



House of Representatives

General Assembly

File No. 827

January Session, 2019

Substitute House Bill No. 7344

House of Representatives, April 29, 2019

The Committee on Judiciary reported through REP. STAFSTROM of the 129th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING THE IMPOSITION OF PENALTIES FOR REPEATED VIOLATIONS OF MUNICIPAL REGULATIONS OR ORDINANCES.

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

1 Section 1. Section 8-12 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2019*):

3 (a) If any building or structure has been erected, constructed,
4 altered, converted or maintained, or any building, structure or land
5 has been used, in violation of any provision of this chapter or of any
6 bylaw, ordinance, rule or regulation made under authority conferred
7 hereby, any official having jurisdiction, in addition to other remedies,
8 may institute an action or proceeding to prevent such unlawful
9 erection, construction, alteration, conversion, maintenance or use or to
10 restrain, correct or abate such violation or to prevent the occupancy of
11 such building, structure or land or to prevent any illegal act, conduct,
12 business or use in or about such premises. Such regulations shall be
13 enforced by the officer or official board or authority designated

14 therein, who shall be authorized to cause any building, structure, place
15 or premises to be inspected and examined and to order in writing the
16 remedying of any condition found to exist therein or thereon in
17 violation of any provision of the regulations made under authority of
18 the provisions of this chapter or, when the violation involves grading
19 of land, the removal of earth or soil erosion and sediment control, to
20 issue, in writing, a cease and desist order to be effective immediately.
21 The owner or agent of any building or premises where a violation of
22 any provision of such regulations has been committed or exists, or the
23 lessee or tenant of an entire building or entire premises where such
24 violation has been committed or exists, or the owner, agent, lessee or
25 tenant of any part of the building or premises in which such violation
26 has been committed or exists, or the agent, architect, builder,
27 contractor or any other person who commits, takes part or assists in
28 any such violation or who maintains any building or premises in
29 which any such violation exists, (1) shall be fined not less than ten
30 dollars or more than one hundred dollars for each day that such
31 violation continues; but, (2) if the offense is wilful, the person
32 convicted thereof shall be fined not less than one hundred dollars or
33 more than two hundred fifty dollars for each day that such violation
34 continues, or imprisoned not more than ten days for each day such
35 violation continues not to exceed a maximum of thirty days for such
36 violation, or both; and the Superior Court shall have jurisdiction of all
37 such offenses, subject to appeal as in other cases.

38 (b) Any person who, having been served with an order to
39 discontinue any such violation, fails to comply with such order within
40 ten days after such service, or having been served with a cease and
41 desist order with respect to a violation involving grading of land,
42 removal of earth or soil erosion and sediment control, fails to comply
43 with such order immediately, including any person who initially
44 complies with such order, but who subsequently engages in conduct
45 that constitutes a violation of such order, or continues to violate any
46 provision of the regulations made under authority of the provisions of
47 this chapter specified in such order, shall be subject to a civil penalty
48 not to exceed [two] seven thousand five hundred dollars, payable to

49 the treasurer of the municipality. In any criminal prosecution under
50 this section, the defendant may plead in abatement that such criminal
51 prosecution is based on a zoning ordinance or regulation which is the
52 subject of a civil action wherein one of the issues is the interpretation
53 of such ordinance or regulations, and that the issues in the civil action
54 are such that the prosecution would fail if the civil action results in an
55 interpretation different from that claimed by the state in the criminal
56 prosecution. If the court renders judgment for such municipality and
57 finds that the violation was wilful, the court shall allow such
58 municipality its costs, together with reasonable attorney's fees to be
59 taxed by the court. The court before which such prosecution is pending
60 may order such prosecution abated if it finds that the allegations of the
61 plea are true.

62 Sec. 2. Subsection (b) of section 51-164n of the general statutes is
63 repealed and the following is substituted in lieu thereof (*Effective*
64 *October 1, 2019*):

65 (b) Notwithstanding any provision of the general statutes, any
66 person who is alleged to have committed (1) a violation under the
67 provisions of section 1-9, 1-10, 1-11, 4b-13, 7-13, 7-14, 7-35, 7-41, 7-83, 7-
68 283, 7-325, 7-393, [8-12] subdivision (1) of subsection (a) of section 8-12,
69 as amended by this act, 8-25, 8-27, 9-63, 9-322, 9-350, 10-193, 10-197, 10-
70 198, 10-230, 10-251, 10-254, 12-52, 12-170aa, 12-292, 12-314b or 12-326g,
71 subdivision (4) of section 12-408, subdivision (3), (5) or (6) of section
72 12-411, section 12-435c, 12-476a, 12-476b, 12-487, 13a-71, 13a-107, 13a-
73 113, 13a-114, 13a-115, 13a-117b, 13a-123, 13a-124, 13a-139, 13a-140, 13a-
74 143b, 13a-247 or 13a-253, subsection (f) of section 13b-42, section 13b-
75 90, 13b-221, 13b-292, 13b-336, 13b-337, 13b-338, 13b-410a, 13b-410b or
76 13b-410c, subsection (a), (b) or (c) of section 13b-412, section 13b-414,
77 subsection (d) of section 14-12, section 14-20a or 14-27a, subsection (e)
78 of section 14-34a, subsection (d) of section 14-35, section 14-43, 14-49,
79 14-50a or 14-58, subsection (b) of section 14-66, section 14-66a or 14-
80 67a, subsection (g) of section 14-80, subsection (f) of section 14-80h,
81 section 14-97a, 14-100b, 14-103a, 14-106a, 14-106c, 14-146, 14-152, 14-
82 153 or 14-163b, a first violation as specified in subsection (f) of section

83 14-164i, section 14-219 as specified in subsection (e) of said section,
84 subdivision (1) of section 14-223a, section 14-240, 14-250 or 14-253a,
85 subsection (a) of section 14-261a, section 14-262, 14-264, 14-267a, 14-
86 269, 14-270, 14-275a, 14-278 or 14-279, subsection (e) or (h) of section
87 14-283, section 14-291, 14-293b, 14-296aa, 14-300, 14-300d, 14-319, 14-
88 320, 14-321, 14-325a, 14-326, 14-330 or 14-332a, subdivision (1), (2) or (3)
89 of section 14-386a, section 15-25 or 15-33, subdivision (1) of section 15-
90 97, subsection (a) of section 15-115, section 16-44, 16-256e, 16a-15 or
91 16a-22, subsection (a) or (b) of section 16a-22h, section 17a-24, 17a-145,
92 17a-149, 17a-152, 17a-465, 17b-124, 17b-131, 17b-137, 19a-30, 19a-33,
93 19a-39 or 19a-87, subsection (b) of section 19a-87a, section 19a-91, 19a-
94 105, 19a-107, 19a-113, 19a-215, 19a-219, 19a-222, 19a-224, 19a-286, 19a-
95 287, 19a-297, 19a-301, 19a-309, 19a-335, 19a-336, 19a-338, 19a-339, 19a-
96 340, 19a-425, 19a-502, 20-7a, 20-14, 20-158, 20-231, 20-249, 20-257, 20-
97 265, 20-324e, 20-341l, 20-366, 20-597, 20-608, 20-610, 21-1, 21-38, 21-39,
98 21-43, 21-47, 21-48, 21-63 or 21-76a, subsection (c) of section 21a-2,
99 subdivision (1) of section 21a-19, section 21a-21, subdivision (1) of
100 subsection (b) of section 21a-25, section 21a-26 or 21a-30, subsection (a)
101 of section 21a-37, section 21a-46, 21a-61, 21a-63 or 21a-77, subsection
102 (b) of section 21a-79, section 21a-85 or 21a-154, subdivision (1) of
103 subsection (a) of section 21a-159, subsection (a) of section 21a-279a,
104 section 22-12b, 22-13, 22-14, 22-15, 22-16, 22-26g, 22-29, 22-34, 22-35, 22-
105 36, 22-38, 22-39, 22-39a, 22-39b, 22-39c, 22-39d, 22-39e, 22-49 or 22-54,
106 subsection (d) of section 22-84, section 22-89, 22-90, 22-98, 22-99, 22-
107 100, 22-111o, 22-167, 22-279, 22-280a, 22-318a, 22-320h, 22-324a, 22-326
108 or 22-342, subsection (b), (e) or (f) of section 22-344, section 22-359, 22-
109 366, 22-391, 22-413, 22-414, 22-415, 22a-66a or 22a-246, subsection (a) of
110 section 22a-250, subsection (e) of section 22a-256h, section 22a-363 or
111 22a-381d, subsections (c) and (d) of section 22a-381e, section 22a-449,
112 22a-461, 23-37, 23-38, 23-46 or 23-61b, subsection (a) or subdivision (1)
113 of subsection (c) of section 23-65, section 25-37 or 25-40, subsection (a)
114 of section 25-43, section 25-43d, 25-135, 26-18, 26-19, 26-21, 26-31, 26-40,
115 26-40a, 26-42, 26-49, 26-54, 26-55, 26-56, 26-58 or 26-59, subdivision (1)
116 of subsection (d) of section 26-61, section 26-64, subdivision (1) of
117 section 26-76, section 26-79, 26-87, 26-89, 26-91, 26-94, 26-97, 26-98, 26-

118 104, 26-105, 26-107, 26-117, 26-128, 26-131, 26-132, 26-138 or 26-141,
 119 subdivision (1) of section 26-186, section 26-207, 26-215, 26-217 or 26-
 120 224a, subdivision (1) of section 26-226, section 26-227, 26-230, 26-232,
 121 26-244, 26-257a, 26-260, 26-276, 26-284, 26-285, 26-286, 26-288, 26-294,
 122 28-13, 29-6a, 29-25, 29-143o, 29-143z or 29-156a, subsection (b), (d), (e)
 123 or (g) of section 29-161q, section 29-161y or 29-161z, subdivision (1) of
 124 section 29-198, section 29-210, 29-243 or 29-277, subsection (c) of section
 125 29-291c, section 29-316, 29-318, 29-381, 30-48a, 30-86a, 31-3, 31-10, 31-
 126 11, 31-12, 31-13, 31-14, 31-15, 31-16, 31-18, 31-23, 31-24, 31-25, 31-32, 31-
 127 36, 31-38, 31-40, 31-44, 31-47, 31-48, 31-51, 31-52, 31-52a or 31-54,
 128 subsection (a) or (c) of section 31-69, section 31-70, 31-74, 31-75, 31-76,
 129 31-76a, 31-89b or 31-134, subsection (i) of section 31-273, section 31-288,
 130 subdivision (1) of section 35-20, section 36a-787, 42-230, 45a-283, 45a-
 131 450, 45a-634 or 45a-658, subdivision (13) or (14) of section 46a-54,
 132 section 46a-59, 46b-22, 46b-24, 46b-34, 47-34a, 47-47, 49-8a, 49-16, 53-
 133 133, 53-199, 53-212a, 53-249a, 53-252, 53-264, 53-280, 53-302a, 53-303e,
 134 53-311a, 53-321, 53-322, 53-323, 53-331 or 53-344, subsection (c) of
 135 section 53-344b, or section 53-450, or (2) a violation under the
 136 provisions of chapter 268, or (3) a violation of any regulation adopted
 137 in accordance with the provisions of section 12-484, 12-487 or 13b-410,
 138 or (4) a violation of any ordinance, regulation or bylaw of any town,
 139 city or borough, except violations of building codes and the health
 140 code, for which the penalty exceeds ninety dollars but does not exceed
 141 two hundred fifty dollars, unless such town, city or borough has
 142 established a payment and hearing procedure for such violation
 143 pursuant to section 7-152c, shall follow the procedures set forth in this
 144 section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2019	8-12
Sec. 2	October 1, 2019	51-164n(b)

JUD 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: None

Municipal Impact:

Municipalities	Effect	FY 20 \$	FY 21 \$
Various Municipalities	Revenue Gain	Less than \$20,000	Less than \$20,000

Explanation

There is a revenue gain to municipalities resulting from the bill, which increases the maximum civil penalty for violating zoning orders from \$2,500 to \$7,500, and expands the violation to those who continue to violate such orders after initially complying with them.

The revenue gain per municipality will vary based on the number of violations enforced and the total fines levied over the existing \$2,500 maximum.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis

sHB 7344

AN ACT CONCERNING THE IMPOSITION OF PENALTIES FOR REPEATED VIOLATIONS OF MUNICIPAL REGULATIONS OR ORDINANCES.

SUMMARY

This bill increases, from \$2,500 to \$7,500, the maximum civil penalty that may be imposed on individuals who (1) fail to comply with an order to discontinue a zoning violation within 10 days of being served with the order, (2) fail to immediately comply with a cease and desist order involving land grading or earth removal, or (3) continue to violate the regulations specified in either order. Under the bill, the civil penalty may also be imposed on individuals who initially comply with such orders but subsequently engage in conduct that violates them.

The bill also makes a technical change to the provision that makes certain zoning violation fines payable by mail like infractions.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 24 Nay 14 (04/10/2019)