

Article 14 Enforcement and Review

Section 14-1 Complaints Regarding Violators

Whenever the administrator receives a written, signed complaint alleging a violation of this ordinance, he shall investigate the complaint, take whatever action is warranted, and inform the violator in writing what actions have been or will be taken.

Section 14-2 Liability

The owner, tenant, or occupant of any building or land or part thereof and any architect, builder, contractor, agent, or other person who participates in, assists, directs, creates, or maintains any situation that is contrary to the requirements of this ordinance may be held responsible for the violation and suffer the penalties and be subject to the remedies herein provided.

Section 14-3 Procedures Upon Discovery of Violation

- (A) If the administrator finds that a provision of this ordinance is being violated, he shall send a written notice to the person responsible for such 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 final written notice shall state what action the administrator intends to take if the violation is not corrected and shall advise that the administrator's decision or order may be appealed to the Board of Adjustment in accordance with Section 14-1.
- (C) Notwithstanding the foregoing, in cases when delay would seriously threaten the effective enforcement of this ordinance or pose a danger to the public health, safety, or welfare, the administrator may seek enforcement without prior written notice by invoking any of the penalties or remedies authorized in Section 14-5.

Section 14-4 Penalties and Remedies for Violation of the Ordinance

- (A) Violations of the provisions of this ordinance or failure to comply with any of its requirements, including violations of any conditions and safeguards established in connection with grants of variances, or conditional-use permits shall constitute a misdemeanor, which may be prosecuted in accordance with General Statute 15-4

- (B) Any act constituting a violation of the provisions of this ordinance or a failure to comply with any of its requirements, including violations of any conditions and safeguards established in connection with the grants of variances or conditional-use permits, shall also subject the offender to a civil penalty of \$25. If the offender fails to pay within 10 days after being cited for a violation, this penalty may be recovered by the jurisdiction in a civil action in the nature of debt. A civil penalty may not be appealed to the Board of Adjustment if the offender was sent a final notice of violation in accordance with Section 14-3 and did not take an appeal to the Board of Adjustment within the prescribed time.
- (C) This ordinance may also be enforced by any appropriate equitable action.
- (D) Each day that any violation continues after notification by the administrator that such violation exists shall be considered a separate offense for purposes of the penalties and remedies specified in this section.
- (E) Any one, all, or any combination of the foregoing penalties and remedies may be used to enforce this ordinance.

Section 14-5 Permit Revocation

- (A) A zoning or conditional-use permit may be revoked by the permit issuing body if the permit recipient fails to develop or maintain the property in accordance with the plans submitted, the requirements of this ordinance, or any additional requirements lawfully imposed .
- (B) Before a conditional-use permit may be revoked, all of the notice and hearing requirements of Section 11-4 shall be met. The notice shall inform the permit recipient of the alleged grounds for the revocation.
 - (1) A motion to revoke a permit shall include, insofar as practicable, a statement of the specific reasons or findings of fact that support the motion.
 - (2) Before a 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. If the permit is revoked, the administrator shall provide to the permittee a written statement of the decision and the reasons.

- (3) No persons may continue to make use of land or buildings in the manner authorized by any zoning conditional-use permit after such permit has been revoked in accordance with this section.

Section 14-6 Judicial Review

- (A) Every decision of the Town Board or Board of Adjustment shall be subject to review by the Superior Court of Washington County by proceedings in the nature of certiorari.
- (B) The petition for the writ of certiorari must be filed with the Washington County Clerk of Court within 30 days after the latter of the following occurrences:
 - (1) A written copy of the board's decision has been filed in the town hall;
and
 - (2) A written copy of the board's decision has been sent to the applicant or appellant and every other aggrieved party who has filed a written request for such copy at the hearing of the case.