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CITY OF DANBURY

OFFICE OF THE CORPORATION COUNSEL

155 DEER HILL AVENUE
DANBURY, CONNECTICUT 06810

February 27, 2007

Hon. Mayor Mark D. Boughton
Hon. Members of the Common Council
155 Deer Hill Avenue
Danbury, CT 06810

Re: February Agenda Item No. 33
Illegally Parked Cars

Dear Mayor and Council:

By letter from Councilman Benjamin Chianese dated January 26, 2007, this office has been asked to render an opinion as to whether an ordinance may be established or amended that would permit police or member(s) of the Danbury Unified Neighborhood Inspection Team ("UNIT") to issues fines for illegally parked cars.

Presently, Code of Ordinances Section 19-4 sets forth penalties and authority for the enforcement of such penalties for a number of traffic violations, including sidewalk obstructions, driveway, street and traffic obstructions and related, generic violations of traffic laws. This listing of violations also designates fine amounts and timelines for payment of such fines that follow the standard police practice for the issuance of traffic violation summonses. Section 19-4, therefore appears to adequately provide for police jurisdiction over cars that are illegally parked.

What Section 19-4 does not provide is authority for personnel *other than* police department officials to issues fines for the violations therein prescribed. In order to permit an official other than a police officer to issue fines for illegally parked cars, such an official would have to be authorized by other law and operate within the jurisdiction of the Police Chief and the police department. Code of Ordinance Section 15-14 provides for the appointment of "*special constable*"(s) for a term of not more than two (2) years to provide services intended to "preserve the public peace" and other, specified and special purposes. While the UNIT itself has no independent jurisdiction to provide the type of law enforcement pertaining to illegally parked cars, if the Mayor (with approval of the Common Council) feels that an official(s) who works within the UNIT needs to be appointed as a special constable in order to undertake or provide unique or special law enforcement tasks, he may appoint such an official(s) in accordance with that Code section (15-14). That appointed UNIT official, unless otherwise specified or limited by the appointing authority or the Chief, would have all of the powers and duties of a "special constable" as designated by state law, including the powers of arrest. In the present case, and based on the request before you, it may be that the authority of such a UNIT official would be limited to the sole purpose of motor vehicle parking violations. Under those circumstances, the designated UNIT official would perform the same tasks as a police officer who (among other duties)

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hands out fines or summonses for illegally parked cars, but without necessarily the same formal police training and wide jurisdiction that sworn officers in the Department have.

In the event you decide to utilize the provisions of Code Section 15-14 for UNIT official(s), we would suggest an amendment to Code Section 19-4© to add UNIT official(s) to those in the police department already authorized to issue fines for illegally parked cars. We can propose the language necessary upon request. Please also keep in mind that Section 19-4 may also and concurrently be amended both to clarify what you would seek to enforce and to adjust the fine amounts for the violations. You last amended this section in 2002-2004. Finally, it is always possible that, although special constables are within a unique and limited class of enforcement personnel, there may be certain implications as to the collective bargaining contract and issues with the police union. This is a matter into which the Mayor would have to inquire, so that such a potential impact can be remedied in advance.

Thank you for the opportunity to provide this information to you. Please do not hesitate to contact me in the event you have additional questions or concerns.

Very truly yours,

Laszlo L. Pinter
Deputy Corporation Counsel

cc: Robert J. Yamin, Corporation Counsel
Alan Baker, Chief of Police
Richard Antous, UNT

Llp/UNIT

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