

ORDINANCE ESTABLISHING FINES
FOR ZONING VIOLATIONS
(Approved by Town Council 3-1-06; effective 3-17-06)

§ 1. Purpose.

The purpose of this Ordinance is to establish a means by which the Town of New Canaan may more effectively enforce the Zoning Regulations of the Town of New Canaan, with the implementation of fines for zoning violations.

§ 2. Statutory Authority.

This Ordinance is adopted pursuant to Section 8-12a and Section 7-152c of the Connecticut General Statutes.

§ 3. Definitions.

For purposes of this Ordinance, the following words shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning. Words not specifically defined shall carry their customary meaning.

Commission means the Planning & Zoning Commission of the Town of New Canaan.

Person means any person, firm, partnership, association, corporation, company, organization or legal entity of any kind.

Regulations means the Zoning Regulations of the Town of New Canaan, as the same may be amended from time to time.

Zoning Inspector means the person or persons designated by the Commission to enforce the Zoning Regulations, and includes any Assistant Zoning Inspectors.

§ 4. Issuance of citations.

- A. The Zoning Inspector is hereby authorized to issue citations to any person who commits a violation of the New Canaan Zoning Regulations adopted by the Planning & Zoning Commission, to the extent and in the manner provided by this ordinance. In such instances, each citation will apply jointly and severally to the owner of the property in question and the person in possession and control of the property, and his/her agents, contractors and subcontractors. Each day that any violation continues shall be deemed a separate offense for which a separate fine may be applied.
- B. Any such citation may be delivered either by hand delivery or by certified mail to the person named in such citation. The Zoning Inspector issuing a citation shall

retain a copy of the citation. In addition, the issuance of a citation shall be reported to the Planning & Zoning Commission.

§ 5. Violations subject to fines.

A citation may be issued by the Zoning Inspector for any violation of the New Canaan Zoning Regulations, including, without limitation, the following types of violations:

- (A) The construction, installation, alteration, conversion, or maintenance of any building or structure without a proper zoning permit allowing the same;
- (B) The use of any building, structure or land without a proper zoning permit allowing the same;
- (C) Any violation concerning signage;
- (D) Any violation concerning earth excavation, filling, or grading;
- (E) Any violation of the parking regulations;
- (F) Any violation of any other Zoning Regulation; and
- (G) Any violation of the conditions of a zoning permit.

§ 6. Establishment of Fine.

The fine for each occurrence of a violation shall be the greater of One Hundred Fifty Dollars (\$150.00), or the maximum amount allowed by § 8-12a of the Connecticut General Statutes, as the same may be amended from time to time. The fine shall be payable to the Treasurer of the Town of New Canaan. Each day that any violation continues shall be deemed a separate occurrence, for which a separate fine may be applied.

§ 7. Citation Hearing Procedures.

The issuance, payment, and procedure to contest a citation shall be in accordance with Connecticut General Statutes § 7-152c and the Citation Hearing Procedure in Chapter 11 of the Code of the Town of New Canaan.

§ 8. Hearing Officers.

The First Selectman of the Town of New Canaan shall appoint one or more citation Hearing Officers to conduct the hearings provided by Connecticut General Statutes § 7-152c, provided that no New Canaan zoning inspector, New Canaan building inspector, nor any member of the New Canaan Planning & Zoning Commission, nor any member of the New Canaan Zoning Board of Appeals, nor any police officer or other Town employee may be appointed as a Hearing Officer.

§ 9. Supplemental Remedies.

The provisions of this ordinance are in addition to, and not in lieu of, any other remedies available to the Zoning Inspector, the Planning & Zoning Commission, and the Town of New Canaan, under the Zoning Regulations, the Town Code, the Connecticut General Statutes, or the common law. The issuance of citations under this ordinance shall not preclude the exercise of such other remedies.