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The Town of Washington, Connecticut



Ordinance Establishing Citation Procedures and Fines For Violations of Zoning Regulations

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ORDINANCE ESTABLISHING CITATION PROCEDURES AND FINES FOR VIOLATIONS OF ZONING REGULATIONS

Adopted at Town Meeting on September 30, 2006
Effective November 1, 2006.

A. PURPOSE

1. The purpose of this Ordinance shall be (a) to encourage compliance with the Zoning Regulations of the Town of Washington, Connecticut; (b) to discourage violators from allowing violations to continue unabated by increasing the penalties for such continuing violations.

B. ISSUANCE OF CITATIONS

1. Pursuant to the authority vested in municipalities under Connecticut General Statutes Section 8-12a, any person authorized by the Zoning Commission of the Town of Washington to enforce the Zoning Regulations of the Town (such person being referred to hereinafter as the "Zoning Enforcement Officer") may issue a citation for any violation of those Regulations in the manner provided by this ordinance.

2. The Town shall maintain copies of all citations issued pursuant to this Ordinance for a period of no less than ten (10) years after the dates of issuance of the respective citations. The copies shall be indexed under the names of the persons to whom the citations were issued. Within ten (10) days after the final disposition of each citation, by payment of the specified fine or by a final decision on any appeal taken pursuant to the provisions of this Ordinance, a note shall be placed in the file on, or together with, the relevant citation indicating the nature of the final disposition. If no appeal is taken of a citation issued pursuant to this Ordinance, but the specified fine is not paid, a note to that effect shall be placed in the file on, or together with, the relevant citation.

3. Any such citation may be issued by the Zoning Enforcement Officer either by

hand or by Certified Mail, return receipt requested. If the person named in any such citation fails or refuses to accept such mail, the citation may be sent by regular United States mail.

4. Any person receiving such a citation shall be allowed a period of thirty (30) days from his or her receipt of the citation to make an uncontested payment of the fine to the Town. If the citation has been sent by regular mail pursuant to the provisions of Subsection B.3 of this Ordinance, the day of receipt of the citation shall be considered to be three (3) business days after the date of mailing of the citation. For the purposes of this Ordinance, the term "business days" shall include any days other than Saturdays, Sundays, and legal holidays upon which the Bryan Memorial Town Hall is closed.

5. If a person who has been issued a citation does not make uncontested payment of the fine specified in the citation to the Town within the time allowed under Subsection B.4 of this Ordinance, the Zoning Enforcement Officer shall send a notice to the person cited, informing such person anew: (1) of the allegations against him or her and the amount of the fines; (2) that the person cited may contest liability before a Hearing Officer appointed by the First Selectman, as provided in Subsection C.1 of this Ordinance, by delivering to the Zoning Enforcement Officer, in person or by Certified Mail, return receipt requested, within ten (10) days of the date of receipt of the notice, a written demand for a hearing; (3) that if the person cited does not demand such a hearing, an assessment and judgment shall be entered against him or her; (4) that such assessment and judgment may accrue an additional fine of \$150 for each day that the violation continues; and (5) that such judgment may issue without further notice.

6. If the person who is sent notice pursuant to Subsection B.5 of this Ordinance wishes to admit liability for any alleged violation, he or she may, without requesting a hearing, pay the full amount of the fine, either in person or by mail, to the Town. Any person who does not deliver or mail a written demand for a hearing within ten (10) days of the date of the notice described in Subsection B.5 of this Ordinance shall be deemed to have admitted liability and the Zoning Enforcement Officer shall certify to the Hearing Officer that such person has failed to respond. The Hearing Officer shall thereupon enter and assess the fines provided for by this Ordinance and shall follow the procedures set forth in Subsection E.1 of this Ordinance.

C. CITATION APPEAL AND HEARING PROCEDURES

1. A person who chooses to appeal a citation and requests a hearing to this effect shall be given written notice of the date, time and place for the hearing by hand or by Certified Mail, return receipt requested. Such hearing shall be held no less than fifteen (15) days nor more than thirty (30) days from the date of mailing of the notice, provided the Hearing Officer shall grant upon good cause shown any reasonable request by an interested party for postponement or continuance. Upon request of the person appealing the citation, the presence of the Zoning Enforcement Officer shall be required at the hearing. The Zoning Commission may designate one or more persons in addition to the Zoning Enforcement Officer to present evidence on behalf of the Town. A person wishing to contest liability shall appear at the hearing and may present evidence on his or her behalf. Alternatively,

the Hearing Officer may accept written information from the person who received the citation and may determine thereby that the appearance of such person is unnecessary. If the person who received the citation fails to appear or has not submitted relevant written information as specified above, the Hearing Officer may enter an assessment of default against him or her upon a finding of proper notice and liability under the applicable provisions of the Zoning Regulations of the Town of Washington.

2. In the event that the Hearing Officer determines that he or she will not have an adequate opportunity to review documentation provided by any party to the hearing on the date of the hearing, he or she may order the hearing to be continued to a later date.

3. The Hearing Officer shall conduct the hearing in the order and form, and with such methods of proof, as he or 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 Hearing Officer shall announce his or her decision at the end of the hearing. If the Hearing Officer determines that the person who received the citation is not liable, the Hearing Officer shall dismiss the matter and enter that determination in writing accordingly. If the Hearing Officer determines that the person who received the citation is liable for the violation, the Hearing Officer shall forthwith enter and assess the fines against the person as provided by this Ordinance.

4. If the person who received the citation does not agree with the Hearing Officer's assessment, he or she may appeal the decision to the Superior Court in accordance with the applicable provisions of the Connecticut General Statutes.

5. If the Hearing Officer's assessment is not paid on the date of its entry, the Hearing Officer shall send by First Class Mail a notice of assessment to the person found liable and shall file, not less than thirty (30) days nor more than twelve (12) months after such mailing, a certified copy of the notice of assessment with the Clerk of the Superior Court together with the applicable entry or filing fee. Further proceedings may then be held pursuant to the applicable provisions of the Connecticut General Statutes. The certified copy of the notice of assessment shall constitute a record of assessment. Within such twelve-month period, assessments against the same person may be accrued at the rate of \$150 for each day that the violation continues and filed as one record of assessment. As provided by state law, the Clerk shall enter judgment, in the amount of such record of assessment and court costs, against such person in favor of the Town, and the Hearing Officer's assessment, when so entered as a judgment, shall have the effect of a civil money judgment and a levy of execution on such judgment may issue without further notice to such person.

6. The First Selectman of the Town of Washington shall appoint one (1) or more Citation Hearing Officers, who shall be other than a zoning enforcement officer, a member of the Zoning Commission or Zoning Board of Appeals, or an employee of the Town, to conduct hearings as described in Subsections C.1 and C.3 of this Ordinance.

D. EXEMPTIONS

1. Notwithstanding the foregoing, no fine shall be levied against the State of Connecticut or any employee thereof acting within the scope of his or her employment. Likewise, no fine shall be levied against the Town or any employee thereof acting within the scope of his or her employment.

E. SCHEDULE OF FINES

1. The amount of the fine specified in any citation shall be \$150, plus an additional \$150 for each day after the date of issuance of the citation that the violation continues.

2. If an assessment and judgment is entered against a person pursuant to Subsection B. 6 or Subsection C. 5 of this Ordinance, the assessment shall accrue against that person at the rate of \$150 for each day that the violation continues as provided in Subsection C. 5.

This ordinance shall become effective on November 1, 2006.

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