



General Assembly

**Amendment**

February Session, 2018

LCO No. 5788



Offered by:

REP. FOX, 148<sup>th</sup> Dist.

REP. TONG, 147<sup>th</sup> Dist.

To: Subst. House Bill No. 5560

File No. 595

Cal. No. 396

**"AN ACT CONCERNING THE AUTHORITY OF THE COURT TO ENFORCE ZONING REGULATIONS."**

1 Strike everything after the enacting clause and substitute the  
2 following in lieu thereof:

3 "Section 1. Section 8-12 of the general statutes is repealed and the  
4 following is substituted in lieu thereof (*Effective October 1, 2018*):

5 (a) If any building or structure has been erected, constructed,  
6 altered, converted or maintained, or any building, structure or land  
7 has been used, in violation of any provision of this chapter or of any  
8 bylaw, ordinance, rule or regulation made under authority conferred  
9 hereby, any official having jurisdiction, in addition to other remedies,  
10 may institute an action or proceeding to prevent such unlawful  
11 erection, construction, alteration, conversion, maintenance or use or to  
12 restrain, correct or abate such violation or to prevent the occupancy of  
13 such building, structure or land or to prevent any illegal act, conduct,  
14 business or use in or about such premises. Such regulations shall be

15 enforced by the officer or official board or authority designated  
16 therein, who shall be authorized to cause any building, structure, place  
17 or premises to be inspected and examined and to order in writing the  
18 remedying of any condition found to exist therein or thereon in  
19 violation of any provision of the regulations made under authority of  
20 the provisions of this chapter or, when the violation involves grading  
21 of land, the removal of earth or soil erosion and sediment control, to  
22 issue, in writing, a cease and desist order to be effective immediately.  
23 The owner or agent of any building or premises where a violation of  
24 any provision of such regulations has been committed or exists, or the  
25 lessee or tenant of an entire building or entire premises where such  
26 violation has been committed or exists, or the owner, agent, lessee or  
27 tenant of any part of the building or premises in which such violation  
28 has been committed or exists, or the agent, architect, builder,  
29 contractor or any other person who commits, takes part or assists in  
30 any such violation or who maintains any building or premises in  
31 which any such violation exists, (1) shall be fined not less than ten  
32 dollars or more than one hundred dollars for each day that such  
33 violation continues; but, (2) if the offense is wilful, the person  
34 convicted thereof shall be fined not less than one hundred dollars or  
35 more than two hundred fifty dollars for each day that such violation  
36 continues, or imprisoned not more than ten days for each day such  
37 violation continues not to exceed a maximum of thirty days for such  
38 violation, or both; and the Superior Court shall have jurisdiction of all  
39 such offenses, subject to appeal as in other cases.

40 (b) Any person who, having been served with an order to  
41 discontinue any such violation, fails to comply with such order within  
42 ten days after such service, or having been served with a cease and  
43 desist order with respect to a violation involving grading of land,  
44 removal of earth or soil erosion and sediment control, fails to comply  
45 with such order immediately, or continues to violate any provision of  
46 the regulations made under authority of the provisions of this chapter  
47 specified in such order shall be fined not more than five thousand  
48 dollars and subject to a civil penalty not to exceed two thousand five

49 hundred dollars, payable to the treasurer of the municipality. In any  
50 criminal prosecution under this section, the defendant may plead in  
51 abatement that such criminal prosecution is based on a zoning  
52 ordinance or regulation which is the subject of a civil action wherein  
53 one of the issues is the interpretation of such ordinance or regulations,  
54 and that the issues in the civil action are such that the prosecution  
55 would fail if the civil action results in an interpretation different from  
56 that claimed by the state in the criminal prosecution. If the court  
57 renders judgment for such municipality and finds that the violation  
58 was wilful, the court shall allow such municipality its costs, together  
59 with reasonable attorney's fees to be taxed by the court. The court  
60 before which such prosecution is pending may order such prosecution  
61 abated if it finds that the allegations of the plea are true.

62 Sec. 2. Subsection (b) of section 51-164n of the general statutes is  
63 repealed and the following is substituted in lieu thereof (*Effective*  
64 *October 1, 2018*):

65 (b) Notwithstanding any provision of the general statutes, any  
66 person who is alleged to have committed (1) a violation under the  
67 provisions of section 1-9, 1-10, 1-11, 4b-13, 7-13, 7-14, 7-35, 7-41, 7-83, 7-  
68 283, 7-325, 7-393, subsection (a) of section 8-12, as amended by this act,  
69 8-25, 8-27, 9-63, 9-322, 9-350, 10-193, 10-197, 10-198, 10-230, 10-251, 10-  
70 254, 12-52, 12-170aa, 12-292, 12-314b or 12-326g, subdivision (4) of  
71 section 12-408, subdivision (3), (5) or (6) of section 12-411, section 12-  
72 435c, 12-476a, 12-476b, 12-487, 13a-71, 13a-107, 13a-113, 13a-114, 13a-  
73 115, 13a-117b, 13a-123, 13a-124, 13a-139, 13a-140, 13a-143b, 13a-247 or  
74 13a-253, subsection (f) of section 13b-42, section 13b-90, 13b-221, 13b-  
75 292, 13b-336, 13b-337, 13b-338, 13b-410a, 13b-410b or 13b-410c,  
76 subsection (a), (b) or (c) of section 13b-412, section 13b-414, subsection  
77 (d) of section 14-12, section 14-20a or 14-27a, subsection (e) of section  
78 14-34a, subsection (d) of section 14-35, section 14-43, 14-49, 14-50a or  
79 14-58, subsection (b) of section 14-66, section 14-66a, 14-66b or 14-67a,  
80 subsection (g) of section 14-80, subsection (f) of section 14-80h, section  
81 14-97a, 14-100b, 14-103a, 14-106a, 14-106c, 14-146, 14-152, 14-153 or 14-  
82 163b, a first violation as specified in subsection (f) of section 14-164i,

83 section 14-219 as specified in subsection (e) of said section, subdivision  
84 (1) of section 14-223a, section 14-240, 14-249, 14-250 or 14-253a,  
85 subsection (a) of section 14-261a, section 14-262, 14-264, 14-267a, 14-  
86 269, 14-270, 14-275a, 14-278 or 14-279, subsection (e) or (h) of section  
87 14-283, section 14-291, 14-293b, 14-296aa, 14-300, 14-300d, 14-319, 14-  
88 320, 14-321, 14-325a, 14-326, 14-330 or 14-332a, subdivision (1), (2) or (3)  
89 of section 14-386a, section 15-25 or 15-33, subdivision (1) of section 15-  
90 97, subsection (a) of section 15-115, section 16-44, 16-256e, 16a-15 or  
91 16a-22, subsection (a) or (b) of section 16a-22h, section 17a-24, 17a-145,  
92 17a-149, 17a-152, 17a-465, 17a-642, 17b-124, 17b-131, 17b-137, 19a-30,  
93 19a-33, 19a-39 or 19a-87, subsection (b) of section 19a-87a, section 19a-  
94 91, 19a-105, 19a-107, 19a-113, 19a-215, 19a-219, 19a-222, 19a-224, 19a-  
95 286, 19a-287, 19a-297, 19a-301, 19a-309, 19a-335, 19a-336, 19a-338, 19a-  
96 339, 19a-340, 19a-425, 19a-502, 20-7a, 20-14, 20-158, 20-231, 20-249, 20-  
97 257, 20-265, 20-324e, 20-341l, 20-366, 20-597, 20-608, 20-610, 21-1, 21-38,  
98 21-39, 21-43, 21-47, 21-48, 21-63 or 21-76a, subdivision (1) of section  
99 21a-19, section 21a-21, subdivision (1) of subsection (b) of section 21a-  
100 25, section 21a-26 or 21a-30, subsection (a) of section 21a-37, section  
101 21a-46, 21a-61, 21a-63 or 21a-77, subsection (b) of section 21a-79,  
102 section 21a-85 or 21a-154, subdivision (1) of subsection (a) of section  
103 21a-159, subsection (a) of section 21a-279a, section 22-12b, 22-13, 22-14,  
104 22-15, 22-16, 22-26g, 22-29, 22-34, 22-35, 22-36, 22-38, 22-39, 22-39a, 22-  
105 39b, 22-39c, 22-39d, 22-39e, 22-49 or 22-54, subsection (d) of section 22-  
106 84, section 22-89, 22-90, 22-98, 22-99, 22-100, 22-111o, 22-167, 22-279, 22-  
107 280a, 22-318a, 22-320h, 22-324a, 22-326 or 22-342, subsection (b), (e) or  
108 (f) of section 22-344, section 22-359, 22-366, 22-391, 22-413, 22-414, 22-  
109 415, 22a-66a or 22a-246, subsection (a) of section 22a-250, subsection (e)  
110 of section 22a-256h, section 22a-363 or 22a-381d, subsections (c) and (d)  
111 of section 22a-381e, section 22a-449, 22a-461, 23-37, 23-38, 23-46 or 23-  
112 61b, subsection (a) or subdivision (1) of subsection (c) of section 23-65,  
113 section 25-37 or 25-40, subsection (a) of section 25-43, section 25-43d,  
114 25-135, 26-16, 26-18, 26-19, 26-21, 26-31, 26-31c, 26-40, 26-40a, 26-42, 26-  
115 49, 26-54, 26-55, 26-56, 26-58 or 26-59, subdivision (1) of subsection (d)  
116 of section 26-61, section 26-64, subdivision (1) of section 26-76, section  
117 26-79, 26-87, 26-89, 26-91, 26-94, 26-97, 26-98, 26-104, 26-105, 26-107, 26-

118 117, 26-128, 26-131, 26-132, 26-138 or 26-141, subdivision (2) of  
 119 subsection (j) of section 26-142a, subdivision (1) of subsection (b) of  
 120 section 26-157b, subdivision (1) of section 26-186, section 26-207, 26-  
 121 215, 26-217 or 26-224a, subdivision (1) of section 26-226, section 26-227,  
 122 26-230, 26-232, 26-244, 26-257a, 26-260, 26-276, 26-284, 26-285, 26-286,  
 123 26-288, 26-294, 28-13, 29-6a, 29-25, 29-143o, 29-143z or 29-156a,  
 124 subsection (b), (d), (e) or (g) of section 29-161q, section 29-161y or 29-  
 125 161z, subdivision (1) of section 29-198, section 29-210, 29-243 or 29-277,  
 126 subsection (c) of section 29-291c, section 29-316, 29-318, 29-381, 30-48a,  
 127 30-86a, 31-3, 31-10, 31-11, 31-12, 31-13, 31-14, 31-15, 31-16, 31-18, 31-23,  
 128 31-24, 31-25, 31-32, 31-36, 31-38, 31-40, 31-44, 31-47, 31-48, 31-51, 31-52,  
 129 31-52a or 31-54, subsection (a) or (c) of section 31-69, section 31-70, 31-  
 130 74, 31-75, 31-76, 31-76a, 31-89b or 31-134, subsection (i) of section 31-  
 131 273, section 31-288, subdivision (1) of section 35-20, section 36a-787, 42-  
 132 230, 45a-283, 45a-450, 45a-634 or 45a-658, subdivision (13) or (14) of  
 133 section 46a-54, section 46a-59, 46b-22, 46b-24, 46b-34, 47-34a, 47-47, 49-  
 134 8a, 49-16, 53-133, 53-199, 53-212a, 53-249a, 53-252, 53-264, 53-280, 53-  
 135 302a, 53-303e, 53-311a, 53-321, 53-322, 53-323, 53-331 or 53-344,  
 136 subsection (c) of section 53-344b, or section 53-450, or (2) a violation  
 137 under the provisions of chapter 268, or (3) a violation of any regulation  
 138 adopted in accordance with the provisions of section 12-484, 12-487 or  
 139 13b-410, or (4) a violation of any ordinance, regulation or bylaw of any  
 140 town, city or borough, except violations of building codes and the  
 141 health code, for which the penalty exceeds ninety dollars but does not  
 142 exceed two hundred fifty dollars, unless such town, city or borough  
 143 has established a payment and hearing procedure for such violation  
 144 pursuant to section 7-152c, shall follow the procedures set forth in this  
 145 section."

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2018	8-12
Sec. 2	October 1, 2018	51-164n(b)