



TOWN OF BOZRAH

TOWN HALL

1 RIVER ROAD

BOZRAH, CT 06334

Telephone: 860-889-2689 • Fax: 860-887-5449

Ordinance 2023-3

Now therefore be it ORDAINED by the electors of the Town of Bozrah at a duly warned Town Meeting concluding on March 29, 2023, The Town of Bozrah hereby repeals previous Ordinance 2012-1 and enacts the following ordinance in its place:

AN ORDINANCE CONCERNING LAND USE APPLICATION FEES IN THE TOWN OF BOZRAH

Pursuant to the provisions of Section 8-1c of the Connecticut General Statutes, the Town of Bozrah adopts the following schedules for applications to the Planning & Zoning Commission, the Zoning Board of Appeals, the Inland Wetlands & Conservation Commission, and the Town of Bozrah in any land use regulatory capacity. Any land use board or commission may vote to periodically amend the fees outlined in the ordinance without requiring the passage of a new ordinance. The term “commission” may be used in this ordinance in place of any of the abovementioned land use commissions and boards.

A. Fee Schedule - Administrative.

The following fees shall be due at the time the application is filed. The failure to submit any such fee shall render the application incomplete and shall be grounds for the relevant commission or board to refuse to process the application or to deny the application.

The Connecticut General Statutes Section 22a-27j requires a fee, which shall be in addition to the following fees. At the time of adoption of the ordinance the fee required under Section 22a-27j is **\$60**. In the event that Section 22a-27j is amended to require a different fee amount, the Town of Bozrah shall charge an amount consistent with the statute. If Section 22a-27j is repealed, no additional fee shall be due.

Public hearings are required for certain land use applications. Where a public hearing is required, costs associated with the public hearing are reflected in the fee. The various land use commissions may choose to hold a public hearing on any application. If a commission determines that a public hearing is necessary due to the nature the application, the applicant shall be assessed an additional fee of **\$500**, which shall be due prior to the commencement of the public hearing.

Waiver: All boards and agencies of the Town of Bozrah shall be exempt from the payment of the fees established pursuant to this ordinance. A Commission may in whole or in part exempt any application from the payment of any or all fees. When exempting an applicant, a Commission shall state in the minutes of the meeting at which the application was received the fee type exempted and the reasons for granting the exemption. This exemption shall not prohibit a Commission from requiring consultant reports or services under section B.

A.I Planning & Zoning Commission

Subdivision of Land and Modification of Lot Boundaries

Commission Review and Approval Required:

	<i>Notice Fee</i>	<i>Review Fee</i>	<i>Public Hearing Fee</i>	<i>Additional Fees</i>
<i>Subdivision</i>	\$150	\$200/new lot;	Commission Discretion*	Consultant Review** Supervision & Inspection***
<i>Resubdivision</i>	\$150	\$200/new lot;	\$500, Required	Consultant Review** Supervision & Inspection***
<i>Subdivision or Resubdivision Modification</i>	\$150	\$200/lot affected by modification;	\$500, IF required or held	Consultant Review** Supervision & Inspection***
<i>Subdivision or Resubdivision Renewal</i>	\$150			

Staff Review and Approval Required

	<i>Review Fee</i>
<i>Lot Boundary Line Revision</i>	\$200
<i>“Free Split”</i>	\$200

* The Commission may hold a public hearing at its discretion and charge the applicant a hearing fee.

**See Consultant Review, section B.I.

***See Supervision & Inspection section B.II.

Site Plans, Special Exceptions, and other Zoning Approvals

Planning & Zoning Commission Applications

	<u>Notice Fee</u>	<u>Review Fee</u>	<u>Public Hearing Fee</u>	<u>Additional Fees</u>
<u>Commercial or Residential Site Plan</u>	\$150	\$100/page;	Commission Discretion*	Consultant Review** Supervision & Inspection***
	<u>Notice Fee</u>	<u>Review Fee</u>	<u>Public Hearing Fee</u>	<u>Additional Fees</u>
<u>Special Exception with Site Plan</u>	\$150	\$100/page;	\$500, Required	Consultant Review** Supervision & Inspection***
<u>Special Exception without Site Plan</u>	\$150	\$150;	\$500, Required	
<u>Site Plan Modification</u>	\$150	\$100/page;	\$500, IF required or held	Consultant Review** Supervision & Inspection***
<u>Site Plan Renewal</u>	\$150			
<u>Home Occupation</u>	\$150	\$100	Commission Discretion*	

Certificates of Zoning Compliance (Staff Approval)

	<u>Review Fee</u>
<u>Commercial</u>	\$300
<u>Single-family Residential</u>	\$200
<u>Multi-family Residential</u>	\$250
<u>Other (additions, sheds, pools, etc)</u>	\$50
<u>Signs</u>	\$50

* The Commission may hold a public hearing at its discretion and charge the applicant a hearing fee.

**See Consultant Review, section B.I.

***See Supervision & Inspection section B.II.

Regulation, Map, and Plan Amendments

	<u>Notice Fee</u>	<u>Review Fee</u>	<u>Public Hearing Fee</u>	<u>Additional Fees</u>
<u>Zoning Regulation Amendment</u>	\$150	\$150;	\$500, Required	
<u>Zoning Map Amendment</u>	\$150	\$150;	\$500, Required	
<u>Subdivision Regulation Amendment</u>	\$150	\$150;	\$500, Required	
<u>Plan of Conservation and Development Amendment</u>	\$150	\$150;	\$500, Required	

A.II Inland Wetlands & Conservation Commission

The Inland Wetlands & Conservation Commission determines its jurisdiction relative to any submitted application and classifies all activities.

When the Inland Wetlands & Conservation Commission finds that an activity is a Regulated Activity, it may also determine that such activity is a “Significant Activity”. If such a determination is made, the applicant will be charged an additional fee of **\$500**, which shall be **due to the Town prior to the commencement of the required public hearing**.

Review Fees required under this section shall be doubled for any application that proceeds “after-the-fact” and in response to a Notice of Violation and/or Cease and Desist Order or Cease and Correct Order by the Wetlands Agent.

All Inland Wetlands & Conservation Commission Applications

	<u>Notice Fee</u>	<u>Review Fee</u>	<u>Public Hearing Fee</u>	<u>Additional Fees</u>
<u>Jurisdictional Ruling</u>	\$50			
<u>As-of-Right Activity</u>	\$50			
<u>Non-Regulated Activity</u>	\$50			
<u>Residential, Recreation, Conservation, or Agricultural Uses</u>	\$150	\$150/lot;	Commission Discretion*	Consultant Review** Supervision & Inspection***

<u>All other Uses, including Commercial and Industrial</u>	\$150	\$250/lot;	Commission Discretion*	Consultant Review** Supervision & Inspection***
<u>Permit Renewal</u>	\$150			
<u>Permit Ownership Transfer</u>		\$50		
<u>Significant Activity</u>	\$150	\$250/lot;	\$500, Required	Consultant Review** Supervision & Inspection***
<u>Inland Wetlands and Watercourses Regulation or Map Amendment</u>	\$150	\$0	\$500, Required	

* The Commission may hold a public hearing at its discretion and charge the applicant a hearing fee.

**See Consultant Review, section B.I.

***See Supervision & Inspection section B.II.

A.III Zoning Board of Appeals

All Zoning Board of Appeals Applications

	<u>Notice Fee</u>	<u>Review Fee</u>	<u>Public Hearing Fee</u>	<u>Additional Fees</u>
<u>Variance</u>	\$150	\$150	\$500, Required	
<u>Appeal of Decision of the Zoning Enforcement Official</u>	\$150	\$150	\$500, Required	
<u>Location Approval</u>	\$150	\$150		

B. Consultant Fees and Expenses.

Fees for costs incurred directly by the Commission or the Town of Bozrah in the processing of land use applications, exclusive of the fixed fees in Section A of this Ordinance, shall be reimbursed by the applicant and shall include the cost of materials and/or services performed. Services may include, but are not necessarily limited to, scientific, engineering, and legal consultants, to review the application or to provide monitoring services with the purpose of protecting the public health, safety, and welfare. Such services/providers shall be determined by the Commission, based on the unique characteristics and context of each application. The payment of such fees for reimbursement of such costs shall not prohibit the Commission from requiring performance bonds to ensure the successful completion of all work as may be prescribed in the Commission's regulation or Town Ordinances. The refusal of the applicant to pay any required fees shall render the application incomplete and shall be grounds for denial of

the application. The failure to pay such fees when due shall be grounds for revocation of the permit or approval.

B.I Consultant Review

By a two-thirds vote of the Commission, the Commission may require the applicant to bear the consultant costs for applications.

The Commission may choose to bear the costs of the first review of a project by the Consulting Town Engineer.

- A. The expenses shall be paid by the applicant on an actual and reasonable cost basis.
- B. The fee shall be determined by the Commission and assessed to the applicant after the administrative fees are paid.
- C. All such applications shall be accompanied by an agreement signed by the applicant specifically agreeing to pay the aforesaid additional project review fees as determined by the Commission. Such agreement shall state the conditions imposed and the obligations of the applicant.
- D. The applicant shall maintain on deposit with the Commission an amount of money estimated to be sufficient to cover the said consultant expenses. The Commission may revise such estimate from time-to-time, and thereupon require additional sums to be deposited to cover such fees. Said agreement shall be signed and initial estimated fees shall be deposited prior to the consultant's review of the application.
- E. No application will be considered complete until such fee or fees have been paid and such agreement has been submitted.
- F. Fees shall be payable in cash, check or money order. Checks or money orders shall be made payable to the Town of Bozrah.
- G. Fees shall be placed in a fund named for the application.
- H. Upon completion of the consultant's review and final action on the application by the Commission, the Commission or its staff shall determine the costs incurred for the consultant review and refund the excess funds to the applicant.
- I. If an applicant withdraws an application, the applicant shall be responsible for the consultant review fees incurred up until the date when the applicant has submitted a written notice of withdrawal to the Commission or its staff.

B.II Supervision & Inspection

Upon approval of an application by the Commission for which it is determined that substantial supervision and inspection is required to monitor for compliance with permit conditions or Commission orders, the Commission may require, by a two-thirds vote, that the permittee pay the costs associated with that supervision and inspection.

- A. The expenses shall be paid by the permittee on an actual and reasonable cost basis.
- B. The fee shall be determined by the Commission and included in an agreement signed by the permittee specifically agreeing to pay the aforesaid fees. Such agreement shall

state the conditions imposed and the obligations of the permittee. Said agreement shall be signed and such estimated fees shall be deposited prior to the beginning of construction.

C. The permittee shall maintain on deposit with the Commission an amount of money estimated to be sufficient to cover the said consultant expenses. The Commission may revise such estimate from time-to-time, and thereupon require additional sums to be deposited to cover such fees. Fees shall be payable in cash, check or money order. Checks or money orders shall be made payable to the Town of Bozrah.

D. Fees shall be placed in a fund named for the project.

E. Upon completion of project construction, the Commission or its staff shall determine the costs incurred for the consultant review and refund the excess funds to the permittee.

F. A Certificate of Occupancy shall not be issued until the permittee has reimbursed said expenses.

C. Bond.

A bond may be required in an amount and in a form satisfactory to the authorizing Commission to guarantee satisfactory completion of all proposed work.

The applicant shall provide a cost estimate of public improvements and/or required erosion and sediment controls depicted on the plan, together with a description of the basis for the estimate. The Consulting Town Engineer will review the submitted bond estimate. If the Consulting Town Engineer recommends changes to the estimate, such changes shall be incorporated by the applicant. No permit shall be issued until the bond(s) is received.

The Town Treasurer shall hold the required bond(s) until the authorizing Commission votes its release. The Commission shall not release the bond until it receives certification by an assigned inspection that all of the requirements stipulated in the issuance of the permit have been met.

This Ordinance shall take effect fifteen (15) days after publication in accordance with the Connecticut General Statutes Chapter 98 §7-157.

Bulletin Publication Date: April 7, 2023

Dated: at Bozrah, Connecticut this 4th day of April 2023.

Assistant Town Clerk: Greg Pardo