

**TOWN OF HARWINTON
SPECIAL TOWN MEETING
JUNE 17, 2008**

**ORDINANCE AMENDING THE INLAND WETLANDS COMMISSION
APPLICATION FEE SCHEDULE**

Section 1. Authorization.

This Ordinance is adopted pursuant to Connecticut General Statutes §§8-1c, 22a-42a(e), as amended, and amends the following Harwinton Ordinances:

- (a) Ordinance Concerning Fee Schedule, No. 82 (1990);
- (b) Ordinance Increasing Zoning Board of Appeals Application Fees, No. 99 (1998);
- (c) Ordinance Amending Land Use Application Fees, No. 102 (2000);
- (d) Ordinance Amending Land Use Application Fees, No. 114 (2004).

Section 2. Application Fee Schedule Amended.

The following application fee schedule, adopted by the Inland Wetlands and Watercourses Commission (the "Commission") as part of its revised regulations (the "regulations") effective March 24, 2008, is hereby adopted by Ordinance:

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 its regulations.
- 19.3 The application fee is not refundable.
- 19.4 Definitions. As used in this Ordinance:

“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.

AN ADDITIONAL CHARGE FOR THE DEP NOTIFICATION WILL BE ADDED TO ALL APPLICATION FEES.

19.5 Fee Schedule. Application fees shall be based on the following schedule:

- a. PERMITTED AND NONREGULATED USES (See Section 4 of the regulations.)
PERMITTED USES AS OF RIGHT – (See Section 4.2 of the regulations).....\$30.00
- b. REGULATED USES (See Section 6 of these regulations)
RESIDENTIAL USES.....\$100.00

COMMERCIAL USES\$200.00
.....PLUS \$100 PER ACRE OF AFFECTED AREA

ALL OTHER USES.....\$100.00
- c. SIGNIFICANT ACTIVITY FEE\$500.00
(See Section 7.4 of the regulations.)
- d. MAP AMENDMENT PETITION.....\$200.00
(See Section 14.3 of the regulations.)
.....PLUS FEE FROM FEE SCHEDULE OF THE REGULATIONS
- e. MODIFICATION OF PREVIOUS APPROVAL.....\$100.00
- f. ILLEGAL ACTIVITY in a regulated area is subject to inspection and review fees and expenses at the rate of \$100.00 per hour (or a fraction thereof) in connection with such action.
- g. AFTER-THE-FACT PERMIT.....\$650.00
.....PLUS THE BASE PERMIT APPLICATION FEES
- h. 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 applicant 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.

- 19.6 Exemption. Boards, commissions, authorities and departments of the Town of Harwinton are exempt from all fee requirements.
- 19.7 Waiver. The applicant may petition the Agency to waive, reduce or allow delayed payment of the fee. Such petitions shall be in writing and shall state fully the facts and circumstances the Agency should consider in its determination under this subsection. The Agency may waive all or part of the application fee if the Agency determines that:
- a. The activity applied for would clearly result in a substantial public benefit to the environment or to the public health and safety and the applicant would reasonably be deterred from initiating the activity solely or primarily as a result of the amount of the application fee, or
 - b. The amount of the application fee is clearly excessive in relation to the cost to the Town for reviewing and processing the application.

The Agency shall state upon its record the basis for all actions under this subsection.

Section 3. Effective Date.

This Ordinance shall take effect fifteen(15) days after publication of a summary of its provisions in accordance with Connecticut General Statutes §7-157(b) and shall ratify and confirm all fees charged by the Commission pursuant to the above fee schedule.

ADOPTED BY TOWN MEETING HELD: June 17, 2008.
PUBLISHED IN THE Republican-American June 19, 2008.
EFFECTIVE DATE: July 4, 2008.
HARWINTON TOWN RECORDS: VOLUME 7 PAGES 265-267.

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AMENDED BY ORDINANCE 138