



Town of Ridgefield Conservation Commission

Guide to the New Conservation Commission Ordinance

May 18, 2016

<p>Background</p>	<p>The Town of Ridgefield has seen a variety of intrusions onto its open space in the last few years including placement of privately owned structures, use of Town land for private purposes, cutting down of trees, and disposal of debris. In addition, some violators have ignored pleas by the Board of Selectmen and the Conservation Commission (CC) to resolve those violations, taking months and years for resolution. Therefore, Chapters 262 (Conservation) and 24 (Citations) of the Town Code were amended effective May 27, 2016. The following summarizes the ordinance and process.</p>
<p>Definition of Violation</p>	<p>Violations on Town open space and easements managed by the CC include, but are not limited to:</p> <ul style="list-style-type: none"> • Placement of buildings, structures or play equipment. • Construction, destruction, or moving of fencing and stone walls within the boundary of the open space. • Creation of trails or pathways not authorized by the CC. • Unauthorized mowing of vegetation and cutting or removal of trees, shrubs and brush. • Placement or dumping of waste materials, including cut trees, shrubs, and leaves. • Removal of boundary markers. • Defacing, removing, destroying, or otherwise injuring in any manner whatsoever any structure, rock, tree, flower, shrub, or any plant life. • Disturbing or molesting any bird or animal. • Depositing of vehicles. <p>Any citizen of Ridgefield can identify a potential violation and report it to the Town's Conservation Enforcement Officer (CEO).</p>
<p>Conservation Enforcement Officer</p>	<p>The CEO is an employee of the Town of Ridgefield and the CC's agent for the issuance of violations and citations. The current CEO is Beth Peyser and can be reached at 203-431-2383.</p>
<p>Warning Notice</p>	<p>When a potential violation of Town open space is identified, the property will be investigated by the CEO and/or members of the CC. At that time a Warning Notice may be given to the violator indicating that further action will be taken by the CC. This starts the formal process.</p>
<p>Notice of Probable Violation</p>	<p>If after site investigation and review of relevant materials the CC determines that a probable violation has occurred, a Notice of Probable Violation will be sent to the violator and will do the following:</p> <ul style="list-style-type: none"> • Identify the nature of the alleged violation. • Include maps, photographs and documentation of the alleged violation, if available. • Note that the failure of the violator to remedy the violation within the prescribed time may result in fines and potential legal actions. • Request the violator contact the CC office to set up a meeting to resolve the alleged violation. • Inform the violator of the date of the public meeting of the CC when the violation will be heard by the Commission.

Notice of Violation	<p>Upon further consideration by the CC and communication with the violator, the CC will either determine that there was no violation (in which case the process is complete) or that a violation did occur. The Notice of Violation will include:</p> <ul style="list-style-type: none"> • A description of the violation. • The actions to be taken to remedy the violation. • The date upon which the violation shall be remedied. • That the failure of the violator to remedy the violation within the prescribed time shall result in the issuance of a citation. • The amount of the daily civil penalties and any other fines or penalties that can be imposed. • That if the violator fails to remove or remedy the violation, the Town may at its option pursue such remedies as may be available in law or in equity.
Extensions	<p>A 30-day extension of the compliance date may be granted by the CEO. Any further extension would need approval by the CC.</p>
Determination of Fines	<p>The ordinance provides for three types of fines:</p> <ul style="list-style-type: none"> • Daily civil penalty of \$250 per violation. • Reparable damages - restoration costs for damaged property. • Irreparable damages – this would include restoration costs as well as a settlement amount based on the “value” of the property damaged. A settlement would typically include requirements such as: <ul style="list-style-type: none"> • Planting of younger replacement tree(s). • Funding of a plan for their care and cultivation until mature enough to stand on their own. • Payment of a sum deemed to be the “value” of the damaged tree(s). Tree value shall be determined as described in C.G.S. §52-560a.
Citations	<p>Should a person not comply with the terms of the Notice of Violation, a citation will be issued by the CEO as a last resort to convince violators to comply with the ordinance. All proceeds go to the Town.</p> <p>A person named in the citation has a period of 30 days from receipt of the citation to make an uncontested payment of the fine specified in the citation and to comply with the CC’s requested remedy. Any person issued a citation shall be entitled to a hearing to contest the citation.</p>
Remedies including Liens	<p>If the Hearing Officer determines the violator is liable for the violation, the Town may:</p> <ul style="list-style-type: none"> • Cause or take such action as is necessary to remedy the violation. • Place a lien on the property. • Take court action.

Complete copies of Chapters 262 and 24 can be found on the Town website (www.ridgefieldct.org) under *Town Charter and Code of Ordinances* and under *Conservation Commission*.