

ORDINANCE NO. ____
AMENDING CHAPTER 248, ARTICLE I OF THE CODE OF ORDINANCES;
PENALTIES FOR VIOLATIONS OF ZONING REGULATIONS

WHEREAS, Chapter 248, Article I of the Code of Ordinances establishes penalties for violations of the zoning regulations and the for the enforcement thereof; and

WHEREAS, the Board of Representatives believes that it is in the best interests of citizens of Stamford to strengthen the current regulations by adopting measures that would allow for more effective enforcement; and

WHEREAS, the current regulations do not provide for an early resolution conference between the Zoning Enforcement Officer and property owners who have been issued a notice of violation; and

WHEREAS, the enforcement of the zoning regulations would be benefitted by increasing the number of employees who may issue citations pursuant to this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF STAMFORD THAT:
Chapter 248, Article I, Penalties for Violations of Zoning Regulations, is amended as follows:

ARTICLE I. - PENALTIES FOR VIOLATIONS OF ZONING REGULATIONS

Sec. 248-1. - Violations designated.

A. Pursuant to Section 8-12a of the Connecticut General Statutes, as amended, and Public Act 96-210, any violation of a zoning regulation adopted under § 8-2 of the Connecticut General Statutes, as amended, or by special act, shall be subject to a citation for a violation of this article.

B. A violation of this article shall include but not be limited to:

- (1) Any building or structure which has been erected, constructed, altered, converted or maintained in violation of any zoning regulation; or
- (2) Any building, structure or land which has been used in violation of any zoning regulation; or
- (3) Any violation of any regulation concerning signage or excavation; or
- (4) A violation of any other zoning regulation.

Sec. 248-2. - Each occurrence to be separate violation.

Each occurrence of a violation of any zoning regulation, and each such day that such violation shall continue, shall constitute a separate violation and shall be subject to a separate penalty.

Sec. 248-3. - Fines.

The fine for a violation of this article shall be ~~\$150~~ \$100 for each such occurrence of a violation and an additional ~~\$150~~ \$100 for each such day that such violation

continues, as defined above. Said fines shall be payable to the Treasurer of the City of Stamford.

Sec. 248-4. - Payment of uncontested fines.

All payments of uncontested fines for a violation of this article shall be made within 15 days of the date of issuance of the citation. Fines which are not paid or appealed within said 15 days of the date of issuance of the citation shall be considered delinquent, in accordance with the citation hearing procedure adopted below. Payment is deemed to be made on the date that it is received by the City of Stamford.

Sec. 248-5. - Effect on statute or common law.

No municipal fine or penalty imposed by this article shall supplant any enforcement action or legal remedy provided by Section 8-12 or any other appropriate section of the Connecticut General Statutes or by common law.

Sec. 248-6. - Enforcement.

This article shall be enforced by the Zoning Enforcement Officer or Officers. The Mayor may appoint one or more city employees to issue citations pursuant to the provisions of this ordinance. The city employee appointed as a Zoning Citation Officer under this section shall be approved by the Board of Representatives.

Sec. 248-7. - Citation hearing procedure.

The citation hearing procedure (Chapter 97, Citation Hearings, of the Code), adopted by Ordinance 746 Supplemental, pursuant to Section 7-152c of the Connecticut General Statutes, as amended, shall apply to citations issued for a violation of this article, except that no Zoning Enforcement Officer, Building Inspector or employee of the City of Stamford exercising zoning authority may be appointed to be a hearing officer on such matters.

Sec. 248-8. - Resolution Conference.

Within seven (7) days of the date of the service of a notice of violation of this article, any person receiving such notice may request a resolution conference with the Zoning Enforcement Officer. The purpose of the resolution conference is to determine whether the owner is willing and able to correct the violation.

Neither the request for, nor the scheduling of a resolution conference shall toll or abate the service of a civil citation upon the owner, the imposition of fines, or the time period to demand a hearing before a citation hearing officer.

However, at the resolution conference, the person receiving the notice of violation may request an extension of a reasonable amount of time to correct the violation. The Zoning Enforcement Officer may grant this request in such officer's sole discretion and so notify the person of the extension in writing. If the violation is corrected within the time granted by the Zoning Enforcement Officer, the Zoning Enforcement Officer may waive some or all fines imposed.

Notwithstanding the foregoing, the provisions of this section shall not apply to violations causing an immediate and significant danger to others.

A request for a resolution conference shall not be deemed an admission of liability in any administrative or judicial proceeding.

The notice of violation shall inform the property owner of the provisions of this section.

Sec. 248-9. Penalty for Filing False Report.

Any person who knowingly files a false report of a zoning violation may be subject to a fine of up to \$150 for each such report.