

**TOWN OF BROOKFIELD
ZONING REGULATIONS**

Administration and Enforcement - §242-701A&B

ARTICLE 1.

Administration and Enforcement

§ 242-701 Enforcement :

A. Enforcement Techniques:

In accordance with the Connecticut General Statutes, the Commission is solely responsible for enforcement of the Zoning Regulations. In carrying out these responsibilities, the Commission may employ, but shall not be limited to, use of the following techniques: *[amended 5/8/97]*

- (1) Promulgation of required applications forms and appropriate check-lists.
- (2) Review and approval of appropriate permits and certificates, including stipulations or conditions thereupon.
- (3) On-site inspections.
- (4) Investigation of complaints.
- (5) Issuance of: letters of warning, requests for corrective action, summons for appearance before the Commission, Cease and Desist Orders.
- (6) Revocation of permits or approval actions.
- (7) Appropriate legal proceedings.
- (8) Such other techniques as may be authorized by law, regulation, ordinance or statute.

B. Designation of Enforcement Agents(s):

The Commission may delegate specific enforcement activities to one or more of its membership and to an individual acting as an “agent” of the Commission. Any agent so delegated, shall have such credentials as the Commission, in its sole determination, shall deem appropriate and shall otherwise be acceptable to the Commission. The Commission shall present any such candidate(s) to the cognizant authority for appointment as required by Town Charter.*[amended 5/8/97]*

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C. Enforcement Actions:

The main purpose of an enforcement action is the elimination of a violation. Upon verbal or written complaint and/or inspection, the Zoning Enforcement Officer (ZEO) shall determine if a violation of the regulations has indeed occurred. If the ZEO determines that a violation has occurred, the ZEO is empowered to immediately take action to cure the violation. Priority action shall be taken in situations where there are overriding concerns of health and safety or where, unless immediate action is taken to halt an activity, an irreversible event may occur which is not in accordance with generally accepted zoning or good environmental practice. The ZEO shall maintain a chronological record of all complaints and subsequent enforcement action and shall prepare summary violation reports for Commission meetings. *[amended eff. 10/29/98]*

(1) **Issuance of an ORDER:**

When the ZEO has determined that a violation exists, he/she shall issue a written order to the responsible party to:

- (a) cease and desist in all illegal activity,
- (b) perform corrective action to comply with the regulation.

(2) **Compliance/Show Cause Hearing/Appeal:**

After receiving an ORDER, the individual receiving the order may either:

- (a) comply with the order, or
- (b) schedule an informal hearing before the Commission at the next regularly scheduled meeting to show cause why a CITATION should not be issued. If the action of the ZEO is upheld by the commission, the individual in violation shall promptly comply with the compliance order.

(3) **Issuance of a CITATION:**

If an Order is not complied with within the prescribed time period, the Commission may direct the ZEO to issue a CITATION and impose such fines as are provided for by Town Ordinance (Zoning Violation Penalty Ordinance). The ZEO may NOT initiate this action without the prior consent and direction of the Zoning Commission. The Commission shall insure that the file of the violation is current, accurate and complete prior to directing this action by the ZEO. If the violation continues unabated, despite timely payment of fines, a subsequent Citation or Citations may be issued. *[amended eff. 3/4/05]* Any person who has received a Cease and Desist Order within ten (10) days after receipt of the Order,

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schedule an informal hearing before the Zoning Commission to show cause why a CITATION should not be issued. *[amended eff. 3/15/06]*

(4) **Notice of Citation:**

After the expiration of the ten (10) day period, but within one (1) year, as stated in the Citation, the ZEO shall send a notice which restates the rights and appeal period, all of which are cited in the Citation itself. *[amended eff. 3/4/05]*

(5) **Payment of Fines:** *[amended eff. 3/4/05]*

Payment of fines normally closes the Citation matter.

(a) If the Respondent fails to pay or file an appeal within the required time frame the following action shall be taken:

[1] The Zoning Enforcement Officer shall certify that:

- The Respondent has failed to pay the fine or file an appeal;
- That as a consequence of the failure to respond, the Respondent is deemed to have admitted liability for the violation(s) pursuant to CGS §7-152c(d);
- The total amount of fines accrued as of the date of the certification;
- A copy of the Citation and Notice of Citation Form if applicable, are true and exact copies and are attached to the certification.

[2] The Zoning Enforcement Officer shall provide the certification and attachments to the cognizant Hearing Officer.

[3] The cognizant Hearing Officer, upon receipt of the ZEO's certification shall:

- [a] Render a "Decision and Notice of Assessment Without Hearing"
- [b] Send the above decision form to the Respondent by first class mail and a copy to the ZEO
- [c] If the amount of the assessment is not paid within thirty (30) days of the mailing of the decision notice, and no petition is filed pursuant to CGS §7-152c(g), then after

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thirty (30) days (but within one year of the mailing) the cognizant Hearing Officer shall file a “certified” copy of “Decision and Notice of Assessment” with the Clerk of the Danbury Superior Court together with an \$8.00 filing fee.

- [4] The Clerk of the Superior Court thereafter shall enter judgment in accordance with the “Decision and Notice of Assessment” in the amount stated therein, plus \$8.00 in Court costs in favor of the Town of Brookfield.

- (b) If the Respondent files an appeal, the following action shall be taken:
 - [1] The ZEO or other Brookfield Town Official shall:
 - [a] Give written notice of the date, time and place of a hearing on the appeal, which shall be a date more than fifteen (15) days, but not more than thirty (30) days from the date of the notice.

 - [b] File a certified copy of the Citation and Notice of Citation, if applicable, with the cognizant Hearing Officer.

 - [2] The cognizant Hearing Officer shall:
 - [a] Conduct a hearing and review in accordance CGS §7-152c(e);

 - [b] Render a decision at the end of the hearing in the form of “Decision and Notice of Assessment After Hearing”;

 - [c] If the assessment is not paid on the date of the hearing, the Hearing Officer shall follow the procedure in CGS §7-152c(f) and as set forth above in subparagraph (a)[3].

(6) **Legal Proceedings:**

Any matter which is not resolved using the above procedures, may be referred to Commission Counsel for appropriate legal proceedings. Payment of attorney fees for any subsequent legal action shall be the responsibility of the Respondent Defendant, if allowed by law. *[amended eff. 3/4/05]*

§ 242-702. Inspections

The Zoning Enforcement Officer may cause any building or premises to be inspected and may order in writing the remedying of any conditions found to exist therein or thereon in violation of this chapter.

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§ 242-703. Permit Required.

No building permit or certificate of occupancy shall be issued for a building, use or structure subject to the zoning regulations of a municipality without certification in writing by the official charged with enforcement of such regulations that such building, use or structure is in conformity with such regulations or is a valid nonconforming use under such regulations. *[amended 9/20/90]*

§ 242-704. Prosecution of violations.

The Commission shall cause all violations of this chapter to be prosecuted as provided by provisions of Chapter 124 of the Connecticut General Statutes, most current revision.