

TOWN OF HARWINTON
ORDINANCE AMENDING LAND USE APPLICATION FEES

SECTION 1. AUTHORIZATION: Pursuant to Connecticut General Statutes, §8-1c, as amended, the Town of Harwinton amends Ordinance No. 82, adopted March 6, 1990, as amended by Ordinance No. 99, adopted May 19, 1998, as amended by Ordinance No. 102, adopted September 26, 2000, to amend its land use application fees schedule to cover the reasonable cost of administrative processing, technical review, zoning enforcement, legal notices and publication required for various land use applications and to defray the reasonable cost for on-site inspections to ensure compliance with its municipal land use regulations.

SECTION 2. PURPOSE: The purpose of this Ordinance is to: (a) provide that the reasonable cost of review and processing of applications and inspections of sites are paid by the applicant and (b) to ensure post-approval compliance with municipal land use regulations and conditions of approval through adequate on-site inspections.

SECTION 3. BASE APPLICATION FEES: The Planning Commission, Zoning Commission, Zoning Board of Appeals, and Inland Wetlands and Watercourses Commission shall, by regulation, adopt base application fees to cover their reasonable cost of administrative processing, routine review, legal notices and publication. The Town's base application fees shall be as set forth in the current Harwinton Zoning Regulations, Subdivision Regulations, and Inland Wetland and Watercourses Regulations, as may be amended or revised by the respective Commissions. Such fees shall be considered the minimum application fees required for a routine application.

SECTION 4. ENFORCEMENT AND COLLECTION: The filing of an application constitutes the applicant's and the property owner's agreement to pay the base application fee and any additional surcharge fees. The base application fee shall be paid at the time the application is filed. If such fees are not paid when due, the Commission may deny the application as incomplete or withhold the issuance of any permit approved, and commence legal action against the applicant and/or the property owner to recover the fee. In the event the Commission is compelled to retain legal counsel to recover the fee, the applicant and/or the property owner shall be liable for the Commission's reasonable attorney's fee and costs of collection.

SECTION 5. ZONING COMMISSION FEE SCHEDULE: The Fees set forth in the Harwinton Zoning Regulations shall be as follows:

Changes and additions are noted in bold type.

APPENDIX A
FEE SCHEDULE

OLD FEE:

Fee for:	\$1.00 for each \$1,000 (or fraction thereof) of fair market value
Zoning Permit	of the permitted construction.
where no Site Plan	Minimum fee - \$10.00 Maximum fee - \$30.00
review is required	

NEW FEE:

Fee for:
Zoning Permit
where no Site Plan
review is required

\$5.00 FOR EACH \$1,000 (or fraction thereof) of fair market
value of the permitted construction, i.e., sheds, pools, etc.
Minimum fee - \$10.00 Maximum fee - \$30.00

ADDED:

**ZONING PERMIT WITH
SITE PLAN REVIEW:**

\$5.00 FOR EACH \$1,000 (or fraction thereof) of fair market
value of the permitted construction.
Maximum fee - \$100.00

THE FOLLOWING FEES ARE IN ADDITION TO THE FEE FOR A ZONING PERMIT

OLD FEE:

Fee for:
Special Permit or other
Permit involving a
Public Hearing plus
Site plan review, if appropriate

\$160.00. The Special Permit fee is used to defray the cost of
newspaper notice publication and other costs associated with
conduct of a public hearing. (Includes \$20 state fee).

NEW FEE:

Fee for:
Special Permit or other
Permit involving a
Public Hearing plus
Site Plan review, is appropriate

\$170.00. The Special Permit fee is used to defray the cost of
newspaper notice publication and other costs associated with
conduct of a public hearing. (Includes \$20.00 state fee).

Site Plan Review:
Retail Service Zone, Light
Industrial Zone, Planned
Multi-Family Zone, Planned
Retail Service Zone, Planned
Industrial Park Zone

\$300.00 for \$100,000 value or less;
\$500.00 for more than \$100,000 value up to \$500,000 value;
\$200.00 for each additional \$100,000.

OLD FEE:

Site Plan Review where
Required for all other zones:

\$100.00

NEW FEE:

Site Plan Review where
Required for all other zones:
Petition to establish or change

\$200.00

Zoning District Boundary Lines

OLD FEE:

- a. For any single family,
Residential zoning districts
(CR, TR, LH zones) \$300.00

NEW FEE:

- b. For any single family,
Residential zoning districts
(CR, TR, LH zones) \$500.00

OLD FEE:

- c. For all other Zoning
Districts (RS, LI, PMF,
PIP, FH) \$500.00

NEW FEE:

- d. For all other Zoning
Districts (RS, LI, PMF,
PIP, FH) \$750.00

OLD FEE:

Petition for change to Zoning
Regulations (text) \$300.00

NEW FEE:

Petition for change to Zoning
Regulations (text) \$500.00

OLD FEE:

Fee for: \$20.00 minimum for each site inspection
Erosion and Sediment \$60.00 maximum for up to 3 inspections
Control Plan Inspection

NEW FEE:

Fee for: \$50.00 for each inspection
Erosion and Sediment (omitting \$60.00 maximum for up to 3 inspections)
Control Plan Inspection

ADDED:

**SITE INSPECTION
THAT DOES NOT INCLUDE
SOIL AND EROSION
CONTROL, i.e., SETBACK
INSPECTIONS \$25.00 PER INSPECTION**

OLD FEE:

Fee for:
Home Occupation and Professional Office \$150.00 Special Permit fee plus \$10.00 annual renewal

NEW FEE:

Fee for:
Home Occupation and Professional Office \$200.00 Special Permit fee plus \$25.00 annual renewal *

OLD FEE:

Fee for:
Bed and Breakfast \$150.00 Special Permit fee plus \$15.00 annual renewal

NEW FEE:

Fee for:
Bed and Breakfast \$300.00 Special Permit fee plus \$50.00 annual renewal

OLD FEE:

Fee for Certificate of Occupancy \$20.00

NEW FEE:

Fee for Certificate of Compliance \$50.00

TO BE ADDED:

\$20.00 State fee PA92-235 amended by PA03-6 TO BE COLLECTED FOR EACH APPLICATION

TO BE ADDED:

IF PROPERTY OWNER DOES NOT COME INTO COMPLIANCE, A CEASE AND DESIST ORDER WILL BE ISSUED AND INSPECTION AND REVIEW FEES WILL BE CHARGED AT THE RATE OF \$50.00 PER HOUR (OR A FRACTION THEREOF).

* Amended by Town Meeting 3/9/04 to reduce application fee from \$300.00 to \$200.00 and renewal fee from \$50.00 to \$25.00

SECTION 6. ZONING BOARD OF APPEALS FEE: The fee for any application or petition to the Zoning Board of Appeals for a variance or appeal or other matter is increased from \$150.00 to \$155.00, plus \$20.00 state fee for a total of \$175.00, nonrefundable, due at the time of filing the application or petition.

SECTION 7. INLAND WETLANDS AND WATERCOURSES COMMISSION FEE SCHEDULE: The fees set forth in the Regulations of the Inland Wetlands and Watercourses Commission (the "Agency") pursuant to Connecticut General Statutes, §8-1c and §22a-42a(e), as amended shall be as follows:

SECTION 19 - APPLICATION FEES

- 19.1 Method of Payment. All fees required by these regulations shall be submitted to the Agency by personal check, certified check or money order payable to the Town of Harwinton at the time the application is filed with the Agency.
- 19.2 No application shall be granted or approved by the Agency unless the correct application fee is paid in full or unless a waiver has been granted by the Agency pursuant to subsection 19.7 of these regulations.
- 19.3 The application fee is not refundable.
- 19.4 Definitions. As used in this section:

“Residential Uses” means activities carried out on property developed for permanent housing or being developed to be occupied by permanent housing.

“Commercial Uses” means activities carried out on property developed for industry, commerce, trade, recreation, or business or being developed to be occupied for such purposes, for profit or nonprofit.

“Other Uses” means activities other than residential uses or commercial uses.

- 19.5 Fee Schedule. Application fees shall be based on the following schedule:
 - a. PERMITTED AND NONREGULATED USES (See section 4 of these regulations).
 PERMITTED USES AS OF RIGHT – (Section 4.2).....no charge
 - b. REGULATED USES (See section 6 of these regulations)
 - RESIDENTIAL USES.....\$60.00
 -PLUS: \$25.00/LOT OR \$45.00/ACRE OF WETLAND
 -ON THE PROPERTY, WHICHEVER IS MORE up to a maximum of \$130.00
 - COMMERCIAL USES\$200.00
 -PLUS \$25.00/LOT OR \$45.00/ACRE OF WETLAND
 -ON THE PROPERTY, WHICHEVER IS MORE.
 - ALL OTHER USES.....\$60.00
 - c. SIGNIFICANT ACTIVITY FEE\$60.00
 (See section 7.4 of these regulations.) amended to: **\$160.00**
 - d. MAP AMENDMENTS PETITIONS.....\$25.00
 (See section 14.3 of these regulations.) amended to: **\$200.00/amendment**
PLUS FEE FROM FEE SCHEDULE OF THESE REGULATIONS
 - e. MODIFICATION OF PREVIOUS APPROVAL \$25.00

ADDED:

- f. **ILLEGAL ACTIVITY in a regulated area is subject to inspection and review fees and expenses at the rate of \$50.00 per hour (or a fraction thereof) in connection with such action.**
- g. Pursuant to Ordinance 102 effective 10-12-00, SURCHARGE FEES:
 - a. When the actual cost of processing an application exceeds the base application fee due to the need for outside consultant services, the Planning Commission, Zoning Commission, and Inland Wetlands and Watercourses Commission may charge the applicant an additional surcharge fee to cover the estimated reasonable cost of such consultant services. Any portion of the estimated surcharge fee not expended by the Town on such services shall be refunded to the applicant.
 - b. In addition the Planning Commission, Zoning Commission, and Inland Wetlands and Watercourses Commission may charge the application an additional surcharge fee to cover the actual, reasonable cost of outside consultant services required to review and inspect a project once an approval has been issued in order to ensure compliance with the regulations and conditions of approval.

THERE WILL BE NO FEE FOR CORRECTING TYPOGRAPHICAL ERRORS.

SECTION 8. PLANNING COMMISSION FEE SCHEDULE: The Planning Commission fee schedule shall be as set forth in the Harwinton Subdivision Regulations and prior Ordinances of the Town of Harwinton.

SECTION 9. EFFECTIVE DATE: These fees shall take effect for all applications filed and all matters occurring fifteen (15) days after publication of a summary of this Ordinance pursuant to Connecticut General Statutes, §7-157(b).

ADOPTED AT TOWN MEETING: March 9, 2004

PUBLISHED IN THE Republican : American

EFFECTIVE DATE: March 27, 2004

AMENDED BY ORDINANCE 126 and 138, 145

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