

## **ARTICLE VII ENFORCEMENT AND REVIEW**

Building permits or certificates of occupancy issued on the basis of plans and applications approved by the Zoning Administrator authorize only the use, arrangement and construction set forth in such permits, plans, and certificates, and no other. The use, arrangement, or construction at variance with that authorized shall be deemed a violation of this Zoning Ordinance.

### **Section 1. Complaints Regarding Violations**

Whenever the Zoning 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 complainant in writing what actions have been or will be taken.

### **Section 2. Persons Liable**

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 3. Procedures Upon Discovery of Violations**

- 1.** If the Administrator finds that any 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.
- 2.** The final written notice (and the initial written notice may be the final 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 Appeals in accordance with Article V, Section 1.
- 3.** 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 4 of this Article.

### **Section 4. Penalties and Remedies for Violations**

- 1.** Any person, firm, or corporation that violates any of the provisions of this Ordinance by constructing or altering any building not in accordance with a plan approved under the regulations herein, or defaces, removes, or destroys an official warning, safety, or stop work sign, or who interferes with or threatens, in any manner, any person engaged in the performance of a duty required by the terms of this Ordinance shall be guilty of a misdemeanor and shall be subject to a fine not to exceed five hundred dollars (\$500.00) or imprisonment not to exceed ninety (90) days, or both fine and imprisonment. Each day such violation continues shall constitute a separate offense.
- 2.** All other violations of the provisions of this Ordinance or failure to comply with any of its requirements shall constitute a municipal infraction. Any person who violates this Ordinance or fails to comply with any of its requirements shall be subject to the penalties specified in the Ordinance. Each day such violation continues shall be considered a separate offense.

**Section 5. Permit Revocation**

1. A zoning, sign, or special exception 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 submitted, the requirements of this Ordinance, or any additional requirements lawfully imposed by the permit-issuing board.
2. Before a special exception permit may be revoked, all of the notice and hearing and other requirements of Article VI shall be complied with. The notice shall inform the permit recipient of the alleged grounds for the revocation.
  - a. The burden of presenting evidence sufficient to authorize the permit-issuing authority to conclude that a permit should be revoked for any of the reasons set forth in Subsection 1. shall be upon the party advocating that position. The burden of persuasion shall also be upon that party.
  - b. 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.
3. Before a zoning or sign permit may be revoked, the administrator shall give the permit recipient ten (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 therefor.
4. No persons may continue to make use of land or buildings in the manner authorized by any zoning, sign, or conditional-use permit after such permit has been revoked in accordance with this section.

**Section 6. Judicial Review**

1. Every decision of the Board of Appeals shall be subject to review by the Circuit Court.
2. The petition must be filed with the Court within thirty (30) days after the later of the following occurrences:
  - a. A written copy of the Board's decision (see Article VI, Section 6) has been filed in the Town office, and
  - b. A written copy of the Board's decision (see Article VI, Section 6) has been delivered by mail 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.

**Section 7. Reserved**

**Section 8. Reserved**

**Section 9. Reserved**