Language as Section 8 of the Ordinance pertaining to the Appeal Process, seconded by Mr. Zandri.

VOTE: All ayes; motion duly carried.

Section 9 - TOWING AND STORAGE FEES: POSTING OF FEES REQUIRED

It was pointed out that the State Statutes dictate the fees charged for the towing and storage of vehicles therefore the Town should incorporate that language into this section.

Motion was made by Mr. Zandri to strike the words, "a forty (\$40.00) dollars flat fee" from line 5 of subsection (a) and substitute the following language as submitted by the Town Attorney: "...the CT. Department of Motor Vehicles Daytime Flat Tow base rate for the hours of 8:00 A.M. to 6:00 P.M. and the Nights/Weekends/Holidays base rate for all other times." The motion was seconded by Ms. Papale.

VOTE: Holmes, Parisi and Solinsky, no; all others, aye; motion duly

carried.

Motion was made by Mr. Doherty to Approve the Ordinance as Amended and to Append a Copy to the Minutes of the Meeting, seconded by Mr. Holmes.

VOTE: All ayes: motion duly carried.

Motion was made by Mr. Doherty to Approve the Towing Regulations as Amended, seconded by Mr. Parisi.

VOTE: All ayes: motion duly carried.

Motion was made by Mr. McDermott to Move Agenda Item #6 Up to the Next Order of Business, seconded by Mr. Zandri.

VOTE: All ayes: motion duly carried.

ITEM #6 SET A PUBLIC HEARING for October 12, 1993 at 7:45 P.M. on an Ordinance Appropriating \$2,000,000 for the Design and Contract Administration Phase of Town-Wide School System Improvements and Authorizing the Issue of \$2,000 Bonds of the Town to Meet Said Appropriation and Pending the Issue Thereof the Making of Temporary Borrowings for Such Purpose

Motion was made by Mr. Doherty to SET THE PUBLIC HEARING for October 12, 1993 at 8:30 P.M., seconded by Mr. Parisi.

VOTE: All ayes: motion duly carried.

ITEM #4 PUBLIC HEARING for September 30, 1993 at 8:15 P.M. on a Proposed Ordinance Establishing Traffic and Parking Regulations, Violations, Penalties, Enforcement, Collection and Hearing Procedures

Motion was made by Mr. Doherty, seconded by Mr. Holmes.

Section One: GENERAL AUTHORITY AND PROVISIONS

Subsection (a) - Authority to adopt rules, regulations and restrictions

It was recommended that the traffic authority referred to in the first line be clarified as the Chief of Police.

Mr. Killen made a motion to add the language "Chief of Police as" after the word "The" and before the words "traffic authority" in the first sentence. Seconded by Mrs. Duryea.

VOTE: Parisi, no; all others, aye; motion duly carried.

Subsection (b) - Erection and Maintenance of signs

Line 3 - Motion was made by Mr. Killen to Add the Language, "for the purposes of traffic and parking regulations" after the word "property" and before the word "designating". Seconded by Mrs. Duryea.

This language will clarify the nature of the signs which can be placed on each highway and on town-owned or operated property.

VOTE: All ayes: motion duly carried.

Section Seven: AUTHORITY TO REMOVE AND IMPOUND VEHICLES - ILLEGALLY PARKED VEHICLES; IMMOBILIZATION AUTHORIZED; NOTICE TO OWNER OF VEHICLE; RELEASE OF IMPOUNDED AND/OR IMMOBILIZED VEHICLE; RECORD OF IMPOUNDMENT AND/OR IMMOBILIZATION OF VEHICLE.

Subsection (a) - Motion was made by Mr. Killen to Remove the Words, "by or" from the beginning of the third sentence before the words, "under the direction..", seconded by Mr. Parisi.

The language as it currently is written gives the impression that a member of the Police Department may, themselves, physically remove the vehicle.

VOTE: All ayes: motion duly carried.

Subsection (b), Line 8 - Motion was made by Mr. Killen to omit the language "may remove said vehicle by means of towing or otherwise, to a towing garage or he" after the words "police department" and before the words "may order". Seconded by Mr. Parisi.

Again, this eliminates the impression that a member of the police department can physically remove a vehicle themselves or have vehicle removed by unauthorized parties.

VOTE: All ayes: motion duly carried.

Section Nine - (Untitled)

Motion was made by Mr. Holmes to Title Section Nine "Parking Tickets", seconded by Mr. Parisi.

VOTE: All ayes; motion duly carried.

Motion was made by Mr. Holmes to Move the Towing Regulations as Amended, seconded by Mr. Parisi.

VOTE: All ayes: motion duly carried.

ITEM #5 PUBLIC HEARING for September 30, 1993 at 8:30 P.M. on an Ordinance Repealing Ordinance #352 Entitled, "An Emergency Snow Removal Parking Ordinance"

Motion was made by Mr. Doherty, seconded by Mr. Parisi.

This ordinance was reviewed by the Ordinance Committee at the request of a town resident who was experiencing a problem with snow removal from a neighbor's yard by means of snow plowing. Her mailbox, and fencing were adversely affected by the individual plowing snow from her neighbor's driveway to her front lawn and also into the street.

This revision imposes a penalty of fifty dollars (\$50.00) to any person who causes snow or ice removed from private property to be

placed on any public highway or public property upon which mailboxes are located in such a manner or to such an extent as to unreasonably impede or cause inconvenience to travel. require additional plowing by the Town or interfere with access to mailboxes.

VOTE: All ayes; motion duly carried.

Ms. Papale thanked the present and past Ordinance Committee members for their long, arduous task on the towing ordinance which has been in review for more than two years. She also extended thanks to the Police Department and Town Attorney for they were as involved as the committee members. Hopefully the towing system, as outlined, in the ordinance will work to everyone's benefit.

Motion was made by Mr. Parisi to Adjourn the Meeting, seconded by Mr. Solinsky.

VOTE: McDermott, no; all others, aye; motion duly carried.

There being no further business, the meeting adjourned at 12:00 a.m.

Meeting recorded and transcribed by:

Kathryn F. Milano
Kathryn F. Milano
Town Council Secretary

Approved by:

Iris F. Papale
Iris F. Papale, Chairperson

OCT 14 1993

Date

Kathryn J. Wall
Kathryn J. Wall, Town Clerk

October 12, 1993
Date

AN ORDINANCE CONCERNING RAPID ENTRY
INTO MULTI-UNIT DWELLINGS, COMMERCIAL AND/OR
MANUFACTURING BUILDINGS WITHIN THE TOWN OF WALLINGFORD

I. INTENT AND PURPOSE:

It is the Intent and Purpose of this Ordinance to establish an effective Rapid Entry System into commercial, manufacturing buildings and multi-unit dwellings (as defined herein) within the Town of Wallingford which are determined to be difficult to access. The intent of this Ordinance is to provide for access to buildings for fire emergencies where the buildings are not occupied 24 hours a day and/or the owner of said building is not available for immediate access and where buildings are difficult to access.

II. RAPID ENTRY SYSTEM REQUIREMENT

The Chief of the Fire Department, or his designee, may require the installation of a Rapid Entry System in the following circumstances:

- (a) commercial and manufacturing buildings which are protected by an alarm or fire sprinkler system;
- (b) multi-unit dwellings in excess of three units which have common entrances and hallways;
- (c) commercial and manufacturing buildings which are determined by the Chief of the Fire Department to be unduly difficult to access;
- (d) commercial and manufacturing buildings which use, store

or manufacture hazardous materials which must be reported under State and Federal laws to the Fire Department. Additionally, said system must contain a list of said materials on the premises.

III. EXCEPTION

Any building or premises that has a 24-hour, seven day a week guard service shall not be required to provide a Rapid Entry System.

IV. TYPE OF SYSTEM

Such Rapid Entry Key Boxes shall contain the following:

- (a) Keys to all locked points of egress whether on the interior or exterior of such buildings.
- (b) Keys to all locked mechanical equipment rooms.
- (c) Keys to elevator Control Rooms or Elevator unit controls.
- (d) Keys to other areas as directed by the Chief of the Wallingford Fire Department or his designee.

All keys in any building or unit will as far as practical be of the Master Key Type.

The Key Box shall be a type approved by the Chief of the Wallingford Fire Department, and shall be located and installed in an accessible location as approved by the Chief or his designee.

V. EXISTING BUILDINGS

Existing multi-unit dwelling, commercial and/or manufacturing buildings shall be required to comply within twelve (12) months of notice by the Chief of the Fire Department, or his

AN ORDINANCE REGULATING VEHICLE TOWING SERVICE
ON BEHALF OF OR FOR THE TOWN OF WALLINGFORD POLICE DEPARTMENT

BE IT ENACTED by the Town Council in Session that Ordinance No. 212 entitled, "An Ordinance Regulating Vehicle Wrecker or Towing Service Within the Town of Wallingford" is hereby repealed, and the following Ordinance is substituted in lieu thereof.

1. Short Title. This Ordinance shall be known and may be cited as the "TOW TRUCK ORDINANCE." Further, this Ordinance shall apply to those towers doing business for and on behalf of the Town of Wallingford Police Department on the Police Department Rotation List. Nothing in this Ordinance shall be construed as affecting the servicing or repair of any bus or commercial carriers which are normally serviced by their own specially equipped tow vehicles.

2. Definitions. For the purposes of this Ordinance, the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent within the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

(a) "Town" is the Town of Wallingford Police Department.

(b) "Person" is any person, firm, partnership, association, corporation, company or organization of any kind.

(c) "Tower" is a person engaged in the business or offering vehicle towing services with the type and number of vehicles specified in the regulations adopted hereunder, and duly licensed by the State of Connecticut, and whose application has been approved pursuant to this Ordinance and the rules and regulations adopted hereunder.

(d) "Chief of Police" shall mean the Chief of Police or his appointed designee.

3. Approval Required. No tower shall be placed on the police rotation list of approved towers for the Town Police Department without first filing an application and obtaining approval as hereinafter provided from the Chief of Police, subject to the provisions contained herein and the regulations adopted hereunder. Towers may be subject to inspections to verify ongoing compliance with this Ordinance and the regulations hereunder.

4. Application. Applications for inclusion on the police rotation list shall be made upon forms prepared and made available

6-25-93

by the Police Department and shall include such information deemed necessary by the Chief of Police, including but not limited to: a notarized agreement wherein the tower shall agree to protect, indemnify and save harmless the Town of Wallingford, its servants, agents and employees of and from any and all liability or claims of liability, expense damages, causes of action, suits, claims or judgments on the part of anyone growing out of any act or omission by the said tower or of any performance of duties or obligations BY SAID TOWERS; and insurance policy(s) as further specified under the regulations.

5. Standards of Issuance. The Chief of Police SHALL approve such application upon determining that the applicant has complied with this Ordinance, its rules and regulations, the provisions of the Connecticut General Statutes, Revision of 1958, as amended, applicable to said business, and is duly licensed by the State of Connecticut. Further, the Chief of Police may consider the amount of experience, length of operation of the company and the needs of the police department in deciding to issue approval.

Towers presently on the rotation list(s) are not required to reapply but shall comply with this Ordinance and the regulations adopted hereunder within TWELVE (12) MONTHS of the enactment of this Ordinance. All towers must be in compliance with the Ordinance and the regulations in order to remain on the rotation list(s).

6. Exhibition of Notice. All persons issued approval pursuant to Paragraph 5 hereof shall be required to display, at all times, at the tower's place of business a notice related to its towing privilege, and the Town's fee structure, together with any information deemed necessary and in a format specified by the Chief of Police in the Towing Regulations.

7. Removal From List of Approved Towers. The Chief of Police shall revoke a tower's approval and suspend or remove such a person from the tow rotation list whenever he finds that the rules and regulations promulgated hereunder have been violated. The Chief of Police shall prescribe a suspension and revocation procedure in the regulations. If the ownership of the towing business changes, the approval automatically expires. THE APPROVAL SHALL NOT EXPIRE IF THE TOWER MAINTAINS OWNERSHIP OF THE BUSINESS AND SOLELY CHANGES THE STRUCTURE OF THE BUSINESS (i.e., CORPORATION).

8. IF THE CHIEF OF POLICE REMOVES A TOWER FROM THE LIST, THE TOWER MAY APPEAL THE DECISION TO THE HEARING OFFICER(S) APPOINTED TO HEAR PARKING VIOLATION APPEALS WITHIN FOURTEEN (14) DAYS OF THE DECISION. WHILE THE APPEAL IS PENDING, THE TOWER SHALL REMAIN INDEFINITELY SUSPENDED. THE DECISION OF THE HEARING OFFICER(S) MAY BE APPEALED BY EITHER PARTY TO THE TOWN COUNCIL WITHIN FOURTEEN (14) DAYS OF THE DECISION OF THE HEARING OFFICER(S). WHILE THE

APPEAL IS PENDING, THE TOWER SHALL REMAIN INDEFINITELY SUSPENDED. THE DECISION OF THE TOWN COUNCIL IS FINAL AND SHALL BE BINDING ON ALL PARTIES.

9. Powers of Chief of Police. The Chief of Police shall have the power to:

(a) set fees for towing and storage FOR VIOLATIONS OF THE TOWN PARKING ORDINANCE, subject to approval by the Town Council;

(b) permit persons the right to request their own tower subject to the section of the rules and regulations applicable to such circumstances;

(c) establish separate towing lists for regular and heavy duty towing services as defined in the regulations;

(d) rotate or assign towing services among the towers on the towers rotation list consistent with the capacity and capability of each tower, the needs of the Town, the legal concerns, needs and efficiency of the Police Department and the protection of the public, and may design and use a rotation system for assigning specific types of towing work on behalf of the Town, with the exception of police vehicles and vehicles seized or impounded for investigatory purposes, WHICH MAY BE PUT OUT TO BID BY THE POLICE DEPARTMENT OR ASSIGNED TO A PARTICULAR TOWER IN ACCORDANCE WITH THIS ORDINANCE AND REGULATIONS RELATING THERETO.

(e) when deemed necessary may assign a particular tower to a particular assignment;

(f) designate a police supervisor to assist in the administration of this Ordinance and its rules and regulations.

(g) The Chief of Police shall prepare and enforce reasonable rules and regulations for towers which may be changed from time to time as deemed necessary and may include, but not be limited to, regulations governing qualifications, approval, performance, suspension and removal of any tower.

10. Nothing contained herein or in the regulations made hereunder shall create anything other than a vendor-vendee relationship between the police department and the tower. No contractual relationship is created or intended by this Ordinance and/or its regulations.

11. Penalty. It shall be unlawful for any tower with or without said required approval to go to any scene of an accident with the intent to solicit repair or tow work. Any tower who violates this section shall be subject to a fine not to exceed one hundred dollars (\$100.00).

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I HEREBY CERTIFY that the above Ordinance was enacted by the
Town Council of the Town of Wallingford this _____ day of
_____, 1992, in accordance with the provisions of
the Charter of the Town of Wallingford.

Kathryn J. Wall
Town Clerk

APPROVED: _____
William W. Dickinson, Jr., Mayor

DATE: _____

TOWING REGULATIONS

1. APPLICATION.

Application for inclusion on the Police Department's "towing rotation list" shall be made upon blank forms prepared and made available by the Chief of Police and shall at minimum state:

- (a) The name, home address, and home telephone of the applicant as well as the business name, address and business telephone numbers. In the event that the applicant is a corporation or partnership, the names and addresses of the person or persons comprising the entity shall be filed as well as the person charged with the responsibility for day to day operation of the business. All information required as part of this application shall be updated annually each January by the applicant and forwarded to the Chief of Police.
- (b) The quantity, description, weight capacity and Connecticut registration number of the tow trucks or flat bed carriers owned and/or operated by the applicant.
- (c) Description and addresses of tower's facility and storage facilities including the capacity of indoor and outdoor storage and a description of any fencing on said property;
- (d) That the applicant satisfies the criteria set forth herein and in accordance with the Ordinance.
- (e) A notarized agreement by the applicant to protect, indemnify and save harmless the Town of Wallingford, its servants, agents and employees of and from any and all liability or claims of liability, expense damages, causes of action, suits, claims or judgments on the part of anyone growing out of any act or omission by any employee and/or AGENT of said applicant in the performance of duties and obligations.
- (f) Any other information reasonably necessary to regulate and efficiently provide for towing on behalf of the Town and the police department.

2. MUNICIPAL TOWERS LIST.

- (a) The Chief of Police shall prepare and maintain a list(s) of approved towers who may perform municipal towing services for which they are qualified to perform.
- (b) The municipal towers list shall include all towers approved to tow on behalf of the Town of Wallingford, not to exceed nine (9) in number and who continually meet these overall

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regulations and the below listed minimum standards:

- (1) Three years experience in regular towing in order to be on the regular towing list; CERTIFICATION IN COMPREHENSIVE HEAVY DUTY TOWING BY RECOGNIZED PROFESSIONAL TOWERS ORGANIZATION OR SCHOOL AND TWO years experience in heavy duty towing to be on the heavy duty towing list.
- (2) The tower shall have sufficient operational capacity to accept and respond to all calls for municipal towing services, which shall include, but not be limited to, accidents, abandoned and/or junked vehicles, parking violations, street cleaning, snow removal, and parking bans.
- (3) The tower shall be operational, with an on-call employee twenty-four (24) hours per day. Operational shall include being available, at any time, for the release of an auto claimed by an owner or his/her authorized representative.
- (4) The tower's vehicles shall meet the safety and mechanical standards established by the Commissioner of Motor Vehicles and the minimum specifications of the Towing and Recovery Association of America, as amended, for each classification of towing truck and related equipment:
 1. For assignment for regular towing:
 - i. Two (2) Class A tow trucks
 - ii. One (1) Class B car carrier
 2. For assignment for heavy duty towing
 - i. Two (2) Class C tow trucks
 - ii. One (1) Class D tow truck
- (5) The tower shall have a minimum storage space available for a minimum of two (2) vehicles inside and five (5) vehicles outside.
- (6) The tower shall post a sign provided by the Town indicating the rights of the person whose vehicle has been towed, as well as the phone number of the administrative officer in the department of police services. Said sign shall be in a prominent location visible to those persons claiming vehicles.
- (7) The tower's vehicles are properly registered with the department of motor vehicles.

- (8) The tower's vehicles are properly licensed to engage in the business of providing towing services as required by the Connecticut General Statutes and the Commissioner of Motor Vehicles.
- (9) The tower's vehicles meet safety and mechanical standards established by the Commissioner of Motor Vehicles.
- (c) The Chief of Police shall rotate or assign municipal towing services among the towers of the municipal towers list consistent with the capacity and capability of each tower, the needs of the Town, the legal concerns, needs and efficiency of the Police Department and the protection of the public.

3. APPLICANT TO FURNISH INSURANCE POLICIES.

No applicant shall be permitted to tow on behalf of the Wallingford Police Department until he shall have deposited with the Chief of Police copies of the following insurance policies:

- (a) Garage keeper's policy. A garage keeper's legal liability policy covering fire, theft, and explosion with a minimal liability of Fifty Thousand (\$50,000.00) Dollars per vehicle.
- (b) Garage liability policy. A garage liability policy covering the operation of the applicant's business, equipment, or vehicles, for any bodily injury or property damage, with a minimal liability limit of one million (\$1,000,000.00) dollars.
- (c) All applicants must submit a certificate of insurance to the Chief of Police prior to their acceptance as a designated towing and vehicle storage operator for the Town. This certificate must indicate that all policies name the Town of Wallingford, its officers, agents and employees as additional insureds RELATING TO THE TOWING. Each policy should provide the certificate holder have a cancellation notice of at least ten (10) days.

4. INVESTIGATION OF APPLICANT.

After receipt of an application as provided for herein, the Chief of Police shall cause an investigation to be made of the applicant to establish accuracy of information provided, the applicant's proposed operation and the applicant's background, criminal history, and any complaints made to the Department of Motor Vehicles relating to the applicant's business.

5. RESPONSIBILITIES OF THE TOWER

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- (a) Tower must respond promptly when notified to respond. The tower which received the call for service must be the tower which performs the required service.
- (b) Tower must perform his duties in a courteous, responsible manner including but not limited to the interaction with the Police Department and/or the public.
- (c) Tower shall not respond unless properly summoned to the scene.
- (d) Tower shall remove the designated vehicles and debris from the road promptly and efficiently. Each tower responding to the scene must be properly equipped with debris containers, shovels, brooms, and any other equipment necessary to clear a scene of substantially all debris on the roadway as required pursuant to Section 2. (b) (4).
- (e) The removal of debris shall be accomplished before the tower and its operator leaves the scene. The tower operator must obtain the approval of the officer at the scene prior to departing the scene. The officer must confirm that the roadway has been substantially cleared of all debris prior to releasing the tower from the scene.
- (f) The tower shall be responsible for safe removal of the vehicle, its contents, and its occupants, and the safe transportation of the vehicle's occupants limited to the total seating capacity of the tow truck's cab.
- (g) The tower shall provide the department with a telephone number which shall be used to provide access to his service on a twenty-four hour, seven days a week basis. No more than one such number shall be accepted by the department.
- (h) The tower shall provide trained and competent tower operators.
- (i) The tower and its employees shall cooperate with the police department and its representatives at any scene.
- (j) The tower must continue to properly register, license and equip its vehicles.
- (k) A tower shall notify the police department whenever it removes a vehicle from the highway pursuant to a rotation tower call in the event that there is no sworn officer at the scene at the time of removal. (For example, when towing cars for parking tickets).
- (l) A tower shall maintain appropriate records of tow services and charges for at least one year, and a tower shall submit to the police department a copy of all names of employees authorized

to tow.

- (m) Towing in accordance with these regulations as administered by the Police Department, requires a high degree of competence, integrity, reliability, and responsible business ethic on the part of the tower. Therefore, failure to maintain these standards shall result in suspension and/or removal in accordance herein.

6. PROCEDURAL ISSUES.

- (a) No tower on the Tow Rotation list shall subcontract its work done on behalf of the Town, except that a tower may use another tower on the list to assist in a particular assignment.
- (b) No tow truck or person associated with a tower shall go to the scene of an accident or other towing event except in compliance with these regulations.
- (c) All requests for services by firms listed on the Tow Rotation List will be telephonically made by the police dispatcher or desk officer to the firm directly.
- (d) Failure to respond to a scene within twenty-five (25) minutes of notification will be deemed to be an unreasonable delay, and a second tower from the rotation list will be dispatched. When such substitution is necessary, the garage failing to respond in time will be charged with a "passed call." Such "passed calls" shall also apply if a tower selected for service delivery from the rotation list is unable to accommodate the service call, for any reason, when notified. A passed call shall be defined as the skipping of the unavailable tower thereby negating their use until such time as said firm rises to the top of the rotation list once again.
- (e) These towing firms listed on the rotation list will be dispatched to provide towing services for a vehicle as designated by the vehicle registration number.
- (f) From time to time the police department may request towing services for a vehicle in violation of traffic regulations and while in the process of hooking the vehicle to a tow truck the owner arrives to claim the vehicle. In such case a dispute may arise to whether the vehicle claimant has incurred a towing expense.

Resolution of such disputes shall be settled as follows: that unless the hook-up of the offending vehicle has been completed and the tow truck is actually in motion with said vehicle in tow, the tower shall release the vehicle to the

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claimant without charge and the police department shall be notified that the dispatched tow did not occur. In such cases, the police department will credit the tower his place on the rotation list so that such firm will be selected for the next available service call.

- (g) The rotational lists shall be utilized for the purpose of towing or transporting motor vehicles which are disabled, inoperative or wrecked in the event the owners or operators of such vehicles are incapacitated, unavailable, or leave the procurement of tower service to the officer at the scene of an accident or the location of a disabled vehicle.
- (h) If the owner or operator of the vehicle is present and able to respond, the officer shall ask if he or she has any request for a particular tower. In the event that the owner or operator desires a particular tower, the officer shall notify the department of the request, and the department shall notify the desired tower on behalf of the requestor. The request will be honored provided the tower can respond within the time limits set forth in these regulations.
- (i) In the event that an emergency exists at a scene or scenes, the supervisor on duty shall determine the most expeditious method of summoning a tower and shall cause that method to be accomplished. In making such a decision, the police supervisor shall consider the weather conditions, the traffic density and speed of the area of the call for the tower, the nature of all other police activities or emergencies under the agency's responsibility, the availability of police personnel and any other factor which could cause an emergency to exist.
- (j) In the event that the police supervisor summons a tower out of rotation sequence due to such emergency, the tower so summoned shall be considered to have utilized his next rotation call. Additionally, if a tower is called and the call results in a "dry run," the tower will not lose its turn on the list.

7. REVOCATION OF PRIVILEGE.

The Chief of Police may remove or suspend a tower privileged to tow on behalf of the Police Department when he finds any of the following conditions exist:

- (a) The privilege was procured by fraudulent conduct or misstatement of a material fact, or that a fact concerning qualifications was not disclosed at the time of making his application, and such fact would have resulted in a decision not to do business with the tower.
- (b) The tower has violated any section of the overall rules and

regulations as established by the Chief of Police or any statute or regulation of the State of Connecticut or Towing Ordinance of the Town of Wallingford, of such a nature as to affect either the proper discharge of his duties or the interests of the Town of Wallingford.

- (c) The tower, his agent or employee, acts, omits to act, or conducts his business in a manner which is prejudicial; offensive or detrimental to the best interests of the public, the Town or the Police Department; or of such nature as to affect the proper discharge of his duties under these regulations, including but not limited to reckless and wanton disregard for the property in his care, custody and control.
- (d) The Chief of Police may suspend a tower in accordance herewith as follows:
 - (1) First Offense: 30 days suspension from rotation list;
 - (2) Second Offense: 60 days suspension from rotation list;
 - (3) Third Offense: Removal from rotation list.

Additionally, if the violation is of a serious nature, as determined by the Chief of Police, the tower may be removed without any regard to the suspension procedure outlined above. A complaint(s) made by the public about the manner of the performance of the tower, including but not limited to overcharges, may result in the immediate removal of the tower.

8. IF THE CHIEF OF POLICE REMOVES A TOWER FROM THE LIST, THE TOWER MAY APPEAL THE DECISION TO THE HEARING OFFICER(S) APPOINTED TO HEAR PARKING VIOLATION APPEALS WITHIN FOURTEEN (14) DAYS OF THE DECISION. WHILE THE APPEAL IS PENDING, THE TOWER SHALL REMAIN INDEFINITELY SUSPENDED. THE DECISION OF THE HEARING OFFICER(S) MAY BE APPEALED BY EITHER PARTY TO THE TOWN COUNCIL WITHIN FOURTEEN (14) DAYS OF THE DECISION OF THE HEARING OFFICER(S). WHILE THE APPEAL IS PENDING, THE TOWER SHALL REMAIN INDEFINITELY SUSPENDED. THE DECISION OF THE TOWN COUNCIL IS FINAL AND SHALL BE BINDING ON ALL PARTIES.

9. TOWING AND STORAGE FEES; POSTING OF FEES REQUIRED.

- (a) The fee for towing or removing any vehicle found in violation of the Town's parking ordinance or regulations thereunder, with the exception of the towing of vehicles classified by the State of Connecticut as Class 1 or Class 2 for any purpose, shall be a forty (\$40.00) dollars flat fee to be paid by the owner or person in charge of such vehicle to the tower or its duly authorized representative. Each tower may charge for each vehicle towed under any provision of these regulations seven (\$7.00) dollars storage for each twenty-four (24) hours

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or any portion thereof that such vehicle is stored, provided no storage fee shall be charged for the twenty-four (24) hours of the first day of storage. Vehicles exempted from this regulation, as specified above, may be towed and stored at the individual tower's commercial rate as regulated by the State of Connecticut Motor Vehicle Department.

- (b) The storage charge shall be in addition to the towing charge. Each tower shall post in a prominent location visible and readable to the owners of motor vehicles as they are required to pay towing expenses, a Town supplied sign providing information on the Town's towing fees. This sign shall also include nature of the administrative hearing procedure available to the person whose vehicle has been towed and a phone number and address by which that process may be contacted or initiated. Such sign may also include other information of interest to the public or the Town.

AN ORDINANCE ESTABLISHING TRAFFIC AND PARKING REGULATIONS,
VIOLATIONS, PENALTIES, ENFORCEMENT, COLLECTION AND HEARING
PROCEDURES

SECTION ONE: GENERAL AUTHORITY AND PROVISIONS.

(a) Authority to adopt rules, regulations and restrictions. The traffic authority is hereby authorized and empowered to adopt such rules, regulations and restrictions relative to the routing of traffic and the parking of vehicles not inconsistent with the statutes of the State of Connecticut or this section, which in its judgment may be deemed necessary for the proper regulation and control of vehicular traffic upon the highways and on town-owned or operated property within the town and for the safety and convenience of the public.

(b) Erection and maintenance of signs. The traffic authority is further authorized and empowered to erect and maintain signs in each highway and on town-owned or operated property designating the time or terms of such regulations or restrictions on any highway or town-owned or operated property coming under the jurisdiction of the town and the traffic authority.

(c) Authority to remove vehicles. The traffic authority is further authorized and empowered to cause the removal from any highway or town-owned or operated property coming under the jurisdiction of the town or from state highways, except limited access highways, within the territorial limits of the town, any abandoned or unregistered motor vehicles and motor vehicles which are a menace to traffic or public health or safety or improperly on said property.

SECTION TWO: DEFINITIONS.

For the purposes of this Ordinance, the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent within the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

(a) "Town" is the Town of Wallingford Police Department.

(b) "Person" is any person, firm, partnership, association, corporation, company or organization of any kind.

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(c) "Tower" is a person engaged in the business or offering vehicle towing services with the type and number of vehicles specified in the regulations adopted hereunder, and duly licensed by the State of Connecticut, and whose application has been approved pursuant to this Ordinance and the rules and regulations adopted hereunder.

(d) "Chief of Police" shall mean the Chief of Police or his appointed designee.

SECTION THREE: ESTABLISHMENT OF PENALTIES FOR VIOLATIONS OF TRAFFIC REGULATIONS.

(a) \$10.00 Penalty for the following violations:

1. Overtime Parking
2. Wrong Side of Street
3. Obstructing Driveway
4. One Way Street Wrong Way
5. Occupying Two(2) Parking Spaces
6. More Than 12" From Curb
7. Emergency Order

(b) \$15.00 Penalty for the following violations:

8. Entrance To A Public Building
9. 25 Feet of Corner
10. 25 Feet of Stop Sign
11. Vehicle on Sidewalk
12. Parking Prohibited
13. Obstructing Traffic
14. No Standing Zone
15. Double Parking
16. Street Cleaning
17. Town Properties
18. Bus Stops & Taxi Stands
19. Trailers Parked on Streets Over 72 hours

(c) \$25.00 Penalty for the following violations:

20. Inclement Weather
21. Fixed Objects
22. Fire Hydrants
23. Fire Lane/Zone
24. Commercial Trucks on Residential Streets
25. Special Restrictions

(d) \$35.00 Penalty for the following violations:

26. Handicapped Parking

SECTION FOUR: SPECIAL PARKING RESTRICTIONS AND HIGHWAY CLOSURES.

(a) Declaration of special parking restrictions. Whenever the chief of police or his designee finds, that either an emergency or special events make it necessary that parking within the paved portion of the highway or adjacent thereto be curtailed or the highway closed to all traffic, he may declare AN ORDER to either restrict parking or close the highway. While the order is in effect, no person shall traverse, travel, park or allow to remain parked or standing any motor vehicle on or adjacent to any portion of any highway to which it applies.

(b) Notice of Highway Closure. ORDERS PERTAINING TO HIGHWAY CLOSURES FOR SPECIAL EVENTS SHALL be publicly announced by publishing notice thereof in a newspaper having general circulation within the town not less than twenty-four (24) hours prior to the effective date of the restriction, or provide notice of such restriction to be aired on public access cable television and/or local radio station not less than twenty-four (24) hours prior to the effective date of the restriction. Such notice shall state the dates of the restriction, time (if so limited), and highways covered by the restriction. If it is impractical to publish notice OF A SPECIAL EVENT, notice of the restriction may be made in accordance with paragraph (c) of this Section. IN CASE OF AN EMERGENCY, NO SUCH ORDER IS REQUIRED.

(c) Signs. On each street designated by the police chief or his designee as hereinbefore provided, signs shall be posted at reasonable intervals. Signs posted in accordance with this section shall be plainly visible and readable to persons traveling on the street or highway. NO SIGN SHALL BE REQUIRED IN THE EVENT OF AN EMERGENCY.

SECTION FIVE: INCLEMENT WEATHER PARKING REGULATIONS.

The Chief of Police is authorized to suspend the parking regulations and prohibit parking temporarily in any area where it is necessary in order to facilitate the removal of snow, sleet, or to prevent the obstruction or safe flow of traffic in time of heavy snowfall, or other severe weather. He shall give notice of such temporary prohibition and its rescission by radio and/or local television. IN THE EVENT OF snowfall of five (5) inches or more, PARKING ON PUBLIC STREETS SHALL BE TEMPORARILY PROHIBITED UNTIL SUCH TIME AS THE PROHIBITION IS RESCINDED BY RADIO AND/OR LOCAL TELEVISION.

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SECTION SIX: NOTICE ON ILLEGALLY PARKED VEHICLES; TIME PERIOD FOR PAYMENT OF FINES.

(a) Whenever any vehicle is found parked in violation of this ordinance, or of any traffic rule or regulation which relates to parking, any police officer finding such vehicle shall take its registration number and may take any other information displayed on the vehicle which may identify its user, and shall conspicuously affix to such vehicle notice in writing, on a form provided by the Chief of Police, to the owner or operator thereof stating that such vehicle has been parked unlawfully, and shall state the penalty for such violation. Said notice shall state which provision of the town ordinances or rule and/or regulation of the town traffic authority has been violated and shall moreover contain the following declaration:

"WARNING

The accumulation of three (3) or more unsatisfied municipal vehicle parking citations upon any one vehicle may result in the impoundment or immobilization of said vehicle upon the occasion of any subsequent violation of any municipal traffic ordinance, rule, or regulation."

(b) Each such owner or operator may, within fifteen (15) days of the time of such notice being attached to such vehicle, pay in person or remit by mail in the form of a check or money order payable to the Town of Wallingford and delivered or mailed to the Wallingford Police Department as specified on the ticket, as a penalty for and full satisfaction of such violations, not to include tow and storage fees, the sum specified on such notice, in accordance with the penalties set forth in this article. Payment in person shall be made during normal business hours at the Records Department of the Wallingford Police Department.

(c) The failure of such owner or operator to make payment to the Town of Wallingford at the Police Department or to timely appeal the violation within fifteen (15) days of the time when such notice is attached to the vehicle shall render him liable to a penalty equal to twice the amount of the initial penalty provided. The failure of such owner or operator to make such payment to the Town of Wallingford at the Police Department within thirty (30) days of the time when such notice is attached to the vehicle shall render the owner or operator liable to a penalty equal to three (3) times the amount of the initial penalty provided.

SECTION SEVEN: AUTHORITY TO REMOVE AND IMPOUND VEHICLES - ILLEGALLY PARKED VEHICLES; IMMOBILIZATION AUTHORIZED; NOTICE TO OWNER OF VEHICLE; RELEASE OF IMPOUNDED AND/OR IMMOBILIZED VEHICLE; RECORD OF IMPOUNDMENT AND/OR IMMOBILIZATION OF VEHICLE.

(a) Wherever any vehicle shall be found parked in violation of this ordinance, rule or regulation, such vehicle may be removed by or under the direction of a member of the police department by means of towing the VEHICLE to a towing garage. Such removal shall be at the risk and expense of the owner.

(b) Whenever any vehicle is found parked in violation of any municipal traffic ordinance, rule or regulation, and where there are three (3) or more previously issued municipal parking citations outstanding upon said vehicle, then a member of the police department may place or direct a person or persons so authorized by the chief of police to place an immobilization device upon said vehicle or in the alternative, the member of the police department may remove said vehicle by means of towing or otherwise, to a towing garage or he may order a person or persons so authorized by the chief of police to remove said vehicle by means of towing, or otherwise, to a towing garage. Such removal or immobilization shall be at the risk and expense of the owner.

(c) Once an immobilization device has been placed upon an unlawfully parked vehicle pursuant to this section, then said device may not be removed or otherwise tampered with by anyone who has not been authorized to do so by the chief of police. The penalty for unlawfully removing or otherwise tampering with said device shall be ONE HUNDRED AND 00/100 (\$100.00) DOLLARS.

(d) The owner of any vehicle impounded or immobilized under this section shall have the right to contest such impoundment or immobilization by application on a form prescribed by the traffic authority.

(e) The owner of any vehicle impounded or otherwise rendered immobile by application of a mechanical device shall be duly informed as to which provisions of this article, the city ordinances and/or rules and regulations of the traffic authority have necessitated the impoundment and/or the immobilization of said vehicle.

(f) Before the owner of any impounded OR IMMOBILIZED vehicle shall be permitted to remove the impounded vehicle from such impound, such person shall provide evidence of his identity and ownership, shall sign a receipt for such vehicle, and shall pay the cost of towing and storage for each day or portion of a day that such vehicle is stored by the tower in excess of the first

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twenty-four (24) hours.

(g) The chief of police shall not authorize and/or direct the removal of an immobilization device from any vehicle or the release of any vehicle placed within a pound pursuant to this section until such time as the owner or person in charge of said vehicle shall have (1) supplied the chief of police with evidence of his identify and ownership; and (2) satisfied all outstanding municipal parking citations against the subject vehicle to the satisfaction of the chief of police.

(h) It shall be the duty of the chief of police, or such other police officer as he shall designate, to keep a record of the names of the owners of all vehicles impounded and/or immobilized, the numbers of their state license plates, the place where each vehicle was impounded or immobilized, the nature and circumstances of each violation and the disposition of each case.

SECTION EIGHT: REQUEST FOR IMMEDIATE HEARING WHEN VEHICLE IS IMMOBILIZED OR IMPOUNDED.

Any person whose vehicle is immobilized or impounded because of the existence of four or more outstanding citations may request an immediate hearing on the validity of the charges on which the immobilization or impoundment was based. A hearing shall be convened thereafter by one of the parking violation hearing officers as soon as practicable. The procedure for the hearing shall be informal as to the rules of evidence, but testimony shall be taken under oath or affirmation. In considering the charges, the hearing officer may consider all relevant facts and circumstances and MAY require the personal appearance of the person requesting the hearing and the issuing officer. Should the hearing officer find in favor of the person charged, he shall so certify to the Town and the record of charge or charges shall be removed from the files of the Town and the vehicle released to the owner. Should the hearing officer find the issuance of the charge or charges proper, he shall so certify to the Town and no further appeal for a hearing shall be considered. The hearing officer shall determine the amount due the Town for the cost of immobilization or impoundment and the amount due for citations outstanding. The owner may regain possession by paying the amount found due by the hearing officer and establishing his identity and right to possession and upon signing a proper receipt for the vehicle. If not paid on the same day, the owner shall also pay all charges due for storage of the vehicle.

SECTION NINE:

The Chief of Police or his designee may void a parking ticket in the following circumstances:

(a) Ticket is on its face improper in that it is incomplete or contains obvious errors;

(b) Tickets issued to the blind, handicapped, or veterans pursuant to Connecticut General Statutes Section 14-253a, Section 14-254 and Section 14-290 respectively.

(c) Tickets issued to OFFICIAL police, FIRE AND ANY VEHICLES EXEMPT BY STATUTES (marked or unmarked).

SECTION TEN: PRESUMPTION IN REFERENCE TO ILLEGAL PARKING.

In any hearing charging a violation of any law or regulation governing the standing or parking of a vehicle, proof that the particular vehicle described in the complaint was parked in violation of any law or regulation described in Section Three, together with proof that the defendant named in the complaint was at the time of such parking the registered owner of such vehicle, shall constitute in evidence a prima facie presumption that the registered owner of such vehicle was the person who parked or placed the vehicle at the point where, and for the time during which, such violation occurred. If the vehicle is unregistered, it is presumed that the last registered owner is the present owner of said vehicle.

SECTION ELEVEN: FORMAL HEARING PROCEDURE - PARKING VIOLATION HEARING OFFICERS.

(a) Any person or owner of a vehicle cited for a violation of this ordinance, rule or regulation of the Town pertaining to parking may request in writing, on a form prescribed by the Chief of Police, a formal hearing before a Parking Violations Hearing Officer(s) within fifteen (15) days of issuance of a parking violation citation;

(b) The Mayor, shall appoint parking violation hearing officer(s) other than policemen, persons working in the police department or person authorized to issue tickets. Such officer(s) shall serve for a term of two (2) years from the effective date of appointment.

(c) The hearing officer(s) shall be empowered to hear appeals

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from the issuance of parking violation citations and take such other actions in processing parking violations as authorized by the state statutes and town ordinances and regulations.

- (d) 1) In scheduling formal appeal hearings, the appellant shall be notified by mail of the place and time of hearing. Such notice shall be provided at least fifteen (15) days, but not more than thirty (30) days prior to the scheduled hearing date.
- 2) The procedure for the hearing shall be informal as to the rules of evidence, but testimony shall be taken under oath or affirmation.
- 3) The provisions of this section shall be construed in accordance with the provisions of applicable state statutes and town ordinances.
- 4) In considering an appeal, the hearing officer(s) may consider all relevant facts and circumstances and may require personal appearance of the appellant and issuing officer.
- 5) Should the hearing officer(s) find in favor of the appellant, he shall so certify to the town and the record of the citation shall be removed from the files of the town.
- 6) Should the hearing officer(s) find the issuance of the citation proper, he shall so certify to the town and inform the appellant of the applicable fine.
- 7) If such violation is not paid on the date of the judgment of the hearing officer(s), the Town shall send by first-class mail a notice of the penalty 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 penalty 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 statute. The certified copy of the notice of penalty assessment shall constitute a record of assessment. Within such twelve (12) month period, assessments against the same person may be accrued and filed as one record of assessment. The clerk shall enter judgment in the amount of such record of assessment and court costs against such person in favor of the Town. Notwithstanding any other provision of the 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.

- 8) A person whom an assessment has been entered pursuant to this section is entitled to judicial review by way of appeal. An appeal may be instituted as provided by statute within (30) days of the mailing of notice of such assessment. Nothing herein contained shall be construed as a limitation on the power of the superior court to impose a fine in accordance with the ordinances of the town for violations thereof.

Appendix IV

06-25-1993

AN ORDINANCE REPEALING ORDINANCE #352 ENTITLED
"AN EMERGENCY SNOW REMOVAL PARKING ORDINANCE"

BE IT ENACTED BY THE TOWN COUNCIL IN SESSION:

Ordinance No. 352 entitled "An Emergency Snow Removal Parking Ordinance" is hereby repealed, and the following is substituted in lieu thereof:

AN ORDINANCE PROHIBITING SNOW REMOVAL
ONTO PUBLIC HIGHWAYS AND PUBLIC PROPERTY

No person shall cause snow or ice removed from private property to be placed on any public highway OR PUBLIC PROPERTY UPON WHICH MAILBOXES ARE LOCATED in such a manner or to such an extent as to unreasonably impede or cause inconvenience to travel, require additional plowing by the Town, OR INTERFERE WITH ACCESS TO MAILBOXES. FOR PURPOSES OF THIS ORDINANCE, A PERSON CAUSES REMOVAL OF SNOW OR ICE IF HE REMOVES THE SNOW, HIRES SOMEONE TO REMOVE THE SNOW OR OWNS, CONTROLS, RENTS OR MANAGES THE PROPERTY UPON WHICH THE REMOVAL OCCURS.

The penalty for the violation of this Section of this Ordinance shall be FIFTY AND 00/100 (\$50.00) DOLLARS.
THIS ORDINANCE SHALL NOT APPLY TO PLOWING BY TOWN OR STATE OFFICIALS.

I HEREBY CERTIFY that the above Ordinance was enacted by the Town Council of the Town of Wallingford this _____ day of _____,

AN ORDINANCE APPROPRIATING \$2,000,000 FOR THE DESIGN AND CONTRACT ADMINISTRATION PHASE OF TOWN-WIDE SCHOOL SYSTEM IMPROVEMENTS AND AUTHORIZING THE ISSUE OF \$2,000,000 BONDS OF THE TOWN TO MEET SAID APPROPRIATION AND PENDING THE ISSUE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE

Section 1. The sum of \$2,000,000 is appropriated for the design and contract administration phase of Town-wide school system improvements including feasibility studies, additions and expansions, code compliance, renovations and related improvements to various town schools, and architects' and engineers' fees, equipment, surveying, project management and contract administration, and for administrative, printing, legal and financing costs related thereto.

Section 2. To meet said appropriation \$2,000,000 bonds of the Town or so much thereof as shall be necessary for such purpose, shall be issued, maturing not later than the twentieth year after their date. The total amount of bonds to be issued shall not be less than an amount which will provide funds sufficient with other funds available for such purpose to pay the principal of and the interest on all temporary borrowings in anticipation of the receipt of the proceeds of said bonds outstanding at the time of the issuance thereof, and to pay for the administrative, printing and legal costs of issuing the bonds. The bonds shall be in the denomination of \$1,000 or a whole multiple thereof, be issued in bearer form or in fully registered form, be executed in the name and on behalf of the Town by the facsimile or manual signatures of the Mayor, the Comptroller, and the Town Treasurer, or any two of them, bear the Town seal or a facsimile thereof, be certified by a bank or trust company designated by the Mayor, the Comptroller, and the Town Treasurer, or any two of them, which bank or trust company may be designated the registrar and transfer agent, be payable at a bank or trust company designated by the Mayor, the Comptroller, and the Town Treasurer, or any two of them, and be approved as to their legality by Robinson & Cole, Attorneys-at-Law, of Hartford. They shall bear such rate or rates of interest as shall be determined by the Mayor, the Comptroller, and the Town Treasurer, or any two of them. The bonds shall be general obligations of the Town and each of the bonds shall recite that every requirement of law relating to its issue has been duly complied with, that such bond is within every debt and other limit prescribed by law, and that the full faith and credit of the Town are pledged to the payment of the principal thereof and interest thereon. The aggregate principal amount of bonds to be issued, the annual installments of principal, redemption provisions, if any, the date, time of issue and sale and other terms, details and particulars of such bonds shall be determined by the Mayor, the Comptroller, and the Town

Treasurer, or any two of them, in accordance with the General Statutes of the State of Connecticut, as amended.

Section 3. Said bonds shall be sold by the Mayor, the Comptroller, and the Town Treasurer, or any two of them, in a competitive offering or by negotiation, in their discretion. If sold in a competitive offering, the bonds shall be sold upon sealed proposals at not less than par and accrued interest on the basis of the lowest net or true interest cost to the Town. A notice of sale or a summary thereof describing the bonds and setting forth the terms and conditions of the sale shall be published at least five days in advance of the sale in a recognized publication carrying municipal bond notices and devoted primarily to financial news and the subject of state and municipal bonds. If the bonds are sold by negotiation, provisions of the purchase agreement shall be subject to the approval of the Town Council.

Section 4. The Mayor, the Comptroller, and the Town Treasurer, or any two of them, are authorized to make temporary borrowings in anticipation of the receipt of the proceeds of said bonds. Notes evidencing such borrowings shall be signed by the Mayor, the Comptroller, and the Town Treasurer, or any two of them, have the seal of the Town affixed, be payable at a bank or trust company designated by the Mayor, the Comptroller, and the Town Treasurer, or any two of them, be approved as to their legality by Robinson & Cole, Attorneys-at-Law, of Hartford, and be certified by a bank or trust company designated by the Mayor, the Comptroller, and the Town Treasurer, or any two of them, pursuant to Section 7-373 of the General Statutes of Connecticut, as amended. They shall be issued with maturity dates which comply with the provisions of the General Statutes governing the issuance of such notes, as the same may be amended from time to time. The notes shall be general obligations of the Town and each of the notes shall recite that every requirement of law relating to its issue has been duly complied with, that such note is within every debt and other limit prescribed by law, and that the full faith and credit of the Town are pledged to the payment of the principal thereof and the interest thereon. The net interest cost on such notes, including renewals thereof, and the expense of preparing, issuing and marketing them, to the extent paid from the proceeds of such renewals or said bonds, shall be included as a cost of the project. Upon the sale of the bonds, the proceeds thereof, to the extent required, shall be applied forthwith to the payment of the principal of and the interest on any such notes then outstanding or shall be deposited with a bank or trust company in trust for such purpose.

Section 5. Resolution of Official Intent to Reimburse Expenditures with Borrowings. The Town of Wallingford (the "Issuer") hereby expresses its official intent pursuant to §1.150-2 of the Federal Income Tax Regulations, Title 26 (the "Regulations"), to reimburse expenditures paid after the date of passage of this ordinance in the maximum amount and for the

capital project defined in Section 1 with the proceeds of bonds, notes, or other obligations ("Bonds") authorized to be issued by the Issuer. The Bonds shall be issued to reimburse such expenditures not later than 18 months after the later of the date of the expenditure or the substantial completion of the project, or such later date the Regulations may authorize. The Issuer hereby certifies that the intention to reimburse as expressed herein is based upon its reasonable expectations as of this date. The Comptroller or his designee is authorized to pay project expenses in accordance herewith pending the issuance of reimbursement bonds, and to amend this declaration. This declaration shall be made available in the office of the Clerk for public inspection within thirty days of its passage, and any amendment shall be made available for public inspection within thirty days of such amendment.

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CORRECTION TO MINUTES OF OCTOBER 12, 1993

Page #11 - Line 32-33 - Motion was made by Mr. Killen to Approve the Ordinance in the Amount of \$2,000,000., seconded by Mr. Solinsky

should read

Page #11 - Line 32-33 - The original Motion made by Mr. Killen to Approve the Ordinance in the Amount of \$2,000,000., seconded by Mr. Solinsky was back on the floor to be voted upon.

NOV 19 1993

RECEIVED ON FILE

AT 9:39 AM

ATTEST *Kathy Jewell*
KATHY JEWELL