

Town of Brookfield

Board of Selectmen

ORDINANCE

BE IT ORDAINED:

§1. Title

This ordinance, which shall be known as the “Brookfield Inland Wetlands Penalty Ordinance”, is hereby adopted pursuant to the provisions of Public Act No. 96-210 of the State of Connecticut.

§2. Citation and Fine for Violation of the Brookfield Inland Wetlands Regulations

The Inland Wetlands Commission of the Town of Brookfield is hereby authorized to direct the Inland Wetlands Enforcement Officer of the Town of Brookfield, or any duly authorized assistant Inland Wetlands Enforcement Officer to issue a citation to and recommend a fine, as hereinafter set forth, upon any property owner of record as of the date of issuance of said citation, or other person who is found to be in violation of any of the following provisions of the Inland Wetlands Regulations of the Town of Brookfield as set forth in Chapter 220 of the Code of the Town of Brookfield, as amended.

The Inland Wetlands Commission of the Town of Brookfield shall have the authority to uphold, suspend, or revise such citations, as well as review, uphold, rescind, or amend recommended fines, conduct hearings related to appeals, and impose other actions as appropriate.

§3. Violations

Each violation of any of the provisions of the Brookfield Inland Wetlands Regulations shall constitute a separate and distinct violation under this ordinance for which a citation may be issued which shall cause written notice of the violation, proposed fine, and right to appeal to be delivered to or served upon the property owner and/or violator.

In the case of a continuing violation, each day’s continuance thereof shall be deemed to be a separate and distinct violation.

The Inland Wetlands Enforcement Officer or any duly authorized assistant Inland Wetlands Enforcement Officer may recommend fines as appropriate. The determination of the amount of such fines shall be based on the guideline included herein. The amount of such fines shall not exceed the amounts indicated for each offense.

Section 220-5C

All activities in wetlands or watercourses involving filling, excavation, dredging, clear cutting, grading and excavation or any other alteration or use of wetland or watercourse not specifically permitted by this section shall require a permit from the Brookfield Inland Wetlands Commission in accordance with Section 220-7 of the Inland Wetlands and Watercourse Regulations of the Town of Brookfield.

Violation The conduct of activities delineated in Section 220-5C without the required permit pursuant to Section 220-7.

Fine Up to \$1,000

Section 220-5D

Any person proposing to carry out the permitted or non-regulated operation or use of a wetland or watercourse which may disturb the natural and indigenous character of the land, shall prior to commencement of such operation or use, notify the Inland Wetlands Commission of the Town of Brookfield (Agency) on an application provided by it, and provide the Agency with sufficient information to enable it to properly determine that the proposed operation or use is a permitted or non-regulated use of the wetland or watercourse. The Agency or its designated agent shall rule that the proposed operation or use is a permitted or a non-regulated use or operation or that a permit is required. Such ruling shall be in writing and shall be made no later than the next regularly scheduled meeting of the Agency following the meeting at which the request was received. The designated agent for the Agency may make such ruling on behalf of the Agency at any time.

Violation Failure to inform the Agency or provide necessary data as mandated by this section prior to the commencement of any operation.

Fine Up to \$1,000

Section 220-12K.4

The permittee shall take such necessary steps consistent with the terms and conditions of the permit, to control storm water discharges and to prevent erosion and sedimentation and to otherwise prevent pollution of wetlands and watercourses.

Violation Failure to control stormwater discharges, prevent erosion and sedimentation, or prevent pollution of wetlands and watercourses.

Fine Maximum \$1,000

Section 220-12K.8

All activities shall be carried on in strict conformance with the plans, documents, and information submitted to and approved by the Agency unless otherwise authorized or directed by the Agency.

Violation Failure to conform to the terms, conditions, limitations or modifications set forth in any permit including any time period established therein.

Fine Up to \$1,000

Section 220-13

Upon approval of the application and prior to issuance of a permit, the applicant may, at the discretion of the Agency, be required to file a bond with such surety in such amount and in a form approved by the Agency. The bond of surety shall be conditioned on compliance with all provisions of these regulations and the terms, conditions and limitations established in the permit. The Agency may require the applicant to certify that it has public liability insurance against liability which might result from the proposed operation or use of the wetlands or watercourses covering any and all damage which might occur within (2) years of completion of such operations, in an amount to be determined by the Agency commensurate with the regulated activity.

Violation Failure to post the required bond or to obtain liability insurance as required by the Agency.

Fine Up to \$1,000

§4. Payment and Appeal

Fines imposed pursuant to this ordinance must be paid within thirty (30) days from the date of the citation. Any person wishing to contest such citation may make written request for a hearing before a hearing officer or Commission pursuant to the provisions of Section 7-152 (c) of the Connecticut General Statutes and Section 220-22B of the Code of the Town of Brookfield.

The provisions of this ordinance shall become effective on the twenty first (21) day following its adoption and publication as required by law.

Adopted by the Board of Selectmen of the Town of Brookfield on September 10, 2001.