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I. LEASHING OF DOGS

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:

AT LARGE
The dog is off the premises of the owner, and not on a leash, cord, chain, or other harness.

DOG
Any member of the canine species, male, female, neutered male or spayed female.

OWNER
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 or more consecutive days.

RUNNING AT LARGE

A. All dogs must be on a leash or harness at all times on the following Town properties:

1-Scribner/Bisceglie Park
2-Trout Brook Valley
3-The entire School Complex
4-The Town Hall Complex including the Library
5-Keene Park
6-The Town of Weston Recreation Office Property

B. Dogs are not allowed at the following Town properties:

1-Morehouse Farm Park
2-The Lachat Farm Property
3-All Department of Recreation playing fields
4-All Town of Weston Department of Education playing fields

LAW ENFORCEMENT EXCEPTED

The provisions of this ordinance shall not apply to dogs owned or controlled by government law enforcement agencies or organized Fire Department personnel or persons authorized by said agencies or departments to engage in search and rescue activity or training for any such activity.

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 Weston may institute civil proceedings to enforce the provisions herein contained. Pursuant to Section 7-148(c)(10)(A) this ordinance may be enforced by citation issued by a designated municipal officer or employee.

PENALTIES FOR OFFENSES

Violations of this ordinance shall be punishable by fine. The fine shall be in an amount of $75 for each violation. . If such fine is not contested pursuant to Section III hereof, it shall be paid within 30 days of the date of issuance of the citation. If a 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 the fine shall be doubled.

II. DISPOSAL OF DOG WASTE

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.

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
Any member of the canine species, male, female, neutered male or spayed female.

OWNER
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 or more consecutive days.

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

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

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.

PENALTIES FOR OFFENSES
Violations of this ordinance shall be punishable by fine. The fine shall be in an amount of $50 for each violation. If such fine is not contested pursuant to Section III hereof, it shall be paid within 30 days of the date of issuance of the citation. 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 the fine shall be doubled.

GUIDE DOGS EXCEPTED
The provisions of this ordinance do not apply to a guide dog when walked by an unaccompanied blind person.

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 Weston may institute civil proceedings to enforce the provisions herein contained. Pursuant to Section 7-148(c)(10)(A) this ordinance may be enforced by citation issued by a designated municipal officer or employee.

III. HEARING PROCEDURE for

I. Leashing of Dogs Violations set forth in Section I

II. Disposal of Dog Waste Violations set forth in Section ~~I and~~ II

Pursuant to the provisions of Section 7-152c of the Connecticut General Statutes, as amended, the Town of Weston adopts the provisions authorized by Section 7-152c and establishes a hearing procedure, for violations cited under Articles I and II of this Ordinance, as follows:

A. Hearing officers. The First Selectmen shall appoint one 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 Selectmaen or the First Selectman's designee, shall, at any time within 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, 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 a person may contest his or her liability before a Hearing Officer by delivery in person or by mail of a written notice within 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. Admission of Liability. If an individual cited wishes to admit liability for any alleged violation, he or she 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. Failure to Demand Hearing. Any person who does not deliver or mail written demand for a hearing within 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. Request for Hearing. Any person who requests a 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 15 nor more than 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 have 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 30 days nor more than 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. A certified copy of the notice of assessment shall constitute a record of assessment. Within such twelve-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 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 effect 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 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.