

Chapter 14

PLANNING*

- Art. I. In General, §§ 14-1—14-15
- Art. II. Community Development Action Plan Agency, §§ 14-16—14-30
- Art. III. Development and Industrial Commission, §§ 14-31—14-45
- Art. IV. Greater New Haven Transit District, §§ 14-46—14-65
- Art. V. Inland Wetlands and Water Courses, §§ 14-66—14-80
 - Div. 1. Inland Wetlands and Water Courses Commission, §§ 14-66—14-70
 - Div. 2. Enforcement of Regulations, §§ 14-71—14-80
- Art. VI. Redevelopment Agency, §§ 14-81—14-95
- Art. VII. Convention and Visitors Commission, § 14-96

ARTICLE I. IN GENERAL

Secs. 14-1—14-15. Reserved.

ARTICLE II. COMMUNITY DEVELOPMENT ACTION PLAN AGENCY†

Sec. 14-16. Created.

There shall be an East Haven Community Development Action Plan Agency (Ord. of 12-2-69)

Sec. 14-17. Composition.

The community development agency shall be composed of five (5) persons, not more than three (3) of whom may be of the same political party. The mayor shall make recommendations for appointments to this agency subject to the approval of a majority vote of the town council, including the filling of vacancies for the unexpired portion of any term, subject to the approval of a majority vote of the Town Council. Such appointments shall be made for terms of five (5) years. Annually, appointments of expired terms shall be made effective on December first of each year.

(Ord. of 12-2-69)

Sec. 14-18. Powers and duties.

The community development action plan agency shall exercise all of the powers and carry out all of the duties of the community development action agency in the state, all in accordance

*Cross references—Administration, Ch. 2; airport zoning board, § 3-16 et seq.; buildings and building regulations, Ch. 6; flood damage prevention and control, Ch. 9; parks and recreation, Ch. 13; streets, sidewalks and public places, Ch. 17; water, sewers and sewage disposal, Ch. 20; housing ordinance, App. A; sanitary sewer system construction, extension, maintenance and operation regulations, App. B.

†State law reference—Community development, G.S. § 8-169a et seq.

with the applicable portions of the general statutes of the state presently in effect, and to be amended and in accordance with the town charter presently in effect, and to be amended by the town council. The agency shall do all things necessary to enable the town to qualify for grants from the state department of community affairs and to undertake those projects as required by the department of community affairs.

(Ord. of 12-2-69)

Secs. 14-19—14-30. Reserved.

ARTICLE III. DEVELOPMENT AND INDUSTRIAL COMMISSION*

Sec. 14-31. Established.

The town council hereby accepts the provisions of section 7-136 of the general statutes (as amended to date) and pursuant to such section and amendments, hereby establishes the East Haven Economic Development Commission.

(Ord. of 12-2-69)

Sec. 14-32. Composition; appointments; removal.

The economic development commission shall be composed of five (5) persons, not more than three (3) of whom may be of the same political party. The mayor shall make appointments to the commission, including the filling of vacancies for the unexpired portion of any term. Any member may be removed for cause by the mayor and, on request of such member, after public hearing.

(Ord. of 12-2-69)

Sec. 14-33. Terms of members; chairman; compensation.

The mayor shall appoint five (5) members to the economic development commission for terms of three (3) years. Annually, the mayor shall appoint persons to fill the expiring terms of members of the commission on the anniversary date of the appointment of the original members of the commission. Members shall elect a chairman annually within thirty (30) days of the anniversary of its original appointment. Members of the commission shall serve without compensation but shall be compensated for necessary expenses incurred in the performance of their official duties.

(Ord. of 12-2-69)

Sec. 14-34. Powers and duties.

(a) The economic development commission may appoint employees or employ consultants necessary for the discharge of its duties. The duties of the economic development commission for the town shall be as follows:

- (1) To conduct researches into business and industrial conditions in the town.

***Editor's note**—Technical changes were made in this article as part of the Code adoption in order to conform to current terminology procedures.

- (2) To seek to coordinate the activities of unofficial bodies organized for such purposes.
 - (3) To make recommendations to the town concerning the economic health of the town.
 - (4) To foster and promote orderly commercial and industrial development in the town and to work with other town agencies, such as the town planning and zoning commission, toward such ends.
- (b) The commission may advertise and may prepare, print and distribute books, maps, charts and pamphlets which, in its judgment, shall further its official purposes.
- (c) The commission shall make an annual report to the mayor and the town council, outlining its activities during the year and submitting recommendations for town action on matters involving commercial and industrial development.
- (Ord. of 12-2-69)

Secs. 14-35—14-45. Reserved.

ARTICLE IV. GREATER NEW HAVEN TRANSIT DISTRICT*

Sec. 14-46. Established.

A transit district hereby known as the Greater New Haven Transit District is hereby established pursuant to the authority provided in Chapter 103a of the General Statutes, as amended, for the formation of such districts.

(Ord. of 4-16-73, § 1)

Sec. 14-47. Other towns or cities may join.

Any town or city within the New Haven Region may join the Greater New Haven Transit District upon application to the transit district and approval of such application by a majority vote of the board of directors of the transit district.

(Ord. of 4-16-73, § 2)

Sec. 14-48. Boundaries; service to other towns.

The boundaries of the transit district shall be coterminous with the boundaries of the constituent municipalities comprising the district; provided, however, the transit district may provide service to towns which do not belong to the transit district by contract approved by the board of directors of the transit district.

(Ord. No. 4-16-73, § 3)

*State law references—Transit districts, G.S. § 7-273b et seq.; authority to form, G.S. § 7-273b(d).

Sec. 14-49. Powers.

Except as otherwise limited by this article, the Greater New Haven Transit District shall have all the powers provided in chapter 130a, as amended, for transit districts established thereunder, including the power to assume the powers of the public utilities commission of the state over any transit system operating within the district, to establish, operate and maintain a new transit system within the district or to acquire the property and franchises of any company or companies operating a transit system within the district.

(Ord. of 4-16-73, § 4)

Sec. 14-50. Board of directors.

The affairs of the transit district shall be managed by a board of directors chosen from among the electors of the constituent municipalities. The membership of the board of directors shall be constituted as set forth in chapter 103a, as amended, or such other general or special act regarding representation on the board of directors of a transit district. The persons to serve as East Haven's representatives on the board of directors of the district shall be appointed by the mayor and shall be approved by majority vote of the town council.

(Ord. of 4-16-73, § 5)

Sec. 14-51. Withdrawal of municipalities.

In the event that a municipality shall vote to withdraw from the transit district, the board of directors of the district, including the members chosen from the withdrawing city or town, shall determine the share of the district's expenses and obligations remaining due from the withdrawing city or town, including repayment of indebtedness on bonds or notes of the district, if any, therefor authorized to be issued by the district. The withdrawing municipality shall pay or secure such amount to the district at the time of its withdrawal.

(Ord. of 4-16-73, § 6)

Secs. 14-52—14-65. Reserved.**ARTICLE V. INLAND WETLANDS AND WATER COURSES*****DIVISION 1. INLAND WETLANDS AND WATER COURSES COMMISSION****Sec. 14-66. Creation.**

There shall be an Inland Wetlands and Water Courses Commission established in accordance with General Statutes, sections 22a-36 through 22a-45.

(Ord. of 1-8-74, § 1)

*State law references—Inland wetlands, G.S. § 22a-28 et seq.; authority to establish commission, G.S. § 22a-42(c).

Sec. 14-67. Responsibilities.

The commission shall have all the powers and responsibilities authorized under General Statutes, sections 22a-36 through 22a-55.

(Ord. of 1-8-74, § 2)

Sec. 14-68. Membership.

(a) The commission shall be composed of five (5) members and two (2) alternates appointed by the mayor. Not more than three (3) commissioners shall be members of the same political party as provided in section 9-167a of the general statutes. All members and alternates shall be electors of the town. The regular members shall be appointed for five (5) year terms.

(b) One alternate shall be appointed biennially, for a term of four (4) years.

(Ord. of 1-8-74, § 3)

Editor's note—Technical changes were made in this section as part of the Code adoption in order to conform to current procedures.

Sec. 14-69. Vacancies.

(a) Any vacancy in the membership of the commission which may occur through death, resignation or otherwise, may be filled for the unexpired term of such member by the mayor.

(b) In the event that a commission member misses four (4) consecutive meetings, the mayor may remove the member and fill the vacancy thus created.

(Ord. of 1-8-74, § 4)

Secs. 14-70. Reserved.**DIVISION 2. ENFORCEMENT OF REGULATIONS****Sec. 14-71. Inland wetlands and watercourses violations.**

(a) *Designation of citation officers.* Any police officer, the wetlands enforcement officer of the Town of East Haven, or other person authorized by the mayor of the town (each a "citation officer") is hereby empowered to issue citations in accordance with this division.

(b) *Issuance of citations.* A citation officer may, upon a two-thirds ($\frac{2}{3}$) vote of the inland wetlands and watercourses commission, issue a citation to any person who commits a violation of Inland Wetlands and Watercourses Regulations of the town adopted by the inland wetlands and watercourses commission of the town pursuant to § 22a-42 of the General Statutes as the same may be amended from time to time.

(c) *Definitions and interpretation; each day of violation constitutes separate offense.*

(1) As used in this article, the following terms shall have the meanings indicated:

Regulations: The Inland Wetlands and Watercourses Regulations of the Town of East Haven as amended from time to time.

Person: A natural person, or a group of natural persons, corporation, partnership, limited partnership, limited liability company, or such other entity or association which exists under law.

- (2) Other terms herein shall have the meanings ascribed to them in the regulations which are incorporated herein by reference.

(d) *Penalties for offenses; fines.* There are hereby established the following fines for each violation of the regulations:

- (1) For depositing any material in, removing any material from, discharging into, causing the pollution of, excavating in, filling or draining of, grading in, or cutting of vegetation in any portion of a wetland or watercourse without a permit or in violation of the permit, a fine not to exceed one thousand dollars (\$1,000.00), but not less two hundred fifty (\$250.00) for each offense.
- (2) For conducting, undertaking, permitting the existence of, or allowing any regulated activity, without a permit or in violation of the permit which causes, directly or indirectly, any material to enter into or upon any wetland or watercourse or any portion thereof or otherwise causes, either directly or indirectly, the pollution of a wetland or watercourse or any portion thereof, a fine not to exceed one thousand dollars (\$1,000.00), but not less than two hundred fifty dollars (\$250.00) for each offense.
- (3) For conducting, undertaking, permitting the existence of, or allowing any regulated activity, without a permit or in violation of the permit, to occur within a wetland or watercourse or in any area outside of a wetland or watercourse which directly or indirectly impacts the physical characteristics of the wetland or watercourse, a fine not to exceed one thousand dollars (\$1,000.00), but not less than two hundred fifty dollars (\$250.00) for each offense.
- (4) Each violation as defined in this section shall be a separate and distinct offense, and, in the case of a continuing violation, each day's continuance thereof shall be deemed to be a separate and distinct offense.

(e) *Hearing procedure.* The procedures established in section 14-72, Citation hearing procedure, will apply to citations issued under this article.

(f) *Period for uncontested payment of fines.* The final period for the uncontested payment of any fines under this article shall be thirty (30) days after the date of mailing of the citation.

(g) *Deposit of fines.* Any fine collected by the town pursuant to this article shall be deposited to the general fund of the town to be used in accordance with section 13.4(a) of the regulations. (Ord. No. 781, Art. I, 7-11-06)

Sec. 14-72. Citation hearing procedure.

(a) *Procedure established.* There is hereby established a citation hearing procedure in accordance with § 7-152c of the General Statutes as herein set forth.

(b) *Appointment of hearing officers.* The mayor shall appoint one or more citation hearing officers, other than police officers, or employees or persons who issue citations, to conduct the hearings authorized by this article.

(c) *Notice of violation.* The mayor, any police officer, or any person authorized by the mayor to issue a citation for the violation of any ordinance at any time, within twelve (12) months from the expiration of the final period for the uncontested payment of fines, penalties, costs or fees for any citation issued under any ordinance adopted pursuant to § 7-148, § 22a-226d, § 22a-42g, or § 8-12a of the General Statutes or under any ordinance in which citations are authorized and may be issued in accordance with law, shall send notice to the person cited. Such notice shall inform the person cited:

- (1) Of the allegations against him and the amount of the fines, penalties, costs or fees due;
- (2) That he may contest his liability before a citation hearing officer by delivering in person or by mail written notice within ten (10) days of the date thereof;
- (3) That if he does not demand such a hearing, an assessment and judgment shall be entered against him; and
- (4) That such judgment may issue without further notice.

(d) *Admittance of liability.* If the person who is sent notice pursuant to subsection 14-72(c) wishes to admit liability for any alleged violation, he may, without requesting a hearing, pay the full amount of the fines, penalties, costs or fees admitted to in person or by mail to an official designated in such notice. Any person who does not deliver or mail written demand for a hearing within ten (10) days of the date of the first notice provided for in subsection 14-72(c) shall be deemed to have admitted liability, and the designated municipal official shall certify such person's failure to respond to the hearing officer. The hearing officer shall thereupon enter and assess the fines, penalties, costs or fees provided for by the applicable ordinances and shall follow the procedures set forth in subsection 14-72(f).

(e) *Hearing requirements.* Any person who requests a hearing shall be given written notice of the date, time and place for the hearing. Such hearing shall be held not less than fifteen (15) days nor more than thirty (30) days from the date of the mailing of notice, provided the hearing officer shall grant upon good cause shown any reasonable request by any interested party for postponement or continuance. An original or certified copy of the initial notice of violation issued by the issuing official or policeman shall be filed and retained by the town, and shall be deemed to be a business record within the scope of Connecticut General Statutes § 52-180 and evidence of the facts contained therein. The presence of the issuing official or policeman shall be required at the hearing if such person so requests. A person wishing to contest his liability shall appear at the hearing and may present evidence in his behalf. A designated municipal official, other than the hearing officer, may present evidence on behalf of the municipality. If such person fails to appear, the hearing officer may enter an assessment by default against him upon a finding of proper notice and liability under the applicable statutes or ordinances. The hearing officer may accept from such person copies of police reports, investigatory and citation reports, and other official documents by mail and may determine thereby that the

appearance of such person is unnecessary. The hearing officer shall conduct the hearing in the order and form and with such methods of proof as he deems fair and appropriate. The rules regarding the admissibility of evidence shall not be strictly applied, but all testimony shall be given under oath or affirmation. The hearing officer shall announce his decision at the end of the hearing. If he determines that the person is not liable, he shall dismiss the matter and enter his determination in writing accordingly. If he determines that the person is liable for the violation, he shall forthwith enter and assess the fines, penalties, costs or fees against such person as provided by the applicable ordinances of the town.

(f) *Notice of assessment.* If such assessment is not paid on the date of its entry, the hearing officer shall send by first class mail a notice of the assessment to the person found liable and shall file, not less than thirty (30) days nor more than twelve (12) months after such mailing, a certified copy of the notice of assessment with the clerk of the superior court for the geographical area in which the town is located together with the entry fee as required by law. (Ord. No. 781, Art. II, 7-11-06)

Secs. 14-73—14-80. Reserved.

ARTICLE VI. REDEVELOPMENT AGENCY*

Sec. 14-81. Created.

There shall be an East Haven Redevelopment Agency.
(Ord. of 12-2-69)

Sec. 14-82. Composition; appointments; terms.

The redevelopment agency shall be composed of five (5) persons, not more than four (4) of whom may be of the same political party. The mayor shall make recommendations for appointments to the agency subject to the approval of a majority vote of the town council, including the filling of vacancies for the unexpired portion of any term, subject to approval of majority vote of the town council. Appointments shall be made for terms of three (3) years. Appointments to expired terms shall be made to be effective on December first.

(Ord. of 12-2-69)

Editor's note—Technical changes were made in this section as part of the Code adoption in order to conform to current procedures.

Sec. 14-83. Powers and duties.

The agency shall exercise all of the powers and carry out all of the duties of the redevelopment agency in the state, all in accordance with the applicable portions of the general statutes of the state presently in effect, and to be amended, and in accordance with the town charter presently in effect, and to be amended of the town council.

(Ord. of 12-2-69)

***State law references**—Redevelopment generally, G.S. § 8-124 et seq.; redevelopment agencies, G.S. § 8-126.

Sec. 14-84. Termination of activities with respect to urban renewal project.

It is hereby determined that it is in the best interests of the town that the activities of the town's redevelopment agency with respect to the Center Urban Renewal Project Conn. R-102 be terminated and transferred to such town departments as the town council shall deem appropriate and that its outstanding obligations be assumed by the town, such obligations to include, but not in limitation, its obligations under its loan and grant contract with the department of housing and urban development, including its obligation thereunder to reimburse the federal government for the payment by it pursuant to such contract and any applicable requisition agreement thereunder of the agency's one million four hundred sixty-nine thousand dollar (\$1,469,000.00) project notes (First Series, 1978) dated February 15, 1978, due May 19, 1978, bearing interest at the rate of three and eighteen hundredths (3.18) per cent per annum, and any renewals thereof, to the extent such reimbursement is not made from the proceeds of the federal capital grant-in-aid of the project under such contract. (Ord. No. 151, § 1, 5-2-78)

Secs. 14-85—14-95. Reserved.

ARTICLE VII. CONVENTION AND VISITORS COMMISSION**Sec. 14-96. Establishment.**

The town council hereby elects to form and join a municipal district known as the shoreline visitors' bureau for the purpose of establishing a convention and visitors' commission pursuant to section 7-136(a), (c) of the Connecticut General Statutes, as amended. (Ord. No. 343, 4-23-86)