# § 270-154. Zoning enforcement officers. [Amended 10-1-2014 by L.L. No. 7-2014]

For the purposes of enforcement of this chapter, the Town Board has authorized the Town Building Inspector and Code Enforcement Officer to serve as zoning enforcement officers. The Building Inspector and Code Enforcement Officer are charged with administering all provisions outlined in this chapter, including inspections, investigations of complaints, and all enforcement actions.

# § 270-155. Additional remedies.

In addition to any other remedies, the Town may institute any appropriate action or proceeding to prevent or remedy any unlawful construction, alteration, conversion, maintenance, use or division of land, occupation of building or property, or to prevent any illegal act, conduct, business or use in or about such premises in order to abate or correct said violation.

# § 270-156. Violations.

It shall be unlawful for any person, firm, or corporation to construct, alter, repair, move, remove, demolish, equip, use, occupy, or maintain any use of land, building, structure, or portion thereof, in violation of any provision of this chapter, or to fail in any manner to comply with a notice, directive, or order of the zoning enforcement officer, or to construct, alter, or use and occupy a building or structure or part thereof in a manner not permitted by an approved building permit or certificate of occupancy.

# § 270-157. Penalties for offenses.

A.

Except as provided in § 270-42, a violation of any provision of this

chapter is hereby declared to be an offense, punishable by a fine not less than $150

and not exceeding $350, or imprisonment for a period not to exceed

six months, or both, for conviction of a first offense. For

conviction of a second offense which occurred within five years of

the first offense, said conviction is punishable by a fine of not less

than $350 and not exceeding $700, or imprisonment for a period

not to exceed six months, or both. Upon conviction of a third or

subsequent offense, all three of which were committed within a

period of five years, said conviction is punishable by a fine of not

less than $700 and not exceeding $1,000, or imprisonment for a

period not to exceed six months, or both.

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1. However, for the purpose of conferring jurisdiction upon courts and judicial officers generally, violations of this chapter shall be deemed misdemeanors and for such purpose only the provisions of law relating to misdemeanors shall apply to such violations.
2. Each week's continued violation shall constitute a separate additional violation.
3. In the event that the property owner cannot be contacted, the enforcement officer shall so report to the Town Board, which by resolution may authorize that work be done and pay the cost thereof out of general Town funds to remedy the violation. Furthermore, the Town shall be reimbursed for the cost of the work performed or services rendered, by direction of the Town Board as herein provided, by assessment and levy upon the lots or parcels of land wherein such work was performed or such services rendered. The expenses so assessed shall constitute a lien and charge on the real property on which it is levied until paid or otherwise satisfied or discharged and shall be collected in the same manner and at the same time as other Town charges.

# § 270-158. Complaints of violations.

The zoning enforcement officer may, on his own initiative, begin enforcement measures on any violation that he discovers in accordance with the provisions outlined in this chapter. Additionally, whenever a violation of this chapter occurs, any person may file a complaint in regard thereto. All such complaints shall be in writing and shall be filed with the zoning enforcement officer, who shall properly record such complaint and immediately investigate and report in writing to the Town Board if a violation is discovered. If a violation has occurred, the zoning enforcement officer is to commence enforcement proceedings outlined herein.

# § 270-159. Enforcement procedures.

1. Upon discovery of a violation of any provision of this chapter by the zoning enforcement officer, either on his/her own initiative or in response to a written complaint, the zoning enforcement officer is to issue a written "Notice of Violation" form to the landowner via certified return-receipt mail.
2. If the landowner fails to remedy the violation within 14 days of receipt of the certified return-receipt letter, or if the landowner fails to sign and accept such letter, the zoning enforcement officer

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is to immediately seek a court summons from the Town Justice Department.

# § 270-160. Content of notice of violation form.

The notice of violation form shall be written on Town Building Department letterhead, shall be specific as to the nature of the violation(s), and shall include the following:

* 1. Property owner's name.
  2. Tenant or business name (if appropriate).
  3. Address of property in which the violation has occurred.
  4. If a street address has not been assigned to the property, the Tax Map number of the property on which the violation has occurred.
  5. The date upon which the zoning enforcement officer witnessed the violation.
  6. The name of the zoning enforcement officer.
  7. Reference to the section or sections of this chapter that are being violated.
  8. Written indication that the landowner must remedy the violation(s) within 14 days of receipt of the notice of violation.
  9. Indication that a court summons will be issued if the landowner fails to remedy the violation within 14 days.
  10. Reference to the penalties for conviction of a violation, as outlined in this article.

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