Town of Westport
Planning & Zoning Commission
Town Hall, 110 Myrtle Avenue
Westport, CT 06880
(203) 341-1030 Facsimile (203) 454-6145

MEMORANDUM

TO: The Connecticut General Assembly

FROM: Laurence Bradley, AICP - Planning & Zoning Director

DATE: March 1, 2012

SUBJECT: Comments regarding CGS 8-12a (c)

As the Planning & Zoning Director for the Town of Westport I am responsible for the enforcement of the Zoning Regulation. We have two Zoning Officials on staff, who on a daily basis undertake the job of insuring that the Zoning Regulations of the Town are followed. CGS 8-12a (c), commonly known as the "treble damages" clause does not make our job any easier and thus it should be stricken from the statutes entirely.

The Town of Westport adopted a Zoning Citation Ordinance in 2007 and since that time we have used it as method to gain compliance for zoning violations. As the senior manager for the department, I or my Deputy Director must co-sign all zoning citations that are issued. In five years, over 30 such citations have been issued and I have never seen one that was issued "frivolously or without probable cause."

Prior to adopting our ordinance our Town Attorney's office researched cases brought under this section. Since 1992 when it was first enacted, they could only find a single case where a Zoning Enforcement Officer (ZEO) was accused of violating this statute and the case was decided in favor of the ZEO.

ZEO's are the only municipal official subject to a special penalty provision for doing their jobs. If a ZEO acted without probable cause they could be held liable even without 8-12a (c). It would seem that this provision is only there to intimidate a ZEO from enforcing the zoning regulations. In discussions with some of my fellow local Planning & Zoning colleagues, I know that some of them have refused to issue citations or even adopt an enforcement ordinance because they are fearful about the threat of "treble damages."

I urge you to eliminate this section entirely; as past efforts that simply eliminate the word "treble" could be construed as have no limit on the level of damages that could be levied.

Thank you for your attention to this matter.