

## SECTION 83- ENFORCEMENT

### 83.1 AUTHORITY

In accordance with the provision of Chapters 124 and 126 of the General Statutes of the State of Connecticut, as may be amended, the Planning and Zoning Commission of the City of West Haven makes the following provisions for the enforcement of the City of West Haven Zoning Regulations.

### 83.2 ENFORCEMENT AND REQUIRED CERTIFICATIONS

83.2.1 **Building Permits.** Before the construction or alteration of any **building** or **structure** or any part of either, the owner or authorized agent of such owner shall submit to the **Commissioner** and the **Building Official** of the City of West Haven a detailed statement of the proposed work on an application blank as furnished by the **Building Official**, and such plans and structural detail drawings of the proposed work as the **Commissioner**, these regulations, and the **Building Official** may require. Such application shall be accompanied by a statement in writing, sworn to before a Notary Public or other officer authorized to administer oaths, giving the full name and residence of each of the property owners, the intended use of the premises and a diagram showing the exact location of any proposed new construction and all existing buildings or structures that are to remain.

It shall be unlawful to construct, repair, renovate, or alter any building or structure or any part thereof until the application and plan herein required shall have been approved in writing by the **Commissioner** and a written permit issued by the **Building Official** of the City of West Haven.

The **Commissioner** shall approve or reject an application or amendment thereto, filed pursuant to the provisions of this section within a reasonable time, and if approved shall promptly certify its compliance with these regulations.

83.2.2. **Excavations or Filling Permits.** No excavation or filling of property shall be undertaken without written authorization by the **Commissioner**, who shall review such request and if deemed appropriate, order the filing of Special Permits and Site Plan Review. Upon certification that the request complies with the Regulations, the Commissioner shall issue written work authorization.

83.2.3. **Parking Lots.** No parking lot on any lot whose primary use is commercial or Industrial may be created, expanded, reduced or otherwise altered without written authorization by the **Commissioner**, who shall review such request and if deemed appropriate, order the filing of a Site Plan Review. Upon certification that the request complies with the regulations, the **Commissioner** shall issue written work authorization.

Nothing herein shall prevent the resurfacing or repair of any existing parking lot, provided that no change is made in the area, size, traffic flow, and configuration of spaces or landscaping.

83.2.4. **Certificates of Occupancy.** No building may be occupied until a Certificate of Occupancy is granted by the **Building Official**, who shall not issue the Certificate of Occupancy until the Commissioner has issued a written Certificate of Zoning Compliance that certifies that all work pertaining to these regulations as set forth in the Building Permit application and Site Plan, if any, has been completed and complies with these regulations.

83.2.5 **Certificates of Zoning Compliance.** No **structure** or land or part thereof shall hereafter be occupied or used, in any case of establishment of a new **use**, extension or alteration of a **use**, or conversion from one **use** to another **use**, until the (Zoning

Enforcement Officer) **Planner or Assistant Planner** shall issue a Certificate of Zoning Compliance (CZC), certifying that the zoning (ordinance) **regulation** has been complied with in full.

Upon owner or tenant request of any conforming or nonconforming **use** already established, the **Planner or Assistant Planner** shall issue a (CZC) stating the exact status of such **use**. In the case of other **uses** already established, the (ZEO) **Planner or Assistant Planner** may carry on such programs of registration of **uses** and issuance of certificates of occupancy (C of O) as deemed appropriate. Each request for a CZC shall be accompanied by a fee in accord with the provisions of §101-1 of the West Haven Code of Ordinances.

**83.3 ALTERATION OF PLANS.**

After issuance of any permit under the provisions of this section, no changes, amendments, additions or deletions to specifications, plans, structural drawings, location of structures, landscaping, or scope and content of the proposed development are permitted without the written approval of the **Planning & Zoning Commission**. Such change, amendment, addition, deletion without written approval of the **Planning & Zoning Commission** shall constitute a willful violation of the provisions of this section and upon written notification of such violation, shall make any and all issued permits for the proposed development null and void.

**83.4 CONTINUATION OF CONSTRUCTION.**

Any approval or certification by the **Commissioner** and permit issued by the **Building Official** under the provisions of this Article, but under which no work is commenced within six months from the time of the issuance shall automatically expire by limitation. The **Commissioner** may with discretion and upon written notification invalidate any permit or certification by revoking approval issued there under for which construction has commenced, but is incomplete, and has ceased for a period of six months.

**83.5 NON-CONFORMING USES.**

No change or extension of use no building or site alteration shall be made in a non-conforming use of premises without a Certificate of Compliance having first been issued by the **Commissioner**, stating that such change, extension or alteration is in conformity with the provisions of these regulations.

**83.6 PENALTIES**

Pursuant to Section 8-12, including Section 8-12 (a), of the Connecticut General Statutes, the owner or agent of a building or premises where a violation of any provision of these regulations shall have been committed or shall exist, or the lessee or tenant of an entire building or entire premises where such violation shall have been committed or shall exist, or the owner, agent, architect, builder, contractor, or any other person who shall commit, take part or assist in which any such violation shall exist, shall be fined one hundred dollars (\$100.00) by the **Zoning Enforcement Officer** for each day that such violations continues; each day that such violation continues shall be a separate offense, but if the offense be willful the person convicted thereof shall be fined two hundred and fifty (\$250) dollars for each day that such violation shall continue.

Any person having been served with an order to discontinue any such violation, fails to comply with such order within ten (10) days after such service or continues to violate any provision of the regulations named in such order shall also be subject to a civil penalty of two hundred and fifty dollars (\$250.00) per day for each day of such failure to comply, payable to the Treasurer of the City of West Haven.

Nothing herein shall prevent the further imposition of civil or criminal penalties as may otherwise be provided by Statute.

**83.7 NOTIFICATION OF VIOLATION**

Notice of a violation of these regulations shall be deemed to have been given to the owner of the property in violation, provided such notice is mailed or delivered to the owner or tenant at such address as is listed in the Tax Assessment records of the City of West Haven, or in the event that there is a pending zoning application concerning the property, then to the agent at the address given on the pending application.

**83.7.1 CEASE AND DESIST ORDER OR AN ORDER TO DISCONTINUE USE OF A ZONING VIOLATION**

The Planning & Zoning Commission has the additional authority to require the issuance of a cease and desist order and an order to discontinue the use of a zoning violation after the Planning & Zoning Commission has made a finding of violations. The Planning & Zoning Commission will notify the Zoning Enforcement Officer. The ZEO has 14 days to issue the notice and report back to the Planning & Zoning Commission. The Planning & Zoning Commission has the authority to file an appeal with the Zoning Board of Appeals for any decision, order, action or inaction from a staff person.

**83.8 APPEALS OF ZONING OFFICIALS**

Pursuant to Connecticut General Statute Section 8-6, any person aggrieved by any decision, order, action or inaction of the **Commissioner** of Planning and Development and/or the Planner or Assistant Planner or the **Zoning Enforcement Officer** may appeal such decision, action or order within (sixty (60)) days of the start of construction and construction shall start within six (6) months of the day of the decision. In the event of failure to grant a permit or certification within thirty (30) days from the filing of a completed application for same, an appeal may be made to the **Zoning Board of Appeals**, which shall conduct a public hearing, duly noticed, on such appeal at which any interested party may submit evidence.

**83.9 JURISDICTION**

The Superior Court of the State of Connecticut shall have jurisdiction to enforce all the regulations and penalties which are provided for in these regulations.

**Note:**

**Item in parenthesis to be eliminated**

**Item in bold, italic print and underlined to be added.**