



Substitute House Bill No. 5391

Public Act No. 26-9

AN ACT CONCERNING THE ENFORCEMENT OF ZONING REGULATIONS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Section 8-12 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2026*):

If any building or structure has been erected, constructed, altered, converted or maintained, or any building, structure or land has been used, in violation of any provision of this chapter or of any bylaw, ordinance, rule or regulation made under authority conferred [hereby] by any provision of this chapter or by any special act, any official having jurisdiction, in addition to other remedies, may institute an action or proceeding to prevent such unlawful erection, construction, alteration, conversion, maintenance or use or to restrain, correct or abate such violation or to prevent the occupancy of such building, structure or land or to prevent any illegal act, conduct, business or use in or about such premises. Such bylaws, ordinances, rules or regulations shall be enforced by the officer or official board or authority designated therein, who shall be authorized to cause any building, structure, place or premises to be inspected and examined and to order in writing the remedying of any condition found to exist therein or thereon in violation of any provision of the regulations made under authority of the

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provisions of this chapter or, when the violation involves grading of land, the removal of earth or soil erosion and sediment control, to issue, in writing, a cease and desist order to be effective immediately. [The] Notwithstanding the provisions of any bylaw, ordinance, rule or regulation made under authority conferred by any provision of this chapter or by any special act, the owner or agent of any building or premises where a violation of any provision of such bylaws, ordinances, rules or regulations has been committed or exists, or the lessee or tenant of an entire building or entire premises where such violation has been committed or exists, or the owner, agent, lessee or tenant of any part of the building or premises in which such violation has been committed or exists, or the agent, architect, builder, contractor or any other person who commits, takes part or assists in any such violation or who maintains any building or premises in which any such violation exists, shall be fined not less than ten dollars or more than one hundred dollars for each day that such violation continues; but, if the offense is wilful, the person convicted thereof shall be fined not less than one hundred dollars or more than two hundred fifty dollars for each day that such violation continues, or imprisoned not more than ten days for each day such violation continues not to exceed a maximum of thirty days for such violation, or both; and the Superior Court shall have jurisdiction of all such offenses, subject to appeal as in other cases. [Any] Notwithstanding the provisions of any bylaw, ordinance, rule or regulation made under authority conferred by any provision of this chapter or by any special act, any person who, having been served with an order to discontinue any such violation, fails to comply with such order [within] not later than ten days after such service, or having been served with a cease and desist order with respect to a violation involving grading of land, removal of earth or soil erosion and sediment control, fails to comply with such order immediately, or continues to violate any provision of the bylaws, ordinances, rules or regulations made under authority of the provisions of this chapter or any special act specified in such order shall be subject to a civil penalty not to exceed two thousand

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five hundred dollars, payable to the treasurer of the municipality. In any criminal prosecution under this section, the defendant may plead in abatement that such criminal prosecution is based on a zoning bylaw, ordinance, rule or regulation which is the subject of a civil action wherein one of the issues is the interpretation of such bylaw, ordinance, rule or [regulations] regulation, and that the issues in the civil action are such that the prosecution would fail if the civil action results in an interpretation different from that claimed by the state in the criminal prosecution. If the court renders judgment for such municipality and finds that the violation was wilful, the court shall allow such municipality its costs, together with reasonable attorney's fees to be taxed by the court. The court before which such prosecution is pending may order such prosecution abated if it finds that the allegations of the plea are true.

Governor's Action:

Approved May 7, 2026