

§ 40-6. Citation procedures and fines for violations. [Amended 2-26-2018, effective 3-24-2018]

- A. Purpose. The purpose of this section shall be to encourage compliance with the Mansfield Inland Wetlands and Watercourses Regulations and to discourage violators from engaging in additional violations by increasing the penalties for such additional violations.
- B. Issuance of citations.
- (1) Pursuant to the authority vested in municipalities under Connecticut General Statutes § 22a - 42g, as amended, ~~any person authorized by the Inland Wetlands Agency~~ any police officer or other person authorized by the chief executive officer of the Town of Mansfield may issue a citation for any violation of Mansfield's Inland Wetlands and Watercourses Regulations in the manner provided by this section. Any person so authorized shall be designated a Wetlands Citation Officer.
 - (2) The Town shall maintain copies of all citations issued pursuant to this section for a period of no less than 10 years after the dates of issuance of the respective citations. The copies shall be indexed by street address/location of where the violation occurred and the citation was issued. Within 10 days after the final results of each citation, by payment of the specified fine or by a final decision on any appeal taken pursuant to the provisions of this section, a note shall be placed in the file on, or together with, the relevant citation, indicating the nature of the final disposition. If no appeal is taken of a citation issued pursuant to this section, but the specified fine is not paid, a note to that effect shall be placed in the file on, or together with, the relevant citation.
 - (3) Any such citation shall be issued by both regular mail and by certified mail, return receipt requested.
 - (4) Any person, partnership, corporation, company and/or association receiving such a citation shall be allowed a period of 30 days from his or her receipt of the citation to make an uncontested payment of the fine to the Town. The day of receipt of the citation shall be considered three business days after the date of mailing the citation.
 - (5) If a person, partnership, corporation, company and/or association who has been issued a citation does not make uncontested payment of the fine specified in the citation to the Town within the time allowed under Subsection B(4) of

this section, the Wetlands Citation Officer shall send a notice to the person cited, informing such person anew:

- (a) Of the allegations against him or her and the amount of the fine(s); and
 - (b) That the person cited may contest liability before a hearing officer appointed by the Town Council, as provided in Subsection C of this section, by delivering to the Wetlands Citation Officer, care of the Inland Wetlands Agency, in person or by certified mail, return receipt requested, within 10 days of the date of the notice, a written demand for a hearing;
 - (c) That if the person cited does not demand such a hearing, an assessment and judgment shall be entered against him or her; and
 - (d) That such judgment may issue without further notice.
- (6) If the person, partnership, corporation, company and/or association who is sent notice pursuant to Subsection B(5) of this section wishes to admit liability for any alleged violation, he, she or it may, without requesting a hearing, pay the full amount of the fine, either in person or by mail, to the Town. Any person, partnership, corporation, company or association who does not deliver or mail a written demand for a hearing within 10 days of the date of the notice described in Subsection B(5) of this section shall be deemed to have admitted liability, and the Wetlands Citation Officer shall certify to the hearing officer that such person, partnership, corporation, company or association has failed to respond. The hearing officer shall thereupon enter and assess the fine provided for by this section and shall follow the procedures set forth in Subsection E(1) of this section.
- C. Citation appeal and hearing procedures. Any person, partnership, corporation, company and/or association fined pursuant to this article may appeal such fine pursuant to the provisions of the Town of Mansfield hearing procedure for citations, set forth in Chapter 129 of the Code of the Town of Mansfield.
- D. Exemptions. Notwithstanding the foregoing, pursuant to § 22a - 42g, no fine shall be levied against the State of Connecticut or any employee thereof acting within the scope of his or her employment. Likewise, no fine shall be levied against the Town or

any employee thereof acting within the scope of his or her employment.

E. Schedule of fines.

(1) The amount of the fine specified in any citation shall be based upon the presence or risk of significant impact on wetlands or watercourses associated with the violation and the number of citations issued to the same person during the 10 years immediately prior to the date of the citation being issued.

(2) The schedule of fines shall be as follows:

| First Offense | | |
|-----------------------|--------------------|-------------------------|
| | Upland Review Area | In Wetland/ Watercourse |
| No Significant Impact | \$100 | \$250 |
| Significant Impact | \$250 | \$400 |
| Second Offense | | |
| | Upland Review Area | In Wetland/ Watercourse |
| No Significant Impact | \$250 | \$400 |
| Significant Impact | \$400 | \$700 |
| Third Offense | | |
| | Upland Review Area | In Wetland/ Watercourse |
| No Significant Impact | \$400 | \$700 |
| Significant Impact | \$700 | \$1,000 |