



TOWN OF DURHAM, CONNECTICUT  
30 TOWN HOUSE LANE  
DURHAM, CT 06422  
PHONE (860) 349-3452

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# Town of Durham

## Zoning Enforcement Procedures

**Goal:** It is the objective of the Durham Planning and Zoning Commission to help residents and businesses get the required approvals for activities they wish to perform and help them resolve any violations that may be discovered on their property. This enforcement procedure is designed to provide ample time for violators to correct the violation(s), and is compliance-based, rather than penalty-based. Should a landowner fail to cooperate, enforcement will be conducted following the procedure described in this document, with due deference given to individual extenuating circumstances. If, after a reasonable amount of time, a violation is not resolved, the town may file a lawsuit in Superior Court; requesting the court to issue an Order, along with the payment of civil penalties and the town's attorney's fees.

**Background:** The Connecticut General Statutes authorizes municipalities to enact zoning regulations. These powers and limitations are spelled out in Connecticut General Statutes Chapters 124 and 440. The Durham Planning and Zoning Commission has enacted such regulations and appointed a Zoning Enforcement Officer (ZEO) to ensure compliance with these regulations.

**Team Approach:** Because many zoning violations are inter-disciplinary, a team approach is often utilized. The team may include the ZEO, Building Officials, Health Department, Fire Marshall, and the town's Land-Use Attorney. Outside agencies, such as the Connecticut Department of Energy and Environmental Protection (DEEP), Connecticut Department of Motor Vehicles or U. S. Army Corps of Engineers may also assist.

**Initiation of Process:** This enforcement procedure is largely complaint-driven, although violations that are observed by the ZEO while conducting their normal work activities can result in the filing of a complaint. Although some residents wish to complain anonymously, anonymous complaints will not be accepted; as they subject the town to claims of unfair or uneven enforcement; and do not provide the town with the probable cause needed to initiate searches or obtain warrants, in cases where a property owner is not being cooperative.

Complaints that are found to be valid, initiate a process designed to gain compliance. This process generally gives the violator at least two opportunities to bring their property back into compliance: along with a reasonable amount of time for each. Depending on the severity of the violation, additional time may be granted. If the violator is not cooperative and court action ensues, this process can take several months. The result is that the correction of some violations can require an extended period of time, so we ask that complainants be patient.

1. **Complaints will be documented** using the *Complaint Form* provided by the town (sample attached). This Complaint Form must be signed by the complainant. Complaints may also be submitted by the Planning and Zoning Commission (P&Z), or the Zoning Enforcement Officer (ZEO), when in the normal course of performing town business, violations are observed. A copy of the completed Complaint Form will be immediately sent by First Class mail to the Owner of Record for the subject property. All complaints are public files, and as such, they are subject to inspection by members of the public. The ZEO has the right to prioritize complaints considering all aspects including the department's resource availability. Complaints having a risk to public health, safety or the environment will receive the highest priority. Civil disputes will receive the lowest priority. Occasionally, the Planning and Zoning Commission may request a "sweep" of the town for a particular violation, and these may temporarily be given a higher priority.
2. **The ZEO will investigate the complaint** utilizing data sources including land-use records, zoning maps, aerial photography, GIS mapping, and internet sources (e.g., Google, Bing, UCONN MAGIC). Internet sources will be used to investigate complaints; but not used to search for potential violations throughout the town. The property owner may be contacted by telephone and / or a site visit may be scheduled for purposes of verifying a complaint and/or collecting evidence. If the property owner is uncooperative, it may be possible to view the violation from the complainant's property, or from the roadway or other public area.
3. **If a violation is found to exist**, a friendly letter that educates and informs the property owner of the violation, and describes how to correct it, will be sent by First Class mail to the Owner of Record for the subject property. If the violation is corrected, the case will be closed.
4. **If the violation is not corrected in a timely fashion, a Notice of Violation (NOV)** will be sent by First Class mail to the Owner of Record for the subject property. A site inspection must be performed, and a violation observed prior to issuing a Notice of Violation (NOV). If the property owner is uncooperative, it may be possible to view the violation from the complainant's property, or from the roadway or other public area. The Notice of Violation shall specify a reasonable amount of time for the owner to resolve the violation. If the violation is corrected by the deadline, the case will be closed.
5. **A Consent and Abatement Order** may be executed if additional time is required for the owner to correct the violation. This step may be bypassed for violations involving excavation activities, where delays might result in increased damage to the environment.
6. **A Cease and Desist will be issued** following the deadline provided in either the Notice of Violation (NOV) or Consent and Abatement Order if the violation(s) have not been fully resolved by the deadline date. This Enforcement Order will require that the violation be corrected within 10 days. If the violation is not corrected by the date specified in the Enforcement Order, the ZEO may proceed to Step #6, after consulting with the Planning and Zoning Commission.
7. **A Lawsuit will be filed in Superior Court** seeking an Order granting an Injunction against the illegal activities and awarding fines and legal costs to the municipality as permitted by state statute.

**Because it unfair for the taxpayers of the town of Durham to fund these court actions, it is the goal of the town to fully recoup all costs, including attorney fees, from any action taken against a violator. No court action will be halted until the violation is fully resolved, and these costs are recouped in full.**



# Town of Durham, Connecticut

P.O. Box 428, Durham, Connecticut 06422-0428  
(860) 349-8253 (Ext. 3)

## Zoning Complaint Form

*(Please complete first three sections as completely as possible)*

### Complainant Information

Name: \_\_\_\_\_ Phone: \_\_\_\_\_  
Complainant's Name(s)

Address: \_\_\_\_\_  
Complainant's Street Address Apartment/Unit #

\_\_\_\_\_ City State ZIP Code

Phone: \_\_\_\_\_ Email \_\_\_\_\_

### Description of Complaint *(Please be clear, but brief)*

Parcel Address: \_\_\_\_\_

Complaint: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

### Complainant's Affidavit and Signature

I certify that all information provided in this complaint is accurate to the best of my knowledge.

Complainant Signature: \_\_\_\_\_ Date: \_\_\_\_\_

### Administrative Use Only: Parcel Information

Parcel Address: \_\_\_\_\_  
Address of Parcel

Owner's Information \_\_\_\_\_  
Name Address

### Administrative Use Only: Additional Information

\_\_\_\_\_

\_\_\_\_\_

### Administrative Use Only: Final Action

Date Complaint Received	Final Action of ZEO or Commission	Date of Decision
<small>Month Day Year</small>		<small>Month Day Year</small>