



OLR RESEARCH REPORT

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ENFORCEMENT OF LOCAL ORDINANCES

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You asked (1) what options an individual has when a municipality violates its ordinance and (2) whether the attorney general can intervene in such a situation.

The answer to these questions requires a legal opinion, which the Office of Legislative Research is not authorized to provide. Consequently, this report should not be considered one.

An individual may have administrative and judicial options to force a municipality to comply with its ordinance. The administrative options depend on whether the ordinance or the statute under which it was created establishes an administrative remedy or appeals process. For example, if an individual believes that a zoning commission failed to provide proper notice of a public hearing on a proposed zone change application, he or she can appeal to a zoning board of appeals (CGS § 8-6 and 8-7).

In addition to any administrative remedies the ordinance or statute provides, an individual may ask the courts to force a municipality to comply with its ordinance. Depending on the circumstance, he or she may do so by seeking a writ of mandamus or an injunction. A writ of mandamus is a court order requiring a public official to perform his duty. An injunction is a court order requiring someone to do something or to stop doing something.

Whether the attorney general can intervene in the matter depends on the nature of the ordinance. If the ordinance addresses a purely local issue and was passed under the municipality's home rule powers, the attorney general has no statutory authority to provide legal advice (2006 Conn. Op. Atty. Gen., No. 2006-002). But he can intervene if the ordinance concerns a state administered program or affects the jurisdiction of a state agency (2007 Conn. Op. Atty. Gen., No. 2007-005). For example, the attorney general can order the town to comply with the ordinance, and, if it fails to do so, seek an injunction or writ of mandamus. The attorney general's authority to do so comes from the law giving him general supervision over all legal matters in which the state is an interested party, except those over which prosecuting officers have direction (CGS § 3-125).

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