



TOWN OF CANTERBURY

STEVEN SADLOWSKI, CZEO  
TOWN PLANNER / ZONING AND  
WETLANDS ENFORCEMENT OFFICER

1 MUNICIPAL DRIVE  
P.O. BOX 26  
CANTERBURY, CT 06331  
PHONE (860) 546-6857  
FAX (860) 546-9632

---

## Canterbury Zoning and Wetlands Enforcement Policy

**Goals:** It is the objective of the Land Use Office to help residents and businesses get the required approvals for activities they wish to perform and to help them resolve any violations that may be discovered on their property. These enforcement guidelines are designed to give the violator ample time to correct the violations and are compliance-based, rather than penalty-based. In the event that the landowner fails to cooperate, enforcement options may be utilized following the outline given below, giving due deference to individual extenuating circumstances. If after a reasonable amount of time the violation is not resolved, the Town may file a lawsuit in Superior Court asking a judge to issue an order along with payment of civil penalties and the Town's attorney's fees.

**Background:** The Connecticut General Statutes authorizes Towns to enact Zoning Regulations and mandates they enact Inland Wetland regulations. These powers and limitations are spelled out in chapters 124 and 440 of the Connecticut State Statutes. To this end, the Planning and Zoning and Inland Wetland and Watercourse Commissions have enacted regulations and appointed the Land Use Director as the Zoning (ZEO) and Wetland (WEO) Enforcement Official and the Land Use Secretary as the Assistant Zoning Enforcement Official (AZEO).

Since many violations are interdisciplinary, a team approach is often utilized. This team may include, in addition to the ZEO & WEO, the Building Official, Department of Health, Fire Department Chief and/or Fire Marshal, Town Road Forman, and other Town Officials. Additionally, outside agencies are called in where appropriate such as the Connecticut Department of Environmental Protection, Connecticut Department of Motor Vehicles, U. S. Army Corps of Engineers, or the Eastern Connecticut Conservation District.

**Initiation of Process:** The Town's enforcement policy is largely complaint-driven, though violations observed by the ZEO or WEO need not await the filing of a complaint. Although some residents wish to complain anonymously, we generally frown on this practice as it often results in claims of unfair or uneven enforcement. Furthermore, without a valid complaint, it is harder for the Town to investigate complaints as there is no probable cause to initiate searches (obtain warrants) where owners are not being cooperative.

Complaints that are found to be valid start a process to gain compliance. This process generally gives the violator at least two opportunities, along with a reasonable amount of time for each, to get their property back into compliance. Additional time may be granted, as well, depending on the severity of the violation. If the violator is not cooperative, and court action ensues, this can take an additional number of months. The result of this process is that violations can take some time to clear up, so please be patient!

## **Enforcement Procedure:**

**1/ Complaints** will be documented on a complaint form, which is attached to this document, and must be signed by the complainant. Violations can also be submitted by any Town Official, including the Zoning or Wetland Enforcement Official (ZEO/WEO), when in the normal course of doing Town business violations are discovered. Anonymous complaints are generally given the lowest priority unless the violation poses an immediate threat to the safety of the residents or the environment and, generally, are only enforced if the violation is visible from the road or other public area, or from the property of the complainant.

The ZEO/WEO has the right to prioritize complaints by considering all aspects of the complaint and violation as well as the Department's resources. Items having a risk to health or safety will receive the highest priority; neighbor and civil disputes the lowest. Occasionally, a Commission may request a "sweep" of Town for a particular violation, which will be given a higher priority. All complaints are public files and are subject to inspection by the general public including the violator.

**2/ The ZEO/WEO will investigate** the complaint by researching such items as the Zoning Map, GIS and town hall files to gain background information. Additionally, the internet may be used to investigate violations including accessing public mapping resources (Google, Bing or UCONN MAGIC maps, Street View, etc.). Internet sources will generally only be used to investigate, not to find, violations.

If warranted, the next step will include calling the owners and / or visiting the site or a neighboring property to verify the complaint. Evidence of any violation will be collected with the necessary supporting documentation. If a violation is found, the ZEO/WEO will proceed to #3; otherwise the claim will be dismissed.

**3/ A Notice of violation shall be sent** via first class mail giving a reasonable amount of time for the owner to comply. A call or visit may also be initiated at this point in addition to the letter. If the violation is rectified by the deadline, the case is closed. If more time is needed, a Consent and Abatement Order may be signed if the ZEO/WEO feels it is appropriate. A sample is attached to this document. This step may be skipped for excavation activities where the added time may cause significant damage.

**4/ An Enforcement Order shall be issued** within a reasonable amount of time after the deadline given in #3, or in any consent agreement, expires. The order shall require that the violation be rectified within 10 days, except for excavation violations which may require immediate correction. If additional time is needed, a Consent and Abatement Order may be signed if the ZEO/WEO feels it is appropriate and one was not previously used for this violation. If the violation is not rectified within 10 days, or the time given in any consent agreement, the WEO/ZEO may choose to continue to #5.

**5/ A Lawsuit in Superior Court shall be filed** seeking a Judge's order granting an injunction against the illegal activity(ies), the awarding of fines as allowed by State Statute and all of the Town's expenses, including all legal costs.

**As it unfair for the Town Taxpayers to fund these court actions, it is the goal of the Town to fully recoup all costs, including attorney fees, from any action taken against a violator. No court action will be halted until the violation is fully resolved and these costs recouped in full.**



TOWN OF CANTERBURY  
LAND USE OFFICE

1 MUNICIPAL DRIVE  
P.O. BOX 26  
CANTERBURY, CT 06331  
PHONE (860) 546-6857  
FAX (860) 546-9632

## Zoning and Wetlands Complaint Form

All Complaints Must Be In Writing

### Your Information

Name: \_\_\_\_\_ Date: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Signature: \_\_\_\_\_

Is violation visible from your property? \_\_\_ If so, do we have permission to view the violation from your property? \_\_\_ Are you submitting any evidence? \_\_\_\_\_

### Complaint Information

Nature of Complaint: \_\_\_\_\_

Violators Name if known: \_\_\_\_\_

Address if known: \_\_\_\_\_

Map and Lot if known: \_\_\_\_\_ Time/Date witnessed \_\_\_\_\_

### Office Use Only

Complaint: # \_\_\_\_\_ Date: \_\_\_\_\_ Entered: \_\_\_\_\_

Date of Inspection: \_\_\_\_\_ Official: \_\_\_\_\_

Results: \_\_\_\_\_

# Consent and Abatement Order

Whereas, on Date, Name of Violator(s) of Address, City, State, entered into this agreement with the Town of Canterbury Zoning Enforcement Official and Wetlands Enforcement Official (ZEO/WEO) in reference to violations at a property owned by the above named person(s), specifically, Address, Canterbury, CT – Assessors Map X, Lot X.

Whereas, name of violator agrees that following violation(s) exist on the above mentioned property:

Violation(s) in violation of section(s) X of the X regulations.

Whereas, name of violator, has entered into this agreement with Steven Sadlowski, the ZEO / WEO of the Town of Canterbury, in order to get an extension of time to comply with list order or NOV of date issued by Mr. Sadlowski and is attached to this document and signed and dated by the signatories of this form, whom are now agreeing to fully resolve the above mentioned violations and come into compliance with the order by date.

Whereas, name of violator, understands that if the corrections are not completed by date, that the enforcement procedure will commence, possibly including the filing of a civil action (lawsuit) by the Town. Also, that this action will seek an order to force the owner to bring the property into compliance, may include the issuance of fines, and that the Town will seek to recover all of its expenses including legal and court costs. I understand this can easily reach thousands of dollars and can lead, in some cases, to jail time if not resolved.

The individual signatures below signify that they have read this document, agree with its contents and understand that it may be admitted in any court proceeding to gain compliance.

Violators:

Town:

\_\_\_\_\_ Date: \_\_\_\_\_ \_\_\_\_\_ Date: \_\_\_\_\_

\_\_\_\_\_ Date: \_\_\_\_\_

## Notary Acknowledgement

State of Connecticut

County of \_\_\_\_\_ ss. \_\_\_\_\_

On this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, \_\_\_\_\_, the undersigned

officer, personally appeared \_\_\_\_\_, known to me (or satisfactorily proven) to be the person(s) whose name(s) (is or are) subscribed to the within instrument and acknowledged that (he, she or they) executed the same for the purposes therein contained.

In witness whereof I hereunto set my hand.

\_\_\_\_\_  
Signature of Notary Public

\_\_\_\_\_  
Date Commission Expires