

**ORDINANCE ESTABLISHING CITATION PROCEDURES AND FINES  
FOR VIOLATIONS OF  
THE INLAND WETLANDS AND WATERCOURSES REGULATIONS  
OF THE TOWN OF WASHINGTON**

A. PURPOSE

1. The purpose of this Ordinance shall be to encourage compliance with the Washington Inland Wetlands and Watercourses Regulations and to discourage violators from engaging in additional violations by increasing the penalties for such additional violations.

B. ISSUANCE OF CITATIONS

1. Pursuant to the authority vested in municipalities under Connecticut General Statutes Section 22a – 42g, any person authorized by the First Selectman of the Town of Washington may issue a citation for any violation of Washington’s Inland Wetlands and Watercourses Regulations in the manner provided by this Ordinance. Any person so authorized shall be designated a Wetlands Citation Officer.
2. The Town shall maintain copies of all citations issued pursuant to this Ordinance for a period of no less than ten (10) years after the dates of issuance of the respective citations. The copies shall be indexed under the names of the persons to whom the citations were issued. Within ten (10) days after the final disposition of each citation, by payment of the specified fine or by a final decision on any appeal taken pursuant to the provisions of this Ordinance, a note shall be placed in the file on, or together with, the relevant citation indicating the nature of the final disposition. If no appeal is taken of a citation issued pursuant to this Ordinance, but the specified fine is not paid, a note to that effect shall be placed in the file on, or together with, the relevant citation.
3. Any such citation may be issued either by hand or by Certified Mail, return receipt requested. If the person named in such a citation fails or refuses to accept such mail, the citation may be sent by regular United States mail.
4. Any person receiving such a citation shall be allowed a period of thirty (30) days from his or her receipt of the citation to make an uncontested payment of the fine to the Town. If the citation has been sent by regular mail pursuant to the provision in Subsection B.3 of this Ordinance, the day of receipt of the citation shall be considered three (3) business days after the date of mailing the citation.

5. If a person who has been issued a citation does not make uncontested payment of the fine specified in the citation to the Town within the time allowed under Subsection B.4 of this Ordinance, the Wetlands Citation Officer shall send a notice to the person cited, informing such person anew: (1) of the allegations against him or her and the amount of the fines and; (2) that the person cited may contest liability before a Hearing Officer appointed by the First Selectman, as provided in Subsection C.1 of this Ordinance, by delivering to the Wetlands Citation Officer, c/o the Inland Wetlands Commission, in person or by Certified Mail, return receipt requested, within ten (10) days of the date of the notice, a written demand for a hearing; (3) that if the person cited does not demand such a hearing, an assessment and judgment shall be entered against him or her; and (4) that such judgment may issue without further notice.
6. If the person who is sent notice pursuant to Subsection B.5 of this Ordinance 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, to the Town. Any person who does not deliver or mail a written demand for a hearing within ten (10) days of the date of the notice described in Subsection B.5 of this Ordinance shall be deemed to have admitted liability and the Wetlands Citation 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 Ordinance and shall follow the procedures set forth in Subsection E.1 of this Ordinance.

### C. CITATION APPEAL AND HEARING PROCEDURES

1. A person who chooses to appeal a citation and requests a hearing to this effect shall be given written notice of the date, time and place for the hearing by hand or by Certified Mail, return receipt requested. Such hearing shall be held no less than fifteen (15) days nor more than thirty (30) days from the date of mailing of notice, provided the Hearing Officer shall grant upon good cause shown any reasonable request by an interested party for postponement or continuance. The presence of a Commission Member or a Designated Agent shall be required at the hearing to present evidence on behalf of the Town. A person wishing to contest liability shall appear at the hearing and may present evidence on his or her behalf. Alternatively, the Hearing Officer may accept written information from the person who received the citation and may determine thereby that the appearance of such person is unnecessary. If the person who received the citation fails to appear or has not submitted relevant written information as specified above, the Hearing Officer may enter an assessment of default against him or her upon a finding of proper notice and liability under the applicable provisions of the Inland Wetlands and Watercourses Regulations.

2. In the event that the Hearing Officer determines that he or she will not have an adequate opportunity to review documentation provided by any party to the hearing on the date of the hearing, he or she may order the hearing to be continued to a later date.
3. The Hearing Officer shall conduct the hearing in the order and form 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. 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 the person as provided by this Ordinance.
4. If the person who received the citation does not agree with the Hearing Officer's assessment, he or she may appeal the decision in Superior Court in accordance with the applicable provisions of the Connecticut General Statutes.
5. If the Hearing Officer's assessment is not paid on the date of its entry, the Hearing Officer shall send by First Class Mail a notice of assessment to the person found liable and shall file, not less than thirty (30) days nor more than twelve (12) months after such mailing, a certified copy of the notice of assessment with the Clerk of the Superior Court together with the applicable entry or filing fee. Further proceedings may then be held pursuant to the applicable provisions of the Connecticut General Statutes.
6. The First Selectman of the Town of Washington shall appoint one (1) or more Citation Hearing Officers, who shall be other than Wetlands Citation Officers, Commission members or employees of the Town, to conduct hearings as described in Subsections C.1 and C.3 of this Ordinance.

#### D. EXEMPTIONS

1. Notwithstanding the foregoing, pursuant to Section 22a – 42g, no fine shall be levied against the State of Connecticut or any employee thereof acting within the scope of his or her employment. Likewise, no fine shall be levied against the Town or any employee thereof acting within the scope of his or her employment.

E. SCHEDULE OF FINES

1. The amount of the fine specified in any citation shall be based upon the number of citations issued to the same person during the ten (10) years immediately prior to the date of the citation being issued. The amount of the fines shall be as follows:

<u>Number of Prior Citations</u>	<u>Amount of Fine</u>
None (0)	\$120
One (1)	\$250
Two (2)	\$500
Three (3) or more	\$1,000

For purposes of establishing the amount of the fine in accordance with the foregoing schedule, the “Number of Prior Citations” shall not include any prior citations that were dismissed on appeal.

2. The issuance of any citation under this Ordinance shall not preclude the Inland Wetlands Commission or any other authorized person from seeking or obtaining additional enforcement or remedial measures, including but not limited to declaratory and injunctive relief, civil penalties, attorneys’ fees and court costs, under any other applicable provisions of federal, state or local law.

F. EFFECTIVE DATE

1. This Ordinance shall be effective as of November 1, 2003.