

Ordinance for Citations for Zoning Violations

1. Purpose:

It is hereby found and declared that it is desirable to establish penalties for violations of the Zoning Regulations of the Town of Somers pursuant to Connecticut General Statutes (C.G.S.) §8-12a.

2. Definitions:

CITATION: A written statement of the relevant conditions and facts giving rise to the zoning or ordinance violation, including a reference to the specific ordinance or section(s) of the zoning regulations which has been violated, the time period during which the violation has existed, the potential fine and the cited persons right to appeal.

HEARING OFFICER: Citation Hearing Officer, appointed by the Board of Selectmen, authorized to conduct hearings and issue decisions in connection with citations for violation of any municipal ordinance or regulation.

OFFICER: The Zoning Enforcement Officer, or municipal official charged with enforcing a municipal ordinance or regulation or who issued the notice of violation or citation.

3. Authority to issue citations; fines:

Pursuant to Connecticut General Statutes (C.G.S.) §8-12a, as may be amended, and in addition to the remedies provided in C.G.S. §8-12, an official, as defined herein, is hereby authorized to issue citations for violations of the Zoning Regulations of the Town of Somers. The fine for each violation shall be \$150.00 for each day a violation continues.

4. Service of notice; citation:

Any person found to be in violation of the Zoning Regulations of the Town of Somers, after proper Notice of Violation has been issued; failure to remedy such violation shall result in the issuance of a citation.

Any citation issued under this chapter shall be and is sufficient if provided in one of the following forms, unless otherwise stated:

- a. In-hand delivery by an agent designated by the Board of Selectmen.
- b. Certified mail, return receipt requested, addressed to the person cited at his last known address.
- c. Delivery by any commercial carrier or delivery service such as Fed Ex or UPS.
- d. A state marshal, police officer or constable.

When a citation is refused by any of the above methods, it may be sent by first class mail. The official issuing citation shall retain a true and attested duplicate original of such citation.

5. Citations and procedures:

The provisions of (*insert citation hearing ordinance #*) as to the time within which an appeal may be filed notwithstanding, any person receiving a citation may, within 10 days following service of the citation, file an appeal in writing in the Land Use Office of the Town of Somers, pursuant to the provision of (*insert citation hearing ordinance #*) and C.G.S. § 7-152c(d). The failure to file an appeal shall be deemed to have admitted liability for the violation cited.

Any person receiving a citation shall have 30 days from the date of the citation to make an uncontested payment without requesting a hearing. If the person cited makes an uncontested payment within the prescribed 30 days and the cited violation has been remedied, the fine shall be \$150 for a zoning violation.

If the person cited fails to pay the fine within the time prescribed in this section, an official authorized to issue citations may proceed as provided in section 3(I) of (*insert citation hearing ordinance #*)

The failure to pay the assessment of any fine(s) made by the citation hearing officer may result in a Superior Court judgment as provided by C.G.S. § 7-152(f), as may be amended, entitled to judicial review as provided in C.G.S. § 7-152c(g), as may be amended.

6. Effect on other laws:

The provisions of this chapter shall be in addition to and not in derogation of any and all provisions of the Connecticut General Statutes and the Code of the Town of Somers.