

Proposed Revisions to: Code of Norfolk
(To be approved at Town Meeting)

1. Add: Chapter 101 ORDINANCE ENFORCEMENT FOR LAND USE VIOLATIONS
 - 101-1. Ordinances enforced by citation
 - 101-2 Appointment of Citation Hearing Officer(s)
 - 101-3 Citation Authority of Zoning Enforcement Officer
 - 101-4 Citation Authority of Wetlands Enforcement Officer
 - 101-5 Hearing Procedures
 - 101-6 Citation Enforcement
 - 101-7 Other Laws not Affected
2. Add to Table of Contents, page vii
Part II: General Legislation:
Chapter 101: Ordinance Enforcement for Land Use Violations
3. Add to Chapter 45 Planning & Zoning Commission
Section 45-6: Citation Fines for Violations
4. Add to Chapter 160 Inland Wetlands & Watercourses Agency
Article XIV Enforcement - Section 160-64 D

Following approval of Ordinance at Town Meeting
Regulation revisions to be adopted following Public Hearing(s)

Proposed Regulation revisions to Zoning Regulations:

Section 1.07 Enforcement

1. These regulations shall be enforced by the Commission through its authorized agent, the ZEO, who shall be authorized to conduct inspections and to order in writing the remediation of any violation of these Regulations.
2. The Commission, the ZEO, or other authorized agent having jurisdiction may institute enforcement actions to prevent the unlawful construction, alteration, conversion or maintenance of any building or structure, or unlawful use of any building, structure or land; or to prevent any violation of these Regulations.
3. The procedures to be followed for the issuance of citations for violations of these Regulations shall be provided for in Article 8.10 as authorized by Chapter 101 of the Code of Norfolk and by Section 8-12a the Connecticut General Statutes.

(appendix pages #'s to be changed)

Section 1.10 Effective Date

effective date of _____

Section 8.10 Enforcement Procedures

See attached

Proposed Regulation revisions to Wetlands Regulations

The procedures to be followed for the issuance of citations for violations of these Regulations shall be provided for in Article XIV Enforcement, Section 160-63, add D: Citation Enforcement of Wetlands Regulations, as authorized by Chapter 101 of the Code of Norfolk and Section 22a-42g the Connecticut General Statutes.

TOWN OF NORFOLK
Chapter 101

ORDINANCE ENFORCEMENT FOR LAND USE VIOLATIONS
Proposed Draft 7/11/2017

- 101-1. Ordinances enforced by citation
- 101-2. Appointment of Citation Hearing Officer(s)
- 101-3. Citation Authority of Zoning Enforcement Officer
- 101-4. Citation Authority of Wetlands Enforcement Officer
- 101-5. Hearing Procedures
- 101-6. Citation Enforcement
- 101-7. Other Laws not Affected

Be it ordained by the Town of Norfolk, Connecticut that Chapter 101 of the Code of Norfolk, Ordinance Enforcement for Land Use Violations, is hereby adopted:

Section 101-1. Land Use Regulations enforced by Citation.

The following land use regulations of the Town of Norfolk are hereby designated for enforcement by the issuance of a citation:

Zoning Regulations
Inland Wetlands and Watercourses Regulations

The establishment of municipal penalties for violations of zoning regulations adopted under Connecticut General Statutes (hereinafter "CGS") Section 8-2 is authorized by CGS Section 8-12a.

The establishment of municipal penalties for violations of inland wetlands and watercourse regulations adopted under CGS Section 22a-42 is authorized by CGS Section 22a-42g.

Pursuant to CGS Section 7-152c, the Superior Court shall be authorized to enforce the assessments and judgments provided for under this section.

Section 101-2. Appointment of Citation Hearing Officer(s).

The First Selectman shall appoint one or more Citation Hearing Officers to conduct hearings pursuant to this Ordinance and in accordance with CGS Section 7-152c as the same may be amended from time to time. The term of appointment shall be for a period of two years. No Zoning or Wetlands Enforcement Officer, Building Official, police officer or employee of the Town of Norfolk exercising zoning or wetlands authority may be appointed as a Citation Hearing Officer.

Section 101-3. Citation Authority of the Zoning Enforcement Officer.

A. The Zoning Enforcement Officer (hereinafter the “ZEO”) is the person designated to act as the representative of the Planning & Zoning Commission (hereinafter the “PZC”) in the enforcement of the Zoning Regulations of the Town of Norfolk. In the absence of a ZEO, the PZC may designate another person to temporarily act on its behalf.

B. The ZEO is authorized to issue a municipal citation for a zoning violation if any building or structure has been constructed, altered, converted, or maintained, or any building, structure or land has been used in violation of any provision of the Zoning Regulations of the Town of Norfolk to the extent and in the manner provided by this ordinance and as authorized by CGS Section 8-12a. The Zoning Regulations shall prescribe the circumstances under which a citation may be issued.

C. The citation shall be served upon the owner of the property giving rise to the zoning violation.

D. The fine for each citation shall be one hundred fifty dollars (\$150) for each day that the violation continues to exist commencing on the day set forth in the citation.

E. The ZEO shall serve a citation by certified mail, return receipt requested, and by first class mail, addressed to the property owner named in the citation to such person’s last known address on file with the Tax Collector. The date of service of the citation shall be deemed to be four (4) calendar days after the date of the first class mailing. The ZEO shall retain a true and accurate copy of the original citation and the receipt of mailing.

F. The citation shall inform the property owner:

1. of the violation against him/her and the amount of the fines, penalties, costs, and fees due;
2. that he/she may, without requesting a hearing, determine not to contest liability for the violation and remedy the violation within thirty (30) days following the date of service of such citation, and pay the citation fine in full. Such compliance must be confirmed in writing by the ZEO and payment made either in person or by mail, payable to the Treasurer of the Town of Norfolk. Such payment shall be inadmissible in any proceeding, civil or criminal, to establish the conduct of such person or other person making the payment; or
3. that he/she may contest his/her liability before a Citation Hearing Officer by delivering to the ZEO, in person or by mail, within ten (10) days following

the date of service of such citation, written notice of his/her intention to contest his/her liability before a Citation Hearing Officer.

The citation shall also inform the property owner that if he/she fails to:

- a. comply and make payment as provided in (2) above; or
- b. contest his/her liability as provided in (3) above, an assessment and judgment may be entered against him/her and that such judgment may issue without further notice.

Section 101-4. Citation Authority of the Wetlands Enforcement Officer.

A. That the Wetlands Enforcement Officer (hereinafter the “WEO”) is the person designated to act as the representative of the Inland Wetlands & Watercourses Agency (hereinafter the “IWWA”) in the enforcement of the Wetlands Regulations. In the absence of a WEO, the IWWA may designate another person to temporarily act on its behalf.

B. The WEO is authorized to issue a citation for a wetlands violation involving any regulated activity undertaken without a wetlands permit that encroaches upon or impacts any inland wetlands, watercourse, or upland regulated areas, or that exceeds the scope or violates the conditions of a wetlands permit to the extent and in the manner provided by this ordinance and as authorized by CGS Section 22a-42g.

C. The citation shall be served upon the owner of the property giving rise to the wetlands violation.

D. The fine for each citation shall be:

No permit: For regulated activity undertaken that encroaches upon or impacts upland review area: \$250

No Permit: For regulated activity undertaken that encroaches upon or impacts inland wetlands or watercourse: \$500

Permit Issued: For regulated activities that exceed the scope of wetlands permit and encroaches upon or impacts the upland review area: \$250

Permit Issued: For regulated activities that exceed the scope of wetlands permit and encroaches upon or impacts the inland wetlands or watercourse: \$500

E. The WEO shall serve a citation by certified mail, return receipt requested, and by first class mail, addressed to the property owner named in the citation to such person’s last

known address on file with the Tax Collector. The date of service of the citation shall be deemed to be four (4) calendar days after the date of the first class mailing. The WEO shall retain a true and accurate copy of the original citation and the receipt of mailing.

F. The citation shall inform the property owner:

1. of the violation against him/her and the amount of the fines, penalties, costs, and fees due;
2. that he/she may, without requesting a hearing, determine not to contest liability for the violation and remedy the violation within thirty (30) days following the date of service of such citation, and pay the citation fine in full. Such compliance must be confirmed in writing by the WEO and payment made either in person or by mail, payable to the Treasurer of the Town of Norfolk. Such payment shall be inadmissible in any proceeding, civil or criminal, to establish the conduct of such person or other person making the payment; or
3. that he/she may contest his/her liability before a Citation Hearing Officer by delivering to the WEO, in person or by mail, within ten (10) days following the date of service of such citation, written notice of his/her intention to contest his/her liability before a Citation Hearing Officer.

The citation shall also inform the property owner that if he/she fails to:

- a. comply and make payment as provided in (2) above; or
- b. contest his/her liability as provided in (3) above, an assessment and judgment may be entered against him/her and that such judgment may issue without further notice.

Section 101-5. Hearing Procedure.

If the property owner wishes to contest liability for the zoning or wetlands violation and the citation fine assessed, he/she shall deliver, in person or by mail, to the ZEO/WEO, as applicable, a written demand for a hearing within ten (10) calendar days of the date of service of the citation.

Such hearing shall be held not less than 15 days and not more than 30 days from the date of service of the citation provided, however that the Citation Hearing Officer may grant, upon good cause shown, any reasonable request for postponement or continuance.

The presence of the ZEO/WEO, as applicable, shall be required at the hearing. The ZEO/WEO shall present evidence on behalf of the Town of Norfolk.

A person contesting the citation shall appear at the hearing and may present evidence on his/her behalf. Alternatively, the Citation Hearing Officer may accept written information by mail from such person and may determine thereby that the appearance of such person is unnecessary. If the person who received the citation fails to appear, the Citation Hearing Officer may, without further notice, enter an assessment by default against him/her upon a finding of proper notice and liability under the applicable provisions of this ordinance.

The Citation Hearing Officer shall conduct the hearing in the order and form and with such methods of proof he/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 Citation Hearing Officer shall announce his/her decision at the end of the hearing. If the Citation Hearing Officer determines that the person who requested the hearing is not liable, the Citation Hearing Officer shall dismiss the matter and enter his/her determination in writing. If the Citation Hearing Officer determines that the person is liable for the violations, he/she shall forthwith enter and assess the fines in writing. The Citation Hearing Officer shall forward all documentation and findings relative to the hearing to the ZEO/WEO. A copy of the decision shall be mailed by first class mail to the person(s) who received the citation.

Section 101-6 Citation Enforcement.

If such assessment is not paid within thirty days, the ZEO/WEO shall file a copy of such assessment with the Office of the Town Clerk for recording on the land records until such time the assessment is paid. The ZEO/WEO shall also promptly forward all applicable documentation to the Town Attorney for the purpose of filing a judgment with the Clerk of the Superior Court not less than thirty (30) days nor more than twelve (12) months from the notice of assessment. Further proceedings may then be held pursuant to the applicable provisions of the CGS.

Section 101-7 Other Laws not Affected.

This Ordinance is intended to establish the means by which the Town of Norfolk may effectively enforce its Zoning Regulations and its Inland Wetlands and Watercourses Regulations by establishing a system of municipal fines for the violation of such Regulations. This Ordinance shall not be construed as any limitation on the powers of enforcement established under the provisions of CGS Section 8-12 or 22s-44g.

Section 101-8 Effective Date

This Ordinance shall be effective fifteen (15) days following publication as provided in CGS Section 7-157.