



CITY OF DANBURY
OFFICE OF THE CORPORATION COUNSEL
155 DEER HILL AVENUE
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PLEASE REPLY TO:

May 30, 2006

Honorable Mayor Mark D. Boughton
Honorable Members of the Common Council
155 Deer Hill Avenue
Danbury, CT 06810

Re: 12-7 Establishment of Penalties for Zoning Regulation Violations; Citation Procedure

Dear Mayor and Council Members:

In June of 2004, the Council adopted the above ordinance regarding establishment of penalties for zoning regulation violations pursuant to the citation procedure which is contained in Section 12-7 of the Code of Ordinances. As a result of the enactment of Section 12-7, it was also necessary to amend Section 12-34 of the Code of Ordinances to permit the Zoning Enforcement Officer to issue the citations referred to in Section 12-7.

These ordinances are now before you again for you to consider minor modifications to them as listed below:

- 1.) Section 12-7 (a)-
 - a.) In the second line, add the word "zoning" before "regulations";
 - b.) In the ninth line, change the time frame from "thirty (30) days" to "seven (7) days"; and
- 2.) Section 12-34 (b) (7)-
 - a.) Change "Chapter 22" to "Section 12-7".

The modifications to Section 12-7 are necessary for clarity and to permit the Zoning Enforcement Officer to issue a citation within seven days, rather than thirty, if the initial warning is not complied with. The modification to Section 12-34 is necessary to correct a typographical error.

If you have any questions, please do not hesitate to contact me

Sincerely,

Robin L. Edwards
Assistant Corporation Counsel

cc: Dennis I. Elpern, Planning Director (w/copy of enclosures)
Wayne Skelly, Zoning Enforcement Officer (w/copy of enclosures)
Sean Hearty, Permit Coordinator (w/copy of enclosures)



ORDINANCE

CITY OF DANBURY, STATE OF CONNECTICUT

COMMON COUNCIL

Be it ordained by the Common Council of the City of Danbury:

Section 12-7. Establishment of Penalties for Zoning Regulation Violations; Citation Procedure

- (a) The Zoning Enforcement Officer of the City of Danbury is authorized to issue citations for zoning violations of the Regulations of the City of Danbury to the extent and in the manner provided by this Ordinance and authorized by Section 8-12a of the Connecticut General Statutes. A citation may be issued for any violation of the Zoning Regulations of the City of Danbury. No citation shall be issued unless a written warning is issued providing notice of the specified violation to be corrected. The warning shall explain the citation enforcement procedures which may be used if the alleged zoning violation is not corrected within seven (7) days of the date of receipt of the warning. The Zoning Enforcement Officer shall file and retain an original or certified copy of the citation.
- (b) The fine for each citation shall be One hundred Fifty (\$150.00) dollars for each day a violation continues, payable to the Treasurer of the City of Danbury. A party receiving a citation shall be allowed a period of thirty (30) days from the date of receipt of the citation to make an uncontested payment of the fine specified in the citation.
- (c) Any citation or warning may be served by hand delivery or certified mail, return receipt requested. If the party named in a citation or warning sent by certified mail refuses to accept such mail, the citation or warning maybe sent by regular United States mail. If the citation or warning has been sent by regular United States mail, the date of receipt shall be deemed to be three (3) business days after the date of mailing.
- (d) The hearing procedure for any citation issued pursuant to this Ordinance shall be in accordance with the provisions of Section 7-152c of the Connecticut General Statutes and Section 12-35 of the Danbury Code of Ordinances, except that no zoning enforcement officer, building inspector or employee of the City of Danbury may be appointed to be a hearing officer.

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ORDINANCE

CITY OF DANBURY, STATE OF CONNECTICUT

COMMON COUNCIL

Be it ordained by the Common Council of the City of Danbury:

THAT Section 12-34(b) of the Code of Ordinances of Danbury, Connecticut is hereby amended to read as follows:

Sec. 12-34. Citations.

(b)(7) The Zoning Enforcement Officer, or his designee, shall be authorized to issue citations imposing fines for violations of the provisions of Section 12-7 of the Danbury Code of Ordinances.

THAT Section 12-34(b) of the Code of Ordinances of Danbury, Connecticut is hereby amended to read as follows:

~~THAT Subsection 12-34(b) of the Code of Ordinances of Danbury, Connecticut is hereby amended by adding paragraph (7) which said paragraph reads as follows:~~

Sec. 12-34. Citations.

(b)(7) The Zoning Enforcement Officer, or his designee, shall be authorized to issue citations imposing fines for violations of the provisions of Section 12-7 ~~chapter 22~~ of the Danbury Code of Ordinances.