



MICHAEL P. STUPINSKI  
First Selectman

STATE OF CONNECTICUT • COUNTY OF TOLLAND  
INCORPORATED 1786

# TOWN OF ELLINGTON

55 MAIN STREET • P. O. BOX 187  
ELLINGTON, CONNECTICUT 06029-0187  
TEL 860-870-3100 FAX 860-870-3102  
www.ellington-ct.gov

MICHAEL P. SCUDIERI  
Deputy First Selectman

PETER J. CHARTER  
DENNIS W. FRAWLEY  
ANN L. HARFORD  
A. LEO MILLER, JR.  
JAMES M. PRICHARD

**WARNING**  
NOTICE OF SPECIAL TOWN MEETING  
TOWN OF ELLINGTON  
February 5, 2007

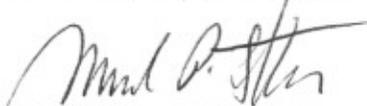
A special town meeting of the electors and citizens qualified to vote in town meetings of the Town of Ellington, Connecticut, will be held at the Ellington Town Hall, 55 Main Street, Ellington, Connecticut, on Monday, February 5, 2007, at 7:00 p.m. prevailing time for the following purpose:

To consider the adoption of a new ordinance regarding the issuance of citation fees for Wetland/Zoning violations entitled:

***"Citations – Wetland/Zoning Violations"***

Dated at Ellington, Connecticut, this 16<sup>th</sup> day of January, 2007.

BY ORDER OF THE BOARD OF SELECTMEN

  
MICHAEL P. STUPINSKI  
FIRST SELECTMAN

***Copy of the proposed new ordinance is available for review in the Town Clerk's Office and First Selectman's Office.***

*Journal Inquirer – 1/29/07*

## Chapter 48

### CITATIONS

### WETLAND/ZONING VIOLATIONS

§ 48-1. Definitions

§ 48-3. Service of notice; citation

§ 48-2. Authority to issue citations; fines.

§ 48-4. Citations and procedures

[HISTORY: Adopted by the Town of Ellington on MM-DD-YYYY, effective MM-DD-YYYY. Amendments noted where applicable.]

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**§ 48-1. Definitions.** (Masculine terms include the feminine.)

The following definitions shall apply in the interpretation and enforcement of this chapter:

**CITATION** -- A written statement of the relevant conditions and facts giving rise to the wetland or zoning violation, including a reference to the specific section(s) of the wetland or zoning regulations which has been violated, the time period during which the violation has existed, the potential fine and the cited persons right to appeal pursuant to Ordinance 46-3A.

**CITED HEARING BOARD** -- Is as defined pursuant to Ordinance 46-2.

**CITED PERSON** -- Is as defined pursuant to Ordinance 46-2.

**OFFICIAL** -- The Zoning Enforcement Officer, Deputy Zoning Enforcement Officer, Wetland Agent or municipal official charged with enforcing a municipal ordinance or regulation or who issued the notice of violation or citation.

**§ 48-2. Authority to issue citations; fines.**

- A. Pursuant to Connecticut General Statute (CGS) §8-12a, as may be amended, and in addition to the remedies provided in CGS §8-12, an official, as defined herein, is hereby authorized to issue citations for violations of the Zoning Regulations of the Town of Ellington. The fine for each zoning violation may not exceed one hundred and fifty dollars (150.00) for each day a violation continues.
- B. Pursuant to CGS §22a-42g, as may be amended, and in addition to the remedies provided in CGS §22a-44, an official, as defined herein, is hereby authorized to issue citations for violations of the Inland Wetlands and Watercourses Regulations of the Town of Ellington. The fine for each wetland violation shall not be more than the following:

- |           |                                                                                                                                                                    |
|-----------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| \$500.00  | For activities that occur within the established upland review area of an inland wetland or watercourse, but not within its related inland wetland or watercourse. |
| \$1000.00 | For activities that occur within an inland wetland or watercourse.                                                                                                 |

Each day's continuance thereof shall be deemed to be a separate and distinct offense.

Any such fine shall be made payable to the treasurer of the Town of Ellington.

**§ 48-3. Service of notice; citation.**

Any citation issued under this chapter shall be and is sufficient if provided in one of the following forms, unless otherwise stated:

- A. In hand delivery by an official charged with enforcing the ordinance or regulation.
- B. Certified mail, return receipt requested to the last known address of the person cited or to the address listed in the records of the Assessor's Office.
- C. Delivery by any commercial carrier or delivery service such as, but not limited to, FedEx or UPS.
- D. A commercial process server, state marshal, police officer or constable.

When a citation is refused by any of the above methods, it may be sent by first class mail. The official issuing citation shall retain a true and attested duplicate original of such citation.

**§ 48-4. Citations and procedures.**

- A. Any person receiving a citation shall have thirty (30) days from the date of the citation to make an uncontested payment, without requesting a hearing. If the cited person makes an uncontested payment within the prescribed thirty (30) days and the cited violation has been remedied, the fine shall be one hundred and fifty dollars (150.00) for a zoning violation. In the case of a wetlands violation, if an uncontested payment is made within the prescribed thirty (30) days and the cited violation has been remedied the fine shall be five hundred dollars (500.00) or one thousand dollars (1000.00), whichever fine is applicable pursuant to §48-2B.
- B. If the person cited fails to pay the fine within the time prescribed in subsection A of this ordinance an official authorized to issue citations may proceed as provided in ordinance 46.3B, et seq.
- C. The failure to pay the assessment of any fine(s) made by the citation hearing officer may result in a Superior Court judgment as provided by CGS §7152(f), as may be amended, entitled to judicial review as provided in CGS §7152c(g), as may be amended.