

**TOWN OF HARWINTON  
ORDINANCE AMENDING LAND USE APPLICATION FEES**

**SECTION 1. AUTHORIZATION:** Pursuant to §8-1c of the Connecticut General Statutes Revised 1999, as amended, the Town of Harwinton amends Ordinance No. 82, adopted March 6, 1990, as amended by Ordinance No. 99, adopted May 19, 1998, to amend its land use application fees schedule to cover the reasonable cost of administrative processing, technical review, legal notices and publication required for various land use applications, and to defray the reasonable cost of post-approval technical review and on-site inspections to ensure compliance with its municipal land use regulations.

**SECTION 2. PURPOSE:** The purposes of this Ordinance are: (a) to provide that the reasonable cost of pre-approval review and processing, and post-approval review and inspection, are paid by the applicant, (b) to provide the Town's land use commissions with adequate technical assistance to review complex applications, and (c) to ensure post-approval compliance with municipal land use regulations and conditions of approval through adequate technical advice and 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 the 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. 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.

**SECTION 5. OUTSIDE CONSULTANTS:** The term "outside consultant" means a professional who is not an officer or employee of the Town, including, but not limited to, engineering, traffic, hydrological, environmental, and planning professionals.

**SECTION 6. 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. The surcharge fees shall be paid within ten (10) days of the date the invoice is mailed or delivered to the applicant. 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 property owner shall be liable for the Commission's reasonable attorney's fee and costs of collection.

**SECTION 7.** This Ordinance shall take effect within fifteen (15) days of publication of a summary of its provisions in a newspaper having a circulation in the Town of Harwinton, and shall apply to all applications filed or pending at the time of its adoption, and shall ratify all application fees previously charged by the Planning Commission, Zoning Commission, Zoning Board of Appeals, and Inland Wetlands and Watercourses Commission pursuant to the Commission's respective regulations.

ADOPTED AT TOWN MEETING: September 26, 2000

PUBLISHED IN THE Republican-American : September 28, 2000

EFFECTIVE DATE: October 12, 2000

**AMENDED BY ORDINANCE 126 and 138, 145**