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## TOWN OF NEWTOWN

LAND USE AGENCY

### Part 5, Chapter 560: Land Use Citations

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#### **§ 560-1. Issuance of citations.**

Any Land Use Agency Officer is authorized to issue citations for violations of the Zoning (authorized under CGS 8-12a) and Inland Wetlands and Watercourses Regulations (authorized under CGS 22a-42g) in the manner provided pursuant to CGS section 7-152c.

#### **§ 560-2. Violations for which citation may be issued.**

A citation may be issued for any violation of the Zoning Regulations and Inland Wetland and Watercourses Regulations of the Town of Newtown, State of Connecticut.

#### **§ 560-3. Fines.**

The fine for each such citation shall be determined by fee schedules, not to exceed \$1,000 (one thousand dollars) per day for each Inland Wetland and Watercourses violation and not to exceed \$150 (one hundred and fifty dollars) per day for Zoning violations, payable to the Town of Newtown.

#### **§ 560-4. Time frame for payment of fines.**

Any person receiving such a citation shall be allowed a period of 10 days from his or her receipt of the citation to make an uncontested payment of the fine specified in the citation to the Town.

#### **§ 560-5. Citation Hearing Officer**

The First Selectman, with the approval of the Board of Selectmen, shall appoint one citation hearing officer, other than police officers or employees or persons who issue citations, to conduct the hearing authorized by § 560.6.

#### **§ 560-6 Appeals Procedure**

A. Newtown, at any time within 12 months from the expiration of the final period for the uncontested payment of fines, penalties, costs or fees for any citation issued under any ordinance adopted pursuant to C.G.S. § 7-148 or 22a-226d, for an alleged violation thereof, shall send notice to the person cited. Such notice shall inform the person cited:

- (1) Of the allegations against him and the amount of the fines, penalties, costs or fees due;
- (2) That he may contest his liability before a citation hearing officer by delivering in person or by mail written notice within 10 days of the date thereof;

(3) That if he does not demand such a hearing an assessment and judgment shall be entered against him; and

(4) That such judgment may issue without further notice.

B. If the person who is sent notice pursuant to Subsection **A** of this section wishes to admit liability for any alleged violation, he may, without requesting a hearing, pay the full amount of the fines, penalties, costs or fees admitted to in person or by mail to an official designated by such municipality. 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 first notice provided for in Subsection **A** of this section shall be deemed to have admitted liability, and the designated municipal official shall certify such person's failure to respond to the hearing officer. The hearing officer shall thereupon enter and assess the fines, penalties, costs or fees provided for by the applicable ordinances and shall follow the procedures set forth in Subsection **D** of this section.

C. 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 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 issuing official or policeman shall be filed and retained by the municipality, and shall be deemed to be a business record within the scope of C.G.S. § 52-180 and evidence of the facts contained therein. The presence of the issuing official or policeman shall be required at the hearing if such person so requests. A person wishing to contest his liability shall appear at the hearing and may present evidence on behalf of the municipality. If such person fails to appear, the hearing officer may enter an assessment by default against him upon a finding of proper notice and liability under the applicable statutes or ordinances. The hearing officer may accept from such person copies of police reports, investigatory and citation reports, and other official documents by mail 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 he 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 his decision at the end of the hearing. If he determines that the person is not liable, he shall dismiss the matter and enter his determination in writing accordingly. If he determines that the person is liable for the violation, he shall forthwith enter and assess the fines, penalties, costs or fees against such person as provided by the applicable ordinances of the municipality.

D. 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 a superior court facility designated by the Chief Court Administrator together with an entry fee of \$8. 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 such record of assessment and court costs of \$8, against such person in favor of the municipality. Notwithstanding any provision of the 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.

E. A person against whom an assessment has been entered pursuant to this section is entitled to judicial review by way of appeal. An appeal shall be instituted within 30 days of the mailing of notice of such assessment by filing a petition to reopen assessment, together with any entry fee in an amount equal to the entry fee for a small claims case pursuant to C.G.S. § 52-259, at a Superior Court facility designated by the Chief Court Administrator, which shall entitle such person to a hearing in accordance with the rules of the judges of the Superior Court.