



Senate

General Assembly

File No. 195

February Session, 2010

Substitute Senate Bill No. 226

Senate, March 30, 2010

The Committee on Planning and Development reported through SEN. COLEMAN of the 2nd Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING ZONING ENFORCEMENT OFFICERS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 8-12a of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2010*):

3 (a) Any municipality may, by ordinance adopted by its legislative
4 body, establish penalties for violations of zoning regulations adopted
5 under section 8-2 or by special act. The ordinance shall establish the
6 types of violations for which a citation may be issued and the amount
7 of any fine to be imposed thereby and shall specify the time period for
8 uncontested payment of fines for any alleged violation under any such
9 regulation. No fine imposed under the authority of this section may
10 exceed one hundred fifty dollars for each day a violation continues.
11 Any fine shall be payable to the treasurer of the municipality.

12 (b) The hearing procedure for any citation issued pursuant to this
13 section shall be in accordance with section 7-152c except that no zoning

14 enforcement officer, building inspector or employee of the municipal
15 body exercising zoning authority may be appointed to be a hearing
16 officer.

17 (c) Any zoning enforcement officer who issues a citation pursuant to
18 an ordinance adopted under this section shall be liable for [treble]
19 damages in any civil action if the court finds that such citation was
20 issued frivolously or without probable cause.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2010	8-12a

PD *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 11 \$	FY 12 \$
Attorney General	GF - Revenue Loss	Potential Minimal	Potential Minimal

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill results in a potential minimal revenue loss as it reduces from triple to single damages the amount of damages a zoning enforcement official must pay as a result of a civil action in which a court finds them to have levied a fine found to be frivolous or without probable cause against a property owner. Few such civil actions are anticipated.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of civil actions.

OLR Bill Analysis

sSB 226

AN ACT CONCERNING ZONING ENFORCEMENT OFFICERS.

SUMMARY:

This bill reduces from triple to actual damages the amount of damages a zoning enforcement official must pay as a result of a civil action in which a court finds that the official levied a fine that was frivolous or without probable cause against a property owner.

EFFECTIVE DATE: October 1, 2010

COMMITTEE ACTION

Planning and Development Committee

Joint Favorable Substitute

Yea 18 Nay 0 (03/17/2010)