

SECTION 30

ADMINISTRATION AND ENFORCEMENT

30.1. Zoning Enforcement Officer(s):

The Zoning Enforcement Officer in the Town of Haddam shall be appointed by the Planning and Zoning Commission and shall have all the powers, duties and responsibilities assigned to the Zoning Enforcement Officer in these regulations.

30.2. Enforcement and Penalties:

These Regulations shall be enforced by the Zoning Enforcement Officer(s), or his/her/their designee, who shall be empowered to cause any building, structure, place or premises to be inspected and examined and to order, in writing, the remedying of any conditions found to exist therein or thereat in violation of any provision of these Regulations, or any permit or approval issue hereunder. The owner or agent of a building, structure, or property where such violation shall have been committed or shall exist, or the lessee or tenant of an entire lot where such violation shall have been committed or shall exist, or the agent, architect, builder, contractor or any other person who shall commit, take part or assist in such violation or who shall maintain any building or premises in which such violations exist shall be guilty of a misdemeanor punishable as provided in Chapter 124 of the Connecticut General Statutes. Furthermore, the Commission may, at its sole discretion, direct the Town Attorney to commence criminal or civil action in State or Federal Court for the purpose of enforcing the provisions of these Regulations.

30.3. Filing of Zoning Complaint:

Reporting of alleged violations shall be made in writing to the ZEO and signed by the complainant.

30.4. Certificate of Zoning Compliance:

A Certificate of Zoning Compliance (Zoning Permit) is a document stating that the site plan of a proposed use has been adhered to and completed and in conformance with these Regulations. Only after a Certificate of Zoning Compliance has been issued by the Zoning Enforcement Officer will a Certificate of Occupancy permitting land, buildings and other structures, or parts thereof, to be used or occupied, or changed in use, be issued.

No Certificate of Zoning Compliance shall be issued if it is determined that a violation of these Regulations, the Haddam Subdivision Regulations, or the Haddam Wetlands Regulations, or any permit issued thereunder, is proposed or exists. In accordance with Connecticut General Statutes Section 8-3(f), no Building Permit or Certificate of Occupancy for any building, use or structure shall

be issued by the Building Official without the prior issuance of a Certificate of Zoning Compliance. To aid the Zoning Enforcement Officer, an as built survey, to the A-2 Standard of Accuracy, for all new homes, and new commercial and industrial construction is required. For any other any building addition, structure, or use, where said Officer cannot ascertain compliance with these regulations an as built survey, to the A-2 Standard of Accuracy, may be required

Building Permit:

No Building Permit shall be issued for any activity or use which is not in conformance with the provisions of these Regulations, and no such Permit shall be issued unless and until the Zoning Enforcement Officer has issued a Certificate of Zoning Compliance indicating the plans submitted to the Building Official conform to these Regulations and any Special Permit, Site Plan Approval, or variance issued hereunder. During the course of construction, the Building Official and Zoning Enforcement Officer shall insure continued compliance with these Regulations, and any such Special Permit, Site Plan, or variance, including, but not limited to, any erosion control plan approved by the Commission or its authorized agent. The Building Official or Zoning Enforcement Officer shall have the authority to require additional or different erosion control measures if those previously approved are found to be inadequate, or if they are not being maintained in accordance with the approved plan. Any construction activity which is found to be in violation of these Regulations or any Special Permit, Site Plan Approval or variance issued hereunder may be ordered to cease and desist, at the sole discretion of the Zoning Enforcement Officer or Building Official. In order to carry out the provisions of this Section, the property owner shall allow any official of the Town of Haddam free access to the site.

30.5 Certificate of Occupancy:

No building or structure shall be occupied or used, nor any use of land established, nor shall any addition, extension, or alteration of any building, structure, or use be occupied or used until the issuance of a Certificate of Occupancy by the Building Official of the Town of Haddam. Such Certificate of Occupancy shall not be issued unless the subject site, building(s), and structure(s) conform to any Special Permit, site plan approval, or variance, and any conditions attached thereto, issued by the Commission or the Zoning Board of Appeals, as the case may be, in accordance with these Regulations. Similarly, no Certificate of Occupancy shall be issued until an as-built plan of any septic system design has been submitted to the Town Sanitarian. Said as-built plan shall certify that the preparer thereof personally inspected the installation of the septic system on the site, and that the septic system as installed conformed to the approved design. If the subject septic system was designed by a Connecticut Registered Professional Engineer, said as-built plan shall be certified by such and Engineer. All non-engineer designed systems shall have as-built plans prepared and certified by either the system installer or a Connecticut Registered

Professional Engineer. No Certificate of Occupancy shall be issued without the prior issuance of a Certificate of Zoning Compliance, if such Certificate is required by these Regulations.

30.6 Special Permits, Site Plan Approval, and Variances; Deviations, Amendments, Misrepresentations:

In accordance with Section 8-3d of the Connecticut General Statutes, no Special Permit shall be effective until a copy thereof, certified by the Commission or the Zoning Board of Appeals, as the case may be, containing a description of the premises to which it relates and specifying the nature of such variance or special exception, including the Regulation which is varied in its application or to which a special permit is granted, and stating the name of the owner of record, is recorded in the land records of the Town of Haddam.

No person who has obtained a Special Permit, Site Plan Approval, or variance shall attempt to erect any building or structure, or establish any use of land, which is not in substantial conformance with any element of the plans, descriptions, applications and supporting materials, information, specifications submitted, or any representations of fact made, before the Commission or the Zoning Board of Appeals. Likewise, no person who has obtained a Special Permit, Site Plan Approval, or variance shall violate any condition imposed thereon.

Violation of this provision shall be grounds for the Commission or Zoning Board of Appeals, as the case may be, to void said Special Permit, Site Plan Approval, or variance, and to take such other legal action as may be required to secure compliance with said Special Permit or variance and the conditions attached thereto.

The Commission may by resolution permit the Zoning Enforcement Officer to authorize minor, non-substantial deviations from approved Special Permits and Site Plan Approvals. Likewise, the Zoning Board of Appeals may by resolution permit the Zoning Enforcement Officer to authorize minor, non-substantial deviations from approved variances.

In the event that the Commission or the Board, as the case may be, determines or discovers that information submitted to it in support of any application for Special Permit, Site Plan Approval, or variance was incorrect or invalid, the Commission or Board may, after a hearing, void such approval, and shall state the reasons for such action on the record.

30.7 Completion of Construction:

For any Special Permit, Site Plan Approval, or variance, the construction of any building or structure, or the establishment of any use, shall be completed and have a Certificate of Occupancy within five years of the approval date.

30.7.1 Filing

In accordance with Section 8-3d of the Connecticut General Statutes, no Special Permit shall be effective until a copy thereof, certified by the Commission or the Zoning Board of Appeals, as the case may be, containing a description of the premises to which it relates and specifying the nature of such variance or special exception, including the Regulation which is varied in its application or to which a special permit is granted, and stating the name of the owner of record, is recorded in the land records of the Town of Haddam.

30.7.2 Amendments or Changes

The Commission may by resolution permit the Zoning Enforcement Officer to authorize minor, non-substantial deviations from approved Special Permits and Site Plan Approvals. Likewise, the Zoning Board of Appeals may by resolution permit the Zoning Enforcement Officer to authorize minor, non-substantial deviations from approved variances. Non-substantial deviations include changes that do not alter the character, quality, density, intensity, types of uses, amenities or other major features of the permit or variance as approved, and where such changes are in conformity to the requirements of these Regulations.

Substantial changes to Special Permits, Site Plan Approvals, and variances shall be treated as new applications for approval, and shall be submitted and acted upon in accordance with these Regulations. Substantial changes are considered changes that involve (1) alterations in use from that set forth in an approved statement of use and site plan; or (2) alteration in an existing use, including such alterations that would:

- a. Increase the parking demand of the use; or
- b. Increase or change the hours of operation of the use; or
- c. Increase the noise generation of the use or change the octave band frequency of such noise; or
- d. Increase or change the emission of smoke, dust or other contaminants into the air, including both point sources and fugitive emissions; or Increase or change the demand for outdoor storage, truck or equipment traffic (type or volume), water consumption, or effluent disposals; or

- e. Involve the use of different equipment, processes, chemicals, or materials; or
- f. Increase the amount of lighting.
- g. The removal of landscaping or vegetation that were on the approved site plan.

30.8 Posting of Sign:

For each application for a site plan approval for which a public hearing has been noticed or special permit, the applicant shall post a sign, not smaller than thirty-six (36) by thirty-six (36) inches, facing the street, and visible from the street, bearing the following words with letters not less than three (3) inches high and provided by the Land Use Office.

PUBLIC NOTICE

This property is the subject of an application
before the Haddam Planning and Zoning Commission. For information,
call the Land Use Office at 860-345-8531

Such sign shall be posted at least ten (10) days before any public hearing on (not including the day of the public hearing or the day the sign is erected) on the application.

The applicant shall, at the time of the Commission meeting at which the matter is to be acted upon, or at the time of the public hearing, submit an affidavit of compliance with this provision, and a photo of the actual sign.

For any variance or appeal to the Zoning Board of Appeals the applicant must send by certificate of mail letters to all abutting property owners notifying them of the hearing date, time and location and the nature of the request.

30.9 Appeals:

Any person, or persons, aggrieved by an action of a designated agent of the Planning and Zoning Commission may appeal such action to the Zoning Board of Appeals as outlined in Section 8-7 of the Connecticut General Statutes, as most recently amended.

Any person, or persons, aggrieved by an action of the Planning and Zoning Commission, may appeal to the Superior Court, Judicial District of Middlesex at Middletown, in accordance with Section 8-9 of the Connecticut General Statutes, as most recently amended.

30.10 Revocation and Termination:

Any permit is subject to revocation if any condition of the permit is violated. The Zoning Enforcement Officer shall give written warning upon discovery of the first violation. Any further violations shall be reported to the Commission for action. The Commission shall thereupon hold a hearing and if it is found that there is a violation of any condition of the permit, the Commission may revoke such permit. Each successive day of violation shall be considered a separate violation for the purposes of this action.