

**CHAPTER XIX – ZONING AND LAND USE**

**Article 1. - General**

**Secs. 19-1—19-20. Reserved.**

**Article 2. - Zoning Violations**

**Sec. 19-21. Definitions.**

- A) "Person" means any individual, firm, partnership, corporation, limited liability company, association or any other entity.
- B) "Citation" shall be a written statement of the relevant conditions and facts giving rise to the zoning violation, including a reference to the specific section(s) of the zoning regulations which have been violated.

(Ord. No. 5-96, 12-03-1996)

**Sec. 19-22. Fine for zoning violation.**

Pursuant to § 8-12(a) of the state statutes, rev. 1958, as amended, and in addition to remedies provided in state statute § 8-12 thereof, on and after October 1, 1996, the zoning enforcement officer is hereby authorized to issue citations for violations of the zoning regulations of the town in accordance with this article. The fine for each such zoning violation shall be listed in the town's fee schedule.

(Ord. No. 5-96, 12-03-1996)

**Sec. 19-23. Service of citation.**

Any citation issued hereunder shall be served upon the person named in such citation by either:

- (1) in hand service made by the zoning enforcement officer or his designated agents, an indifferent person, or any sheriff or constable having authority to serve civil process in the state, or
- (2) by mailing such citation to the person named therein at his last known home address or other address provided by him to the zoning enforcement officer, by certified mail, return receipt requested, postage prepaid. If the citation is refused, it may be sent by regular mail to such address. The zoning enforcement officer shall retain a true and attested duplicate original of such citation.

(Ord. No. 5-96, 12-03-1996)

**Sec. 19-24. Hearing procedure for citation.**

- A) The town manager shall appoint, subject to the confirmation by the town council, a citation hearing officer to conduct the hearings authorized by this article. The citation hearing officer may not be an employee of the town and shall serve without compensation but may be reimbursed for actual expenses incurred in performing the duties of this office to the extent that funds have been made available by the town council. The citation hearing officer shall serve for a term of two (2) years, unless removed for cause.

- B) Any person served such a citation may make payment of the fine within thirty (30) days of such service. Such payment shall be delivered to the zoning enforcement officer and shall be inadmissible in any proceeding, civil or criminal, to establish the conduct of such person making the payment.
- C) If the person cited fails to pay the fine within said thirty (30) day period, the zoning enforcement officer, pursuant to general statute § 7-152c, as amended, is authorized, at any time with twelve (12) months from the expiration of said thirty (30) day period to enforce said citation by sending said person a notice informing him of: (i) of the allegations against him and the amount of the fine(s) due; (ii) that he may contest his liability before the citation hearing officer by delivering in person or by mail written notice within ten (10) days of the date thereof; (iii) that if he does not demand a hearing, an assessment of fine and judgment shall be entered against him; and (iv) that such judgment may issue without further notice.
- D) If the person sent the notice required by § c above, does not make full payment of the fine(s) and does not make written demand for a hearing before the citation hearing office within ten (10) days of the notice provided for in § c above, he shall be deemed to have admitted liability, and the zoning enforcement officer shall certify such person's failure to respond to the citation hearing officer. The citation hearing officer shall thereupon enter and assess the fine(s) provided for by this article.
- E) If a hearing is requested, it shall be conducted in accordance with the provisions of state statute § 7-152c(e).
- F) The failure to pay the assessment of any fine(s) made by the citation hearing officer can result in a superior court judgment as provided by state statute § 7-152c(f) subject to judicial review as provided in state statute § 7-152c(g).

(Ord. No. 5-96, 12-03-1996)

**Secs. 19-25—19-29. Reserved.**

**Article 3. - Fees for Technical Assistance**

**Sec. 19-30. Development applications.**

Due to the scope, nature, complexity, or the impact of certain development applications on a particular site or on surrounding areas, town staff may not have the resources to completely and adequately review said application in the time period prescribed by state statute(s). In such cases the town council, a board or commission may determine that the town requires additional technical, engineering and legal assistance (hereinafter "technical assistance").

(Ord. No. 10-08, 02-26-2008)

**Sec. 19-31. Fees. Additional technical assistance.**

Whenever the town council, a board or commission determines that additional technical assistance is necessary due to the scope, nature, complexity and/or impact of a proposed development the expense of such technical assistance shall be passed on to the applicant. The council, board or commission involved shall obtain an estimate prepared by a qualified party or expert and the estimated cost of the technical assistance to review the application multiplied by one hundred-fifty percent (150%) shall be paid by the applicant and deposited with the agency

involved in reviewing said application. Such deposit shall be made within ten (10) days of determination by the council, board or commission that a technical review is required.  
(Ord. No. 10-08, 02-26-2008)

**Sec. 19-32. Final costs.**

Upon completion of the technical assistance and final action on the application by the town council, board or commission involved, the town shall determine the costs incurred for the technical assistance and refund the excess monies to the applicant. Applicants shall not be responsible for costs incurred for technical assistance which exceed the deposit submitted to the town.

(Ord. No. 10-08, 02-26-2008)

**Sec. 19-33. More than one (1) agency.**

If a proposed development involves review by more than one (1) agency within the town then each agency review is subject to the provisions of this article.

(Ord. No. 10-08, 02-26-2008)