

**Town of Chaplin, CT**  
**Zoning Violations Ordinance**

**Section 1: Title.**

This Ordinance shall be known and may be cited as the Town of Chaplin “Zoning Violations Ordinance.”

**Section 2: Legislative Authority.**

This Ordinance is enacted pursuant to Sections 8-2, 8-12a and 7-152c of the Connecticut General Statutes.

**Section 3: Intent.**

The purpose of this Ordinance is to better ensure compliance with the Zoning Regulations of the Town of Chaplin. In furtherance of this purpose, this Ordinance is designed to establish fines for violations of the Zoning regulations of the Town of Chaplin, authorized by Sections 8-2 and 8-12a of the Connecticut General Statutes, and a hearing procedure for the appeal and enforcement of such fines.

**Section 4: Appointment of Hearing Officers**

The Board of Selectmen shall appoint at least two persons who are electors of the Town of Chaplin to serve as zoning violation hearing officers to conduct hearings regarding the violation of the zoning regulations. No zoning agent or zoning enforcement officer, building inspector or employee of the municipal body exercising zoning authority may be appointed to be a hearing officer.

**Section 5: Notice of Violation**

The zoning agent is authorized to issue citations for each violation of the Zoning Regulations of the Town of Chaplin as follows:

**A. Notification**

Upon determination of a violation, the zoning agent shall provide notice, by certified mail, return receipt requested, to the person(s) in control of the subject property upon which the violation exists or, in the case of a business use, the owner or operator or manager of such business. Such notice of violation shall state the violation, the date by which the violation must be remedied, and the fact that a fine of thirty dollars (\$30.00) will be imposed for each day of violation subsequent to the date by which the violation must be remedied. Such date shall be not less than ten (10) days after the date of verifiably completed service of the notice or twenty (20) days after it is sent, whichever is the latest. Upon failure to remedy the violation within the stated time, the zoning agent may issue a citation as provided for in subsection B, below. If the person in control of the

subject property is not the owner of record, the zoning agent may provide notice to such owner in the same manner.

**B. Citation.**

In the event such violation persists notwithstanding such notice of violation, the zoning agent may thereupon issue a citation. Such citation shall be served by certified mail, return receipt requested, upon the person named therein and shall cite this ordinance, specify the violation(s) and the fine(s) therefore and require payment of the fine(s) within thirty (30) days of verifiably completed service of the citation or forty (40) days after it is sent, whichever is the latest. The zoning agent shall retain a copy of each such citation, certified to be a true copy of the original thereof by the Clerk of the Town of Chaplin.

**Section 6: Fine for Violation**

The fine that may be imposed for any such violation of the Zoning Regulations shall be thirty dollars (\$30.00) for each day a violation continues, payable to the treasurer of the Town of Chaplin.

**Section 7: Failure to Respond; Judgment**

At any time within twelve months from the expiration of the final period for the uncontested payment of fines set forth in Section 5.B., above, the zoning agent may send notice to the person(s) cited, informing such person(s):

- A. Of the allegations against the cited person(s) and the amount of the fine(s) due;
- B. That the cited person may contest liability before a hearing officer appointed by the board of selectmen by delivering in person or by mail written notice of demand for a hearing to the office of the first selectman at the Chaplin Town Hall within fifteen days of the date thereof;
- C. That if a hearing is not so demanded, an assessment and judgment shall be entered against the cited person; and
- D. That such judgment may issue without further notice.

**Section 8: Admission of Liability.**

If a person who is sent notice pursuant to Section 7 wishes to admit liability for an alleged violation, the cited person may, without requesting a hearing, pay the full amount of the fines in person or by mail to the town treasurer at the address specified in the notice. Any cited person who does not deliver or mail written notice of demand for a hearing within fifteen days of the first notice provided for in Section 7, above, shall be deemed to have admitted responsibility and the office of the first selectman shall certify

such person's failure to respond to the hearing officer. The hearing officer shall thereupon enter and assess the fine(s) and shall follow the procedures set forth in Section 9, below.

**Section 9: Hearing Procedure.**

**A.** Any cited person who requests a hearing shall be given written notice of the date, time and place of the hearing. Such hearing shall be held not less than fifteen days nor more than thirty days from the date of the mailing of such notice, provided the hearing officer shall grant upon good cause shown, any reasonable request by any interested party for postponement or continuance. An original or certified copy of the initial notice of violation issued by the zoning agent shall be filed and retained by the Town, be deemed to be a business record within the scope of General Statutes section 52-180, and be evidence of the facts set forth therein. The zoning agent or the zoning agent's designee shall appear and present evidence on behalf of the Town of Chaplin. A person wishing to contest their liability or their designee shall appear at the hearing and present evidence in their own behalf.

**B.** If the cited person or their designee fails to appear, the hearing officer may enter an assessment by default against the cited person upon a finding of proper notice and liability under the applicable zoning regulations. The hearing officer may accept from the cited person or their designee copies of written statements, police reports, investigatory and citation reports and other official documents by mail or hand delivery, and may determine thereby that the appearance of such person is unnecessary. The hearing officer shall conduct the hearing in the order and form and with such methods of proof as the hearing officer 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 a decision at the end of the hearing. If the hearing officer determines that the cited person is not liable, the matter shall be dismissed and the decision of the hearing officer entered in writing accordingly. If the hearing officer determines that the cited person is liable for the violation, said officer shall forthwith enter and assess the fine(s) against such person as provided by this Ordinance.

**Section 10: Notice of Assessment and Judgment.**

If such assessment is not paid within three (3) business days of the date of its entry, the hearing officer shall send by first class mail and by certified mail, return receipt requested, a notice of the assessment to the person found liable and shall file, not less than thirty days or more than twelve months after such mailing, a certified copy of the notice of assessment with the clerk of the appropriate court, which is now the Superior Court for the Windham Judicial District, together with the appropriate entry fee, which is now eight dollars. 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 and filed as one record of assessment. The clerk shall enter judgment in the amount of said record of assessment and court costs against the cited person, in favor of the Town. Notwithstanding any other provision of the Connecticut General Statutes,

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.

**Section 11: Appeal.**

A cited person against whom an assessment has been entered pursuant to this Ordinance is entitled to judicial review by way of appeal. An appeal shall be instituted within thirty days of the mailing of notice of such assessment by filing a petition to open assessment, together with an entry fee in an equal amount to the entry fee for a small claims case pursuant to General Statutes section 52-259, at the appropriate court, which is now the Superior Court for the Windham Judicial District, which shall entitle such cited person to a hearing in accordance with the rules of the judges of the Superior Court.

**Section 12: Other Remedies.**

No action taken pursuant to this Ordinance shall preclude the Town of Chaplin from pursuing other enforcement remedies, either in addition to those specified in this Ordinance or separately, in order to achieve lawful compliance with the Zoning Regulations of the Town of Chaplin. No action or inaction shall preclude any cited person whose case is being processed per this Ordinance from pursuing any other legal remedy or defense in addition to those set forth in this Ordinance; however, subject to provisions of Connecticut General Statutes section 8-7 allowing the possible stay or reversal of any order, requirement or decision of the zoning agent, no such pursuit by the cited person shall interfere with the processes set forth herein, absent the contrary ruling of a court of law. No fine may be assessed or enforced by the Town of Chaplin against any person in any instance in which the action of the zoning agent upon which such fine, assessment or enforcement action is based has been reversed by the Zoning Board of Appeals per Connecticut General Statutes section 8-7.