



## **Town of East Hampton**

Land Use Department

20 East High Street, East Hampton, CT

06424 (860) 267-7450

### **Zoning Complaint/ Enforcement Procedure**

#### **Section 1: Purpose and Authority**

The purpose of this document is to provide standard procedures for all zoning enforcement procedures conducted by the Land Use Department. The authority to enforce the Town of East Hampton Zoning Regulations (hereinafter referred to as the "Regulations") is provided by Section 8-12 of the Connecticut General Statutes Section.

#### **Section 2: Complaints**

Any member of the public may make a complaint to the Land Use Department. In order to file a formal complaint a formal Zoning Inquiry/Complaint Form must be fully completed (Appendix B). A complaint will not be considered formal and no action will be taken without a completed complaint form (see Appendix A for instructions). In addition to the general public, violations may be submitted by any Town Official, including but not limited to the Planning and Zoning Official (hereinafter referred to as "P&Z Official"), when in the normal course of business violations are observed. All complaints are public files and are subject to inspection by the general public including the violator.

When a complaint is filed, a Complaint Number will be assigned to it. This number will be used on all documentation included in the files and will be used to track the progress of any complaint. This number will also be used in the IPS software system.

#### **Section 3: Enforcement Policy**

The Land Use Department will make every effort to consistently process complaints and manage enforcement actions. Deviation from established procedures should be documented and justified when adherence to those is not practical. The following are general procedures:

- The Regulations shall be enforced by the P&Z Official.
- All Zoning related complaints shall be submitted on the complaint form (Appendix B) available at the Land Use Department and on the Land Use Department webpage.
- The P&Z Official will investigate anonymous complaints only when staff determines that a violation does in fact exist. Signed complaints will take priority over anonymous complaints.
- The enforcement of the Regulations shall not be used as a means of furthering neighbor and/or civil disputes. If complaints between neighbors are verified as zoning violations, the complaints shall be processed as zoning violations.
- All Observations of Potential Violations and Notices of Violations ("NOV") shall include the following: (i) the nature of the apparent violation; (ii) the date of inspection (if one was conducted); (iii) the regulation being violated; (iv) the means to comply with the regulation; (iv) a date upon which the violation shall be remedied or the P&Z Official contacted; and (v) the appeal process (as necessary).
- Proactive Enforcement for repeat violations shall be pursued by the P&Z Official as a follow up to a previously named complaint.

#### **Section 4: Enforcement Priorities.**

The Land Use Department shall prioritize all zoning enforcement actions in the following order:

1. Violations that pose immediate danger to the public health, safety, or general welfare of the community;
2. Violations related to development projects that are in the construction phase;
3. Proactive enforcement programs initiated by the Commission and/or Land Use Dept.;
4. Reactive or complaint based enforcement programs;
5. Violations observed during Zoning Certificate of Compliance (ZCC) inspections.

## Section 5: Enforcement Procedures

When conducting proactive and/or reactive enforcement action; the Land Use Department will adhere to the following procedures:

- 5-1 **Complaint Filed:** A complaint may be filed with the Land Use Department as described in Section 2.
- 5-2 **Prioritize:** The Land Use Department will prioritize all complaints filed as described in Section 4.
- 5-3 **Property Research:** When a landowner is conducting a use that is presently not permitted under the Regulations or authorized by the P&Z Commission, the Land Use Department will perform limited initial research to confirm the permit history, zoning district and if any variances have been granted. If the initial research is not conclusive, the P&Z Official will ask the landowner to provide evidence that he or she is entitled to conduct such use. The inquiry will be made in a cordial, nonthreatening manner to the property owner.
- 5-4 **Site Inspection:** The P&Z Official will conduct a site inspection to determine the validity of the complaint. The P&Z Official will investigate to determine if there are any relevant facts or issues that have not been included in the complaint. The property owner may or may not be present during this inspection; however, the P&Z Official shall not enter the property without permission. The P&Z Official may contact a complaining neighbor and if granted permission from said neighbor may attempt to confirm the violation by observations made from the neighbor's property. The P&Z Official may also attempt to confirm a violation by observations made from the street without entering the property. Pictures may be taken from a public way or a location where permission was granted and included with the complaint and file. The P&Z Official may rely upon observations made by another Town Official (i.e. the Building Official).
- 5-5 **Observation of Violation:** After learning of a property that could potentially be in violation of the town's Zoning Regulations, the P&Z Official may issue an Observation of Violation letter to the alleged violator. If the alleged violator is not the owner of record, an Observation of Violation shall be sent to both the owner and the tenant/renter/lessee. Included with this letter should be a copy of the property card showing the zone in which the property is located, a copy of the applicable zoning regulation, and any other supporting documents deemed necessary. This is an alternate course of action that can be used to inform the owner of what "appears to be" a violation of the Regulations, to request information to determine if a violation exists, to open up a dialogue with the owner, and to obtain compliance voluntarily. This will avoid triggering a right of appeal to the ZBA and will enable the P&Z Official to put the burden on the owner to provide information about compliance and also provides a method of obtaining compliance short of Citation or Enforcement Order. A sample Observation of Violation can be found in Appendix C. If the violation involves the grading of land, removal of earth or soil erosion and sediment control, or is determined to be an emergency or egregious in nature, an Enforcement Order (§5-7) and/ or Citation (§5-8) may be issued (to be effective immediately).
  - a. The Observation of Violation will specify a grace period to allow for voluntary compliance. That grace period will not be greater than 30 days, depending on the severity of this violation. Public health, safety and welfare shall guide the P&Z Official's decision regarding the length of the grace period. If no attempt at compliance is made by the violator, the P&Z Official may proceed to Section 5-6 without an extended grace period.
  - b. Upon expiration of the grace period, the P&Z Official will conduct a follow up inspection to determine if compliance has been achieved. If substantial progress has been made toward the correction of the violation, the P&Z Official may extend the grace period for no

more than 30 additional days. If compliance has been attained, the P&Z Official will proceed to Section 6.

**5-6 Notice of Violation:** After inspecting the site and confirming that a zoning violation exists, the P&Z Official will initiate a dialogue with an alleged violator by placing a telephone call, making a site visit, or sending a Notice of Violation letter to the alleged violator. In all cases, voluntary compliance will be requested. In the case of a phone call or site visit, a Notice of Violation will be sent and will summarize the conversation and understanding between parties in order to document the activity. If the alleged violator is not the owner of record, a Notice of Violation will be sent to both the owner and the tenant/renter/lessee. The violator will be expected to submit a written plan of action for correcting the violation and for achieving compliance. A sample Notice of Violation can be found in Appendix D.

- a. The Notice of Violation will specify a grace period to allow for voluntary compliance. That grace period will not be greater than 30 days, depending on the severity of this violation. Public health, safety and welfare shall guide the P&Z Official's decision regarding the length of the grace period. If no attempt at Compliance has been made by the violator, the P&Z Official may proceed to Section 6-7 without extending the grace period.
- b. Upon expiration of the grace period, the P&Z Official will conduct a follow up inspection to determine if compliance has been achieved. If substantial progress has been made toward the correction of the violation, the P&Z Official may extend the grace period for no more than 30 additional days. If compliance has been attained, the P&Z Official will proceed to Section 6.

**5-7 Enforcement Order:** If the first or second follow up inspection reveals that the property is still in violation, or if the violation and violator comprise a repeat offense and repeat offender, the P&Z Official may issue an Enforcement Order. If the violation involves the grading of land, removal of earth or soil erosion and sediment control, or is determined to be an emergency or egregious in nature, the Enforcement Order will require the violation to be corrected immediately. For all other violations, the Enforcement Order shall provide the violator with no greater than 30 days to correct the violation. This is an order to correct the zoning violation. The violator will be expected to submit a written plan of action for correcting the violation and for achieving compliance. A sample Enforcement Order can be found in Appendix E.

- a. Abeyance: There may be instances where the violator has been issued a NOV and the violator may need additional time to remedy the violation. In these instances, the P&Z Official may agree to an abeyance of the enforcement action, so long as the violator is willing to agree in writing to specific terms of compliance as set forth by the Land Use Department. This technique has been developed in recognition that enforcement of the Regulations requires flexibility in the approach in order to enable compliance. The P&Z Official may grant two (2) abeyance periods not to exceed thirty (30) days each during any enforcement proceeding.
- b. Appeal of Enforcement Order: After the receipt of an Enforcement Order, the violator may appeal the enforcement action to the Zoning Board of Appeals (ZBA) in accordance with Section 8-7 of the Connecticut General Statutes and with any rules adopted by the ZBA. The appeal shall be taken on a form prescribed by the ZBA and shall be filed with the ZBA and with the P&Z Official or the Commission not later than 30 days after the receipt of the Enforcement Order being appealed.

**5-8 Enforcement by Citation:** If an order of the P&Z Official has not been remedied within 10 days of the date of compliance specified in the order or 10 days of issuance of the order, whichever is later, the P&Z Official may issue a Citation in accordance with Section 8-12a of the Connecticut General Statutes to the violator. If the decision that the regulations were violated is challenged by way of an appeal as permitted by state statute, the time to issue a citation shall be extended to 10 days after any decision of the applicable entity confirming or determining that the applicable regulations have been violated. A sample Enforcement Citation (First and Second Notice) is attached as Appendices F & G.

The First Notice shall specify a grace period to allow for compliance or the payment of the fine. That grace period shall not be greater than 30 days, depending on the severity of this violation.

Public health, safety and welfare shall guide the P&Z Official's decision regarding the length of the grace period. The First Notice shall specify the amount of the fine and the manner and location of which payment is to be made.

If the First Notice is unpaid or the violation is not corrected, the P&Z Official is may issue multiple first notices with a re-occurrence of one every month of the intervening 30 days of violations.

After a citation has been issued and the fine has not been paid, nor the violation corrected, the P&Z Official shall send a Second Notice (addressing all First Notices sent) to the alleged violator promptly (and no later than 12 months after the expiration of the final period for the uncontested payment of fines, penalties, costs, or fees for any citation).

Such notice shall inform the alleged violator of the following:

- a) The allegations against the alleged violator and the amount of the fines, penalties, costs, or fees due.
- b) That the alleged violator may contest his or her liability before a hearing officer by delivering in person or by mail written notice within 10 days of the date of the original notice to said alleged violator that he or she desires to contest his or her liability before a hearing officer.
- c) That if the alleged violator does not demand a hearing, an assessment and judgment shall be entered against him or her.
- d) That such judgment may be issued without further notice.

**5-9 Hearing Procedure:** Any alleged violator who requests a hearing shall be provided one in accordance the citation hearing procedure set forth in Section 7-152c of the Connecticut General Statutes except that no Planning and Zoning Official, Building Inspector or any other employee of the Town of East Hampton may be appointed to be a hearing officer.

## **Section 6: Closure**

Once the violation has ceased and the violator is in compliance and any unrelated administrative and judicial appeals have been finally resolved, the P&Z Official can close the case. Cases are also closed if the ZBA or the Courts do not find in favor of the Land Use Department and the P&Z Commission elects not to appeal the decision of the ZBA or the Courts. The P&Z Official shall review and issue Certificates of Zoning Compliance in accordance with the Town of East Hampton Zoning Regulations, Section 9.4.J – Certificate of Zoning Compliance. If a case has been closed for any of the above referenced reasons then no fines shall be collected, or due.



## **Town of East Hampton**

Land Use Department

20 East High Street, East Hampton, CT 06424

(860) 267-7450

### **Things to consider when filing a Zoning Inquiry or Complaint**

We always recommend trying to resolve neighborhood issues directly. It can save time, money, and energy. However, if you need to file a complaint with the Planning and Zoning Department please be aware of the following:

All documentation will become public information and will be surrendered to the Courts if subpoenaed during a litigation process.

Anonymous complaints are welcome; however, signed complaints will take priority over anonymous complaints.

A fully completed complaint includes the following:

- Address of property that is in violation
- Location on the property where the violation is occurring
- Name of owner of property in violation
- Telephone number of the subject property owner (if known)
- Your name
- Your address
- Your telephone number
- Your Email address
- Your signature and the date of the complaint. (If filing electronically, no signature is needed)
- A legally obtained photograph of the violation

Describe the situation with the most amount of detail possible. Pictures may be included in order to represent the situation; however, they must have been obtained without entering private property without permission. **It is important that you do not enter property without permission.**

If you are found to have entered property illegally, your complaint will be discarded and you may be subject to penalty under trespassing law.

Your complaint will be assigned a complaint number. Once the number has been assigned, you may contact the Land Use Office to obtain the complaint number. In order to follow up on the complaint at any time, please be sure you know the assigned number.

**Town of East Hampton**

Land Use Department

20 East High Street, East Hampton, CT 06424

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**Inquiry / Complaint Form**

Date Received: \_\_\_\_\_

Complaint #: \_\_\_\_\_

**Violator Information**

Location: \_\_\_\_\_ Map#: \_\_\_\_\_ Block#: \_\_\_\_\_ Lot#: \_\_\_\_\_

Property Owner: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Telephone (H): \_\_\_\_\_ (W): \_\_\_\_\_ (C): \_\_\_\_\_

**Complainant Information**

Name: \_\_\_\_\_ Telephone (H): \_\_\_\_\_ (C): \_\_\_\_\_

Address: \_\_\_\_\_ Email: \_\_\_\_\_

Signature: \_\_\_\_\_

Complaint/Inquiry: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Location on Property Where Violation is Occurring: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

☐ Picture Attached***This section is to be completed by Planning and Zoning Staff.***Refer to: ☐ Zoning ☐ Wetlands ☐ Building ☐ Blight ☐ Health

Pending / Recent Applications: \_\_\_\_\_

Special Permits/ Exceptions: \_\_\_\_\_

Inspector: \_\_\_\_\_ Inspection Date: \_\_\_\_\_

Inspection Notes: \_\_\_\_\_

**THIS FORM MUST BE COMPLETED IN ITS ENTIRETY.**  
**SIGNED COMPLAINTS TAKE PRIORITY OVER ANONYMOUS COMPLAINTS.**  
**THIS FORM IS SUBJECT TO THE FREEDOM OF INFORMATION ACT.**  
**PERSONAL INFORMATION SUCH AS PHONE NUMBERS AND EMAIL ADDRESS WILL BE REDACTED.**  
**DO NOT ENTER PROPERTY ILLEGALLY IN ORDER TO OBTAIN PHOTOGRAPHS.**



**Town of East Hampton**

Land Use Department

20 East High Street, East Hampton, CT 06424

(860) 267-7450

DATE

PROPERTY OWNER NAME

MAILING ADDRESS

TOWN, STATE, ZIP

**RE: OBSERVATION OF POTENTIAL ZONING VIOLATION**

**STREET ADDRESS, East Hampton, CT**

**PARCEL ID #**

Dear PROPERTY OWNER:

It has come to the attention of our office that the above referenced property appears to be in violation of the Town's Zoning Regulations.

DESCRIBE DETAILS AND SECTION #

The pertinent section of the regulation is included with this letter for your review.

It is my duty to inform you of this possible violation. This letter is a request that you bring your property into compliance with the Zoning Regulations by doing the following:

DESCRIBE REMEDIES

You may also provide this office with any information that would allow for a determination to be made that such violation does or does not exist.

This is not a Notice of Violation, but failure to remedy this situation within 30 days will lead to the issuance of such a notice. If a Notice of Violation is issued and you fail to comply with it within an additional 30 days, the Town may consider legal action in issuing a Cease and Desist Order. We trust that you will take advantage of this opportunity to avoid such future actions and costs.

Your anticipated cooperation in this matter is greatly appreciated. Please feel free to contact me to discuss this further.

Thank you,

STAFF NAME

STAFF TITLE



**Town of East Hampton**

Land Use Department

20 East High Street, East Hampton, CT 06424

(860) 267-7450

DATE

***CERTIFIED LETTER***

PROPERTY OWNER NAME

MAILING ADDRESS

TOWN, STATE, ZIP

**RE: NOTICE OF VIOLATION AND REQUEST FOR VOLUNTARY COMPLIANCE**

**STREET ADDRESS, East Hampton, CT**

**COMPLAINT #**

Dear PROPERTY OWNER SALUTATION:

On **DATE**, I observed the following violation(s) of the East Hampton Zoning Regulations at the above referenced address:

☐ **SECTION # AND DETAILS**

The pertinent section of the regulation is included with this letter for your review.

I am charged with the responsibility of informing you that **this/these** violation(s) exist(s), and that **it/they** must be corrected. This letter is a notification and request that you bring your property into compliance with the East Hampton Zoning Regulations by doing the following:

**DESCRIBE POSSIBLE REMEDIES**

This is not a Cease and Desist Order, but failure to remedy this situation within **30** days will lead to the issuance of such an order. If a Cease and Desist Order is issued, and you fail to comply, the Town may consider legal action in accordance with Section 8-12 of the Connecticut General Statutes. Section 8-12 authorizes the institution of a lawsuit to enforce the zoning regulations and provides for the assessment of fines, penalties, and costs. Fines may range from not less than ten nor more than one hundred dollars for each day such violation continues, and civil penalties may be awarded up to \$2,500.00.

Your anticipated cooperation in this matter is greatly appreciated. Please feel free to contact me to discuss this further.

Sincerely,

STAFF NAME

STAFF TITLE

cc: Town Attorney  
Town Manager  
Planning and Zoning Commission  
Zoning Board of Appeals





**Town of East Hampton**

Land Use Department

20 East High Street, East Hampton, CT 06424

(860) 267-7450

DATE

***CERTIFIED LETTER***

PROPERTY OWNER NAME

MAILING ADDRESS

TOWN, STATE, ZIP

**RE: CEASE AND DESIST ORDER**

**STREET ADDRESS, East Hampton, CT**

**COMPLAINT ID #2009-00?**

Dear INSERT PROPERTY OWNER SALUTATION:

PLEASE BE ADVISED that you are found to be in violation of the East Hampton Zoning Regulations as follows:

☐ SECTION # AND DETAILS

On [DATE] I mailed you a Notice of Violation and Request for Voluntary Compliance (copy enclosed) for the above referenced property regarding the above listed violation(s). A subsequent inspection revealed that you have not brought the property into compliance with the Zoning Regulations within the timeframe specified in the Notice of Violation and Request for Voluntary Compliance.

You are hereby ordered to cease and desist the activity(ies) identified as zoning violations within 15 calendar days of your receipt of this Order. Your attention is directed to Connecticut General Statute §8-12, which authorizes the institution of a lawsuit to enforce the zoning regulations and provides for the assessment of fines, penalties, and costs. Fines may range from not less than ten nor more than one hundred dollars for each day such violation continues, and civil penalties may be awarded up to \$2,500.00. In addition, if the court finds that the offense is willful, the court may assess a higher fine of not less than one hundred dollars no more than two hundred and fifty dollars for each day that such violation continues.

You may appeal this Order to the East Hampton Zoning Board of Appeals (ZBA) in accordance with Section 8-7 of the Connecticut General Statutes and with any rules adopted by the ZBA. The appeal shall be taken on a form prescribed by the ZBA and shall be filed with the ZBA and with the Zoning Enforcement Officer in the Land Use Office at Town Hall, in accordance with office hours published. The appeal shall be filed not later than 30 calendar days after your receipt of this Order. You may obtain an appeal form at the Land Use Office. Failure to appeal this Order or correct the violation within the timeframe prescribed herein will result in the referral of this matter to Town Counsel with a recommendation to initiate immediate legal action.

Should you wish to discuss this matter in detail, please contact me at (860) 267-7450.

Sincerely,

STAFF NAME

STAFF TITLE



**Town of East Hampton**

Land Use Department

20 East High Street, East Hampton, CT 06424

(860) 267-7450

**MUNICIPAL CITATION (FIRST NOTICE)**

**Complaint #** \_\_\_\_\_ **Amount of Fine:** \_\_\_\_\_

**Violator:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Property:** \_\_\_\_\_

**Violation(s):** \_\_\_\_\_

You are hereby fined for violating the above Zoning Regulations of the Town of East Hampton. As indicated in Chapter 16 of the East Hampton Town Code, pursuant to Section 8-12a of the Connecticut General Statutes and in addition to the remedies provided in Section 8-12 thereof, your violation has caused a fine to be levied against you.

You have thirty (30) days to make full payment by mail or in person to the Town of East Hampton Planning and Zoning Office, 20 East High St. East Hampton, CT 06424. If full payment is not made on or prior to that date, a second citation notice will be issued that will include information regarding your rights to request a hearing to contest liability. If uncontested payment of all fines set forth herein is made without demand for a hearing, such payment shall be inadmissible in any proceeding, civil or criminal, to establish the conduct of such person or other person making the payment.

Issued by:

STAFF NAME

STAFF TITLE

20 East High Street

East Hampton, CT 06424

STAFF PHONE

STAFF E-MAIL

[www.easthamptonct.gov](http://www.easthamptonct.gov)

Please make checks payable to: Town of East Hampton.



**Town of East Hampton**

Land Use Department

20 East High Street, East Hampton, CT 06424

(860) 267-7450

**MUNICIPAL CITATION (FIRST NOTICE)**

**Complaint #** \_\_\_\_\_ **Amount of Fine:** \_\_\_\_\_

**Violator:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Property:** \_\_\_\_\_

**Violation(s):** \_\_\_\_\_

On [insert date of first notice] you were cited for violating the Zoning Regulations of the Town of East Hampton based on the allegations set forth above. As indicated in Chapter 16 of the East Hampton Town Code and pursuant to Section 8-12a of the Connecticut General Statutes Rev. 1958, as amended, and in addition to the remedies provided in Section 8-12 thereof, your violation has caused a fine to be levied against you.

Having not received payment within the thirty-day uncontested period as set forth in the notice of citation dated [ insert date ], I am hereby notifying you of the allegations against you described above and that you have the right to contest liability before a hearing officer appointed by the Board of Selectmen, by delivering, in person or by mail, within ten days of the date of the notice, a written demand for a hearing and that if you do not demand such a hearing, an assessment and judgment shall be entered against you and that such judgment may be issued without further notice.

Issued by:

STAFF NAME

STAFF TITLE

20 East High Street

East Hampton, CT 06424

STAFF PHONE

STAFF E-MAIL

[www.easthamptonct.gov](http://www.easthamptonct.gov)

Please make checks payable to: Town of East Hampton.