

ORDINANCE ESTABLISHING THE USE OF AUTOMATED TRAFFIC ENFORCEMENT SAFETY DEVICES(ATESD)

I. Authorization for Use of Automated Traffic Enforcement Safety Devices

Pursuant to the authority granted to municipalities under Section 14-307c of the Connecticut General Statutes, the Town of Durham (the “Town”) hereby authorizes the use of automated traffic enforcement safety devices within the Town for the purpose of improving traffic safety and enforcing the motor vehicle laws of the State of Connecticut. The Town shall install and operate such devices at designated locations including, but not limited to, school zones, pedestrian safety zones, and other areas within the boundaries of the Town, provided that the locations of such devices are identified in a plan submitted to and approved by the Connecticut Department of Transportation

II. Definitions

For purposes of this ordinance, the following definitions shall apply:

- **Automated Traffic Enforcement Safety Device** (or “ATESD“) means a device designed to record images or video of motor vehicles for the purpose of detecting alleged violations of traffic control signals or violations involving the operation of a motor vehicle that (i) is in excess of ten (10) miles per hour over the posted speed limit, or (ii) fails to stop such vehicle when facing a steady red signal on a traffic control signal.
- **ATESD Operator** means a certified individual trained in the operation and management of automated traffic enforcement safety devices, as approved by the Connecticut Department of Transportation.
- **Pedestrian Safety Zone** means an area identified by the Office of State Traffic Administration or the Towns local traffic authority pursuant to CGS 14-307a.
- **Personally Identifiable Information** means information that identifies or can be used to identify a specific individual or motor vehicle owner, including, without limitation, name, address, license plate number, photograph, bank account information, credit card number, debit card number, registration data, and information concerning a vehicle’s movement or travel.
- **School Zone** means an area designated by the Office of State Traffic Administration or the Traffic Authority of the Town pursuant to C.G.S. 14-212b.
- **Vendor** means any private entity contracted by the Town to provide equipment, services, software, or data management related to automated traffic enforcement safety devices.
- “Driver”, “motor vehicle”, “number plate”, “owner”, “traffic authority”, “traffic control sign”, and “traffic control signal” shall all have the same meanings as provided in C.G.S. 14-297

III. Contracting for Services

The Town may enter into contracts with vendors for the design, installation, operation, maintenance, or data management of automated traffic enforcement safety devices. Such contracts shall comply with applicable local and state procurement requirements but may be executed independently of competitive

bidding if done through the Connecticut State Department of Administrative Services 'procurement program or another approved method.

No vendor shall be compensated based on the number of citations issued or fines collected from automated traffic enforcement. All vendor contracts must be approved by the Town's Board of Selectmen.

IV. Operation of Devices

Each automated traffic enforcement safety device shall be operated only by a certified ATESD operator. Devices shall be regularly maintained and calibrated to ensure accuracy and shall comply with all operational standards set forth by the Connecticut Department of Transportation.

V. Violations and Enforcement Procedures

A violation subject to enforcement under this ordinance occurs when:

1. A motor vehicle operates more than ten (10) miles per hour over the posted speed limit; or
2. A motor vehicle fails to stop when facing a steady red signal on a traffic control signal.

For the first thirty (30) days following the installation of a device at a new location, only warnings shall be issued for violations.

All images or video recorded by an automated traffic enforcement safety device shall be reviewed by a sworn member of the Connecticut State Police or an authorized Town employee, as designated by the Local Traffic Authority ("ATESD Official"). Upon verification that there are reasonable grounds to believe that a violation occurred, a citation shall be issued and sent by first-class mail to the registered owner of the vehicle.

Each citation shall include the following:

- a. The name and address of the registered vehicle owner;
- b. The license plate number of the vehicle involved;
- c. The violation charged;
- d. The location, date, and approximate time of the violation;
- e. Instructions for accessing recorded images or video evidence online;
- f. A statement or electronically generated affirmation by the sworn member or employee who viewed the recorded images and determined that a violation occurred;
- g. A sworn statement by the reviewing officer confirming that the device was properly functioning and that a violation occurred;
- h. The amount of the fine and instructions for payment; and
- i. Notice of the right to appeal the citation.

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

VI. Penalties and Use of Funds

The following penalties shall apply:

1. A fine of fifty (\$50) dollars for a first violation.
2. A fine of seventy-five (\$75) dollars for each subsequent violation.

Payment may be made by electronic means, and an additional processing fee of fifteen (\$15) dollars shall be assessed for such transactions.

All revenues collected under this ordinance shall be used solely for transportation and traffic-related improvements within the Town, including roadway repairs, signage upgrades, and pedestrian safety enhancements, or paying the costs associated with the use of automated traffic enforcement devices within the Town.

VII. Appeals

The registered owner of a motor vehicle who receives a citation may contest the violation by filing an appeal within ten (10) days of receipt of the citation. Appeals shall be processed in accordance with Section 7-152c of the Connecticut General Statutes and shall be heard by a designated citation hearing officer appointed by the Town.

VIII. Legal Defenses

A registered owner may assert the following defenses to a citation:

1. The vehicle was operated by a law enforcement, emergency, or fire services agency in the performance of official duties;
2. The traffic signal or signage was malfunctioning or not visible, as evidenced in the recorded footage;
3. A law enforcement officer directed the vehicle to proceed through the intersection;
4. The vehicle was moving to allow passage of an emergency vehicle;
5. The vehicle was reported stolen prior to the violation, and documentation of the report can be provided;
6. The automated traffic enforcement safety device was not properly calibrated.

IX. Privacy and Data Protection

All personally identifiable information collected by automated traffic enforcement safety devices shall be kept confidential and may only be used for the purpose of administering this ordinance.

Such information shall not be disclosed to any third party, including law enforcement agencies, except where necessary for the issuance or adjudication of a citation.

Vendors and the Town shall securely destroy or anonymize all personally identifiable information within thirty days of the payment of the fine or resolution of the citation, whichever is later.

Statistical data related to the use of traffic enforcement devices may be made available to the public under the Freedom of Information Act, provided that no personally identifiable information is included.

X. Conformity with State Law

This ordinance shall be construed in conformity with Section 14-307c of the Connecticut General Statutes and any applicable regulations issued by the Connecticut Department of Transportation. If any provision of this ordinance is inconsistent with state law, the state law shall control.

XI. Severability and Repeal

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

Any prior ordinances, rules, or regulations inconsistent with the provisions herein are hereby repealed to the extent of such conflict.

XII. Automatic Amendment

This ordinance shall be deemed automatically amended to incorporate any changes to the provisions of Section 14-307c of the Connecticut General Statutes, or any related statutes or regulations, upon their effective date.

Ordinance will go into effect upon publication.

Approved at Special Town Meeting April 27, 2026