



General Assembly

January Session, 2019

**Raised Bill No. 7344**

LCO No. 5698



Referred to Committee on JUDICIARY

Introduced by:  
(JUD)

**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 Section 8-12 of the general statutes is repealed and the  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 fined not more than five  
48 thousand dollars and subject to a civil penalty not to exceed two

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

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64 repealed and the following is substituted in lieu thereof (*Effective*  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

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

83 153 or 14-163b, a first violation as specified in subsection (f) of section  
84 14-164i, section 14-219 as specified in subsection (e) of said section,  
85 subdivision (1) of section 14-223a, section 14-240, 14-250 or 14-253a,  
86 subsection (a) of section 14-261a, section 14-262, 14-264, 14-267a, 14-  
87 269, 14-270, 14-275a, 14-278 or 14-279, subsection (e) or (h) of section  
88 14-283, section 14-291, 14-293b, 14-296aa, 14-300, 14-300d, 14-319, 14-  
89 320, 14-321, 14-325a, 14-326, 14-330 or 14-332a, subdivision (1), (2) or (3)  
90 of section 14-386a, section 15-25 or 15-33, subdivision (1) of section 15-  
91 97, subsection (a) of section 15-115, section 16-44, 16-256e, 16a-15 or  
92 16a-22, subsection (a) or (b) of section 16a-22h, section 17a-24, 17a-145,  
93 17a-149, 17a-152, 17a-465, 17b-124, 17b-131, 17b-137, 19a-30, 19a-33,  
94 19a-39 or 19a-87, subsection (b) of section 19a-87a, section 19a-91, 19a-  
95 105, 19a-107, 19a-113, 19a-215, 19a-219, 19a-222, 19a-224, 19a-286, 19a-  
96 287, 19a-297, 19a-301, 19a-309, 19a-335, 19a-336, 19a-338, 19a-339, 19a-  
97 340, 19a-425, 19a-502, 20-7a, 20-14, 20-158, 20-231, 20-249, 20-257, 20-  
98 265, 20-324e, 20-341l, 20-366, 20-597, 20-608, 20-610, 21-1, 21-38, 21-39,  
99 21-43, 21-47, 21-48, 21-63 or 21-76a, subsection (c) of section 21a-2,  
100 subdivision (1) of section 21a-19, section 21a-21, subdivision (1) of  
101 subsection (b) of section 21a-25, section 21a-26 or 21a-30, subsection (a)  
102 of section 21a-37, section 21a-46, 21a-61, 21a-63 or 21a-77, subsection  
103 (b) of section 21a-79, section 21a-85 or 21a-154, subdivision (1) of  
104 subsection (a) of section 21a-159, subsection (a) of section 21a-279a,  
105 section 22-12b, 22-13, 22-14, 22-15, 22-16, 22-26g, 22-29, 22-34, 22-35, 22-  
106 36, 22-38, 22-39, 22-39a, 22-39b, 22-39c, 22-39d, 22-39e, 22-49 or 22-54,  
107 subsection (d) of section 22-84, section 22-89, 22-90, 22-98, 22-99, 22-  
108 100, 22-111o, 22-167, 22-279, 22-280a, 22-318a, 22-320h, 22-324a, 22-326  
109 or 22-342, subsection (b), (e) or (f) of section 22-344, section 22-359, 22-  
110 366, 22-391, 22-413, 22-414, 22-415, 22a-66a or 22a-246, subsection (a) of  
111 section 22a-250, subsection (e) of section 22a-256h, section 22a-363 or  
112 22a-381d, subsections (c) and (d) of section 22a-381e, section 22a-449,  
113 22a-461, 23-37, 23-38, 23-46 or 23-61b, subsection (a) or subdivision (1)  
114 of subsection (c) of section 23-65, section 25-37 or 25-40, subsection (a)  
115 of section 25-43, section 25-43d, 25-135, 26-18, 26-19, 26-21, 26-31, 26-40,  
116 26-40a, 26-42, 26-49, 26-54, 26-55, 26-56, 26-58 or 26-59, subdivision (1)  
117 of subsection (d) of section 26-61, section 26-64, subdivision (1) of

118 section 26-76, section 26-79, 26-87, 26-89, 26-91, 26-94, 26-97, 26-98, 26-  
 119 104, 26-105, 26-107, 26-117, 26-128, 26-131, 26-132, 26-138 or 26-141,  
 120 subdivision (1) of section 26-186, section 26-207, 26-215, 26-217 or 26-  
 121 224a, subdivision (1) of section 26-226, section 26-227, 26-230, 26-232,  
 122 26-244, 26-257a, 26-260, 26-276, 26-284, 26-285, 26-286, 26-288, 26-294,  
 123 28-13, 29-6a, 29-25, 29-143o, 29-143z or 29-156a, subsection (b), (d), (e)  
 124 or (g) of section 29-161q, section 29-161y or 29-161z, subdivision (1) of  
 125 section 29-198, section 29-210, 29-243 or 29-277, subsection (c) of section  
 126 29-291c, section 29-316, 29-318, 29-381, 30-48a, 30-86a, 31-3, 31-10, 31-  
 127 11, 31-12, 31-13, 31-14, 31-15, 31-16, 31-18, 31-23, 31-24, 31-25, 31-32, 31-  
 128 36, 31-38, 31-40, 31-44, 31-47, 31-48, 31-51, 31-52, 31-52a or 31-54,  
 129 subsection (a) or (c) of section 31-69, section 31-70, 31-74, 31-75, 31-76,  
 130 31-76a, 31-89b or 31-134, subsection (i) of section 31-273, section 31-288,  
 131 subdivision (1) of section 35-20, section 36a-787, 42-230, 45a-283, 45a-  
 132 450, 45a-634 or 45a-658, subdivision (13) or (14) of section 46a-54,  
 133 section 46a-59, 46b-22, 46b-24, 46b-34, 47-34a, 47-47, 49-8a, 49-16, 53-  
 134 133, 53-199, 53-212a, 53-249a, 53-252, 53-264, 53-280, 53-302a, 53-303e,  
 135 53-311a, 53-321, 53-322, 53-323, 53-331 or 53-344, subsection (c) of  
 136 section 53-344b, or section 53-450, or (2) a violation under the  
 137 provisions of chapter 268, or (3) a violation of any regulation adopted  
 138 in accordance with the provisions of section 12-484, 12-487 or 13b-410,  
 139 or (4) a violation of any ordinance, regulation or bylaw of any town,  
 140 city or borough, except violations of building codes and the health  
 141 code, for which the penalty exceeds ninety dollars but does not exceed  
 142 two hundred fifty dollars, unless such town, city or borough has  
 143 established a payment and hearing procedure for such violation  
 144 pursuant to section 7-152c, shall follow the procedures set forth in this  
 145 section.

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

**Statement of Purpose:**

To improve a municipality's code enforcement process and reduce the rate of repeat offenders.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*