



OFFICE OF THE MAYOR

RICHARD A. MOCCIA

TESTIMONY OF THE HONORABLE RICHARD A. MOCCIA  
TO THE JOINT COMMITTEE OF PLANNING AND DEVELOPMENT  
CONCERNING RAISED BILL 263, AN ACT CONCERNING THE LIABILITY OF  
ZONING ENFORCEMENT OFFICERS

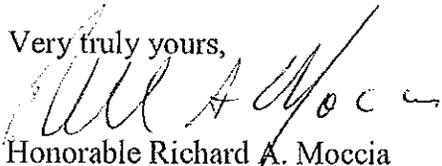
MARCH 2, 2012

To whom it may concern,

I strongly support any legislation that would repeal Connecticut General Statute §8-12a(c). This is the section of the Connecticut General Statutes which imposes treble damages on a Zoning Enforcement Officer if a citation is found to be frivolous or without probable cause. The City of Norwalk has considered a zoning citation ordinance for many years; however, it has avoided adoption of such an ordinance due to concerns over having to defend numerous treble damages claims by disgruntled alleged zoning violators. I do not know of any other statute which imposes damages against a municipal employee enforcing its ordinances, yet these employees seem to refrain from issuing unnecessary and frivolous citations. Since C.G.S. §8-12a(c) has kept the City of Norwalk from enacting a citation ordinance, the City is forced to bring many civil zoning enforcement actions in Superior Court. We currently have 283 active zoning violation files in various stages of the enforcement process. These zoning enforcement actions are an incredible cost to the City in legal fees and expenses. There is a cost to the residents as well - having to tolerate a zoning violation in their neighborhood for the months, if not years, that the violation continues while the civil action is pending. Having a zoning citation ordinance would be a valuable tool to help our City achieve more zoning compliance.

Thank you for the opportunity to comment.

Very truly yours,

  
Honorable Richard A. Moccia