

CHAPTER 12 TRAFFIC ENFORCEMENT SAFETY DEVICES

Sec. 12-1. Use of Automated Traffic Enforcement Safety Devices

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

Sec. 12-2. Definitions

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

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

(h) Traffic Authority, traffic control sign, and traffic control signal all have the same meanings as provided in CGS § 14-297. For purposes of the Town of Kent and this ordinance, the Traffic Authority as defined in CGS § 14-297 refers to the Kent Board of Selectmen.

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

Sec. 12-3. Vendors

The Town may enter into contracts with vendors for the design, installation, operation, or maintenance, or any combination thereof, of ATESD services. If a vendor designs, installs, operates, or maintains a Device, the vendor's fees may not be contingent on the number of citations issued or fines levied or paid pursuant to this ordinance. The vendor solicitation process employed shall be that selected by the Town of Kent Board of Selectmen in accordance with the town of Kent Policy on Requests for Proposal (RFP). The ultimate selection of vendors and awarding of contracts shall be made in consultation with the Commander of CSP Troop L or their designee to the extent said consultation is available. All contracts for such Devices, and directly related ATESD services must be in writing. The approval by the legislative body to permit the First Selectman to execute all such contracts shall be granted at the time of the adoption hereof.

Sec. 12-4. Operation of Automated Traffic Enforcement Safety Devices (ATESDs)

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

Sec. 12-5. Violation

1. The owner of a motor vehicle commits a violation of this ordinance if the person operating such motor vehicle exceeds the posted speed limit by **ten (10) or more miles per hour** and such operation is detected by an automated traffic enforcement safety device.

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

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

4. Whenever an automated traffic enforcement safety device detects and produces recorded images of a motor vehicle allegedly committing a violation of this ordinance, a sworn member or employee of the Connecticut State Police, or such other Town employee designated by the Board of Selectmen with the approval of the Commander of CSP Troop L or their designee, shall review, and approve the recorded images provided by such device.

If, after such review, the member or employee determines that there are reasonable grounds to believe that a violation occurred, the member or employee may issue by first class mail a citation to the owner of such motor vehicle

5. A citation under this ordinance 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 violation charged;
- (d) The location of the automated traffic enforcement safety device and the date and time of the violation;
- (e) A copy of or information on how to view, through electronic means, the recorded images that captured the alleged violation;
- (f) A statement or electronically generated affirmation by the member or employee who viewed the recorded images and determined that a violation occurred;
- (g) Verification that the automated traffic enforcement safety device was operating correctly at the time of the alleged violation and the date of the most recent calibration check performed pursuant to the Public Act.
- (h) The amount of the fine imposed and how to pay such fine; and
- (i) The right to contest the violation and request a hearing pursuant to CGS § 7- 152c.

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

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

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

Sec. 12-6. Enforcement and Fine

1. This ordinance may be enforced by any sworn officer of the Connecticut State Police or such other Town employee designated by the Board of Selectmen with the approval of the Commander of CSP Troop L or their designee and such citation shall impose a fine against the owner of a motor vehicle that commits a violation of this ordinance.

2. The fine for a first violation of this ordinance shall be **fifty dollars (\$50.00).** The fine for each subsequent violation of this ordinance shall be **seventy-five dollars (\$75.00).**

These fines shall be imposed against the owner of the motor vehicle committing a violation of this ordinance, regardless of who the operator was or may have been at the time of the violation.

3. Payment of a fine and any associated fees may be made by electronic means, or in person by cash or check.

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

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

Sec 12-7. Appeal

Any owner issued a fine for violating the provisions of this ordinance may, within ten (10) days of the receipt of the fine, appeal in writing to a citation hearing officer, which in this case will be the Town of Kent Resident Trooper or other authorized individual designated by the Board of Selectmen in accordance with CGS § 7-152c, the provisions of which relating to hearing procedure are included herein, adopted and made a part hereof by reference.

Sec. 12-8. Defenses

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

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

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

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

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

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

Sec. 12-9. Disclosure of Personally Identifiable Information

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

Sec. 12-10. Compliance with CGS § 14-307c and Savings Provision

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

Sec. 12-11. Severability and Repealer

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

Sec. 12-12. Amendment by operation of law

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

This ordinance shall take effect on the 15th day after publication.

Reviewed by: (Town Attorney D. Randall DiBella, Date: 08 November 2024)