

CHAPTER 210

INLAND WETLANDS and WATERCOURSES

ARTICLE 1. Citation procedures and fines for inland wetlands and watercourses violations.

A. Pursuant to General Statutes §22a-42g, the Town of East Granby establishes a schedule of fines and a hearing process for the imposition of such citations for any person found to have violated the Town of East Granby Inland Wetlands and Watercourses Regulations.

1. The Town Official appointed by the First Selectman is authorized to issue citations for violations of the inland wetlands and watercourses regulations of the town, to the extent and in the manner provided by this section. Any such citation may be served by certified mail, return receipt requested, to the person named in such citation. If the person named in a citation sent by certified mail refuses to accept such mail, the citation may be sent by regular United States mail. The wetlands agent shall file and retain an original or certified copy of the citation.
2. Citations may be issued for violations and in amounts in accordance with the Violation Type Chart in Section C of this Ordinance and maintained by the Inland Wetland Watercourse Agency.
3. The fine for the first such citation issued to any person with respect to any specific parcel of land shall be in accordance with the schedule of fines adopted herein. All fines shall be made payable to the Treasurer of the Town of East Granby.
4. Any person receiving such a citation shall be allowed a period of 30 days from his or her receipt of the citation to make an uncontested payment of the fine specified in the citation to the treasurer. If the citation has been sent by regular mail pursuant to the provisions of subsection A (1) above, the day of receipt of the citation shall be deemed to be three business days after the day of mailing of the citation.

B. Citation Hearing Process

1. Notice: If a person who has been issued a citation does not make uncontested payment of the fine specified in the citation to the treasurer within the time allowed under subsection A(4) the Officer issuing the citation at any time within twelve months from the expiration of the final period of the uncontested payment of fines, penalties, costs or fees for any citation issued under any ordinance adopted pursuant to section 7-148 or section 22a-226d, for an alleged violation thereof, shall send notice to the cited person. The Officer issuing the citation shall send a notice to the person cited, informing such person: (1) of the allegations against him or her, the amount of the fines, and the imposition of the administrative fee set forth in Section C; (2) that the person cited may contest liability before a hearing officer appointed by the First Selectman, as provided in section B(5), by delivering, in person or by mail, within ten days of the date of the notice, a written demand for a

- hearing; For the purpose of this section, notice shall be presumed to have been properly sent if such notice was mailed to such person's last-known address on file with the Tax Collector; (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.
2. If the person who is sent notice pursuant to subsection(1) wishes to admit liability for any alleged violation, he or she may, without requesting a hearing, pay the full amount of the fine, together with an additional administrative fee of \$25.00, either in person or by mail, to the wetland's agent. All fines and fees shall be made payable to the Treasurer of the Town of East Granby. Such payment shall be inadmissible in any proceeding, civil or criminal, to establish the conduct of such person or other person making the payment. Any person who does not deliver or mail written demand for a hearing within ten days of the date of the notice described in section shall be deemed to have admitted liability, and the wetlands agent shall certify to the hearing officer that such person has failed to respond. The hearing officer shall thereupon enter and assess the fines and fees provided for by this section and shall follow the procedures set forth in section B(4).
 3. Any person who requests a hearing shall be given written notice of the date, time, and place for the hearing. Such hearing shall be held not less than 15 days nor more than 30 days from the date of the mailing of notice, provided the hearing officer shall grant upon good cause shown any reasonable request by any interested party for postponement or continuance. An original or certified copy of the initial notice of violation
 4. 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 such person as provided by this section, including an additional hearing fee of \$50.00.
 5. 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 to the person found liable and shall file, not less than 30 days nor more than 12 months after such mailing, a certified copy of the notice of assessment with the clerk of the Superior Court facility designated by the Chief Court Administrator, together with an entry fee of \$8.00 or such other amount as may be required by state law. Notwithstanding any provision of the 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 on such judgment may be issued without further notice to such person. Further proceedings may then be held pursuant to the applicable provisions of the Connecticut General Statutes.
 6. The First Selectman shall appoint one or more citation hearing officers to conduct the hearings provided by this section. Neither the Officer issuing the citation, the wetlands agent, the building inspector, nor any other employee of the town may be

appointed as a hearing officer pursuant to this section. The First Selectman shall determine the rate of compensation of the hearing officer.

C. Schedule of Fines

Nature of Violation for activities with no active permit):

1. Conduct, without a permit, activities in the upland review area which do not pose an immediate danger to a wetland or watercourse: **\$50.00**
2. Conduct, without a permit, activities in the upland review area which may pose immediate danger to a wetland or watercourse: **\$50.00**
3. Conduct, without a permit, activities in a wetland or watercourse which cause limited and/or correctable damage to a wetland or watercourse: **\$350.00**
4. Excavating, filling, and/or draining of any portion of a wetland or watercourse, without a permit; **\$500.00**
5. Diverting, damming, or otherwise changing the course of a watercourse, without a permit: **\$750.00**
6. Conduct, without a permit, any activity which causes sediment to flow into any wetland or watercourse or otherwise causes the pollution of a wetland or watercourse: **\$1,000.00**
7. Conduct, without a permit, in an inland/wetland or watercourse or regulated area, or any other regulated activity in a regulated area not listed above: **\$100.00**

Nature of Violation (for activities with an active permit):

1. Failure to install and maintain silt control measures, silt fence, haybales, riprap and other similar sediment controls measures in accordance with an approved plan: **\$50.00**
2. Non-compliance with permit conditions: **\$50.00**
3. Conduct, with a permit, which exceeds the scope of the wetlands permit and encroaches upon or impacts upland review area: **\$150.00**
4. Conduct, with a permit, which exceeds the scope of the wetlands permit and encroaches upon or impacts a wetland or watercourse: **\$250.00.**

Fines shall be assessed Daily: Each day a violation exists shall constitute a new violation.