

SECTION 14 - ENFORCEMENT AND VIOLATION

- 14A. Intent. It is the intent of this Section to provide for effective administrative procedures to assist in the application and enforcement of these Regulations in order to promote the public health, safety, and general welfare of the community of Bolton.
- 14B. Zoning Enforcement Officer. The Zoning Enforcement Officer or Officers, shall enforce these Regulations. The Officer(s) shall be that employee(s) of the Town of Bolton designated by the Planning and Zoning Commission, and, in the event that there is a vacancy in such employee position(s), may include members and alternate members of the Commission itself who may be designated by vote of the Commission. Whenever the term "Zoning Enforcement Officer" is used throughout this Section, it shall be presumed to include all those individuals so designated by the Commission.
- 14C Enforcement and Penalties. The Zoning Enforcement Officer(s) 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 in violation of any provision of these Regulations, or any permit or approval which has been issued. The owner or agent of a building, structure, or property where such violation has been committed or exists, or the lessee or tenant of an entire building or an entire lot where such violation has been committed or exists, or the agent, architect, builder, contractor or any other person who commits, takes part, or assists in such violation, or who maintains 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 or the Zoning Enforcement Officer may, at its sole discretion, direct the Town Counsel to commence criminal or civil action in State or Federal Court for the purpose of enforcing the provisions of these Regulations, and securing such remedies or penalties as are provided by law.
- 14D. Certificate of Zoning Compliance.
1. Issuance and Requirement. The Zoning Enforcement Officer(s) is hereby authorized to issue a Certificate of Zoning Compliance (also referred to as a "Zoning Permit" in these Regulations) for any site, building, or structure which has been reviewed by the Commission or the Zoning Board of Appeals, as the case may be, pursuant to any provision of these Regulations. Such Certificate shall be evidence that such site, use, building, site plan, or structure conforms to the plans, documents, representations, and other requirements and conditions attached to any Site Plan approval, variance, Special Permit, or other permit or approval issued under these Regulations.
- In addition, the Zoning Enforcement Officer(s) is hereby authorized to issue a Certificate of Zoning Compliance for any site, building, or structure which has not been reviewed by the Commission or the Board in cases where no such review is required by these Regulations. Such Certificate shall be evidence that such site, use, building or structure is permitted as of right by these Regulations, or is a valid non-conforming use, building or structure, as defined in these Regulations. The Commission may provide for such Certificates to be issued by any person or persons designated by it, including any member(s) of the Commission.

Except for agricultural uses, no use of land or structures shall be established, expanded, extended, or altered, nor the construction of any building commenced, other than the continuation of a pre-existing use or substitution of an identical use, without the issuance of a Certificate of Zoning Compliance.

Prior to the issuance of Certificate of Zoning Compliance, the Zoning Enforcement Officer shall require the approval of the Town Sanitarian for any building, structure, or use which requires the review and approval of said Town Sanitarian. In addition, in accordance with Town Ordinance, no Certificate of Zoning Compliance shall be issued for new curb cut onto a local or State highway until the same has been approved for location and construction by the Town Engineer and the Board of Selectmen or the Department of Transportation, as the case may be.

2. Site Plans. Prior to the issuance of any Certificate of Zoning Compliance, the property owner shall provide two (2) complete sets of plans prepared by a Licensed Land Surveyor, professional engineer, architect, landscape architect, or certified soils scientist, as the case may be, licensed to practice in the State of Connecticut, which plan shall be drawn to a scale of not smaller than 1" = 40' and all information required by this Section shall be certified to the "Class A-2" standard of accuracy, as defined in the Regulations of State Agencies adopted pursuant to Conn. Gen. Stats. §20-300b, as amended. Said plan shall show all required setbacks and boundary lines and the location of all new construction and other important features, including, but not limited to, zone classification, new principal and accessory buildings and structures, driveways and parking areas, sanitary disposal systems, wells, wetlands, watercourses, flood plains, contours at two (2') foot intervals, erosion and sedimentation control measures, and other information required to determine compliance with these Regulations, the Bolton Subdivision Regulations, or the Bolton Inland Wetlands and Watercourses Regulations, or any other permit or approval issued thereunder. The Zoning Enforcement Officer may permit a survey of "Class C" standard of accuracy for buildings, structures, or uses occupying, in the aggregate, no more than five hundred (500) square feet, or where there is no reasonable difficulty in determining that adequate separations, and compliance with Bolton Zoning Regulations and Bolton Inland Wetland and Watercourses Regulations, can be achieved. Maps to be filed in the Office of the Town Clerk shall conform to the filing requirements as set forth in regulations of the State of Connecticut adopted pursuant to Connecticut General Statutes §11-8, et. seq., as amended.

Any site plan shall include, in both plan and narrative, an erosion and sedimentation control plan complying with the Connecticut Guidelines for Soil Erosion and Sediment Control, published by the Connecticut Council on Soil and Water Conservation, Connecticut Department of Environmental Protection Bulletin No. 34, as amended.

3. Building Plans. In addition, the property owner shall provide two (2) sets of dimensioned floor plans and building elevations for all proposed buildings, and illustrative plans for any other structure. The Zoning Enforcement Officer may modify or waive this requirement when the proposed work consists of simple construction or repairs and the nature and scope of such construction can be adequately described in narrative form.
4. Application Fees. Any application for a Certificate of Zoning Compliance shall be accompanied by an application fee which shall be in accordance with Town Ordinance entitled, "Permits, Fees: Land Use Development Activities and Construction Activities," as amended., (such fees to be payable at the time of application for Building Permit only, and not at the time of application for Certificate of Occupancy or Certificate of Completion).
5. Compliance With Regulations. No Certificate of Zoning Compliance shall be issued if it is determined that a violation of these Regulations, the Bolton Subdivision Regulations, or the Bolton Inland Wetlands and Watercourses Regulations, or any approval or permit issued thereunder, is proposed or exists.
6. Expiration of Certificate. For any use for which the issuance of a Certificate of Zoning Compliance, is the only requirement under these Regulations (hereafter referred to simply as, "such Certificate"), any such Certificate shall be null and void if the subject land use is not established, or the subject construction is not completed, within one (1) year from the date of issuance of such Certificate. Such Certificate may be renewed for additional periods of one (1) year, provided it is obtained prior to the expiration of the original or the preceding period. Each such renewal shall require the payment of the application fee prescribed by Town Ordinance entitled, "Permits, Fees: Land Use Development Activities and Construction Activities," as amended.

Notwithstanding the provisions herein for renewal of any Certificate, in accordance with Connecticut General Statutes §8-3(i), any such Certificate issued under this Section 14.3 after October 1, 1984 shall become null and void unless all physical improvements required have been completed five (5) years from the date of the issuance of such Certificate; provided, however, that, in accordance with §8-3(j) of the Connecticut General Statutes, for any such Certificate issued after June 19, 1987 for a project consisting of four hundred (400) or more dwelling units shall become null and void unless all physical improvements required have been completed ten (10) years from the date of the issuance of such Certificate.

7. Compliance with Application; Revocation. All work performed pursuant to a Certificate of Zoning Compliance issued by the Zoning Enforcement Officer shall comply with any and all application forms, plans, or other documents submitted, or verbal representations made, in connection with the issuance of such Certificate. No foundation walls for any building, building addition, or structure shall be constructed until the recipient of the Certificate has filed with the Zoning Enforcement Officer a survey, certified to the same standard of accuracy as the original, verifying that the subject foundation footings were installed in accordance with the original plan. The Zoning Enforcement Officer may approve minor

modifications of an approved foundation location, provided that all provisions of these Regulations, the Bolton Subdivision Regulations, or the Bolton Inland Wetlands and Watercourses Regulations, and any conditions or requirements of any permit or approval issued thereunder, continue to be met.

In the event that the Zoning Enforcement Officer shall discover that any work is being performed in violation of such Certificate, or the said documents or representations provided in connection with its issuance; or in the event that the Zoning Enforcement Officer discovers that, for any reason, the Certificate should not have been issued in the first instance, the Zoning Enforcement Officer may revoke any Certificate issued by him/her, in which event the Building Official shall likewise revoke any Building Permit or Certificate of Occupancy issued by him/her, and all work on the subject site shall immediately cease and desist. Such revocation may be appealed to the Zoning Board of Appeals in accordance with the Connecticut General Statutes.

14E. Building Permit.

1. Issuance. In accordance with Connecticut General Statutes §8-3(f), no Building Permit of any kind (including, but not limited to, so-called Foundation Permits, or Permits for repairs or renovations), shall be issued by the Building Official for any building, use or structure without the prior issuance of a Certificate of Zoning Compliance indicating that the plans submitted to the Building Official conform to these Regulations and any Site Plan, Special Permit, variance, or other permit or approval. 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, variance, or other permit or approval, including, but not limited to, any erosion control plan approved by the Commission or its authorized agent. Any measures depicted on such erosion control plan shall be installed prior to the issuance of any Building Permit. 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 the Certificate of Zoning Compliance, or any documents or representations submitted in support thereof, or of these Regulations or any Special Permit or variance issued hereunder may be ordered to cease and desist by the Zoning Enforcement Officer or Building Official, and/or any Building Permit issued hereunder may be revoked by the Building Official. In order to carry out the provisions of this Section, the property owner shall allow any officials of the Town of Bolton free access to the site.
2. Amendments. Nothing in this Section shall be construed to require any change in the plans, construction, size, or designated use of a building for which a Building Permit has been issued prior to the effective date of these Regulations or any amendment thereto, provided construction shall have been completed in accordance with Section 14.C.6. See Section 16A.4.h for special provisions regarding Site Plans and Section 16B.7 for special provisions regarding Special Permits.

- 14F. 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 a Certificate of Occupancy is issued by the Building Official. In accordance with Connecticut General Statutes §8-3(f), no Certificate of Occupancy shall be issued by the Building Official for any building, use or structure without the prior issuance of a Certificate of Zoning Compliance indicating that the use, building, or structure, as actually established or constructed, conforms to these Regulations and any Site Plan, Special Permit, variance, or other permit or approval, 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 has been submitted to and approved by the Eastern Highlands Health District. The Building Official may issue a temporary Certificate of Occupancy where a portion of a building, site, or structure is completed and ready for occupancy, in accordance with the bonding procedure set forth in Section 14.6
- 14G. In the event that certain improvements may not be installed at the time of occupancy of a site or building due to weather conditions or other factors beyond the control of the applicant, the Zoning Enforcement Officer may issue a temporary Certificate of Zoning Compliance at the time of the application for a Certificate of Occupancy, provided that he/she shall require a performance bond, in the form of cash or an irrevocable letter of credit from a Connecticut banking institution, in an amount necessary to cover one hundred (100%) percent of the construction cost, as estimated at the time of projected completion, to insure the completion of such improvements not more than six (6) months following such occupancy. All public health and safety components of a project must be completed prior to occupancy or use of any parcel of land, building, or structure, and may not be bonded.
- 14H. Appeals of Decisions. Any party or person aggrieved by a decision of the Zoning Enforcement Officer shall have a period of thirty (30) days from the date of any action or decision of the Zoning Enforcement Officer to appeal the action or decision to the Zoning Board of Appeals. The Zoning Board of Appeals shall have no jurisdiction to entertain an appeal filed beyond said thirty- day period.