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AN ORDINANCE
ESTABLISHING AN INLAND WETLANDS
AND WATERCOURSES COMMISSION
AND PROVIDING FOR A FEE STRUCTURE FOR APPLICATIONS

Section 1. Purpose

In accordance with Section 22a-42(c) of the Connecticut General Statutes, there is hereby established an Inland Wetlands and Watercourses Commission for the regulation of activities affecting the wetlands and watercourses within the territorial limits of the Town of Ledyard.

Section 2. Membership and a Panel of Alternates

The Inland Wetlands and Watercourses Commission shall consist of nine (9) electors of the Town of Ledyard to be appointed by the Town Council of the Town of Ledyard for a term of two (2) years. The Commission shall include five (5) regular members and a panel of four (4) alternate members. Members shall commence to serve their terms immediately upon appointment and shall serve until their successor has qualified or they have been reappointed or removed by the Town Council.

Appointment and removal of any member of the Inland Wetland and Water Courses Commission shall be as provided for in Chapter IV, Section 9, of the Town Charter.

Any vacancy on the Commission, other than by expiration of term, shall be filled for the unexpired portion of the term by the Town Council.

Any member of the Commission who is absent from three (3) consecutive regular meetings and any intervening duly called special meetings shall be considered to have resigned from the Commission. The vacancy shall be filled as herein before provided. Additionally, the commission may vote to waive the requirements of this section in each case where illness or other extenuating circumstances make it impossible for a member to meet the attendance requirements of this action.

The Town Council may remove members of the Commission for cause, including but not limited to a member's absence without reasonable cause from three consecutive meetings. For purposes of this Ordinance, the term "meetings" shall include any regular and/or special meeting of the Commission and/or any combination thereof. It shall be the responsibility of the Chairman of the Commission to notify the Town Council when a member has not properly performed his duties by reason of his failure to attend meetings.

Section 3. Powers and Duties

The Inland Wetlands and Watercourses Commission shall promulgate such regulations, in conformity with the regulations promulgated by the Commissioner of Environmental Protection, pursuant to Section 22a-39 of the General Statutes, as are necessary to protect the wetlands and watercourses within the territorial limits of the Town of Ledyard.

The Commission will serve as the sole agent for the licensing of regulated activities per Section 22a-42(c) of the General Statutes.

The Commission shall exercise such other powers and duties as set forth in Section 22a-42(c) of the General Statutes.

Section 4. Spending Funds

The Inland Wetlands and Watercourses Commission may expend such funds as the town may appropriate from time to time to carry out its purposes.

Section 5. Fees

Section 5.1 Schedule of Fees

The Inland Wetlands Official with the approval of the Inland Wetlands and Watercourses Commission and the Town Council, is hereby authorized to, and shall, establish a schedule of fees for applications for an Inland Wetland and Watercourses Permit. Said fee schedule, as may be amended from time to time, is hereby incorporated in this Ordinance as fully set forth herein. The fee schedule shall be sufficient to defray the reasonable municipal costs of reviewing and acting on applications and petitions, including, but not limited to, the costs of mailing, publications of notices and decisions and monitoring compliance with permit conditions or Inland Wetlands and Watercourses Commission orders. The fee schedule will be reviewed annually by the Inland Wetlands Official. Any proposed amendments to the fee schedule shall be reviewed and approved by the Commission and the Town Council before taking effect.

Section 5.2 Consultant's Fee

The Inland Wetlands Official is hereby authorized to charge the applicant of an Inland Wetlands and Watercourses Permit a consultant's fee for applications that the Inland Wetlands and Watercourses Commission requires help with. The consultant's fee would be used to hire one or more consultants to provide information to the Inland Wetlands and Watercourses Commission to aid in its review process. Any consultant's fee funds remaining after the review process would be returned to the applicant. Any amount needed in excess of what was charged will be billed to the applicant and the permit will not be issued until the outstanding balance is paid.

Section 5.3 State Fee

Pursuant to Connecticut General Statutes 22a-27j, all applications are subject to an additional State fee. Two dollars (\$2.00) of the state fee shall be retained for municipal administrative costs and the remainder paid quarterly to the State Department of Environmental Protection.

Section 6. Accounting

The Inland Wetlands Official shall keep an accurate account of all fees collected, and such fees shall be deposited by the treasurer of the Town of Ledyard in the general fund.

Section 7. Filing the Fee Schedule

A copy of the fee schedule shall be filed with the Town Clerk when established and when amended.

Section 8: Severability

If any section, or part of a section, of this Ordinance shall be held by a court of competent jurisdiction to be invalid, such holding shall not be deemed to invalidate the remaining provisions hereof.

Section 9. Effective Date

In accordance with the Town Charter this ordinance shall become effective on the twenty-first (21st) day after such publication following its final passage.

Amended, Adopted and Renumbered by the Town Council on: September 25, 2019

Linda C. Davis
Linda C. Davis, Chairman

Approved/Disapproved on: 9/26/19

Fred B. Allyn, III
Fred B. Allyn, III, Mayor

Published on: October 2, 2019

Effective Date: October 23, 2019

Patricia A. Riley
Patricia A. Riley, Town Clerk

Revisions: Ordinance #27 "An Ordinance Amending an Ordinance Establishing an Inland Wetland and Water Courses Commission" Adopted: October 10, 1973; Ordinance #27 An Ordinance Amending an Ordinance Establishing an Inland Wetland and Water Courses Commission Amended and Adopted: November 24, 1982.

Ordinance #90 "An Ordinance Amending an Ordinance Establishing an Inland Wetland and Water Courses Commission and Providing for a Panel of Alternates" Adopted October 10, 1973; Ordinance #90 An Ordinance Amending an Ordinance Establishing an Inland Wetland and Water Courses Commission and Providing for a Panel of Alternates" Amended and Adopted on November 24, 1981; Ordinance #90 An Ordinance Amending an Ordinance Establishing an Inland Wetland and Water Courses Commission and Providing for a Panel of Alternates" Amended and Adopted: November 12, 2003.

Ordinance #115 "An Ordinance Establishing an Inland Wetland and Water Courses Commission and Providing for a Fee Structure for Applications" Adopted: September 27, 2007; Effective: November 10, 2007.

History: The Twenty-fourth Town Council (2017- 2019) Ordinance Update Initiative: Renumbered Ordinance #115 "An Ordinance Amending An Ordinance Establishing An Inland Wetlands and Watercourses Commission And Providing For A Panel Of Alternate to Ordinance #300-013.

2019; Section 2 "Membership and a Panel of Alternates" added language regarding member attendance relative to being considered resigned; Section 8 "Severability" was added for consistency with Town Ordinance format. Removed Section 9 "Cancellation of Previous Ordinance" – Per Town Attorney "Cancellation Section" was not needed. The "Revisions" and "History" paragraphs indicate that the previous ordinance has been updated and replaced. Added new Section 9 "Effective Date" for consistency with Town Ordinance format.

APPENDIX
 AN ORDINANCE
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IWWC APPLICATION FEES*

*ALL BELOW FEES ARE IN ADDITION TO THE \$60 SURCHARGE REQUIRED BY THE STATE OF CONNECTICUT PUBLIC ACT 09-03 (EFFECTIVE OCTOBER 1, 2009)

Upland Review Area Permits Applications Reviewed by Duly Authorized Agent:

- Residential Accessory Structures and/or Additions or expansions to existing structures on residential lots up to 1000SF, including, but not limited to sheds, additions, swimming pools, decks) \$35
- Residential Structures and/or Additions or expansions to existing structures greater than 1000SF on residential lots, including new single & two-family residences. \$75

(Note: Agent applications fees are lower than IWWC reviewed application fees as the Applicant advertises the decision and bears the cost of same).

Permits Applications Reviewed by IWWC:

- Pre-application Review. \$ No Fee
- Permitted Uses as of Right & Non-Regulated Uses (Determined by IWWC) \$ No Fee
- Residential Uses, including, but not limited to, new single & two-family dwellings, accessory structures and/or additions or expansions to existing structures on residential lots, swimming pools, grading activities. \$150
- Multi-Family/Commercial/Industrial/Mixed Uses. \$200
- Residential/Commercial Subdivision application review without Regulated Activities. \$150
- (Note: The IWWC reviews and makes recommendations to the PZC regarding any subdivision that contains regulated wetlands or uplands, even if there are no regulated activities).
- Residential/Commercial Subdivision with Regulated Activities
 \$250 Base Fee (up to 3 lots), plus \$50 per lot in excess of 3 lots
- Significant Impact Activity Public Hearing Fee \$450
- Complex Application Fee See Below*

*Complex Application Fee: The Inland Wetlands Agency may charge an additional fee sufficient to cover the cost of reviewing and acting on complex applications. Such fee may include, but not be limited to, the cost of retaining experts to analyze, review, and report on issues requiring such experts. The Agency or the duly authorized agent shall estimate the complex application fee which shall be paid pursuant these regulations within 10 days of the applicant's receipt or notice of such estimate. Any portion of the complex application fee in excess of the actual cost shall be refunded to the applicant no later than 30 days after publication of the agency's decision.

- Renewal or Modification of Previously Approved Permit \$150
- Inland Wetlands & Watercourses Regulation or Map Amendment: \$450

Adopted by the Town Council on: October 28, 2020

Linda C Davis
 Linda C. Davis, Chairman

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 Edward Town Clerk
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