

Chapter 190

TRAFFIC AND MOTOR VEHICLES

[HISTORY: Adopted by the Town of North Haven: Art. I, 09-29-2025 Special Town Meeting (Effective 10-29-2025); Art. II, 09-29-2025 Special Town Meeting (Effective 10-29-2025; and Art. III, 10-27-2025 Special Town Meeting (Effective 00-00-0000). Amendments noted where applicable.]

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ARTICLE III

School Bus Violation Enforcement

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§ 190-26 Declaration of purpose and authority.

It is hereby found and declared that it is in the best interests of the Town of North Haven (hereinafter “Town”) and its residents to promote the safe transportation of children traveling on school buses within the Town and reduce the incidence of motor vehicles illegally passing stopped school buses by adopting this School Bus Violation Enforcement Ordinance (hereinafter “Ordinance” or “Article”) authorizing the use of a municipal school bus violation enforcement system.

This Article is enacted pursuant to Connecticut General Statutes (“C.G.S”) Section (“§”) 14-279c (b)(1) that provides that municipalities may authorize the use of a municipal school bus violation enforcement system, herein defined, to enforce C.G.S. § 14-279(a) which requires, in part, that the operator of any vehicle shall immediately bring such vehicle to a stop not less than ten feet from the front when approaching and not less than ten feet from the rear when overtaking or following any registered school bus on any highway or private road or in any parking area or on any school property when such bus is displaying flashing red signal lights and vehicles so stopped for a school bus shall not proceed until such school bus no longer displays flashing red signal lights.

§ 190-30 Definitions.

When used in this Article, the terms below shall have the following meanings:

DRIVER, MOTOR VEHICLE, NUMBER PLATE, AND OWNER: Shall have the same meanings

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as provided in C.G.S. § 14-1.

MUNICIPAL SCHOOL BUS VIOLATION ENFORCEMENT SYSTEM: Means a system with one or more camera sensors and computers that produce: (1) Digital and recorded video images of motor vehicles being operated in violation of this Article, (2) a visual image that is viewable remotely and a recorded image of the number plate of a motor vehicle violating this Article, and (3) a recorded image that indicates the date, time, and location of the violation (hereinafter "Enforcement System"). A municipal school bus violation enforcement system installed to enforce an ordinance adopted pursuant to subsection (b) of C.G.S. § 14-279c shall, to the extent practicable, record images of the number plate of a motor vehicle only, and shall not record images of the occupants of such motor vehicle or of any other persons or vehicles in the vicinity at the time the images are recorded.

SCHOOL BUS OR SCHOOLBUS: Shall have the same meaning as provided in C.G.S. § 14-275.

§ 190-31 Contracts for installation, operation, and/or maintenance of enforcement system.

Pursuant to § 14-279c(n), the Town may enter into an agreement with a private vendor(s) for the installation, operation, or maintenance of an Enforcement System, or any combination thereof. The First Selectman is authorized to execute such agreements on behalf of the Town.

Any such agreement that requires a private vendor to operate the Enforcement System shall require such vendor to report to the Town and the Board of Education, not later than August first following the vendor's first operation of such System pursuant to such agreement, and not later than August first in each year thereafter in which the operation of such System continues pursuant to such agreement: (1) The total number of citations issued in the prior fiscal year for violations of this Article that were detected and recorded by the Enforcement System, and (2) the total amount of funds collected for such violations in the prior fiscal year.

§ 190-32 Town obligations and reporting.

A. The Board of Selectmen shall take all steps necessary to implement and effectuate this Article, including the appointment of hearing officers pursuant to C.G.S. § 7-152c or designation of authorized municipal employees per § 190-33 hereof.

B. Not later than October first following adoption of this Chapter, and not later than October first in each year thereafter in which this Ordinance is in effect, the Town shall submit a report to the Connecticut Department of Transportation, which shall include, but need not be limited to: (a) A copy of this Ordinance; (b) the total number of citations issued for a violation of such Ordinance in the prior fiscal year; (c) the total amount of funds collected for such violations in the prior fiscal year, and (d) how the Town spent such funds in the prior fiscal year.

C. Warning signs shall be posted on all school buses in which the Enforcement System is installed and operated indicating the use of such System pursuant to C.G.S. § 14-279c(c)(2).

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D. A digital still or video image produced by the Enforcement System to enforce this Article shall be destroyed the later of: (a) Ninety (90) days after the date of the creation of such digital still or video image, or (b) upon payment or final disposition of all matters related to a citation issued for a violation of this Article, to which such digital still or video image pertains.

§ 190-33 Violations and penalties, including administrative and enforcement procedure.

A. Violations.

The owner of a motor vehicle commits a violation of this Ordinance if the person operating such motor vehicle violates the provisions of subsection (a) of C.G.S. § 14-279, unless an affidavit is filed pursuant to subsection B(5) of this section.

B. Procedure following alleged violation – review of evidence file, issuance of citation, evidentiary matters for citation hearing, liability, defenses, etc.

(1) Upon receipt of an evidence file from the Enforcement System that captures an alleged violation of this Ordinance, a police officer or authorized municipal employee shall review such file. If such officer or employee has reasonable grounds to believe that such a violation occurred and such file captures the number plate, color, and type of vehicle allegedly violating this Ordinance and the date, approximate time, and location of such violation, such officer or employee shall issue a written warning or citation to the owner of such vehicle. Such officer or employee shall electronically certify a citation, and such citation shall only be issued if mailed within the time period described in subdivision (3) of this subsection.

(2) A citation issued pursuant to subdivision (1) of this subsection shall include the following:

- (a) the name and address of the owner of the motor vehicle;
- (b) the number plate of the motor vehicle;
- (c) the ordinance allegedly violated;
- (d) the date, location, and time of the alleged violation;
- (e) a copy of or information on how to view, through electronic means, the recorded images described in subdivision (1);
- (f) a statement or electronically generated affirmation by the police officer or authorized employee who reviewed the recorded images and determined that the motor vehicle violated this Ordinance;
- (g) the fine imposed pursuant to this Ordinance and how to pay such fine;
- (h) notice of the right to contest the citation and instructions for how to request a citation hearing; and
- (i) information advising the owner of the motor vehicle of the procedure for disclaiming liability by submitting an affidavit as described in subsection B(5) of this section to the Town or its designated agent.

(3) In the case of an alleged violation involving a motor vehicle registered in the State of Connecticut, the Town, or its designated agent, shall send a copy of a citation to the owner of the motor vehicle observed in the alleged violation not later thirty (30) days after the date of the alleged violation. In the case of an alleged violation involving a motor vehicle registered in another jurisdiction, the Town, or its designated agent, shall send a copy of a citation to the address of the owner that is in the records of the official in the other jurisdiction issuing such registration not later than sixty (60) days after the alleged violation. A citation shall be sent by first-class mail.

(4) The owner of a motor vehicle shall be liable for any fine imposed pursuant to this Ordinance, unless (a) the vehicle identified by the Enforcement System is a leased or rented motor vehicle, in which case the lessee of such vehicle shall be liable for any such fine, or (b) an affidavit is filed pursuant to subsection (5) of this subsection, in which case the operator shall be liable for any such fine.

(5) Not later than thirty (30) days after the mailing of a citation pursuant to subdivision (2) of subsection B of this section, the owner of a motor vehicle may submit a notarized affidavit, executed by such owner and the operator of such vehicle at the time of the alleged violation, stating that such operator is the party who may be responsible for the alleged violation and providing the name and address of such operator. If the Town or its designated agent receives such an affidavit, the Town shall mail a citation to such operator not later than thirty (30) days after receipt of the affidavit.

(6) All defenses shall be available to any person who is alleged to have committed a violation of subsection A of § 190-33 of this Ordinance, including, but not limited to, that:

- (a) The operator was driving an emergency vehicle in accordance with the provisions of subdivision (1) of subsection (b) of C.G.S. § 14-283;
- (b) the violation was necessary to allow the passage of an emergency vehicle;
- (c) the violation was necessary in order for the operator to comply with an order or direction from a law enforcement officer, which is observable on the recorded images;
- (d) the violation was necessary to avoid injuring the person or property of another;
- (e) the violation took place during a period of time in which the motor vehicle had been reported as being stolen to a law enforcement unit, as defined in C.G.S. § 7-294a, and had not been recovered prior to the time of the violation; or
- (f) the operator received a citation for a violation of C.G.S. § 14-279, for the same incident.

C. Appeal of citation/requests for citation hearing, hearing officers, citation hearing proceedings, post-hearing process, and right to appeal to superior court.

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(1) In accordance with C.G.S. § 7-152c, any owner issued a citation for violating the provisions of this Ordinance may, within ten (10) days of the mailing date of the citation, deliver or mail an appeal in writing requesting a hearing to a citation hearing officer.

(2) The Board of Selectmen shall appoint one (1) or more citations hearing officers, all of whom shall serve without pay, to conduct citation hearings in accordance with this subsection. Said citation hearing officers shall not be police officers or work for the North Haven Police Department. No person shall be appointed to the position of hearing officer unless such person is:

- (a) At least eighteen (18) years of age and
- (b) In the opinion of the Board of Selectmen, a person capable of fairly administering the applicable provisions of law based on such person's background and experience, including but not limited to the person's education, special skills and training.

Any appointed hearing officer whose personal interests do or may give the appearance of conflict with the hearing officer's official responsibilities herein enumerated shall remove themselves from presiding over any such hearing, and in such case the First Selectmen shall appoint a substitute hearing officer for the hearing. Any hearing officer may be removed at any time by the Board of Selectmen for whatever reason the Board deems sufficient.

(3) Any person who timely requests a hearing pursuant to subdivision (1) of this subsection shall be given written notice of the date, time, and place for the hearing. The hearing shall be held not less than fifteen (15) days nor more than thirty (30) days from the date of the mailing of the citation, provided the hearing officer shall grant upon good cause shown any reasonable request by any interested party for postponement or continuance.

(4) A person wishing to contest the person's liability shall appear at the hearing and may present evidence. A designated Town official, other than the hearing officer, may present evidence on behalf of the Town. If the person fails to appear, the hearing officer may enter an assessment by default against the person upon a finding of proper notice and liability under this Ordinance. The hearing officer may accept from the person copies of police reports, investigatory, and citation reports, and other official documents by mail and may determine thereby that the appearance of such person is unnecessary.

(5) A manual or automated record prepared by the police officer, authorized employee or vendor in the ordinary course of business shall be prima facie evidence of such mailing and shall be admissible in any citation hearing as to the facts contained in the citation.

(6) A certificate or facsimile of a certificate of the review of the evidence produced by the Enforcement System, sworn to by the police officer or authorized municipal employee who conducted such review, shall be prima facie evidence of the facts contained in such certificate.

(7) A digital still or video image produced by the Enforcement System shall be sufficient evidence of a violation of this Ordinance and shall be admitted at a citation hearing proceeding without further authentication.

(8) A citation issued under this section may not be dismissed in a citation hearing solely because a recorded video or digital still image reveals images of such occupants or other persons or vehicles, as long as the operator of the Enforcement System has made reasonable efforts to comply with the provisions of C.G.S. 14-279(c)(1).

(9) The hearing officer shall conduct the hearing in the order and form and with such methods of proof as the hearing officer deems fair and appropriate. The rules regarding the admissibility of evidence shall not be strictly applied, but all testimony shall be given under oath or affirmation. The hearing officer shall announce the decision at the end of the hearing. If the hearing officer determines that the person is not liable, the hearing officer shall dismiss the matter and enter this determination in writing accordingly. If the hearing officer determines that the person is liable for the violation, the hearing officer shall forthwith enter and assess the fines, penalties, costs, or fees against the person as provided by this Ordinance.

(10) The burden of proof shall be preponderance of the evidence.

(11) If any assessment entered by the hearing officer 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 or more than twelve (12) months after such mailing, a certified copy of the notice of assessment with the clerk of a Superior Court facility designated by the Chief Court Administrator together with an entry fee of eight dollars. The certified copy of the notice of assessment shall constitute a record of assessment. Within such twelve-month period, assessments against the same person may be accrued and filed as one record of assessment. The clerk shall enter judgment, in the amount of such record of assessment and court costs of eight dollars, against such person in favor of the Town. Notwithstanding any 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.

(12) 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. § 52-259, at the Superior Court facility designated by the Chief Court Administrator, which shall entitle such person to a hearing in accordance with the rules of the judges of the Superior Court.

D. Fine for violation.

The Town shall impose a fine of two hundred fifty dollars (\$250.00) against the owner of a motor vehicle who commits a violation of this Ordinance.

The Town shall collect such fines, with proceeds credited to the Town.

Funds received by the Town from such fines shall be used for the purposes of improving public safety in the Town, including but not limited to compensating any private vendor that installs, operates, and/or maintains the Town's Enforcement System.

§ 190-34 Prohibitions against use of images and violations of ordinance.

A. No recorded image produced by the Enforcement System may be introduced as evidence in any other civil or criminal proceedings.

B. Violations of this Ordinance shall not be made part of the driving control record, as described in C.G.S. § 14-1117 of such owner and may not be used for any purpose in the provision of a motor vehicle insurance policy.

§ 190-35 Severability.

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

§ 190-36 Effective date.

This Ordinance shall take effect fifteen (15) days after publication of a summary of the Ordinance in a newspaper having a circulation in the Town of North Haven.

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