

§ 226-1. Discharge near buildings prohibited.

No person shall, at any time of the year, discharge a firearm within 500 feet of a building which is occupied by persons or domesticated animals, unless he has within his possession the prior written permission of the owner or occupier thereof or unless he is on property which he owns or leases. For the purposes of this chapter, a building is presumed to be occupied unless it appears from a reasonable inspection of the interior portions of the building that it is in fact unoccupied.

§ 226-2. Discharge on land posted against hunting prohibited.

No person shall, at any time of the year, carry, possess or discharge a firearm within the boundaries of land the owner or occupier of which has posted the land against hunting unless he has within his possession the prior written permission of the person so posting the land. Any such written permission must be dated within 12 months of the date on which such firearm is carried, possessed or discharged.

§ 226-3. Exceptions.

The provisions of this chapter shall not apply to a peace officer, as that term is defined in Connecticut General Statutes § 53a-3(9), when acting within the scope of his/her duties.

§ 226-4. Penalties for offenses.

- A.** Any person violating this chapter shall be subject to the maximum fine allowed by law.
- B.** Notwithstanding any language above to the contrary, the maximum fine for each violation under this chapter shall be \$90 or the amount set forth above, whichever is less. Each violation subject to a fine shall be considered an infraction which, in the discretion of the issuing violation, may be enforceable by citation. The fine(s) imposed shall be payable to the Town of Newtown. Any individual fined for a violation of this chapter may appeal that fine to the Town Hearing Officer following the procedures set forth in the ordinance authorizing said officer and herein setting forth the appeals process.

[Added 9-17-2003]

§ 226-5. Citation hearing officer.

[Added 9-17-2003]

The First Selectman, with the approval of the Board of Selectmen, shall appoint one citation hearing officer, other than police officers or employees or persons who issue citations, to conduct the hearing authorized by this [§ 226-6](#).

§ 226-6. Appeals procedure.

[Added 9-17-2003]

- A.** Newtown, at any time within 12 months from the expiration of the final period for the uncontested payment of fines, penalties, costs or fees for any citation issued under any ordinance adopted pursuant

to C.G.S. § 7-148 or 22a-226d, for an alleged violation thereof, shall send notice to the person cited. Such notice shall inform the person cited:

- (1)** Of the allegations against him and the amount of the fines, penalties, costs or fees due;
- (2)** That he may contest his liability before a citation hearing officer by delivering in person or by mail written notice within 10 days of the date thereof;
- (3)** That if he does not demand such a hearing an assessment and judgment shall be entered against him; and
- (4)** That such judgment may issue without further notice.

B. If the person who is sent notice pursuant to Subsection **A** of this section wishes to admit liability for any alleged violation, he may, without requesting a hearing, pay the full amount of the fines, penalties, costs or fees admitted to in person or by mail to an official designated by such municipality. Such payment shall be inadmissible in any proceeding, civil or criminal, to establish the conduct of such person or other person making the payment. Any person who does not deliver or mail written demand for a hearing within 10 days of the date of the first notice provided for in Subsection **A** of this section 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 and shall follow the procedures set forth in Subsection **D** of this section.

C. Any person who requests a hearing shall be given written notice of the date, time and place for the hearing. Such hearing shall be held not less than 15 days nor more than 30 days from the date of the mailing of 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 issued by the issuing official or policeman shall be filed and retained by the municipality, and shall be deemed to be a business record within the scope of C.G.S. § 52-180 and evidence of the facts contained therein. The presence of the issuing official or policeman shall be required at the hearing if such person so requests. A person wishing to contest his liability shall appear at the hearing and may present evidence on behalf of the municipality. If such person fails to appear, the hearing officer may enter an assessment by default against him upon a finding of proper notice and liability under the 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 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 decision at the end of the hearing. If he determines that the person is not liable, he shall dismiss the matter and enter his determination in writing accordingly. If he determines that the person is liable for the violation, he shall forthwith enter and assess the fines, penalties, costs or fees against such person as provided by the applicable ordinances of the municipality.

D. If such assessment 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 30 days nor more than

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 \$8. 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 \$8, against such person in favor of the municipality. 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.

E. 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 30 days of the mailing of notice of such assessment by filing a petition to reopen assessment, together with any entry fee in an amount equal to the entry fee for a small claims case pursuant to C.G.S. § 52-259, at a 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.