

ARTICLE VI
Automatic Traffic Enforcement Safety Devices

§ 157-22. Use of automated traffic enforcement safety devices authorized.

Pursuant to the authority granted in C.G.S. §14-307c ~~Public Act 116, Section 11, of the 2023 Session of the Connecticut General Assembly~~, the Town of Winchester (the "Town") hereby authorizes the use of automated traffic enforcement safety devices at locations within school zones, pedestrian safety zones, and other places within the boundaries of Winchester, Connecticut, provided that the locations of such devices will be identified in a plan submitted to and approved by the Connecticut Department of Transportation.

§ 157-23. Definitions.

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

AUTOMATED TRAFFIC ENFORCEMENT SAFETY DEVICE — A device 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 exceeds the posted speed limit by 10 or more miles per hour.

AUTOMATED TRAFFIC ENFORCEMENT SAFETY DEVICE OPERATOR — A person who is trained and certified to operate an automated traffic enforcement safety device.

NUMBER PLATE — Any sign or marker furnished by the Commissioner of Motor Vehicles on which is displayed the registration number assigned to a motor vehicle by the Commissioner.

OWNER — Any person holding title to a motor vehicle or having the legal right to register the same.

PEDESTRIAN SAFETY ZONE — An area designated by the Office of State Traffic Administration or the traffic authority of the Town pursuant to C.G.S. § 14-307a.

PERSONALLY IDENTIFIABLE INFORMATION — Information created or maintained by the Town or a vendor that identifies or describes an owner and includes, but need not be limited to, the owner's address, telephone number, number plate, photograph, bank account information, credit card number, debit card number, or the date, time, location, or direction of travel on a highway.

SCHOOL ZONE — An area designated by the Office of State Traffic Administration or the traffic authority of the Town pursuant to C.G.S. § 14-212b.

TRAFFIC AUTHORITY — Shall be the Town Manager and the Chief of Police.

~~TRAFFIC AUTHORITY, TRAFFIC CONTROL SIGN, AND TRAFFIC CONTROL SIGNAL~~
— Shall all have the same meanings as provided in C.G.S. § 14-297.

VENDOR — A person who provides services to the Town under this article; operates, maintains, leases, or licenses an automated traffic enforcement safety device; or is authorized to review and assemble the recorded images captured by an automated traffic enforcement safety device and

forward such recorded images to the Town.

§ 157-24. Vendors.

The Town may enter into agreements with vendors for the design, installation, operation, or maintenance, or any combination thereof, of automated traffic enforcement safety devices. If a vendor designs, installs, operates, or maintains an automated traffic enforcement safety device, the vendor's fees may not be contingent on the number of citations issued or fines paid pursuant to this article.

§ 157-25. Operation of automated traffic enforcement safety devices.

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

§ 157-26. Violations.

- A. The owner of a motor vehicle commits a violation of this article if the person operating such motor vehicle exceeds the posted speed limit by 10 or more miles per hour and such operation is detected by an automated traffic enforcement safety device; or fails to stop such motor vehicle when facing a steady red signal on a traffic control signal and such failure is detected by an automated traffic enforcement safety device.
- B. Automated traffic enforcement safety devices shall be used solely for identifying violations of this article.
- C. For the first 30 days after a location is equipped with an operational automated traffic enforcement safety device, the owner of a motor vehicle that allegedly violates this article that is detected by such device shall receive a written warning instead of a citation.

§ 157-27. Citations.

- A. Whenever an automated traffic enforcement safety device detects and produces recorded images of a motor vehicle allegedly committing a violation of this, article, a sworn member or employee of the Town's Police Department, or an employee of the Town as designated by the traffic authority, 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.
- B. A citation under this article shall include the following:
 - (1) The name and address of the owner of the motor vehicle;
 - (2) The number plate of the motor vehicle;
 - (3) The violation charged;

- (4) The location of the automated traffic enforcement safety device and the date and time of the violation;
 - (5) A copy of or information on how to view, through electronic means, the recorded images that captured the alleged violation;
 - (6) A statement or electronically generated affirmation by the member or employee who viewed the recorded images and determined that a violation occurred;
 - (7) 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;
 - (8) The amount of the fine imposed and how to pay such fine; and
 - (9) The right to contest the violation and request a hearing pursuant to C.G.S. § 7-152c.
- C. 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 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 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.
- D. A citation shall be invalid unless mailed to an owner not later than 60 days after the alleged violation.

§ 157-28. Penalties for offenses.

- A. The Town shall impose a fine against the owner of a motor vehicle that commits a violation of this article.
- B. The fine for a first violation of this article shall be \$50. The fine for each subsequent violation of this article shall be \$75. These fines shall be imposed against the owner of the motor vehicle committing a violation of this article.
- C. Payment of a fine and any associated fees may be made by electronic means.
- D. A reasonable fee, not to exceed \$15, may be imposed for the costs associated with the electronic processing of the payment of a fine.
- E. Any funds received by the Town from fines imposed pursuant to this article 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 Winchester, Connecticut.

§ 157-29. Appeals.

Any owner issued a fine for violating the provisions of this article may, within 10 days of the receipt of the fine, appeal, in writing, to a citation hearing officer in accordance with Chapter 215,

Article I, Citation Hearing Procedure, of the Town Code and C.G.S. § 7-152c.

§ 157-30. Defenses.

The defenses available to the owner of a motor vehicle that is alleged to have committed a violation of this article shall include, but are not limited to, any one or more of the following:

- A. The operator was driving an emergency vehicle in accordance with the applicable provisions of C.G.S. § 14-283.
- B. The traffic control signal was inoperative, which is observable on the recorded images.
- C. 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.
- D. The violation was necessary to allow the passage of an authorized emergency vehicle, which is observable on the recorded images.
- 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 yet been recovered prior to the time of the violation.
- F. The automated traffic enforcement safety device was not in compliance with the calibration check required pursuant to the applicable provisions of the Public Act.

§ 157-31. Disclosure of personally identifiable information.

- A. 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 article.
- B. 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 article.
- C. 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 article in compliance with current Connecticut General Statutes.
- D. 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 C.G.S. § 1-200, except that no personally identifiable information may be disclosed.

§ 157-32. ~~The Public Act.~~ Amendment by Operation of Law.

~~To the extent of applicability, the provisions in the Public Act that are necessary to further and/or effectuate this article are hereby incorporated and adopted in total, herein.~~

Should C.G.S. §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.

§ 157-33. Severability and Repealer.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason to be 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, order, 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, theretofore repealed.

~~If any section, subsection, sentence, clause or phrase of this article 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 article.~~

~~§ 157-34. Repealer.~~

~~All ordinances, bylaws, orders, resolutions, or parts thereof inconsistent herewith are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any ordinances, bylaws, orders, resolutions, or parts thereof heretofore repealed.~~