

Request for Legal Opinion

Rosenson, Valerie

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To: Emmett, Kathryn <KEmmett@StamfordCT.gov>; Isidro, Judith <JIsidro@StamfordCT.gov>;

Cc: Quinones, Matt <MQuinones@StamfordCT.gov>; Watkins, David <DWatkins1@StamfordCT.gov>;

David Watkins, the Chair of Transportation Committee, is requesting a legal opinion as follows:

Currently, § 231-6 of the Code of Ordinances specifies that a violation of residential parking permit area regulations is a Class II parking violation, which carries a \$50 fine under § 231-7. Sec. 231-36 of the Code specifies that the fine for a violation of subsections B, C, D, E or G is \$90. The Board has been told that the City is currently charging the \$90 fine for these violations rather than the \$50 Class II fine.

The Board of Representatives is currently considering several proposed changes to the Code of Ordinances, including a change to § 231-6 to increase a violation of residential parking permit area regulations from a Class II parking violation to a Class IV parking violation. Under § 231-7, a Class IV parking violation carries a \$120 fine.

At the same time, the Board is considering an amendment to § 231-36 (the Residential Parking Program) which would delete subsection G and increase the fine for subsections B, C, D, or E from \$90 to \$120.

David Watkins is requesting a legal opinion regarding the fine that would be payable if the change to §231-6 were to pass, but the increase of the fine in §231-36 were not to pass. Would the fine amount for a violation of Sec. 231-36 Subsections B, C, D or E (\$90) be controlling or would the fine amount in §§ 231-6 and 23-7 (\$120) be controlling?

These items will be considered by the Transportation Committee at its July meeting, which is tentatively scheduled for July 23, 2020. Chair Watkins would appreciate an answer prior to that meeting.

Please feel free to contact me if you need any additional information.

Thank you,
Valerie

Valerie T. Rosenson
Legislative Officer
Board of Representatives
888 Washington Boulevard, 4th Floor
Stamford, CT 06904-2152
203.977.5032
VRosenson@StamfordCT.gov