



TOWN OF RIDGEFIELD
PLANNING AND ZONING COMMISSION
66 Prospect Street, Ridgefield, CT 06877 203-431-2766

February 16, 2011

Planning and Development Committee
Room 2100
Legislative Office Building
Hartford, CT 06106

Re: Comment for Public Hearing on SB 862 - February 18, 2011

To the Members of the Committee:

On behalf of the Planning and Zoning Commission of the Town of Ridgefield, I strongly urge you to support proposed SB 862, to eliminate the word "treble" from the text of Subsection (c) of section 8-12a, pertaining to the imposition of treble damages on a zoning enforcement officer in any civil action, if the court finds that a zoning citation was issued frivolously or without probable cause.

The imposition of treble damages is unnecessary and unfair to the zoning enforcement officials in the State of Connecticut who perform their duties in an ethical and professional manner. The growth of the CAZEO organization (Connecticut Association of Zoning Enforcement Officials) with its educational programs and certification procedures has produced quality officers who are knowledgeable of State laws, and who administer those laws with fairness. These officials are customarily represented and advised by legal counsel retained by Connecticut municipalities, and treble damage claims for the acts of these town officials is both unreasonable and unnecessary.

Ridgefield's Zoning Enforcement Officer, Richard Baldelli, makes the following important points, and raises interesting questions for the Committee's consideration:

1. The checks and balances associated with properly written and administered Citation Ordinances, where an appeal process is available through a Hearing Officer at the local level (and there can be a subsequent appeal to the Court), means that there is little room for abuse of the law by the zoning enforcement official.
2. We have not heard of or read about any case where treble damages have been awarded since the Public Act was adopted in 1991. Verification of this statistic would be important for the Committee to consider. This speaks volumes in terms of how responsibly the Citation Ordinances are currently being administered; the elimination of the word "treble" in the Statute, whether in the immediate or foreseeable future, is unlikely to result in a rash of citations being issued frivolously or without probable cause.

3. Is there any other Statute that imposes "treble" damages for the enforcement of any law, statute, or ordinance in Connecticut? This Statute seems to be unfairly targeting only one aspect of enforcement in municipal law.

I urge you, and also on behalf of the Planning and Zoning Commission of the Town of Ridgefield, to support SB 862, to change Section 8-12a by eliminating the treble damage liability.

Very truly yours,

Betty Brosius, MPA, AICP, CAZEO
Director of Planning

cc (by email): The Honorable John Frey, Connecticut State Representative
The Honorable Toni Boucher, Connecticut State Senator
Planning and Zoning Commission
The Honorable Rudy Marconi, First Selectman, Ridgefield