



TOWN OF BRANFORD PLANNING AND ZONING DEPARTMENT

Item #1

1019 Main Street, Branford, CT 06405 ☉ Tel: (203) 488 – 1255, Fax: (203) 315 – 2188

May 18, 2020

Joseph Mooney, Chair
Board of Finance

Re: Budget Transfer FY 2019/20

I am requesting the following transfer to be placed on the agenda for the Board of Finance May 21, 2020 meeting.

From:

10141130-517000 Regular Wages & Salaries (\$13,000)

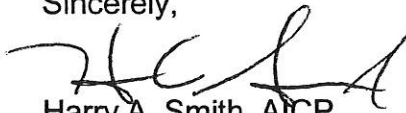
To:

10141130-533280 Consulting Services \$13,000

The proposed line item transfer will cover the cost of additional planning and zoning consulting services (review of some of the applications to the Planning and Zoning Commission and support for zoning administration) needed as the department continues to address an extended absence of an Assistant Planner and Zoning Enforcement Officer and assistance in the training of new replacement staff as they are brought on-board.

Thank you.

Sincerely,


Harry A. Smith, AICP
Town Planner

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2020 MAY 19 A 8:20
TOWN CLERK
BRANFORD, CONNECTICUT

RECEIVED

Chapter 227

2020 JUN -2 A 9:31

Citations for Violations of Certain Town Ordinances

TOWN CLERK'S OFFICE
BRANFORD, CONNECTICUT

§ 227-1. Legislative authority.

Pursuant to Sections 7-148(c)(10)(A) and 7-152c of the Connecticut General Statutes, as such sections may be amended from time to time, the Town of Branford (the Town) hereby adopts the following procedure for citations issued for violations of town ordinances other than violations of regulations promulgated by the Town of Branford Inland Wetlands Commission pursuant to Section of 109-5 of the Code of the Town of Branford and/or regulations promulgated by the Planning and Zoning Commission for the Town of Branford. Violations subject to the procedures set forth herein shall be referred to as "Violations."

§ 227-2. Designation of Enforcement Officers.

Citations for Violations shall be issued by an Enforcement Officer appointed by the Board of Selectmen of the Town of Branford.

§ 227-3. Appointment of Hearing Officers.

The Board of Selectmen shall appoint one or more persons who shall serve as hearing officer(s) ("Hearing Officer") to conduct hearings into Violations. Hearing Officers shall be residents of the Town eligible to vote, but no police officer or any employee or person authorized to issue citations for the violations of any Town ordinance shall be permitted to serve as a Hearing Officer. If Hearing Officers have not been appointed, then the Board of Police Commissioners shall act as the Hearing Officer when hearings are required.

§ 227-4. Definitions.

As used herein, the following terms shall have the meanings indicated:

CERTIFIED MAIL — Any form of mail, whether by the United States Postal Service or a private mail carrier, whereby the intended recipient is requested to provide a signed receipt showing that he or she received the mailing.

ENFORCEMENT OFFICER — A person other than a Police Officer empowered to issue citations pursuant to § 227-5 who has been appointed by the Board of Selectmen.

HAND DELIVERY — The direct delivery of a document to a recipient by a Citation Officer, or any form of delivery to the last-known address of an intended recipient by the United States Postal Service or by any private mail carrier, whereby the carrier provides a written confirmation of delivery to the Citation Officer.

HEARING OFFICER — A person appointed a Municipal Citations Hearing Officer by the Board of Selectmen pursuant to Section 227-3 hereof and who is authorized under C.G.S. 1-24 to administer oaths or, the absence of such Hearing Officer(s), the Board of Police Commissioners.

PERSON — A natural person, or a group of natural persons, corporation, partnership, limited partnership, limited liability company, or any such other entity or association which exists under law.

§ 227-5. Issuance of citations.

Citations for Violations may be issued by an Enforcement Officer appointed pursuant to § 227-2.

- A. **Initial Warning.** Before any Enforcement Officer may issue a citation, he or she must issue a written Initial Warning notice informing the recipient of the nature of the Violation (a "Warning"). Any such Warning may be served either by hand delivery or by certified mail and by regular United States mail to the person named in such Warning. The Enforcement Officer shall file and retain an original or certified copy of the initial notice, as well as any delivery confirmation or return receipt from certified mail, whether or not the mail was accepted. The date of delivery of the initial notice shall be deemed to be the earlier of: (1) the actual date of hand delivery, or (2) five business days after the date of the original certified mailing, regardless of whether such mailing was accepted.
- B. **Citation.** An Enforcement Officer may issue a citation (a "Citation") to any person who has received a Warning pursuant to § 227-5(A) if such Enforcement Officer finds that the Violation described in the initial notice has not been fully abated by the end of the second day after the date of delivery of such Warning. At the discretion of the Enforcement Officer, a longer period may be granted if in his/her opinion abatement cannot reasonably be accomplished within 2 days. A Citation may be served either by hand delivery or by certified mail to the person named in such Citation. If the person named in a Citation sent by certified mail refuses to accept such mail, the original or a certified copy of the original citation may be sent by regular United States mail. The Enforcement Officer shall file and retain an original or certified copy of the citation, as well as any delivery confirmation or return receipt from certified mail, whether or not the mail was accepted. The date of delivery of the citation shall be deemed to be the earlier of: (1) the actual date of delivery, or (2) five business days after the date of the original mailing, regardless of whether such mailing was accepted.

§ 227-6. Penalties for offenses; fines.

The penalties and/or fines for Violations shall be limited to such penalties and/or fines as may be stipulated within the ordinance identified in a Citation.

§ 227-7. Admission of liability; hearing request.

Upon receipt of a Citation, a cited person may:

- (A) pay the full amount of the fines, penalties, costs or fees in person or by mail by check made payable to the Treasurer of the Town of Branford at the address specified in the notice; provided however that such payment shall be inadmissible in any proceeding, civil or criminal, to establish the conduct of the cited person or other person making the payment; or
- (B) within 30 days of the date of the Citation, request a hearing as provided in Section 227-8 below.

Any person who has received a Citation and failed to request a hearing within the proscribed period or make payment within thirty (30) days of the date of the Citation shall be deemed to have admitted liability, and the issuing official shall certify the cited person's failure to respond and thereupon enter and assess the fines, penalties, costs or fees provided for by the applicable ordinance in accordance with the procedures set forth in § 227-10 below.

§ 227-8. Hearing procedure.

Any cited person who requests a hearing in accordance with Section 227-7 shall be given advance written notice of the date, time and place for such hearing ("Notice"). The hearing shall be held not less than 15 days nor more than 30 days from the date of the Notice, provided that the hearing officer shall grant, upon good cause shown, any reasonable request by any interested party for postponement or continuance of the date of the hearing. An original or certified copy of the Warning and the Citation issued by the Enforcement Officer shall be filed and retained by the Town Clerk and shall be deemed to be a business record within the scope of Section 52-180 of the Connecticut General Statutes and evidence of the facts contained therein. The Hearing Officer shall conduct a hearing in the order and form and with such methods of proof as the Hearing Officer 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 a decision at the end of the hearing. If the Hearing Officer determines that the cited person is not liable, then the matter shall be dismissed, and the Hearing Officer's determination shall be entered in writing accordingly. If the cited person is found liable for the violation, the Hearing Officer shall forthwith enter and assess the fines, penalties, costs or fees against the cited person as provided by the applicable ordinance. Such fines will be due and payable within 30 days of the Hearing Officer's Assessment Notice pursuant to § 227-10.

§ 227-9. Attendance at hearing.

The presence of the Enforcement Officer who has issued the Warning and the Citation shall be required at the hearing if the cited person so requests. The Hearing Officer may, in his or her reasonable discretion, allow any town official or other person to present evidence pertaining to the Citation being heard, provided such person gives such testimony under oath. The cited person wishing to contest liability shall appear at the hearing and may present evidence in his or her behalf. The Hearing Officer may, however, accept from the cited person copies of police reports, investigatory and citation reports and other official documents by mail and may determine thereby that the appearance of the cited person at the hearing is unnecessary. If the cited person fails to appear and such appearance has not been determined by the Hearing Officer to be unnecessary, the Hearing Officer shall enter an assessment by default against the cited person upon a finding of proper notice and liability under the applicable ordinance.

§ 227-10. Notice of assessment; judgment.

If such assessment is not paid on the date of its entry, the Hearing Officer shall send by first class mail a notice of the assessment ("Assessment Notice") to the cited person. If such Assessment is not paid within 30 days of the date of the mailing of such Assessment Notice the Hearing Officer shall file, not less than 30 days nor more than 12 months after such mailing, a certified copy of the Assessment Notice with the Clerk of the Superior Court at New Haven together with such entry fee as may be required by the Superior Court. The certified copy of the Assessment Notice shall constitute a record of assessment. Within such twelve-month period, Assessments against the same cited person may be accrued and filed as one record of Assessment. The Clerk of such Court shall enter judgment, in the amount of such record of assessment and court costs, against the cited person in favor of the Town. Notwithstanding any other provision of the Connecticut General Statutes, the Hearing Officer's assessment, when so entered as a judgment, shall have the effect of a civil money judgment, and a levy of execution of such judgment may issue without further notice to the cited person.

§ 227-11. Appeals.

A cited person against whom an assessment has been entered pursuant to this chapter is entitled to judicial review by way of appeal. Any appeal shall be instituted within 30 days of the date of an Assessment Notice by filing a petition to reopen such assessment, together with an entry fee in an amount equal to the entry fee for a small claims case pursuant to Section 52-259 of the Connecticut General Statutes, in the Superior Court at New Haven, which shall entitle the cited person to a hearing in accordance with the rules of the Superior Court.