

LEGAL NOTICE  
TOWN OF MANSFIELD

Following a public hearing, the Mansfield Town Council adopted amendments to the Wetlands Ordinance, Chapter 40 on February 26, 2018. The ordinance as amended shall become effective 21 days after a summary of the ordinance and a notice of adoption is published in a newspaper having circulation in the Town of Mansfield.

The amendments to the Wetlands Ordinance, Chapter 40, establish citation procedures and fines for violations of the Inland Wetlands and Watercourses Regulations of the Town of Mansfield.

This document is prepared for the benefit of the public for purposes of information, summarization and explanation only. This document does not represent the intent of the legislative body of Mansfield for any purpose. Copies of the ordinance will be mailed to any persons requesting one at no charge to such person. Ordinances may also be downloaded from [www.mansfieldct.gov](http://www.mansfieldct.gov).

Dated at Mansfield, Connecticut this 28th day of February 2018.

Sara-Ann Chaine  
Town Clerk

Chapter 40. Inland Wetlands Agency

§ 40-1. Title.

This chapter shall be known and may be cited as the "Wetlands Ordinance."

§ 40-2. Purpose.

The purpose of this chapter is to protect the citizens of the town by making provisions for the protection, preservation, maintenance and use of the inland wetlands and watercourses by minimizing their disturbance and pollution; maintaining and improving water quality in accordance with the highest standards set by federal, state or local authority; preventing damage from erosion, turbidity or siltation; preventing loss of fish and other beneficial aquatic organisms, wildlife and vegetation and the destruction of the natural habitats thereof; deterring and inhibiting the danger of flood and pollution; protecting the quality of wetlands and watercourses for their conservation, economic, aesthetic, recreational and other public and private uses and values; and protecting the town's potable fresh water supplies from the dangers of drought, overdraft, pollution, misuse and mismanagement by providing an orderly process to balance the need for the economic growth of the town and the use of its land with the need to protect its environment and ecology in order to forever guarantee to the people of the town the safety of such natural resources for their benefit and enjoyment and for the benefit and enjoyment of generations yet unborn.

§ 40-3. Agency designated; powers.

Pursuant to the provisions of Public Act 155 of 1972, [1] and Public Act 73-571, the Mansfield Planning and Zoning Commission is hereby designated as the "Inland Wetlands Agency" of the Town of Mansfield.

A. The Inland Wetlands Agency is hereby authorized to promulgate such regulations in conformity with regulations promulgated by the Commissioner of Environmental Protection, as are necessary to protect the inland wetlands and watercourses within the territorial limits of the town, as defined by said Public Act 155, and Public Act 73-571, and any amendments thereto.

B. Said Inland Wetlands Agency shall not enact any regulations, or amendments to existing regulations, or establish any boundaries of inland wetland areas until after a public hearing is held in relation thereto by said Agency, at which parties in interest and citizens shall have an opportunity to be heard. Notice of the time and place of such hearing shall be published in the form of a legal advertisement, in a newspaper having a substantial circulation in the Town of Mansfield, at least twice, at intervals of not less than two (2) days, the first not more than twenty-five (25) days nor less than fifteen (15) days, and the last not less than two (2) days before such hearing. A copy of such proposed regulation or boundary, or any amendments thereto, shall be filed in the office of the Town Clerk for public inspection at least ten (10) days before such hearing. A copy of such proposed regulation or boundary, or amendments thereto,

shall also be submitted to the Conservation Commission and to the Town Council for review at least fifteen (15) days before such hearing, but failure to receive a written reply from the Conservation Commission or from the Town Council shall not delay the public hearing or any decision of the Inland Wetlands Agency concerning the proposed regulation or boundary, or amendments thereto. Regulations or boundaries, or any amendments thereto, enacted by the Inland Wetlands Agency shall become effective at such time as is fixed by said Inland Wetlands Agency, provided that a copy of such regulation or boundary, or amendment thereto, is filed in the office of the Town Clerk.

C. Petitions may be submitted to the Inland Wetlands Agency, in writing, and in a form prescribed by said Inland Wetlands Agency, requesting a change in the regulations, or in the boundaries of the inland wetlands area, which petitions shall be considered at a public hearing within ninety (90) days after receipt of such petition; which public hearing shall be held in the manner provided in Subsection B above.

D. All regulations, boundaries and amendments thereto, enacted by said Inland Wetlands Agency, shall be submitted to the Commissioner of the Department of Environmental Protection, within ten (10) days of their effective date, to determine their conformity with the Inland Wetlands and Watercourses Regulations of the Connecticut Department of Environmental Protection and any amendments thereto.

E. The Inland Wetlands Agency may establish filing fees to be deposited with said Agency to defray the cost of publication of the notice required for a public hearing.

[1] *Editor's Note: See C.G.S. § 22a-42.*

#### § 40-4. Powers and duties.

In exercising the authority granted herein, the Inland Wetlands Agency shall:

A. Develop comprehensive programs in furtherance of the purposes of this chapter.

B. Advise, consult and cooperate with agencies of the town, state, the federal government, other states and with persons and municipalities in furtherance of the purpose of this chapter.

C. Encourage, participate in or conduct studies, investigations, research and demonstrations, and collect and disseminate information relating to the purpose of this chapter.

D. Retain and employ consultants and assistants on a contract or other basis for rendering legal, financial, technical or other assistance and advice in furtherance of any of its purposes, specifically including but not limited to soil scientists on a cost-sharing basis with the United States Soil Conservation Service for the purpose of completing the state soils survey and making on-site interpretations, evaluations and findings as to soil types.

E. Promulgate such regulations as are necessary to protect the wetlands and watercourses or any of them individually or collectively.

F. Inventory or index the wetlands and watercourses in such form, including pictorial representations, as the Inland Wetlands Agency deems best suited to effectuate the purposes of this chapter.

G. Exercise all incidental powers necessary to enforce regulations and to carry out the purposes of this chapter.

§ 40-5. Appeals.

Any person aggrieved by a decision of the town, acting through the Inland Wetlands Agency, shall have the right to appeal provided by Public Act 73-571, as amended from time to time.[1]

[1] Editor's Note: See C.G.S. 22a-43.

§ 40-6. ~~Penalties for offenses.~~ Citation Procedures and Fines for Violations of The Inland Wetlands and Watercourses Regulations of the Town of Mansfield

~~Any person violating this chapter or the regulations promulgated thereunder shall be subject to the remedies and penalties provided by Public Act 155 of 1972, as amended from time to time.~~

~~[1] Editor's Note: See C.G.S. § 22a-42.~~

A. Purpose

The purpose of this Ordinance section shall be to encourage compliance with the Mansfield Inland Wetlands and Watercourses Regulations and to discourage violators from engaging in additional violations by increasing the penalties for such additional violations.

B. Issuance of citations

(1) Pursuant to the authority vested in municipalities under Connecticut General Statutes Section 22a-42g, as amended, any person authorized by the Inland Wetlands Agency of the Town of Mansfield may issue a citation for any violation of Mansfield's Inland Wetlands and Watercourses Regulations in the manner provided by this Ordinance. Any person so authorized shall be designated a Wetlands Citation Officer.

(2) The Town shall maintain copies of all citations issued pursuant to this Ordinance for a period of no less than ten (10) years after the dates of issuance of the respective citations. The copies shall be indexed by street address/location of where the violation occurred and the citation was issued. Within ten (10) days after the final results of each citation, by payment of the specified fine or by a final decision on any appeal taken pursuant to the provisions of this Ordinance, a note shall be placed in the file on, or together with, the relevant citation indicating the nature of the final disposition. If no appeal is taken of a citation issued pursuant to this Ordinance, but the specified fine is not paid, a note to that effect shall be placed in the file on, or together with, the relevant citation.

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(3) Any such citation shall be issued by both regular mail and by Certified Mail, return receipt requested.

(4) Any person, partnership, corporation, company and/or association 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 to the Town. The day of receipt of the citation shall be considered three (3) business days after the date of mailing the citation.

(5) If a person, partnership, corporation, company and/or association who has been issued a citation does not make uncontested payment of the fine specified in the citation to the Town within the time allowed under Subsection B.4 of this Ordinance, the Wetlands Citation Officer shall send a notice to the person cited, informing such person anew: (1) of the allegations against him or her and the amount of the fine(s); and (2) that the person cited may contest liability before a Hearing Officer appointed by the Town Council, as provided in Subsection C.1 of this Ordinance, by delivering to the Wetlands Citation Officer, c/o the Inland Wetlands Agency, in person or by Certified Mail, return receipt requested, within ten (10) 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.

(6) If the person, partnership, corporation, company and/or association who is sent notice pursuant to Subsection B.5 of this Ordinance wishes to admit liability for any alleged violation, he, she or it may, without requesting a hearing, pay the full amount of the fine, either in person or by mail, to the Town. Any person, partnership, corporation, company or association who does not deliver or mail a written demand for a hearing within ten (10) days of the date of the notice described in Subsection B.5 of this Ordinance shall be deemed to have admitted liability and the Wetlands Citation Officer shall certify to the Hearing Officer that such person, partnership, corporation, company or association has failed to respond. The Hearing Officer shall thereupon enter and assess the fine provided for by this Ordinance and shall follow the procedures set forth in Subsection E.1 of this Ordinance.

C. Citation appeal and hearing procedures

Any person, partnership, corporation, company and/or association fined pursuant to this article may appeal such fine pursuant to the provisions of the Town of Mansfield Hearing Procedure for Citations set forth in Chapter 129 of the General Code of the Town of Mansfield.

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D. Exemptions

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Notwithstanding the foregoing, pursuant to Section 22a – 42g, no fine shall be levied against the State of Connecticut or any employee thereof acting within the scope of his or her employment. Likewise, no fine shall be levied against the Town or any employee thereof acting within the scope of his or her employment.

E. Schedule of fines

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- (1) The amount of the fine specified in any citation shall be based upon the presence or risk of significant impact on wetlands or watercourses associated with the violation, and the number of citations issued to the same person during the ten (10) years immediately prior to the date of the citation being issued.
- (2) The schedule of fines shall be as follows:

First Offense		
	Upland Review Area	In Wetland/Watercourse
No Significant Impact	\$ 100	\$ 250
Significant Impact	\$ 250	\$ 400
Second Offense		
	Upland Review Area	In Wetland/Watercourse
No Significant Impact	\$ 250	\$ 400
Significant Impact	\$ 400	\$ 700
Third Offense		
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