

AN ORDINANCE AMENDING CHAPTER 191, ARTICLE X. VIOLATIONS, SECTION 191-67 THROUGH SECTION 191-69 OF THE CODE OF THE CITY OF WEST HAVEN TO ADOPT AND INCORPORATE THE AMENDED SECTIONS 191-67 THROUGH SECTION 191-70 TO EXPAND AND PERMIT FOR THE ENFORCEMENT OF VIOLATIONS OF THE SEWER ORDINANCE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WEST HAVEN:

§ 191-69. Penalties for violation of state statutes.

Any person who is found to be in violation of Section 22a-430 of the Connecticut General Statutes, as amended, shall be subject to a monetary penalty or forfeiture under Section 22a-438 of the statutes.

[1]

- A. No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance or equipment which is part of the sewerage system. The City of West Haven and the WPCA shall not be liable for damages to personal property that results from manmade or natural events that are beyond the control of the WPCA.

191-70. - Power and authority of inspectors.

- A. The Director of Water Pollution and other duly authorized employees of the City of West Haven bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this article and Article III.
- B. While performing the necessary work in private properties referred to in Section A above, the Director of Water Pollution or duly authorized employees of the City of West Haven shall observe all safety rules applicable to the premises established by the user. The user shall be held harmless for injury or death to the City of West Haven's employees, and the City of West Haven shall indemnify the user against loss or damage to its property by the City of West Haven's employees and against liability claims and demands for person injury or property damage asserted against the user and caused by the gauging and sampling operation, except as such may be caused by negligence or failure of the user to maintain safe conditions.
- C. The Director of Water Pollution and other duly authorized employees of the City of West Haven bearing proper credentials and identification shall be permitted to enter all private properties through which the City of West Haven holds a duly negotiated easement for the purpose of repair and maintenance of any portion of the sewerage system lying within said easement. All entry and subsequent work, if any, on said easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property.

191-71 . - Penalties for offenses.

A. Any person found to be in violation of any provisions of, shall be served by the City of West Haven with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations. Any and all notices required to be given under this section or under any other provision of this article shall be sent by certified or registered mail, return receipt requested.

B. Any person who continues any violation beyond the time limit provided for in this Section shall be guilty of a misdemeanor and, on conviction thereof, shall be fined in the amount not exceeding \$100.00 per day for each violation. Each day on which any such violation shall continue shall be deemed a separate offense.

C. Any person who is found to be in violation of any of the provisions of this article shall become liable to the City of West Haven for any expense, loss or damage occasioned by the City of West Haven by reason of such violation.

D. Any person who is found to be in violation of Section 25-54i of the Connecticut General Statutes, as amended* [7], shall be subject to monetary penalty or forfeiture under Section 25-54q of the statutes*.

Footnotes:

**Editor's note—For current provisions, see Sections 22a-430 and 22a-438 of the General Statutes of Connecticut.*

191-72 . - Appeals.

Any decision or order issued by the Director may be appealed to the Water Pollution Control Authority within 15 days of receipt of notice of the decision or order. The appeal must be in writing, specifically setting forth the grounds for the appeal and the relief requested and shall be filed with the City Clerk. The Water Pollution Control Authority shall hold a hearing on the appeal within 15 days of its receipt and shall issue its decision within 30 days thereafter. The decision of the Water Pollution Control Authority shall be final for purposes of an appeal to the Superior Court.

ENACTED BY THE CITY COUNCIL ON: May 28th, 2024

APPROVED BY THE MAYOR: [Signature] DATE: 5/28/24