

Section 416. Enforcement

- 416.A These regulations will be considered a civil ordinance within the meaning of 24 VSA Chapter 59.
- 416.B The Selectboard will establish fines for violations of these regulations in accordance with 24 VSA Chapter 117. For violations enforced through the Judicial Bureau, a civil penalty of not more than \$500 per day may be imposed, and the waiver fee will be set at \$100 for the first offense, \$200 for the second offense and \$300 for all subsequent offenses within a 6-month period.
- 416.C The commencement or continuation of any land use or development that does not conform with the provisions of these regulations constitutes a violation. Each day that a violation continues constitutes a separate offense. The ZA shall undertake appropriate action to enforce the provisions of these regulations by following the procedures outlined in this section.
- 416.D The ZA shall investigate all complaints regarding violations of these regulations. If the ZA determines that a violation has occurred, the ZA shall commence an enforcement action as follows:
- (1) The ZA may first attempt to contact the landowner by phone or in person to informally resolve the violation. If the matter is not resolved in a timely manner, the ZA shall issue a municipal civil complaint ticket or a notice of violation.
 - (2) The ZA or other designated enforcement officer under 24 VSA Chapter 59 and 24 VSA Chapter 29 may serve 2 copies of a municipal civil complaint ticket either in person or by first class mail on the alleged offender, and promptly file the original with the Judicial Bureau. The ZA or other issuing officer shall follow the Judicial Bureau's procedure for municipal complaint tickets.
 - (3) The ZA may send the landowner a written notice of violation by certified mail. The notice shall: describe the violation and include a reference to the specific provisions of these regulations being violated; explain that the landowner has an opportunity to cure the violation within 15 days; list the amount of the fine for the violation and explain that the fine will be imposed for each day the violation continues after the 15-day period for curing the violation elapses; and notify the property owner that further enforcement may occur without notice and the opportunity to cure if the violation is repeated within the next 12 months.
 - (4) If the violation is not cured within the 15-day period, the ZA shall consult with the Selectboard to determine how the town will proceed. With permission of the Selectboard, the ZA may negotiate a resolution to a violation after the opportunity for cure has elapsed. The Selectboard shall formally approve any resolution of a violation that has continued after the 15-day period for curing it has elapsed.
- 416.E Decisions or actions of the ZA in relation to violations may be appealed as per Section 421 , except that an appeal of a municipal civil complaint ticket will be governed by 24 VSA Chapter 29.
- 416.F The ZA shall deliver a copy of each notice of violation to the Town Clerk for recording. Upon resolution of the violation, the landowner may request and record a Certificate of Compliance.
- 416.G The ZA shall enforce any violation of these regulations, a zoning permit, or DRB approval within 15 years from the date the violation first occurred. The ZA will not be able to enforce a violation of a zoning permit unless the permit was recorded in the town land records.