

ORDINANCE RE: ZONING VIOLATION CITATIONS AND PROCEDURES
BE IT ORDAINED BY THE LEGAL VOTERS OF THE TOWN OF BURLINGTON IN LAWFUL
TOWN MEETING DULY ASSEMBLED THAT,
the following Ordinance be established:

AN ORDINANCE RE: ZONING VIOLATION CITATIONS, PROCEDURE AND PENALTIES

- A. Pursuant to Connecticut General Statutes (CGS) Section 8-12a, the Zoning Enforcement Officer (“ZEO”) or designee is authorized to issue citations for violations of the Town of Burlington Zoning Regulations to the extent and in the manner provided by statute. The Town of Burlington Planning and Zoning Commission shall adopt a written policy governing the timing and circumstances under which the Zoning Enforcement Officer may issue a citation.

Any such citation may be served either by hand delivery or by certified mail, return receipt requested, to the person named in such citation. If the person named in the citation refuses to accept such mail, the citation shall be re-sent by regular United States Postal Service mail. The ZEO shall retain any returned or refused citation and a copy of each citation sent by regular mail, noting the date of mailing.

- B. A citation shall be issued for any violation of the Town of Burlington Zoning Regulations. Any continuation of a violation for more than twenty-four (24) hours shall constitute a new violation.
- C. The fine for each violation shall be \$150.00 (one hundred and fifty dollars) for each citation, payable to the Treasurer, Town of Burlington.
- D. Any person receiving a citation shall have a period of 30 (thirty) calendar days from receipt of said citation to make an uncontested payment of the fine specified in the citation. If the citation had been sent by regular mail pursuant to the provisions of Subsection A of this Ordinance, after refusal to accept certified mail service, the day of receipt of the citation shall be deemed to be four calendar days after the day of mailing the citation. The ZEO shall issue to the person cited a receipt of payment made if in cash.
- E. If a person who has been issued a citation does not make uncontested payment of the fine within the time allowed under Subsection D of this Ordinance, the ZEO shall give notice to the person receiving the citation in accordance with Subsection A of this Ordinance within 12 (twelve) months of the end of said uncontested payment period, informing such person:
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 by Statute, by delivering, in person or by certified mail, within ten (10) days of the date 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 judgment may issue without further notice.
- F. If the person who is sent notice pursuant to Subsection E 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 to the Land Use Office of the Town of Burlington. All checks shall be made payable to the Treasurer, Town of Burlington.

ZONING VIOLATION CITATIONS AND PROCEDURE (continued)

Such payment shall be inadmissible in any proceeding, civil or criminal, to establish the conduct of such person or other person making the payment. Any person who does not deliver or mail a written demand for a hearing in accordance with Subsection A herein within ten (10) days of the date of the notice described in Subsection E herein shall be deemed to have admitted liability, and the ZEO shall certify to the Hearing Officer that such person has failed to respond. The Hearing Officer shall thereupon enter and assess the fine provided for by this section and shall follow the procedures set forth in Subsection H of this Ordinance. Any demand for hearing for more than one citation may include multiple citations provided that each is listed by date, and

- G. Any person who requests a hearing shall be given written notice of the date, time and place for the hearing. Such hearing shall be held not less than fifteen (15) days nor more than thirty (30) days from the date of the mailing of notice, provided that the Hearing Officer shall grant upon good cause shown any reasonable request by any interested party for postponement or continuance. An original certified copy of the initial notice of violation issued by the ZEO shall be filed and retained by the municipality, and shall be deemed to be a business record within the scope of CGS §52-180 and evidence of the facts contained therein. The presence of the ZEO shall be required at the hearing if requested in writing by the person who was issued the citation. A person wishing to contest liability shall appear at the hearing and may present evidence on his or her behalf. The ZEO may present evidence on behalf of the Town of Burlington. If the person who received the citation fails to appear, the Hearing Officer may enter an assessment by default against him or her upon a finding of proper notice and liability under the applicable provisions of the Town of Burlington Planning and Zoning Regulations.

The Hearing Officer may accept written information by mail from the person who received the citation and may determine thereby that the appearance of such a person unnecessary. The Hearing Officer shall conduct the hearing in open and reasonable 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 in violation of one or more Regulations, 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 such person as provided by this Section.

- H. If such assessment is not paid on the date of its entry, the Hearing Officer shall send, by certified mail (as provided in Subsection A of this Ordinance), a notice of the 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 for Geographical Area covering Burlington, together with the applicable entry fee. Further proceedings may then be held pursuant to the applicable provisions of the Connecticut General Statutes.
- I. The First Selectman shall appoint one Hearing Officer to conduct the hearings provided by this Section. Hearing Officers shall serve for terms of two (2) years, unless removed for cause. Neither the ZEO, the Building Inspector, nor any employee nor volunteer of the Town of Burlington exercising zoning authority may be appointed to be a Hearing Officer pursuant to this Section. This Ordinance shall become effective fifteen days after publication in a newspaper having a general circulation in the Town of Burlington.

Adopted
Effective

ZONING VIOLATION CITATIONS AND PROCEDURE TOWN OF BURLINGTON

Citation Procedures and Fines for Zoning Violations

On _____, under the provisions of the Connecticut General Statutes Section 8-12a and Public Act 96-210, the Town of Burlington adopted an Ordinance to empower the Zoning Enforcement Officer to issue citations for zoning violations and charge a daily penalty of \$150.00 (one hundred fifty)

On _____, the Planning and Zoning Commission adopted a written policy governing the timing and circumstances under which the Zoning Enforcement Officer may issue a citation. The policy for enforcement of this Ordinance is as follows:

1. The apparent violation shall be verified and documented by the Zoning Enforcement Officer.
2. A notice of violation with detailed conditions for compliance will be sent.
3. If the conditions of the notice are not met, a citation may be issued.
4. Violations that are not brought into compliance after a citation is issued may be subject to further citations and/or a Cease and Desist Order.
5. No second notice of violation will be made.
6. Payment of fines and appeals of citations shall follow the procedure outlined in the adopted Ordinance.