

OFFICE OF LEGISLATIVE RESEARCH
PUBLIC ACT SUMMARY



PA 26-9—sHB 5391

Planning and Development Committee

AN ACT CONCERNING THE ENFORCEMENT OF ZONING REGULATIONS

SUMMARY: This act authorizes municipalities that exercise zoning authority under a special act to enforce their regulations in the same way (under CGS § 8-12) as municipalities that exercise zoning authority under the statutes. For example, under the act, the zoning enforcement authority in a municipality zoning under a special act can enforce local regulations by asking the court (1) for an injunction; (2) to impose criminal penalties, including imprisonment; or (3) to impose a civil penalty of up to \$2,500 (see BACKGROUND for information on these and other remedies extended to municipalities zoning under a special act).

The act also makes minor, technical, and conforming changes.

EFFECTIVE DATE: October 1, 2026

BACKGROUND

Zoning Enforcement Under CGS § 8-12

By law, a municipality's zoning enforcement authority may issue written orders to remedy property conditions that violate zoning regulations (including related bylaws, ordinances, and rules). The authority may also issue cease-and-desist orders for violations involving land grading, soil removal, or soil erosion or sediment control.

CGS § 8-12 subjects a person to a civil penalty of up to \$2,500 if he or she (1) has been served with a written order and fails to comply with it within 10 days, (2) has been served with a cease-and-desist order and fails to comply immediately, or (3) continues to violate the specific regulation identified in the order. In addition, the court can grant the municipality injunctive relief if a person subject to an order does not comply with it.

In addition to these penalties for violating an order, a violation of the underlying regulations is subject to civil and criminal penalties. Ordinarily, violations are subject to a court-imposed fine of between \$10 and \$100 per day. However, if the violation is willful, the violator is subject to a fine of between \$100 and \$250 per day, imprisonment of up to 10 days for each day of the violation (up to a maximum of 30 days), or both. A willful violator may also be responsible for the municipality's costs and attorney's fees.

(In addition to the enforcement powers described above, existing law allows any municipality to enact an ordinance setting fines of up to \$150 per day for zoning violations, if the municipality also has a local citation hearing procedure (CGS § 8-12a).)