

**ARTICLE VII. ENFORCEMENT AND REVIEW****Section 77: General Provisions**

Any building erected or improvements constructed contrary to any provision of this ordinance or any use of any building or land which is conducted, operated or maintained contrary to any provision of this ordinance or plan approved under the provisions of this ordinance shall be unlawful.

**Section 78: Complaints Regarding Violations**

Whenever the administrator receives a written, signed complaint alleging a violation of this ordinance, he shall investigate the complaint, take action as he deems warranted, and inform the complainant in writing what, if any, action has been or will be taken.

**Section 79: Persons Liable**

The owner, tenant, or occupant of any building or land or part thereof or other person who participates in, assists, directs, creates, or maintains a violation of this ordinance shall be subject to the penalties and remedies contained in this ordinance.

**Section 80: Procedures Upon Discovery of Violations**

- A. If the administrator finds that any provision of this ordinance is being violated, he shall send a written notice to the person responsible for the violation, indicating the nature of the violation and ordering the action necessary to correct it. Additional written notices may be sent at the administrator's discretion.
- B. The notice may state what action the administrator intends to take if the violation is not corrected and shall advise the violator that the administrator's decision may be appealed to the board of zoning appeals in accordance with Section 43.
- C. The administrator may seek enforcement by invoking any of the penalties or remedies authorized in Section 81 without prior written notice notwithstanding the provisions of subsections A. and B. above.

**Section 81: Penalties and Remedies for Violations (Amended 12/10/20)**

- A. Criminal penalties
  1. The violation of any provision of this ordinance or failure to comply with any of its requirements, including violations of any conditions enacted with grants of variances, special use permits or proffers, shall constitute a misdemeanor, punishable by a fine of not more than \$1,000.00.
  2. If the violation is uncorrected at the time of conviction, the court shall order the violator to abate or remedy the violation in compliance with the zoning ordinance, within a time period established by the court.
    - a. Failure to remove or abate a zoning violation within the specified time period shall constitute a separate misdemeanor offense punishable by a fine of not more than \$1,000;

- b. any such failure during a succeeding 10-day period shall constitute a separate misdemeanor offense punishable by a fine of not more than \$1,500; and,
- c. any such failure during any succeeding 10-day period shall constitute a separate misdemeanor offense for each 10-day period punishable by a fine of not more than \$2,000.

#### B. Civil Penalties

1. Any violation of the following provisions of this ordinance shall be punishable by a civil penalty as provided in this section:
  - a. Article XIV: Signs
  - b. Uses not permitted in district
  - c. Article V, Section 55: Zoning Permits
  - d. Non-conformance with approved plans
  - e. Violation of permit conditions
2. Except for any violation resulting in injury to any persons, the penalty for any one violation of any of the provisions scheduled in subsection 1. above shall be a civil penalty of \$200 for the initial summons and \$500 for each additional summons.
3. Each day during which the violation is found to have existed shall constitute a separate offense. However, specified violations arising from the same operative set of facts shall not be charged more frequently than once in any 10-day period, and a series of specified violations arising from the same operative set of facts shall not result in civil penalties which exceed a total of \$5,000.
4. Designation of a particular zoning ordinance violation for a civil penalty pursuant to this section shall be in lieu of criminal sanctions, and except for any violation resulting in injury to persons, such designation shall preclude the prosecution of a violation as a criminal misdemeanor, provided, however, that when such civil penalties total \$5,000 or more, the violation may be prosecuted as a criminal misdemeanor.
5. The zoning administrator or his deputy may issue a civil summons as provided by law for a scheduled violation after serving notice of violation in accordance with Section 80 and if such violation has not ceased within the time specified in such notice. Any person summoned or issued a ticket for a scheduled violation may make an appearance in person or in writing by mail to the Town treasurer prior to the date fixed for trial in court. Any person so appearing may enter a waiver of trial, admit liability, and pay the civil penalty established for the offense charged. Such persons shall be informed of their right to stand trial and that a signature to an admission of liability will have the same force and effect as a judgment of court.
6. If a person charged with a scheduled violation does not elect to enter a waiver of trial and admit liability, the violation shall be tried in the general district court in the same manner and with the same right of appeal as provided for by law. In any trial for a scheduled violation authorized by this section, it shall be the burden of the Town to show the liability of the violator by a preponderance of the evidence. If the violation remains uncorrected at the time of the admission of liability or finding of liability, the court may order the violator to abate or remedy the violation in order to comply with the zoning ordinance. Except as otherwise provided by the court for good cause shown, any such violator shall abate or remedy the violation within a period of time as determined by the court, but not later than

six months of the date of admission of liability or finding of liability. Each day during which the violation continues after the court-ordered abatement period has ended shall constitute a separate offense. An admission of liability or finding of liability shall not be a criminal conviction for any purpose.

- C. This ordinance may also be enforced by any appropriate equitable or legal action.

**Section 82: Permit Revocation**

- A. A zoning, sign or special use permit may be revoked by the permit-issuing authority (in accordance with the provisions of this section) if the permit recipient fails to develop or maintain the property in accordance with the plans approved, the requirements of this ordinance, or any additional requirements lawfully imposed by the permit-issuing authority.
- B. All notice and hearing requirements of Article VI applicable to granting a special use permit shall be complied with before the special use permit may be revoked. The notice shall inform the permit recipient of the alleged grounds for the revocation.
  - 1. The burden of presenting evidence sufficient to authorize the revocation of the permit shall be upon the party advocating revocation.
  - 2. A motion to revoke a permit shall include a statement of the specific reasons or findings of fact that support the motion.
- C. Before a zoning or sign permit may be revoked, the administrator shall give the permit recipient 10 days notice of intent to revoke the permit and shall inform the recipient of the alleged reasons for the revocation and of his right to obtain an informal hearing on the allegations. The administrator shall provide a written statement of the decision and the reasons therefore to the permittee if the permit is revoked.
- D. No person may continue to use land or buildings in the manner authorized by any zoning, sign, or special use permit after the permit has been revoked in accordance with this Section.

**Sections 83 through 86: Reserved**