

Town of Union, Connecticut

Ordinance Establishing Citation Procedures and Penalties for Zoning Violations

The Town of Union hereby ordains:

**Section 1.** Purpose.

A. Pursuant to C.G.S. § 8-12a, as amended by Public Act No. 96-210, the Town of Union adopts this ordinance for the purpose of establishing penalties for violations of the Union Zoning Regulations, which were adopted under C.G.S. § 8-2, et seq. as amended.

B. Zoning enforcement measures which are fair and reasonable help to protect the rights of Union property owners from illegal land use violations and enhance the quality of life for all residents and businesses in Town.

**Section 2.** Procedure for Issuance of Citations.

A. Prior to the issuance of a citation, the Zoning Enforcement Officer or a duly authorized agent of the Town of Union (hereinafter collectively referred to in this ordinance as the “ZEO”), shall have the authority to provide written notice to any person and/or property owner who causes or allows a violation of any provision of the Union Zoning Regulations. Such written notice shall explain the nature of the violation and the steps required for compliance and shall allow a seventy-two-hour period within which to correct the violation or submit a written plan for correction that, with approval by the ZEO, shall set forth a reasonable time period for correction of the violation. A written notice of violation issued by the ZEO pursuant to this subsection shall be served:

(1) By hand delivery to an owner of the property, at which time the seventy-two-hour period shall begin; or

(2) By certified mail, return receipt requested, and by regular first-class mail to the property owner(s)' abode or residence. Three business days shall be allowed for mail delivery of the notice prior to the commencement of the seventy-two-hour period.

B. Within 48 hours after the period for correction established in Section 2.A. expires, the ZEO shall re-inspect the subject property to determine zoning compliance.

C. If the violations set forth in the written notice have not been corrected at the time of re-inspection, the ZEO may issue a citation and fine for each violation. All citations issued by the ZEO shall state the violation for which the citation is being issued, the fine imposed for the violation, the time period within which the fine must be paid, and an address for remittance of

the fine. The fine for each violation shall be \$100 and each day of a continuing violation shall constitute a separate finable offense. Citations shall be issued to the violator(s) and property owner(s) by the ZEO via hand delivery, abode delivery or by certified mail. The date of delivery by hand or abode service, or the date the citation is mailed, shall constitute the citation issuance date.

**Section 3.** Compliance Periods after Citation is issued for Determination of Continuing Violations; Repeated Violations.

The time period for correction of the violation(s) set forth in a citation shall be in accordance with the following requirements:

- A. For violations which involve the illegal use of a property by a nonstructural object such as a sign, vehicle, junk, etc., compliance with the zoning regulation(s) shall be made within 48 hours of issuance of the citation.
- B. For violations which involve the illegal use of a property by the conduct of an activity which is not permitted, cessation of the illegal use shall be within 48 hours of issuance of the citation.
- C. For violations which involve the illegal placement of a structure, all work on the structure shall immediately cease. The structure shall be removed within sixty (60) days unless a zoning permit is issued.
- D. All zoning violations not expressly included in Subsections A, B and C of this section shall be brought into compliance with the Zoning Regulations within 48 hours of the issuance of the citation or within such other time period as designated in writing by the ZEO.
- E. Any violation for which a citation is issued and which is not corrected within the time period allowed in this section shall constitute a new and separate violation for every twenty-four-hour period thereafter in which the violation is not corrected. For repeated violations of the same section of the Zoning Regulations with respect to the same property, the Zoning Enforcement Officer shall not be required to provide the violator and property owner with another written notice or correction period and may immediately issue the citations and fines permitted by this ordinance.
- F. The Zoning Enforcement Officer shall not be responsible for a daily re-inspection, rather the person(s) to whom the citation has been issued shall be responsible for reporting subsequent compliance to the ZEO. The ZEO shall re-inspect to confirm compliance within 24 hours of such report.

**Section 4.** Payment of fines.

A. All fines imposed under this article which are uncontested shall be made payable to the Town of Union and shall be received by the ZEO within ten (10) business days from issuance of the citation. Continuing violations shall accrue daily and, after the initial ten (10) days for payment from the issuance of the citation has passed, such accruing fines shall become immediately due and payable. All fines collected by the ZEO shall be directed to the Town Treasurer.

**Section 5.** Other remedies.

The penalties established by this article shall not be exclusive of any other enforcement remedy which may be imposed by the ZEO for violations of the Union Zoning Regulations, as authorized by any state statute, Town ordinance, or the Union Zoning Regulations.

**Section 6.** Separability and Conflict

If a court of competent jurisdiction finds any provision of this ordinance to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid or effective, and all other provisions of this Ordinance shall continue to be separately and fully effective. If any other ordinance or parts of ordinances are in conflict herewith, the more restrictive provisions shall apply.