

Text Amendment

Article 5- Enforcement

This technical amendment proposes a repeal of current Article V and its replacement with a new Article V by way of re-writing the Town's zoning enforcement procedures. Much of the current text is maintained, but with technical corrections and clarifying language, and with a general reorganization to make the article more logical in layout and easier to follow. Below please find a summary of the major proposed changes:

1. Establishes that the owner OR occupant of any building or land in violation of the ordinance may be held responsible for the violation. The existing ordinance requires that both the owner AND occupant (if different) are noticed and held responsible for the violation.
2. Clearly establishes two separate enforcement tracks for the following types of violations
 - a. Court action (injunction) shall be required when the violation could reasonably cause imminent peril to life and property, or when the use is transitory in nature;
 - b. Administrative action (notice of violation- civil penalty) for all other cases.
3. Simplifies and clarifies the administrative procedure, by simply requiring one notice informing the owner or occupant of the alleged violation, the right to appeal to the Board of Adjustment within 30 days, and the date that civil penalty assessment would begin (absent an appeal).
4. Raises the daily civil penalty amount to \$500/day from the first day and for all days in violation, replacing the current graduated scale of \$25/first day, \$50/second day, \$100/third day, \$200/each day thereafter.

Planning and Zoning Board recommendation:

At their October 27, 2016 meeting, the Planning and Zoning Board held a public on the proposed changes. The Board voiced concerns that the changes summarized in #1 above could preclude a situation in which it might be appropriate to cite both the owner AND occupant. The Board directed staff to pose this question to the Town Attorney. With the addition of this request, the Board voted unanimously to recommend **approval** to Town Council.

Town attorney response:

Town staff discussed the request with the Town Attorney. He has confirmed that the current wording would not preclude the Town from citing both the owner AND occupant if necessary. The Town Attorney will be available during the public hearing for additional questions or clarifications.

Attachments:

Article 5- proposed re-write