

**ORDINANCE ESTABLISHING CITATION PROCEDURES AND FINES FOR  
INLAND WETLANDS AND WATERCOURSES VIOLATIONS**

It is hereby ORDAINED by the Town of Somers Board of Selectmen:

1. That the Wetlands Agent (Wetlands Enforcement Officer), after making reasonable attempts to resolve or remedy violations of the Inland Wetlands and Watercourses Regulations of the Town of Somers, is authorized to issue citations for violations of the Inland Wetlands and Watercourses Regulations of the Town of Somers, to the extent and in the manner provided by this Ordinance. Any such citation may be served either by hand delivery or by certified mail, return receipt requested, to the person named in such citation. If the person named in a citation sent by certified mail refuses to accept such mail, the citation may be sent by regular United States mail. The Wetlands Agent shall file and retain an original or certified copy of the citation.
2. That the fine for the first such citation issued to any person with respect to any specific parcel of land shall be Two Hundred Fifty Dollars (\$250). The fine for the second citation issued to any person with respect to any specific parcel of land shall be Five Hundred Dollars (\$500). Subsequent citations issued to any person with respect to any specific parcel of land shall be One Thousand Dollars (\$1,000) for each such citation. All fines shall be made payable to the Treasurer of the Town of Somers.
3. That any person receiving such a citation shall be allowed a period of thirty (30) days from his or her receipt of the citation to make an uncontested payment of the fine specified in the citation to the Treasurer. If the citation has been sent by regular mail pursuant to the provisions of paragraph 1 of this Ordinance, the day of the receipt of the citation shall be deemed to be three business days after the day of mailing of the citation.
4. If a person who has been issued a citation does not make uncontested payment of the fine specified in the citation to the Treasurer within the time allowed under paragraph 3 of this Ordinance, the Wetlands Agent shall send a notice to the person cited, informing such person: (1) of the allegations against him or her, the amount of the fines, and the imposition of the administrative fee set forth in paragraph 5; (2) that the person cited may contest liability before a Hearing Officer appointed by the First Selectman, as provided in paragraph 9 of this Ordinance, by delivering, in person or by mail, within ten days of the date of the notice, a written demand for a hearing; (3) that if the person cited does not demand such a hearing, an assessment and judgment shall be entered against him or her; and (4) that such judgment may issue without further notice.
5. If the person who is sent notice pursuant to paragraph 4 of this Ordinance wishes to admit liability for any alleged violation, he or she may, without requesting a hearing, pay the full amount of the fine, together with an additional administrative fee, either in person or by mail, to the Wetlands Agent. Said administrative fee shall be established by resolution of the Conservation Commission, with input from the First Selectman, and amended from time to time as determined by the Conservation Commission. All fines and fees shall be made payable to the Treasurer of the Town of Somers. Such payment shall be inadmissible in any proceeding, civil or criminal, to establish the conduct of such person or other person making the payment. Any person who does not deliver or mail written demand for a hearing within ten days of the date of the notice described in paragraph 4 of this Ordinance shall be deemed to have admitted liability, and the Wetlands Agent shall certify to the Hearing Officer that such person has failed to respond. The Hearing Officer shall thereupon enter and assess the fines and fees provided for by this Ordinance and shall follow the procedures set forth in paragraph 8 of this Ordinance.
6. 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 days nor more than thirty 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. The presence of the Wetlands Agent shall be required at the hearing if requested by the person who was issued the citation. A person wishing to contest liability shall appear at the hearing and may present evidence in his or her behalf. The Wetlands Agent may present evidence on behalf of the municipality. If the person who received the citation fails to appear, the Hearing Officer may enter an assessment by default against him or her upon a finding of proper notice and liability under the applicable provisions of the Inland Wetlands and Watercourses Regulations. The Hearing Officer may accept written information by mail from the person who received the citation 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 or she 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 or her decision at the end of the hearing. If the Hearing Officer determines that the person who received the citation is not liable, the Hearing Officer shall dismiss the matter and enter that determination in writing accordingly. If the Hearing Officer determines that the person who received the citation is liable for the violation, the Hearing Officer shall forthwith enter and assess the fines against such person as provided by this Ordinance, including an additional hearing fee. Said hearing fee shall be established by resolution of the Conservation Commission, with input from the First Selectman, and amended from time to time as determined by the Conservation Commission.

7. The payment of the assessed fines does not absolve the person from the obligation of complying with the terms of the violation order.
8. 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 days nor more than twelve months after such mailing, a certified copy of the notice of assessment with the Clerk of the Superior Court for Geographical Area No. 19 in Rockville, together with an entry fee of Eight Dollars (\$8) or such other amount as may be required by state law. Further proceedings may then be held pursuant to the applicable provisions of the Connecticut General Statutes.
9. The First Selectman, with input from the Board of Selectmen, shall appoint one or more citation Hearing Officers to conduct the hearings provided by this Ordinance. Neither the Wetlands Agent, the Building Inspector, nor any other employee of the Town of Somers may be appointed as a Hearing Officer pursuant to this Ordinance. The rate of compensation of the Hearing Officer, administrative fees, and hearing fees shall be determined by resolution of the Conservation Commission, with input from the First Selectman, and may be reviewed and adjusted on an annual basis.
10. No citation shall be issued pursuant to this Ordinance unless (i) the Wetlands Agent has provided notice of the violation to the person who would have received the citation; (ii) the notice specifies a reasonable time for the violation to be corrected; and (iii) the violation is not corrected within the time required. The Hearing Officer shall not uphold the issuance of any citation if he or she determines that the time proved for the violation to be corrected was unreasonable under all of the circumstances.
11. This Ordinance shall become effective fifteen (15) days after publication of notice thereof in accordance with the Town Charter.