

## ARTICLE 13 - ENFORCEMENT

### **Section 13.01 Purpose and Objectives.**

The purpose and objective of this law is to provide clarity as to the enforcement process and the impact on non-compliance.

### **Section 13.02 Enforcement.**

- A. The Enforcement Officer of the Town of Chester shall be charged with the duty of enforcing this law.
- B. The Enforcement Officer is authorized to enter onto all premises, public or private, consistent with constitutional safeguards and any requisite warrant in order to effectuate enforcement.
- C. It shall be the duty of the Enforcement officer to issue a notice of violation, a stop work order, or to order, in writing, the correction of all conditions being undertaken or conducted in violation of the provisions of this local law, the applicable building laws, ordinances, rules or regulations, or not in conformity with the provisions of an application, plans or specifications on the basis of which a permit was issued, or in an unsafe and dangerous manner, he shall notify the owner of the property, or the owner's agent, to suspend the use and/or all work, and such persons shall forthwith stop such use and/or work and suspend all building activities until the order has been rescinded. Such order and notice shall be in writing, shall state the conditions under which the use and/or work may be resumed and may be served upon a person to whom it is directed, either by delivering it personally or by posting the same upon a conspicuous portion of the building where the use/or work is being performed and sending a copy of the same to him by certified mail at the address set forth in the application for permission for the use or the construction of such building. Such notice shall also be sent to the owner of record of the property if such owner is a different entity than that noticed above.
- D. If all provisions of this local law together with other conditions specified by the Zoning Enforcement Officer are met, then the Zoning Enforcement Officer may authorize the termination of the Stop Work Order or Notice of Violation.

### **Section 13.03 Judicial Enforcement.**

The Enforcement Officer is empowered to seek criminal enforcement through local criminal courts. In order to streamline and possibly shorten this process the Enforcement officer is also authorized to use an "Appearance ticket" procedure issued directly to the defendant without any documents having been filed first with the court.

**Section 13.01 13.04 Penalties.**

Any person owning, controlling or managing any building, structure, land or premises wherein or whereon there shall be placed on or there exists or is practiced or maintained anything or any use in violation of any of the provisions of this Local Law shall be guilty of an offense and subject to fines or imprisonment as follows:

First Offense	Not exceeding \$350 or six months imprisonment or both
Second Offense (if within five years of first offense)	Not less than \$350 or more than \$700, or up to six months imprisonment or both
Third Offense or Subsequent Offense (if within five years of the first and second offenses)	Not less than \$750 or more than \$1,000, or up to six months imprisonment or both

Such fines may be recovered by the Town in either a criminal or civil action. For the purpose of conferring jurisdiction upon courts and judicial officers generally, criminal violations of this Local Law shall be deemed misdemeanors and for such purpose only, all provisions of the law relating to misdemeanors shall apply to such violations. ~~Each week's continued violation shall constitute a separate additional violation.~~ **Each week's continued violation shall constitute a separate additional violation.** Where the person committing such violation is a partnership, association or corporation, that entity and/or the principal executive officer, partner, agent or manager may be considered to be the "person" for the purpose of this Article.

**Section 13.02 13.05 Alternative Remedy.**

In case of any violation or threatened violation of any of the provisions of this Local Law or conditions imposed by a building permit, in addition to other remedies herein provided the Town may institute any appropriate action or proceedings to prevent such unlawful erection, structural alteration, reconstruction, occupancy, moving and/or use, to restrain, correct, or abate such violation, to prevent the occupancy of such building, structure or land, or to prevent any illegal act, conduct, business or use in or about such premises.

**Section 13.03 ~~Stop Work Order and Notice of Violation~~**

~~A. The Town Board for the Town of Chester hereby grants the Zoning Administrator the administrative authority and responsibility of immediately terminating any uses or actions according to this Article by posting a Stop Work Order and/ or Notice of Violation on the premises wherein the violation has occurred.~~

~~B. Whenever the Zoning Administrator has reasonable grounds to believe that work on any building or structure or new use of premises is being undertaken or conducted in violation of the provisions of this Local Law, the applicable building laws, Ordinances, rules or regulations, or not in conformity with the provisions of an application, plans or specifications on the basis of which a permit was issued, or in an unsafe and dangerous manner, he shall notify the owner of the property, or the owner's agent, to suspend the use and/ or all work, and such persons shall~~

~~forthwith stop such use and/ or work and suspend all building activities until the order has been rescinded. Such order and notice shall be in writing, shall state the conditions under which the use and/ or work may be resumed and may be served upon a person to whom it is directed, either by delivering it personally to him, or by posting the same upon a conspicuous portion of the building where the use and/ or work is being performed and sending a copy of the same to him by certified mail at the address set forth in the application for permission for the use or construction of such building. Such notice shall also be sent to the owner of record of the property if such owner is a different entity than that notified above.~~

~~C. If all provisions of this Local Law together with other conditions specified by the Zoning Administrator are met, then the Zoning Administrator may authorize the termination of the Stop Work Order or Notice of Violation.~~

***Section ~~43.04~~ 13.06 Misrepresentation.***

Any permit or approval granted under this Local Law which is based upon or is granted in reliance upon any material misrepresentation, or failure to make a material fact or circumstance known, by or on behalf of an applicant shall be void. This Section shall not be construed to affect the remedies available to the Town under Sections ~~43.04~~ 13.04 and ~~43.02~~ 13.05 of this Local Law.