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**ORDINANCE CONCERNING INLAND WETLANDS
AND WATERCOURSES**

Adopted: December 13, 1973

Effective: January 11, 1974

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Judy E. Wallberg

**AMENDMENT I: INLAND WETLANDS &
WATERCOURSES ORDINANCE**

by substituting the following paragraph for section 2

thereof Adopted: January 30, 1990

Effective: February 18, 1990

**AMENDMENT II: INLAND WETLANDS &
WATERCOURSES ORDINANCE**

by adding "one member to serve three years." to section 2

thereof Adopted: February 11, 1992

Effective: February 29, 1992

**AMENDMENT III: ORDINANCE CONCERNING INLAND WETLANDS
& WATERCOURSES**

by repealing and replacing SECTION 6

Adopted: July 2, 1997

Effective: August 1, 1997

AMENDMENT IV: INLAND WETLANDS & WATERCOURSES ORDINANCE

by replacing Public Act references to statute references and reducing membership from 7 to
5 members and 3 to 2 alternate members

Adopted:

Effective:

SECTION 1

WHEREAS some of our wetlands and water courses have already been destroyed and others are in danger of being destroyed by unregulated filling or removal of material, by the building of structures, and other uses which will destroy, pollute, or eliminate them.

AND WHEREAS continuing unregulated activity will have an adverse impact on the environment and ecology of the Town of Woodstock, thus adversely affecting the future natural, scenic, historic, and recreational values and benefits for its citizens.

AND WHEREAS it is the purpose of this ordinance to make provisions for the protection, preservation, maintenance and use of the inland wetland and watercourses, and to maintain and improve water quality to meet the higher standards set by federal, state, or local authority.

THEREFORE, there is hereby created an inland wetlands agency for the Town of Woodstock to be known as THE WOODSTOCK INLAND WETLANDS AND WATER COURSES AGENCY (the Agency), pursuant to sections 22a-36 through 22a-45 of the Connecticut General Statutes.

SECTION 2 The Agency shall be composed of five (5) members and two (2) alternate members who shall be electors of Woodstock, residing in said town and who shall hold no salaried town office, to be appointed by the Board of Selectmen. Each member shall be appointed to serve a term of five (5) years such that only one member's term expires each year. The alternate members shall be appointed to serve a term of three (3) years such that only one alternate member's term expires in any given year. All terms begin January 1st.

Any vacancy in the membership of the Agency which may occur through death, resignation or otherwise, may be filled for the unexpired term of such member by the Board of Selectmen.

In the event that an Agency member misses four consecutive meetings, the Board of Selectmen may remove the member and fill the vacancy thus created.

SECTION 3 The Agency shall elect a chairman, vice chairman and secretaries from its membership, each with powers and responsibilities associated with such officers. It shall adopt rules for the transaction of business and shall keep a public record of its activities.

SECTION 4 The Agency shall adopt regulations in conformity with the regulations promulgated by the Commissioner of the Department of Energy and Environmental Protection for the protection of wetlands and water courses and shall serve as the sole agent for the licensing of regulated activities pursuant to such regulations given due consideration to the standards set forth in sections 22a-36 through 22a-45 of the Connecticut General Statutes as amended and shall provide for the manner in which boundaries of inland wetland areas of Woodstock shall be established and amended, changed or proposed in accordance with the provisions of section 22a-42a of the Connecticut General Statutes as amended.

SECTION 5 In exercising the authority granted herein, the Agency shall:

5.a Develop comprehensive programs in furtherance of the purposes of this ordinance.

5.b Advise, consult, and cooperate with agencies of the municipality, region, state, and federal government, other states and with persons and municipalities in the furtherance of the purposes of this ordinance; to this end, all applications for building permits, sub-division plans per other permits which involve or may involve regulated activities in an inland wetland or water course made to any other Woodstock board or commission shall be subject to review of the Agency.

5.c Encourage, participate in or conduct studies, investigations, research and demonstrations, and collect and disseminate information relating to the purposes of this ordinance;

5.d Retain and employ consultants and assistants on a contract or other basis for the purposes of rendering legal, financial, technical or other assistance and advice in furtherance of any of its purposes, specifically including but not limited to, soil scientists of the United States Natural Resources Conservation Service for the purpose of making onsite interpretations, evaluations and findings as to soil types and/or utilize the services of such other Town officials and employees as it may deem appropriate;

5.e Promulgate such regulations as are necessary to protect the inland wetland and water courses or any of them individually or collectively;

5.f Inventory or index the inland wetlands and water courses in such form, including pictorial representations, and list of plant species, as the Inland Wetlands Agency deems best suited to effectuate the purposes of this ordinance.

5.g Exercise all incidental powers necessary to enforce regulations and to carry out the purposes of this ordinance.

SECTION 6. FINE FOR VIOLATIONS

(a) The Agency of the Town of Woodstock, acting through its Wetlands Agent or his designee, is hereby authorized to impose a fine of up to one thousand dollars (\$1,000.) for violations of the Inland Wetlands and Watercourse Regulations of the Town of Woodstock (the "Regulations") on any person or entity committing such a violation.

(b) No fine may be levied under Section 1(a) of this Ordinance against the State of Connecticut, the Town of Woodstock, or any employee of the State of Connecticut or the Town of Woodstock acting within the scope of his employment.

SECTION 7 The invalidity of any word, clause, sentence, section, part, or provision of this ordinance shall not affect the validity of any other part which can be given effect without such invalid part or parts.

SECTION 8. PROCEDURE FOR CITATIONS FOR VIOLATIONS OF INLAND WETLANDS REGULATIONS.

(a) At any time within twelve months of issuing a citation of violation to a person who has violated the Regulations, upon authorization from the Agency, the Wetlands Agent shall send notice to the person cited informing the person: (1) of fees or fines due; (2) that he or she may contest his liability before a citation hearing officer by delivering in person or by mail written notice within ten days of the date of the notice; (3) that if he or she does not demand a hearing, an assessment and judgement shall be entered against him or her; and (4) that such judgment may issue without further notice.

(b) If the person who is sent notice pursuant to Subsection 8(a) 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 the Wetlands Agent. 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 first notice provided shall be deemed to have admitted liability, and the Wetlands Agent 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 (d) of this section.

- (c) 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. An original or certified copy of the initial notice of violation issued by the Wetlands Agent shall be filed and retained by the Town and shall be deemed to be a business record within the scope of section 52-180 of the Connecticut General Statutes and evidence of the facts contained therein. The presence of the Agent shall be required at the hearing if the person cited 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 the person cited 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. Notwithstanding the foregoing, the hearing officer may accept from the person cited copies of police reports, investigatory and citation reports, and other official documents by mail and may determine thereby that the appearance of the person cited 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 either in the amount originally assessed by the Agency or in such other amount, not to exceed \$1,000, as the hearing officer deems appropriate.
- (d) If such assessment is not paid on the date of its entry, the hearing officer shall send by first class mail a notice of 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 the Geographical Area of Windham together with an entry fee of eight dollars. The certified copy of the notice of assessment shall constitute a record of assessment. Within such twelve-month period, assessments against the same person may be accrued and filed as one record of assessment and court costs of eight dollars, against such person in favor of the Town. Notwithstanding any other provision of the Connecticut General Statutes, the hearing officer's assessment, when so entered as a judgment shall have the effect of a civil money judgement and a levy of execution on such judgment may issue without further notice of such person.
- (e) A person against whom an assessment has been entered pursuant to this section is entitled to judicial review by way of appeal. An appeal shall be instituted within thirty days of the mailing of notice of such assessment by filing a petition to reopen assessment, together with an entry fee in an amount equal to the entry fee for a small claims case pursuant to section 52-259 of the Connecticut General Statutes, in the superior court for the Geographical Area of Windham, which shall entitle such person to a hearing in accordance with the rules of the judges of the superior court.

- (f) The First Selectman shall appoint one or more citation hearing officers, to serve at the pleasure of the First Selectman, to conduct hearings under this Ordinance; such hearing officers shall not be police officers or employees of the Town or persons who issue citations under this Ordinance.
- (g) For the purposes of this Ordinance "person" means individual, corporation, partnership, limited liability company, or any other entity.

SECTION 9 The ordinance shall become effective fifteen (15) days after the publication thereof in a newspaper having circulation in the Town of Woodstock.