



TOWN of TOLLAND/ 21 Tolland Green, Tolland, Connecticut 06084

## MEMO

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**TO:** Charter Revision Commission

**FROM:** Heidi Samokar, AICP, Director of Planning & Development

**DATE:** November 29, 2017

**RE:** Charter provisions related to Zoning Enforcement Officer

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In advance of the Charter Revision Commission's formation, town staff had the opportunity to make suggestions for possible revisions to the Town Charter. I had suggested eliminating the provision in Section C3-3 that requires the re-appointment of the Zoning Enforcement Officer (ZEO) every two years. My rationale is:

1. The Planning and Zoning Commission can appoint or dismiss the ZEO at any time, making the 2 year time frame unnecessary.
2. While current staff has been officially appointed by the Commission, I am not sure the Commission has made the appointment every two years in the past. If the Commission is in the midst of an enforcement action and the two years had lapsed, this could put an enforcement action in legal jeopardy. The two-year appointment term carries a burden without a reciprocal benefit.

At its last meeting, the Charter Revision Commission asked if there are any state statutes that govern term limits or the appointment of a ZEO. There are, but none place a term limit on appointments. Here are relevant town and state regulations:

### Tolland Zoning Regulations

- Section 2-2 defines Zoning Enforcement Officer: Agent designated by the Planning & Zoning Commission responsible for the enforcement of the regulations contained herein.

### Connecticut General Statutes (CGS)

- CGS 8-3 states that the [Planning &] Zoning Commission determines the manner of enforcing zoning regulations.
- CGS 8-11a states that a member of the Zoning Board of Appeals may not be designated as the Zoning Enforcement Officer.
- CGS 8-12 states "[zoning] regulations shall be enforced by the officer or official board or authority designated therein,...]"

The Planning and Zoning Commission discussed this matter at its November 27, 2017 meeting and concurred that the two-year term limit does not provide a benefit.