

Chapter 84

Citations for Zoning Violations

[HISTORY: Adopted by the Board of Selectmen of the Town of Brookfield as indicated in article histories. Amendments noted where applicable.]

[Adopted 2-3-1997 and Amended 8-7-2023]

§ 84-1 Title

This article, which shall be known as the "Citations for Violations of the Zoning Regulations," is hereby adopted pursuant to the provisions of Section 7-152c and 8-12a of the Connecticut General Statutes.

§ 84-2 Authority to issue citations; method of service; filing.

A. The Zoning Enforcement Officer, or any duly authorized Deputy Zoning Officer of the Town of Brookfield may issue citations for violations of the Zoning Regulations of the Town of Brookfield to the extent and in the manner provided by this chapter and consistent with the authority granted under Chapter 124, Section 8-12a, of the Connecticut General Statutes.

B. 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 a citation sent by certified mail refuses to accept such mail, the citation may be sent by regular United States mail.

C. The Zoning Enforcement Officer shall file and retain an original or certified copy of the citation.

§ 84-3 Fines established.

The fine for each such violation or offense shall be \$150 or such amount as authorized by Connecticut General Statutes, payable to the Treasurer of the Town of Brookfield ("Treasurer"). A fine of \$150 per day may be assessed for any violation of the Zoning Regulations for as long as such violation continues to exist. The Zoning Enforcement Officer shall only be required to issue one citation with regard to the same violation which exists for multiple days.

§ 84-4 Period for uncontested payment of fine.

Any person receiving such a citation shall be allowed a period of 30 days from his or her receipt of the citation to make an uncontested payment of the fine specified in the citation to the Treasurer. If the citation has been sent by regular mail pursuant to the provision of § 84-2 of this chapter, the day of receipt of the citation shall be deemed to be three business days after the day of mailing of the citation.

§ 84-5 Failure to pay fine.

If a person who has been issued a citation does not make uncontested payment of the fine specified in the citation to the Treasurer within the time allowed under § 84-4 of this chapter, the Zoning Enforcement Officer shall send a notice to the person cited, informing such person:

A. Of the allegations against him or her and the amount of the fines;

B. That the person cited may contest liability before a Hearing Officer appointed by the Board of Selectmen, as provided in § 84-9 of this chapter, by delivering, in person or by mail, within 10 days of the date of the notice, a written demand for a hearing;

C. That if the person cited does not demand such a hearing, an assessment and judgment shall be entered against him or her; and

D. That such judgment may issue without further notice.

§ 84-6 Admission of liability.

If the person who is sent notice pursuant to § 84-5 of this chapter wishes to admit liability for any alleged violation, he or she may, without requesting a hearing, pay the full amount of the fine, either in person or by mail. All fines shall be made payable to the Treasurer of the Town of Brookfield. 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 written demand for a hearing within 10 days of the date of the notice described in § 84-5 of this chapter shall be deemed to have admitted liability, and the Zoning Enforcement Officer shall certify to the Hearing Officer that such person has failed to respond. The Hearing Officer shall thereupon enter and assess the fines provided for by this chapter and shall follow the procedures set forth in § 84-8 of this chapter.

§ 84-7 Hearings; determination by Hearing Officer.

A. 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 15 days nor more than 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. The presence of the Zoning Enforcement Officer who issued the citation shall be required at the hearing if requested by the person who was issued the citation. A person wishing to contest liability shall appear at the hearing and may present evidence in his or her behalf. The Zoning Enforcement Officer may present evidence on behalf of the municipality. 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 Zoning Regulations. The Hearing Officer shall conduct the hearing in the order and from 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.

B. 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 liable, 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 chapter

§ 84-8 Failure to pay assessment.

If such assessment is not paid on the date of its entry, the Hearing Officer shall send by first class mail a notice of the assessment to the person found liable and shall file, not less than 30 days nor more than 12 months after such mailing, a certified copy of the notice of assessment with the Clerk of the Superior

Court for the geographical area, together with the required court entry fee of \$8. The certified copy of the notice of assessment shall constitute a record of assessment. Further proceedings may then be held pursuant to the applicable provisions of the Connecticut General Statutes.

§ 84-9 Appointment and term of office for hearing officers.

The First Selectman of the Town of Brookfield shall appoint, with the consent of the Board of Selectmen, not more than six electors of the Town of Brookfield to be Citation Hearing Officers to conduct the hearing provided by this chapter. Appointments shall be for terms of two years. No person who has the power to issue citations for the violation of any provision of the Code of Ordinances of the Town, member of the Brookfield Zoning Commission or member of the Brookfield Zoning Board of Appeals shall be eligible for appointment as a hearing officer.