

WILTON DOG WASTE ORDINANCE

Section 1: Purpose.

The purpose of this Ordinance is to educate the public and promote public health and welfare relating to the removal of dog waste from public property or the private property of another, as defined herein.

Section 2: Definitions.

When used in this Ordinance, the following words, terms, and phrases, and their derivations shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

DOG shall mean any member of the canine species, male, female, neutered male or spayed female.

OWNER shall mean any person or persons, firm, association, partnership, LLC or corporation having temporary or permanent custody of, sheltering or having charge of, harboring, exercising control over, or having property rights to a dog, or in the case of a person under the age of 18, the person's parent or legal guardian. A dog shall be deemed to be harbored if it is fed or sheltered for three (3) or more consecutive days.

PUBLIC PROPERTY shall mean town-owned parks, recreation areas, playing fields, school grounds, sidewalks, easements, rights-of-way, and the traveled portion of public streets and roads.

PRIVATE PROPERTY OF ANOTHER shall mean property of any person or persons, firm, association, partnership, LLC or corporation, other than property of the owner or of the owner's family.

Section 3: Removal of Dog Waste.

If any dog shall defecate upon any public property, or the private property of another, the owner of said dog shall immediately remove or cause to be removed from the property all feces deposited by said dog. If such feces are not removed, then the owner of said dog shall be deemed in violation of this Ordinance.

Section 4: Penalty.

Violations of this Ordinance shall be punishable by fine. The fine shall be in an amount of \$50 for each violation. If said fine is not paid within 30 days of issuance or, if a hearing is requested, within 30 days of a decision sustaining the violation, then the amount of fine shall be doubled.

Section 5: Guide Dogs Excepted.

The provisions of this Ordinance do not apply to a guide dog when walked by an unaccompanied blind person.

Section 6: Enforcement.

The provisions of this Ordinance are designated for enforcement in accordance with Sections 7-148 and 7-152c of the Connecticut General Statutes as amended. The Town of Wilton may institute civil proceedings to enforce the provisions herein contained.

Section 7: Hearing Procedure.

Pursuant to the provisions of Section 7-152c of the Connecticut General Statutes, as amended, the Town of Wilton hereby adopts the provisions authorized by Section 7-152c and establishes a hearing procedure as follows:

- (a) Hearing Officers. The First Selectmen shall appoint one (1) or more Hearing Officers. No person who serves as a police officer, member of the Police Commission, employee of the police department or person who issues citations shall serve as a Hearing Officer.
- (b) Notice of Citation. The municipality, acting by the First Selectmen or the First Selectman's designee, shall at any time within twelve (12) months from the expiration of the final period for uncontested payment of a fine, penalty, cost or fee for any citation issued under this Ordinance shall send notice to the person cited. Such notice shall contain the following information:
 - (1) The allegations against the person cited, together with the amount of the fines, penalties, costs, or fees due.
 - (2) The fact that the person may contest his or her liability before a Hearing Officer by delivery in person or by mail of a written notice within ten (10) days from the date of the notice.
 - (3) That if a hearing is not demanded, an assessment and judgment shall be entered against the person cited.
 - (4) Any such judgment may issue without further notice.
- (c) If an individual cited wishes to admit liability for any alleged violation, he may, without requesting a hearing, pay the full amount of the fines, penalties, costs and fees admitted to, in person or by mail, to an official designated by the First Selectman. Such payment shall be inadmissible in any proceeding, civil or criminal, to establish the conduct of such person or other person making the payment.
- (d) Any person who does not deliver or mail written demand for a hearing within ten (10) days of the date of the first notice, shall be deemed to have admitted liability, and the designated municipal official shall certify such person's 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.

- (e) Any person who requests hearing within the time specified in this Ordinance shall be given written notice of the date, time and place for the hearing. Such hearing shall be held not less than fifteen (15) nor more than thirty (30) days from the date of the mailing of the notice, provided the Hearing Officer shall grant upon good cause shown any reasonable request by any interested party for postponement or continuance. An original or certified copy of the initial notice of violation shall be filed and retained by the municipality. The notice shall be deemed to be a business record within the scope of Section 52-180 of the Connecticut General Statutes and evidence of the facts contained therein. The presence of the issuing official or police officer shall be required at the hearing if the accused so requests. A person wishing to contest his or her liability shall appear at the hearing and may present evidence on his or her own behalf. A designated municipal official, other than the Hearing Officer, may present evidence on behalf of the municipality. Any person who fails to appear may be defaulted and an assessment by default entered against him or her upon a finding of proper notice and liability under applicable statutes or ordinances. The Hearing Officer may accept from such 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. The Hearing Officer shall conduct the hearing in the order and form and with such methods of proof as he or she 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 or her decision at the end of the hearing. If the Hearing Officer determines that the person is not liable, he or she shall dismiss the matter and enter the determination in writing. If the Hearing Officer determines that the person is liable for the violation, he or she shall enter and assess the fines, penalties, costs or fees against such person.

- (f) Notice of Assessment. If the assessment is not paid on the date of its entry, the Hearing Officer shall send by first class mail a notice 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 assessment with the Clerk of the Superior Court facility designated by the Chief Court Administrator within the boundaries of the Judicial District in which the municipality is located, together with an entry fee of \$8.00. A certified copy of the notice of assessment shall constitute a record of assessment. Within such twelve (12) month period assessment against the same person may be accrued and filed as one record of assessment. The Clerk of the Superior Court shall enter judgment in the amount of such record of assessment and Court costs of \$8.00 against such person in favor of the municipality. Notwithstanding any other provision of the Connecticut General Statutes, the Hearing Officer's assessment, when so entered as a judgment, shall have the affect of a civil money judgment and a levy of execution on such judgment may be made without further notice to such person.

- (g) Appeal. There shall exist a right of appeal in favor of any person against whom an assessment has been entered pursuant to the provisions of this Ordinance. 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 Section 52-259 of the Connecticut General Statutes in the Superior Court 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.