

**TOWN OF EAST LYME
BOARD OF SELECTMEN
NOTICE OF PUBLIC HEARING
REGARDING AN ORDINANCE TITLED
"Ordinance Authorizing The Use of Automated
Traffic Enforcement Safety Devices"**

NOTICE IS HEREBY GIVEN of a public hearing to be held by the East Lyme Board of Selectmen immediately following a Town Meeting to commence at 7:00 p.m. on Wednesday, December 3, 2025, at the East Lyme Town Hall, 108 Pennsylvania Avenue, Niantic, Connecticut to consider the Ordinance titled "Ordinance Authorizing The Use of Automated Traffic Enforcement Safety Devices".

Copies of the full text of the proposed Ordinance are on file for public inspection at the office of the East Lyme Town Clerk, 108 Pennsylvania Avenue, Niantic, Connecticut and at www.eltownhall.com to which reference may be had. Interested persons are invited to attend and be heard. The Board of Selectmen may make changes to the language of the proposed ordinance as the result of information presented in the public hearing.

Dated at East Lyme, Connecticut, on this 19th day of November, 2025.

Christy A. Kelly
TOWN CLERK
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EAST LYME, CT

Received for Public
Review 11/5/25
KMG

ORDINANCE AUTHORIZING THE USE OF AUTOMATED TRAFFIC ENFORCEMENT SAFETY DEVICES

The following new sections are hereby added to the Ordinances of the Town of East Lyme:

Chapter 74: AUTOMATED TRAFFIC ENFORCEMENT SAFETY DEVICES

§ 74.01 USE OF AUTOMATED TRAFFIC ENFORCEMENT SAFETY DEVICES

Pursuant to authority granted by General Statutes §§ 14-307b to 14-307h, inclusive, the Town of East Lyme hereby authorizes the use of automated traffic enforcement safety devices at locations within its territorial limits identified in a plan to be submitted to and approved by the Connecticut Department of Transportation. Such automated traffic enforcement safety devices shall be operated by the East Lyme Police Department under the supervision of the Board of Police Commissioners as herein provided. To the extent necessary to further effectuate Chapter 74, the provisions of General Statutes §§ 14-307b to 14-307h, inclusive, and as those sections may from time to time be amended, are hereby incorporated and adopted as if fully set forth herein.

§ 74.02 DEFINITIONS

The following words, terms, and phrases, when used in Chapter 74, shall have the following meanings:

- (a) *Automated Traffic Enforcement Safety Device* shall mean 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 (i) exceeds the posted speed limit by ten (10) or more miles per hours or (ii) fails to stop such vehicle when facing a steady red signal on a traffic control signal.
- (b) *Automated Traffic Enforcement Safety Device Operator* shall mean a person who is trained and certified to operate an automated traffic enforcement safety device.
- (c) *Number Plate* shall mean any sign or marker furnished by the Connecticut Commissioner of Motor Vehicles, or the equivalent thereof for number plates issued by a jurisdiction other than Connecticut, on which is displayed the registration number assigned to a motor vehicle.

- (d) *Owner* shall mean any person holding title to a motor vehicle or having the legal right to register the same. In the case of a motor vehicle that is leased for a period of more than thirty (30) days and identified by an automated traffic enforcement safety device as allegedly committing a violation of Chapter 74, the lessee shall be considered the owner of such motor vehicle for the purposes of Chapter 74 enforcement.
- (e) *Pedestrian Safety Zone* shall mean an area designated by the Office of State Traffic Administration or traffic authority of the Town pursuant to General Statutes § 14-307a.
- (f) *Personally Identifiable Information* shall mean 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.
- (g) *School Zone* shall mean an area designated by the Office of State Traffic Administration or the traffic authority of the Town pursuant to General Statutes § 14-212b.
- (h) *Traffic Authority, Traffic Control Sign, and Traffic Control Signal* shall have the meanings provided in General Statutes § 14-297.
- (i) *Town* shall mean the Town of East Lyme.
- (j) *Vendor* shall mean a person who provides services to the Town under Chapter 74; 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.

§ 74.03 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. Any such agreement with a vendor shall be subject to approval by the Board of Selectmen and subject to the appropriations process provided for by the Town Charter and General Statutes. 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 Chapter 74.

§ 74.04 OPERATION OF AUTOMATED TRAFFICE ENFORCEMENT SAFETY DEVICES

All automated traffic enforcement safety devices shall be operated by an automated traffic enforcement safety device operator. Said operator may be a sworn member or employee of the East Lyme Police Department or an agent of a vendor.

§ 74.05 VIOLATIONS SUBJECT TO AUTOMATED ENFORCMENT

- (a) The owner of a motor vehicle commits a violation of Chapter 74 if a driver operating such motor vehicle:
 - i. Exceeds the posted speed limit by ten (10) or more miles per hour and such operation is detected by an automated traffic enforcement safety device; OR
 - ii. 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 identified in subsection (a) of this section.
- (c) For the first thirty (30) days after a location is equipped with an operational automated traffic enforcement safety device, the owner of any motor vehicle recorded by automated traffic enforcement safety device operating in violation of subsection (a) of this section shall receive a written warning instead of a citation.

§ 74.06 PENALTY FOR VIOLATIONS

- (a) Whenever an automated traffic enforcement safety device detects a violation of § 74.05 (a) and produces recorded images of a motor vehicle allegedly committing a violation of Chapter 74, a sworn member or employee of the East Lyme Police Department 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 must issue by first class mail a citation to the owner of such motor vehicle.

(b) A citation under Chapter 74 shall include the following:

- i. The name and address of the owner of the motor vehicle;
- ii. The number plate of the motor vehicle;
- iii. The violation charged;
- iv. The location of the automated traffic enforcement safety device and the date and time of the violation;
- v. A copy of or information on how to view, through electronic means, the recorded images that captured the alleged violation;
- vi. A statement or electronically generated affirmation by the member or employee who viewed the recorded images and determined that a violation occurred;
- vii. 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 state law;
- viii. The amount of the fine imposed and the amount of the processing fee, and instructions regarding payment of the fine and processing fee, including provision of a method for paying such fine and fee electronically; and
- ix. The right to contest the violation and request a hearing pursuant to General Statutes § 7-152c as more particularly set forth in § 74.08 of Chapter 74.

(c) In the case of a violation involving a motor vehicle registered in Connecticut, the citation shall be sent by first class mail not later than thirty (30) days after the identity of the owner is determined and shall be mailed to the address of the owner in the records of the Department of Motor Vehicles. In the case of a violation involving a motor vehicle registered in a jurisdiction other than Connecticut, the citation shall be sent by first class mail not later than thirty (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 that jurisdiction issuing registrations for motor vehicles.

- (d) A citation shall be invalid unless mailed to an owner not later than sixty (60) days after the alleged violation.

§ 74.07 Fines for Violations

- (a) The Town shall impose a fine against the owner of a motor vehicle that commits a violation of Chapter 74.
- (b) The fine for a first violation of Chapter 74 shall be fifty dollars (\$50). The fine for each subsequent violation shall be seventy-five dollars (\$75). If twelve (12) months elapse between the most recent violation and a new violation, the new violation shall be considered a first violation for purposes of calculating the fine. These fines shall be imposed against the owner of the motor vehicle recorded in violation of § 74.05 (a).
- (c) Each citation shall also impose a processing fee of fifteen dollars (\$15), which fee shall be in addition to the fine imposed by subsection (b) of this section.
- (d) Funds received by the Town from fines and fees imposed pursuant to this section shall be used for 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 the Town.

§ 74.08 CITATION OFFICER AND APPEAL OF CITATIONS

- (a) Any owner of a motor vehicle cited for a violation of Section 74.05 of Chapter 74 may, within ten (10) business days of the receipt of the fine, appeal in writing to the citation hearing officer appointed pursuant to Section 150.036 of the Ordinances of the Town of East Lyme and a public hearing shall be conducted in accordance with Section 150.036 (G) of the Ordinances of the Town of East Lyme.
- (b) In the case of any deadlines, requirements, or defenses provided for by Section 150.036 of the Ordinances of the Town of East Lyme that conflict with or are inconsistent with the provisions of Section 74 of the Ordinances of the Town of East Lyme and General Statutes §§ 14-307b to 14-307h, inclusive, the provisions of Section 74 of the Ordinances of the Town of East Lyme and General Statutes §§ 14-307b to 14-307h, inclusive, shall control for purposes of a public hearing on an appeal of a citation for violation of Section 74.05 of this Ordinance.

§ 74.09 Defenses

- (a) The defenses available to the owner of a motor vehicle that is alleged to have committed a violation of Chapter 74 shall be:
- i. The operator was driving an emergency vehicle in accordance with the provisions of General Statutes § 14-283 (b) (1);
 - ii. The traffic control signal was inoperative and such status is observable on the recorded images;
 - iii. The violation was necessary in order for the operator to comply with an order or direction from a law enforcement officer and such order or direction from a law enforcement officer is observable on the recorded images;
 - iv. The violation was necessary to allow the passage of an authorized emergency vehicle and the emergency vehicle is observable on the recorded images;
 - v. 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 General Statutes § 7-294a and the vehicle had not been recovered prior to the time of the violation;
 - vi. The automated traffic enforcement safety device was not in compliance with the calibration check required pursuant to General Statutes § 14-307c (h); or
 - vii. Any other defense provided by General Statutes § 14-307c(j) as that section may be amended from time to time.

§ 74.10 Management 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 Chapter 74.
- (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 Chapter 74.
- (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 Chapter 74 not later than thirty (30) days after any fine is collected or the

resolution of a hearing conducted for the alleged commission of such violation whichever is later. The destruction requirements of this subsection shall not apply to any personally identifiable information required by the Town or a vendor for the limited purpose of determining whether a person has committed a second or subsequent violation for the purposes of calculating the applicable fine as provided for by § 74.07 (b). In the case of such limited retained personally identifiable information, the Town or vendor shall destroy such retained information not later than one (1) year after the most recent date of violation.

- (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 General Statutes § 1-200, except that no personally identifiable information may be disclosed.

§ 74.11 Comprehensive Safety Action Plan

The East Lyme Police Department shall create a comprehensive safety action plan as required by General Statutes § 14-307c(e)(2) to ensure that streets located in the Town safely and conveniently serve road users of all ages and abilities, including pedestrians, transit users, bicyclists, users of wheelchairs and other adaptive or assistive devices, and motor vehicle operators.

§ 74.12 Privacy Policy Regarding Chapter 74 Information

The Town shall maintain a written policy that meets or exceeds the standards of the model privacy policy and protocol developed pursuant to General Statutes § 14-307d.

§ 74.13 Public Awareness And Notice Prior To Commencing Enforcement

Prior to commencing the operation of an automated traffic enforcement safety device, the Town shall:

- (a) install at least two conspicuous signs at a reasonable distance in advance of such location, in accordance with the Federal Highway Administration's Manual on Uniform Traffic Control Devices for Streets and Highways, notifying motor vehicle operators of such location;
- (b) Provide notification of such location to persons, firms or corporations that operate a mobile application that is used for navigation purposes or to provide real-time

information on motor vehicle traffic as designated by the Connecticut Department of Transportation pursuant to General Statutes § 14-307c(f)(1)(B);

- (c) At least thirty (30) days prior to the first automated traffic enforcement safety device becoming operational in Town, the Town shall develop and implement a public awareness campaign to educate the public concerning the importance of obeying speed limits and traffic control signals and the imminent use of automated traffic enforcement safety devices in Town at specified locations in a plan approved by the Department of Transportation pursuant to General Statutes § 14-307e.

§ 74.14 Annual Calibration Required

Any automated traffic enforcement safety device used within the jurisdictional limits of the Town shall undergo calibration checks at least annually at a calibration laboratory. The calibration laboratory shall issue a signed certificate of calibration after such calibration check. The Town shall keep and maintain such calibration certificate on file and available for admission as evidence in any appeal pursuant to § 74.08 of Chapter 74.

§ 74.15 Severability

If any section, subsection, sentence, clause or phrase of Chapter 74 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 Chapter 74.