

Notice is hereby given that a Public Hearing and Special Town Meeting will be held on May 4, 2016, 7:30 PM, Town Hall Large Conference Room, 400 Main Street, Ridgefield, Connecticut to consider and act on the following changes in Ridgefield Code under Chapter 24 Citations and Chapter 262 Open Space Use. Underline & bold represents addition to existing language; brackets [] indicate deletion.

Chapter 24. Citations

ARTICLE II: Conservation Violations

§ 24-7 Authority; Service of Citation.

Pursuant to Connecticut General Statutes Section 7-152c, 7-148(10)(A), 7-148(c)(6)(A)(iv), 7-148(c)(7)(F)(iv), and Chapter 262-20A of the Ridgefield Code of Ordinances. The Conservation Enforcement Officer is authorized to issue citations for violations of the Conservation Ordinance of the Town of Ridgefield to the extent and the manner provided by this article. Any such citation may be served either by hand delivery or by certified mail, return receipt requested, to the person named in the citation. If a person named in the citation to whom notice has been sent by certified mail refuses to accept such mail, the citation may be sent by regular United States mail.

§ 24-8 Violations for which citation may be issued.

A citation may be issued for any violation of the Conservation Ordinance and/or Regulations of the Town Ridgefield.

§ 24-9 Amount of fine.

The fine for each citation shall be \$250, payable to the Town of Ridgefield.

§ 24-10 Time Period for payment of uncontested fine.

A person named in the citation shall be allowed a period of 30 days from the date of his or her receipt of the citation to make an uncontested payment of the fine specified in the citation. If the citation has been sent by regular mail pursuant to the provision of § 24-7 above, the day of receipt of the citation shall be deemed to be three business days after the day of mailing of the citation.

§ 24-11 Hearing to contest citation.

Any person issued a citation shall be entitled to a hearing to contest the citation. In order to receive a hearing, the person named in the citation must deliver or mail a written request for a hearing the Conservation Enforcement Officer within 30 days of his or her receipt of the citation. The request must be received by the Conservation Enforcement Officer within the 30-day period. The procedures for hearing, disposition and enforcement shall be as is set forth in the Connecticut General Statutes, § 7-152c, Hearing Procedure For Citations, as the same may be amended from time to time.

§ 24-12 Selection of citation hearing officers.

The First Selectman shall appoint one or more citation hearing officers to conduct the hearings necessary pursuant to this article, other than Police Officers or employees or persons who issue citations, or employees or members of the Ridgefield Conservation Commission, to conduct the hearings authorized by this section.

§ 24-13 Recording Lien.

In addition to the remedies set forth in Connecticut General Statutes 7-152(c), any unpaid civil penalty or other fine imposed pursuant to the provision of this chapter, and any and all costs and expenses by the Town for the enforcement of this chapter, shall constitute a lien upon the violator's real estate from the date of the recording thereof in the Ridgefield land records. Each such lien may be continued, recorded and released in the manner provided for in Connecticut General Statutes Section 7-14aa.

§ 24-14 Removal or remediation by Town.

If the Hearing Officer determines the violator is liable for the violation, the Town may cause or take such action as is necessary to correct the violation. All costs and expenses of such corrective action shall be a lien upon the real estate of the violator upon the recording thereof as provided below. The Board of Selectmen shall cause a certificate of lien to be recorded in the Town Clerk's office within 60 calendar days after completion of such corrective action if all costs and expenses thereof are not reimbursed in full.

§ 24-15 Other Remedies.

The provisions of this chapter are in addition to and not in lieu of any other remedies available to the Town under the Connecticut General Statutes or other/applicable section of the Town Code.

Chapter 262 Open Space Use.

§ 262-12 [Injury to structures, trees, plants or wildlife] **Trespass on open space and easements**

[No person shall deface, remove, destroy or otherwise injure in any manner whatsoever any structure, rock, tree, flower, shrub or any other plant life, nor disturb or molest any bird or animal.]

Trespass on open space and easements managed by the Conservation Commission includes, but is not limited to:

- **Placement of buildings, structures or play equipment.**
- **Construction, destruction, or moving of fencing and stone walls within the boundary of the open space.**
- **Creation of trails or pathways not authorized by the Conservation Commission.**
- **Unauthorized mowing of vegetation and cutting or removal of trees, shrubs and brush.**
- **Placement or dumping of waste materials, including cut trees and shrubs.**
- **Removal of boundary markers.**

- Defacing, removing, destroying, or otherwise injuring in any manner whatsoever any structure, rock, tree, flower, shrub, or any plant life.
- Disturbing or molesting any bird or animal.
- Depositing of vehicles.

Violation of the use of easements managed by the Conservation Commission shall be considered the same as violations to open space.

The Commission shall designate a Conservation Enforcement Officer to act as the Commission's agent in the enforcement of this chapter.

§ 262-13 Littering.

Refuse shall be placed in receptacles if provided on the premises, or removed from the premises, and no person shall litter the grounds or waters of open space land.

§ 262-14 Motorized vehicles.

Motorized vehicles may not be operated or parked on any open space land, except in designated areas.

§ 262-15 Penalties for offenses.

Violation of any provision of this chapter or any regulation adopted hereunder is sufficient cause for eviction, and any person in violation of the same shall be subject to the penalties set forth in [Chapter 269. Parks and Recreation] §262-17 of this [Code] chapter.

§ 262-16 Controlled hunting.

Notwithstanding the provisions of §§ 262-2, 262-3, 262-5, 262-6, 262-12 and 262-15 of this chapter, [, the Board of Selectmen, after its review and approval of the procedures, practices and safety measures to be followed by the Deer Management Committee, may from time to time authorize the Deer Management Committee to initiate and supervise a controlled hunt of deer on specifically designated Town-owned open space lands.]

On open space lands under the jurisdiction of the Conservation Commission and owned by the Town, the Board of Selectmen, after written referral to and response by the Conservation Commission and after the Board of Selectmen's review and approval of the procedures, practices and safety measures to be followed by the Deer Management Committee, may from time to time authorize the Deer Management Committee to initiate and supervise a controlled hunt of deer on open space lands.

§ 262-17 Determination of violation.

A. Possible Violation

If there is a possible violation of the use of open space and easements managed by the Conservation Commission, the Commission or the Conservation Enforcement Officer shall

initiate or cause an investigation as to the nature of the violation. The investigation may include a site visit and a discussion with the possible violator.

B. Probable Violation

If, after investigation, a probable cause of a violation is found by the Commission or the Conservation Enforcement Officer to exist, the Commission shall serve written notice in the form of a letter to the violator by certified mail (return receipt requested) and simultaneously by regular US Postal Service mail. The Conservation Enforcement Officer and First Selectman shall be copied on the letter. The letter shall:

- Identify the nature of the alleged violation.
- Include maps, photographs and documentation of the alleged violation, if available.
- Note that the failure of the violator to remedy the violation within the prescribed time may result in fines and potential legal actions.
- Request the violator contact the Conservation Commission office to set up a meeting with the Conservation Commission to resolve the alleged violation.
- Inform the violator of the date of the public meeting of the Conservation Commission when the violation shall be heard by the Commission.

C. Failure to Respond

If the violator who received the notice fails to respond, the Conservation Commission may nevertheless determine whether a violation has occurred, provided the Commission has made a finding that notice was properly served in accordance with this section.

D. Determination of Violation

The Conservation Commission shall make a written determination whether a violation has, in fact, occurred. If the Conservation Commission determines that a violation has occurred and has not been remedied, it shall include in its written determination the actions to be taken to abate such violation and a reasonable deadline by which such violation shall be fully abated.

E. Determination of No Violation

If the Conservation Commission determines that no violation has occurred, no further action shall be taken, and the Conservation Commission, accordingly, shall serve written notice of its determination to the alleged violator.

§ 262-18 Notice of violation.

Upon the determination by the Conservation Commission that a violation of this chapter has occurred and not been remedied, the Conservation Commission and/or the Conservation Enforcement Officer shall serve a written notice of violation to the violator.

The notice of violation shall state:

- A description of the violation.

- The actions to be taken to remedy the violation.
- The date upon which the violation shall be remedied.
- That the failure of the violator to remedy the violation within the prescribed time shall result in the issuance of a citation in accordance with § 262-21 of this chapter.
- The amount of the daily civil penalties and any other fines or penalties that can be imposed under § 262-20.
- That if the violator fails to remove or remedy the violation, the Town may at its option pursue such remedies as may be available in law or in equity.

Delivery of the notice of violation to the violator shall be by one or both of the following methods:

- By personal delivery to the violator; or
- By certified mail (return receipt requested) and simultaneously by regular US Postal Service mail, addressed to the violator at his/her last known address; or
- By personal or abode service by a Ridgefield constable or a State Marshal.

A copy of such notice shall also be sent to the office of the First Selectman, the Conservation Enforcement Officer, and any other town department, as may be determined by the Conservation Commission.

§ 262-19 Extension.

The Conservation Commission or Conservation Enforcement Officer may, in their discretion, grant to any violator one 30-day extension of the time to remediate the violation. Any further extensions shall require written approval from the Conservation Commission.

§ 262-20 Penalties for offenses.

A. Daily Civil Penalty

Violations of the provisions of this chapter shall be punishable by a civil penalty equal to the greater of \$250 or the maximum amount allowed by C.G.S. § 7-148(c)(7)(H)(xv), as the same may be amended from time to time, for each day a violation exists and continues beyond the date required for remediation set forth in the notice of violation issued under § 262-18 hereof. The Commission, at its election, may choose to enforce compliance with the provisions hereof by the means of a Citation issued pursuant to the Citation provisions of Chapter 24 of the Ridgefield Town Code.

B. Civil Penalties for Reparable and Irreparable Damages

Penalties shall be assessed based upon the nature of the violation. Destruction of public property shall require restoration and the violator shall be required to pay restoration costs and any associated costs.

If the violation resulted in irreparable damage, such as to mature trees, the violator shall be required to pay restoration costs as well as a settlement amount. The settlement amount shall be based on the "value" of the property damaged. A settlement may include requirements such as:

- Planting of younger replacement tree(s).
- Funding of a plan for their care and cultivation until they are mature enough to stand on their own.
- Payment of a sum deemed to be the "value" of the damaged tree(s). Tree value shall be determined as described in C.G.S. §52-560a.

C. Costs and Expenses

Violators shall also be responsible for all costs and expenses associated with enforcement and the collection of any civil penalties, which shall include, but shall not be limited to, attorneys' fees, court costs, mailing costs, and filing fees.

D. Additional Penalties

The violator may also be subject to additional penalties under C.G.S. §52-560a.

§ 262-21 Other remedies.

The provisions of this chapter are in addition to, and not in lieu of, any other remedies available to the Town under the Connecticut General Statutes, Connecticut State Building Code, Fire Code, Public Health Code, Zoning Regulations, or other sections of the Town Code.

Rudy Marconi
First Selectman