

ARTICLE 19
Violations and Penalties

19.1. Violations and Penalties

Any violation of the provisions of this Ordinance that results in physical harm or injury to any person shall be deemed a Class 2 criminal misdemeanor and, upon conviction thereof, shall be punishable by a fine of not more than \$1,000.00 for each separate offense. Each day during which the violation is found to have existed shall constitute a separate offense.

19.2. Violations

Any building erected contrary to any of the provisions of this Ordinance and any use of any building or land which is conducted, operated or maintained contrary to any of the provisions of the Ordinance shall be a violation of this Ordinance and the same is hereby declared to be unlawful. The Zoning Administrator may initiate injunction, mandamus, abatement or any other appropriate action to prevent, enjoin, abate or remove such structure or use in violation of any provision of this Ordinance.

1. Notice of Violation. Upon becoming aware of any violation of any provision of this Ordinance, the Zoning Administrator shall serve notice of such violation on the person committing or permitting the same. If such violation has not ceased within such reasonable time as the Zoning Administrator has specified in the notice, the Administrator shall institute such action as may be necessary to terminate the violation.
2. Any violation of the provisions of this Ordinance other than those set forth in Section 19.1 of this Article shall be deemed a civil violation and, upon an admission of liability or finding of liability, shall be punishable by a fine of \$200.00 for the first charge and \$500.00 for each additional charge. Each day during which the violation is found to have existed shall constitute a separate offense. However, in no event shall specified violations arising from the same operative set of facts be charged more frequently than once in any ten (10) day period, and in no event shall a series of specified civil violations arising from the same operative set of facts result in civil penalties which exceed a total of \$5,000.00. Nothing in this subsection shall be construed as to prohibit the Zoning Administrator from initiating civil injunction procedures in cases of repeat offenses.
3. After the Zoning Administrator has issued a notice of violation on any person committing or permitting a violation of the Zoning Ordinance provisions to occur and if such violation has not ceased within such reasonable time as is specified in such notice, the Zoning Administrator shall issue a summons and/or ticket to be issued personally upon such person or posted in a conspicuous location at the site of the violation. The summons shall contain notice of a trial

date in the General District Court. If a person responds in writing to a notice of violation, and agrees to cease said violation, no further fines shall be levied after the date of such written agreement, provided that compliance with such agreement occurs.

4. The summons shall provide that any person summoned for a violation may elect to pay the civil penalty by making an appearance in person or in writing by mail to the Town Treasurer at least 72 hours prior to the time and date fixed for trial and, by such appearance or writing, may enter a waiver of trial, admit liability, and pay the civil penalty established for the offense charged. Such summons shall provide that a signature to an admission of liability shall have the same force and effect as a judgment of court; however, an admission shall not be deemed a criminal conviction for any purpose.
5. If a person charged with a 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 by law. A finding of liability from a trial on a summons issued under Section 19.2 (3) shall not be deemed a criminal conviction for any purpose.

19.3. Remedies not Exclusive

The remedies provided for in this Article are cumulative and not exclusive and shall be in addition to any other remedies provided by law.

19.4. Complaints Regarding Violations

Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written complaint. The complaint must state fully the cause and basis thereof and shall be filed with the Zoning Administrator. The Zoning Administrator shall keep record of such complaint, immediately investigate, and take action as provided by this Ordinance.

[Amended September 17, 2009]