
Ordinance To Regulate General Parking

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TOWN ORDINANCE TO REGULATE GENERAL PARKING IN THE TOWN OF EAST WINDSOR, CONNECTICUT

BE IT ORDAINED AND ENACTED BY THE TOWN MEETING OF EAST WINDSOR IN THE STATE OF CONNECTICUT, PER CONNECTICUT GENERAL STATUTES, C.G.S., TITLE 14, CHAPTER 249, PART 1, SECTION 14-307, THAT THE ORDINANCE 77-2 ADOPTED JANUARY 5, 1977 CONCERNING GENERAL PARKING IN THE TOWN OF EAST WINDSOR AND THE ORDINANCE 74-4 ADOPTED FEBRUARY 13, 1974 CONCERNING NIGHT TIME PARKING AND ALSO SNOW REMOVAL IN THE TOWN OF EAST WINDSOR AND THE ORDINANCE 81-1 ADOPTED OCTOBER 1, 1981 CONCERNING ESTABLISHING HANDICAPPED PARKING IN THE TOWN OF EAST WINDSOR BE REPEALED AND REPLACED WITH THE FOLLOWING GENERAL PARKING ORDINANCE:

ARTICLE I

section 1: **PURPOSE**

Ordinance to regulate, as authorized by C.S.G. Section 14-307 of the parking of vehicles upon the public highways within the geographical limits of the Town of East Windsor. Any person found in violation of this ordinance shall be fined as stated in this ordinance and the fine to be paid in fifteen (15) days of issuance of the notice of said violation. If the fine is not paid within fifteen (15) days, the fine doubles and becomes due and payable. If payment is not received within fifteen (15) days after the fine doubles, a State of Connecticut Infraction Complaint may be issued. All fines are to be made payable to the Town of East Windsor and to be remitted to the Town of East Windsor, Tax Collector and placed into the General Fund.

ARTICLE II

SECTION 1. **DEFINITIONS**

- a) Crosswalk means that portion of a highway ordinarily included within the prolongation or connection of the lateral lines of sidewalks or intersections, or any portion of a highway distinctly indicated, by lines or other markings on the surface, as a crossing for pedestrians, except such prolonged or connecting lines from an alley across a street.
- b) Curb includes the boundary of the traveled portion of any highway, whether marked by a curbstone or not so marked.
- c) Highway includes any state or other public highway, road, street, avenue, alley, driveway, parkway or place, under the control of the state or any political subdivision of the state, the Town or any subdivision thereof, dedicated, appropriated or open to the public travel or other use.
- d) Intersecting highway includes any public highway which joins another at an angle whether or not it crosses the other.
- e) Motor Vehicle means any vehicle propelled or drawn by any non-muscular power, except aircraft, motor boats, road rollers, baggage trucks used about railroad stations or other mass transit facilities, electric battery-operated wheel chairs when operated by physically handicapped persons at speeds not exceeding fifteen miles per hour, golf carts operated on highways solely for the purpose of crossing from one part of the golf course to another, golf cart type vehicles operated on roads or highways on the ground of state institutions by state employees, agricultural tractors, farm implements, such vehicles as run only on rails or tracks, self-propelled snow plows, snow blowers and lawn mowers, when used for the purpose for which they were designed and operated at speeds not exceeding four miles per hour, whether or not operator rides on or walks behind such equipment, bicycles with helper motors as defined in C.G.S. Section 14-286, special mobile equipment as defined in C.G.S. in subsection (i) of Section 14-165 and any other vehicle not suitable for operation on a highway.
- f) Number plate means any sign or marker furnished by the Commissioner on which is displayed the registration number assigned to a motor vehicle by the Commissioner.

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- g) Owner means any person, as defined in C.G.S. Section 14-1(61), holding title to a motor vehicle or having the legal right to register the same, including purchasers under conditional bills of sale.
 - h) Parked vehicle means a motor vehicle in a stationary position within the limits of a public highway.
 - i) Parking means the standing of a vehicle, whether occupied or not, on a highway, except it shall not include the temporary standing of a vehicle for the purpose of and while engaged in receiving or discharging passengers or loading or unloading merchandise while in obedience to traffic regulations or traffic signs or signals.
 - j) Shoulder means that portion of a highway immediately adjacent and contiguous to the travel lanes or main traveled portion of the roadway.
 - k) Traffic Authority means the East Windsor Police Commission or its designated agent, except that, with respect to State highways and bridges, Traffic Authority means the State Traffic Commission.
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- l) Vehicle includes any device suitable for the conveyance, drawing or other transportation of persons or property, whether operated on wheels, runners, a cushion of air or by any other means. The term does not include devices propelled or drawn by human power or devices used exclusively on tracks.

Section 2: **PARKING RESTRICTIONS AND PENALTIES**

- a) No person shall operate any motor vehicle upon, nor shall any motor vehicle be left parked, standing or stopped on or across any public sidewalk except to cross such sidewalk to enter or leave adjacent areas or perform necessary sidewalk construction, maintenance, or snow removal. Violation of any provision of this section shall be a \$20.00 fine.
 - b) No vehicle shall be permitted to remain stationary within ten (10) feet of any fire hydrant. Violation of this section shall be a \$20.00 fine.
 - c) No vehicle shall be permitted to remain stationary upon the traveled portion of any highway except upon the right-hand side of such highway in the direction in which such vehicle is headed. Violation of this section shall be a \$20.00 fine.
 - d) No vehicle shall be parked, if such highway is curbed, so that its right hand wheels, when stationary, shall, when safety will permit, be more than a distance of twelve (12) inches from the curb.
 - e) No vehicle shall be permitted to remain parked within twenty-five (25) feet of a stop sign caused to be erected by the traffic authority in accordance with the provisions of C.G.S. Section 14-301. Violation of this section shall be a \$20.00 fine.
 - f) No vehicle shall be permitted to remain parked within twenty-five (25) feet of any intersection or twenty-five (25) feet of a marked crosswalk there at. Violation of this section shall be a \$20.00 fine.
 - g) No vehicle shall be permitted to remain stationary within the limits of a public highway in such a manner as to constitute a traffic hazard or obstruct the free movement of traffic thereon, provided a vehicle which has become disabled to such an extent that it is impossible or impracticable to remove it may be permitted to remain so for a reasonable time for the purpose of making repairs thereto or of obtaining sufficient assistance to remove it. Violation of this section shall be a \$20.00 fine.
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- h) No vehicle shall be permitted to remain stationary upon the traveled portion of any highway at any curve or turn at the top of any grade where a clear view of such vehicle may not be had from a distance of at least one hundred and fifty (150) feet in either direction. Violation of this section shall be a \$20.00 fine.
 - i) The Traffic Authority may post signs upon any highway or town owned property, at any place where the keeping of any vehicle stationary is dangerous to traffic, and the keeping of any vehicle stationary contrary to the directions of such signs shall be violation of this section. Violation of this section shall be a \$20.00 fine.

- j) No person shall park or leave stationary on a public highway any vehicle in front of or so as to obstruct or interfere with the ingress to or egress from any private driveway or alleyway, except with the permission of the owner of such driveway or alleyway. Such parking or stationary position of any vehicle with such permission shall be subject to existing parking regulations. Violation of this section shall be a \$20.00 fine.
- k) No person shall park any vehicle in any place where parking is prohibited or park any vehicle for a longer period than that indicated as lawful by any sign erected and maintained in accordance with the provisions of this ordinance. Violation of this section shall be a \$20.00 fine.
- l) The Traffic Authority shall determine the location of loading and unloading zones and shall erect and maintain signs designating same on town owned property. On all other properties, the owner shall be responsible for erecting and maintaining signs. No vehicle shall be parked for a period of time longer than necessary for the loading and unloading of materials or merchandise in any place marked as a loading or unloading zone. Violation of any provision of this section shall be a \$20.00 fine.
- m) THE FIRE MARSHALL SHALL DETERMINE WHERE FIRE LANES ARE NEEDED for fire or other emergency equipment, and shall have the property owner mark, post signs and maintain markings and signs for the fire lanes. No vehicle shall be permitted to remain parked in a fire lane and may be removed by the East Windsor Police Department at the owners expense. Violation of this section shall be a \$30.00 fine.
- (1) Fire lanes shall be marked and posted with signs in the following manner:

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- (i) Fire lane signs shall be 12" x 18" with red letters and border on a white background. The signs shall read No Parking Fire Lane and Cars Will Be Towed at Owners Expense. The sign shall be posted at such a height and in such a manner that it is clear as to the location of the fire lane. The signs shall be posted every seventy-five (75) feet, with the signs at either end of the fire lane having an arrow that points in the direction of the fire lane.
- (ii) The pavement shall be marked, using a standard yellow traffic paint in the following manner: (1) along a curb, sidewalk, building or any other designated area, there shall be thirty (30) inches of cross-hatch, (2) the words Fire Lane No Parking shall be painted along the edge of the cross-hatch or any other designated area so that it is clearly visible to traffic in both directions.
- ii Compliance with this Sub-section shall be done in the following manner: (1) properties that were in existence prior to the effective date of this ordinance shall have sixty (60) days from the time of notification by the Fire Marshal as to the placement of fire lanes, (2) properties that will receive a certificate of occupancy after the effective date of this ordinance and are notified by the Fire Marshal of the placement of fire lanes shall comply with Sub-section a) and b) of this Section prior to the issuance of a Certificate of Occupancy.

Violation of Sub-Section iii) (1) shall be computed on a daily basis for every day beyond the sixty (60) days limit.

- n) The First Selectman or the Traffic Authority or the Chief of Police, is authorized to declare a temporary parking ban, thereby temporarily prohibiting parking in any area where, in the authorizers opinion, it is necessary to facilitate the removal of snow, the construction of public works improvement, and other good and sufficient purposes. Such authority shall give notice of such temporary prohibition by placing suitable signs or by radio or newspaper or other suitable means. No vehicle shall be permitted to remain stationary in violation of a parking ban nor shall any vehicle be parked in a temporary No Parking Area as designated pursuant to this Sub-section for the removal of snow or ice. Violation of this section shall be a \$20.00 fine.

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- O) (1) No vehicle shall be parked on any highway or municipal controlled property between the hours of 1:00 AM and 6:00 AM from November 1 through March 31. (2) No vehicle shall be permitted to remain stationary on any highway during a snow or ice storm which has been in progress at least one (1) hour. (3) No vehicle shall be permitted to remain stationary on the travel portion of a highway so as to impede normal snow plowing operations and the free flow of traffic during snow storms. Vehicles found to be in violation of Sections (2) and (3) of this Sub-section shall be towed at the direction of the East Windsor Police Department at the owners expense. Violation of any provision of this section shall be a \$20.00 fine.

- o) No person shall deposit or cause to be deposited any snow or ice onto the travel portion of any highway. Violation of this section shall be a \$20.00 fine.

HANDICAPPED PARKING

- a) Only those motor vehicles displaying identification issued pursuant to Sub-section (a) or (b) of C.G.S. Section 14-253(a) shall be authorized to park in public or private areas reserved for the exclusive use of handicapped persons.
- b) The Traffic Authority shall establish parking spaces as defined in C.G.S. Section 14-253(a) in which parking shall be prohibited to all motor vehicles, except vehicles displaying the special parking identification card or bearing special set of license plates provided for in Sub-section (a) and (b) of C.G.S. Section 14-253(a) on any highway or street under the Town of East Windsor's control. All spaces shall be designated as reserved for exclusive use by persons and identified by use of signs in accordance with Sub-section (c) of this Section. Such parking spaces shall be adjacent to curb cuts or other unobstructed methods permitting sidewalk access to a handicapped person and shall be fifteen (15) feet wide including three (3) feet of cross-hatch or parallel to a sidewalk.
- c) Parking spaces designated for the handicapped shall be as near as possible to a building entrance or walkway and shall be fifteen (15) feet wide including three (3) feet of cross-hatch, or parallel to a sidewalk. Such spaces shall be designated by above-grade signs with white lettering on a blue background and shall bear the words Handicapped Parking, State Permit Required and Violators will be fined. Such a sign shall also bear the international symbol of access.
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- d) Any business in the Town of East Windsor wishing to establish special areas for handicapped parking shall conform to the requirements specified under Sub-section (c) of this Section.
- e) Nothing in this Section shall be construed to allow an otherwise eligible handicapped person to park in a public or private area reserved for the exclusive use of handicapped person as provided in this ordinance, if identification pursuant to Sub-section (a) and (b) of C.G.S. Section 14-253(a) is not displayed on the passenger or commercial vehicle.
- f) Motor Vehicles bearing the official identification of a handicapped person issued by another state, district or territory subject to the laws of the United States shall be recognized as acceptable identification in the Town of East Windsor.
- g) Any person who violates any provision of the Section shall be guilty of an infraction, except as provided in Sub-section (h) herein.
- h) Any handicapped person meeting the prerequisite of C.G.S. Section 14-253(a) shall be given a warning for the first violation of the Section, and for the second violation of this Section (not putting an official designation of a handicapped person on their vehicle) shall be guilty of an infraction.

Violation of any provision of this Section shall be a \$40.00 fine.

SECTION 4

EXCEPTIONS

Nothing in this ordinance shall be construed to apply to emergency vehicles and to maintenance vehicles displaying flashing lights or to prohibit a vehicle from stopping or being held stationary by any officer in an emergency to avoid an accident or to give right of way to any vehicle or pedestrian as provided by law.

SECTION 5.

AUTHORITY TO ENFORCE ORDINANCE

- a) Officers of the East Windsor Police Department shall have the authority to enforce the provisions of this ordinance. In any prosecution or proceedings for the violation of any provision of this ordinance, proof of the number plate of any motor vehicle therein concerned shall be prima facie evidence that the owner of such vehicle was the operator thereof; provided, the liability of a lessee under C.G.S. Section 14-107 shall apply.

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Any vehicle owner in violation of this ordinance shall be fined as stated in this ordinance. If the fine is not paid within fifteen (15) days, the fine doubles and becomes due and payable. If payment is not received within fifteen (15) days after

the fine doubles, a State of Connecticut Infraction Complaint may be issued by the Police Department. All fines are to be made payable to the Town of East Windsor and to be remitted to the Tax Collector, Town of East Windsor.

b) The First Selectman shall appoint a Parking Violation Hearing Officer for a period of two (2) years whose term shall run concurrently with the term of the First Selectman, and who shall not be a police officer or person who issues parking tickets or works in the Police Department, to conduct the hearings authorized by this ordinance.

c) The Traffic Authority may, at any time within two (2) years from the expiration of the final period for the uncontested payment of fines, penalties, costs or fees for any alleged violation under this ordinance, send notice to the motor vehicle operator, if known, or to the registered owner of the motor vehicle by first class mail at this address according to the registration records of the Department of Motor Vehicles. Such notice shall inform the operator or owners: (1) of the allegations against him and the amount of the fines, penalties, costs or fees due; (2) that he may contest his liability before a Parking Violations Hearing Officer by delivering in person or by mail written notice within ten days of the date thereof; (3) that if he does not demand such a hearing, an assessment and judgment shall enter against him; and (4) that such judgment may issue without further notice. Whenever a violation of this ordinance occurs, proof of the registration number of the motor vehicle involved shall be prima facie evidence in all proceedings provided for in this section that the owner of such vehicle was the operator thereof; provided, the liability of a lessee

under C.G.S. Section 14-107 shall apply.

d) If the person who is sent notice pursuant to Sub-section (c) wishes to admit liability for any alleged violation, he may, without requesting a hearing, pay the full amount of the fines, penalties, costs or fees admitted to in person or by mail to the Tax Collector of the Town of East Windsor. Such payment shall be inadmissible in any proceeding, civil or criminal, to establish the conduct of such person or other person making the payment. Any person who does not deliver or mail written demand for a hearing within ten days of the date of the first notice provided for in Sub-section (c) shall be deemed to have admitted liability, and the Traffic Authority shall certify such persons failure to respond to the Hearing Officer. The Hearing Officer shall thereupon enter and assess the fines, penalties, costs or fees provided for by the applicable ordinances and shall follow

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the procedures set forth in Sub-section (f) of this Section.

e) Any person who requests a hearing shall be given written notice of the date, time and place for the hearing. Such hearing shall be held not less than fifteen (15) days nor more than thirty (30) days from the date of the mailing of notice, provided the Hearing Officer shall grant upon good cause shown any reasonable request by any interested party for postponement or continuance. Any original or certified copy of the initial notice of violation issued by a police officer or other issuing officer shall be filed and retained by the Town, City or Borough, be deemed to be a business record within the scope of C.G.S. Section 52-180 and be evidence of the facts contained therein. The presence of the police officer or issuing officers shall be required at the hearing if such person so requests. A person wishing to contest his liability shall appear at the hearing and may present evidence on his behalf. The Chief of Police, or his designee, may present evidence on behalf of the Town. If such person fails to appear, the Hearing Officer may enter an assessment by default against him upon a finding of proper notice and liability under the applicable statutes or ordinances. The Hearing Officer may accept from such person copies of police reports, motor vehicle department documents and other official documents by mail and may determine thereby that the appearance of such person is unnecessary. The Hearing Officer shall conduct the hearing in the order and form and with such methods of proof as he deems fair and appropriate. The rules regarding the admissibility of evidence shall not be strictly applied, but all testimony shall be given under oath or affirmation. The Hearing Officer shall announce his decision at the end of the hearing. If he determines that the person is liable for the violation, he shall forthwith enter and assess the fines, penalties, costs or fees against such person as provided by this ordinance.

f) If such assessment is not paid on the date of its entry, the hearing officer shall send by first class mail a notice of the assessment to the person found liable and shall file, not less than thirty (30) days nor more than twelve (12) months after such mailing, a certified copy of the notice of assessment with the clerk of the superior court for the geographical area in which the Town is located together with an entry fee of eight (8) dollars. The certified copy of the notice of assessment shall constitute a record of assessment. With such twelve-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 assessments and court costs of eight (8) dollars, against such person in favor of the town, city or borough. Notwithstanding any other provision of the general statutes, the hearing officers assessment, when so entered as a judgment, shall have the effect of a civil money

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judgment and levy of execution on such judgment may issue without further notice to such person.

g) A person against whom an assessment has been entered pursuant to this Section is entitled to judicial review by way of appeal. An appeal shall be instituted within thirty (30) days of the mailing of notice of such assessment by filing a petition to reopen assessment, together with an entry fee in an amount equal to the entry fee for a small claims case pursuant to C.G.S. Section 52-259, in the superior court for the geographical area in which the Town is located, which shall entitle such person to a hearing in accordance with the rules of the judges of the superior court.

ARTICLE III

Section 1

SUPERIOR COURT

Nothing herein contained shall be construed as a limitation on the power of the Superior Court to impose penalties as provided in the General Statutes of the State of Connecticut.

Section 2. **SAVING CLAUSE**

The enactment of this ordinance as a substitution for the prior ordinance shall not act as an abatement of any action or proceeding pending under or by virtue of said prior ordinance, special act, statute or regulation.

Section 3 **SEVERABILITY**

If any article or section or clause or words of this ordinance be found in conflict with Federal and/or State laws and/or declared invalid by a court of a competent jurisdiction, such conflict invalidity shall not affect the balance of this ordinance.

ARTICLE IV

Section 1: **~EFFECTIVITY**

This ordinance adopted at a Special Town Meeting duly warned and held on December 2, 1992, shall become fully effective as provided by law; fifteen (15) days from the publication thereof.

Ordinance 92-2

Attest:

Claire S. Badstubner, CMC
Town Clerk of East Windsor

Published
Journal Inquirer
December 16, 1992.