

Chapter 48. Citations for Wetland and Zoning Violations

(HISTORY: Adopted by the Town of Ellington 2-5-2007. Amended ~~xx-xx-2019~~ments noted where applicable)

General References

Citations – See Ch. 46

Inland wetlands and watercourses – See Ch. 210

Zoning – See Ch. 230

§ 48-1. Definitions.

The following definitions shall apply in the interpretation and enforcement of this chapter. (Masculine terms include the feminine.)

CITATION

A written statement of the relevant conditions and facts giving rise to the wetland or zoning violation, including a reference to the specific section(s) of the wetland or zoning regulations which has been violated, the time period during which the violation has existed, and the ~~amount of the potential~~ fine ~~due and the cited persons right to appeal pursuant to § 46-3A.~~

CITATION HEARING BOARD

As defined pursuant to § 46-2.

CITED PERSON

As defined pursuant to § 46-2.

OFFICIAL

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

§ 48-2. Authority to issue citations; fines.

- A. 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 Ellington. Except as

~~otherwise provided in § 48-4A, the~~ The fine for each zoning violation ~~shall be may not exceed~~ \$150 for each day a violation continues.

- B. Pursuant to C.G.S. § 22a-42g, as may be amended, and in addition to the remedies provided in C.G. S. § 22a-44, an official, as defined herein, is hereby authorized to issue citations for violations of the Inland Wetlands Regulations of the Town of Ellington.

(1) ~~Except as otherwise provided in § 48-4A, the~~ The fine for each wetland violation shall ~~not be more than~~ the following:

(a) For activities that occur within the established upland review area of an inland wetland or watercourse, but not within its related inland wetland or watercourse: \$500.

(b) For activities that occur within an inland wetland or watercourse: \$1,000.

(2) Each day's continuance thereof shall be deemed to be a separate and distinct offense.

- C. Any such fine shall be made payable to the Treasurer of the Town of Ellington.

§ 48-3. Service of notice; citation.

- A. Any citation issued under this chapter shall be and is sufficient if notice of the same is provided in accordance with § 46-2.~~provided in one of the following forms, unless otherwise stated:~~

~~(1) In hand delivery by an official charged with enforcing the ordinance or regulation.~~

~~(2) Certified mail, return receipt requested, to the last known address of the person cited or to the address listed in the records of the Assessor's Office.~~

~~(3) Delivery by any commercial carrier and delivery service such as, but not limited to, Fed Ex or UPS.~~

~~(4) A commercial process server, state marshal, police officer or constable.~~

- B. When a citation is refused by any of the ~~above~~ methods set forth in § 46-2, it may be sent by first class mail. The official issuing the citation shall retain a true and attested duplicate original of such citation.

§ 48-4. Citations, enforcement and appeal and procedures.

~~A. — The provisions of § 46-3 as to the time within which an appeal may be filed to the contrary notwithstanding, any person receiving a citation may, within 10 days following service of the citation, file an appeal in writing in the office of the First Selectman pursuant to the~~

~~provision of § 46-3A and C.G.S. § 7-152c(d). The failure to file an appeal shall be deemed to have admitted liability for the violation cited.~~

~~A. Any person receiving a citation shall have 30 days~~30 days from the date of the citation~~ to make an uncontested payment of the fine set forth in the citation to the First Selectman's office, either in person or by mail~~without requesting a hearing~~. If the person cited makes an uncontested payment within the prescribed 30 days~~30 days~~ and the cited violation has been remedied within said period, the total fine shall be \$150 for a zoning violation. In the case of a wetlands violation, if the cited person makes an~~any~~ uncontested payment ~~is made~~ within the prescribed 30 days~~30 days~~ and the cited violation has been remedied within said period, the total fine shall be \$500 or \$1,000, whichever fine is applicable pursuant to § 48-2B.~~

~~B. If the fine provided for in any such citation is unpaid beyond the due date stated therein, the official who issued the same may initiate proceedings under Chapter 46, Citations, to collect such fine.~~

~~C. Any person issued a citation and fined pursuant to this chapter may appeal such citation and fine pursuant to Chapter 46, Citations.~~

~~B.~~

~~C. If the person cited fails to pay the fine within the time frame prescribed in Subsection B of this section, an official authorized to issue citations may proceed as provided in § 46-3B et seq.~~

~~D. 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 in 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.~~

§ 48-5. Severability, Effect on other laws; Effective date.

~~A. If any provision of this chapter or the application thereof shall be held invalid or unenforceable, the remainder of this chapter, or the application of such terms and provisions to persons or circumstances other than those to which it is held invalid or unenforceable, shall not be affected thereby, and each remaining term and provision hereof shall be deemed valid and shall be enforced to the fullest extent permitted by law.~~

~~B. 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 ordinances of the Town of Ellington.~~

~~C. The effective date of this chapter is March 3, 2007.~~