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## ARTICLE 14: ADMINISTRATION

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### 1410 ZONING ENFORCEMENT OFFICER

#### 1410.1 Building Commissioner - Zoning Enforcement Officer

The Building Commissioner shall be the Zoning Enforcement Officer pursuant to Ch. 40A, Section 7 of the General Laws and shall be charged with the enforcement of the By-Laws, including any applicable Rules and Regulations issued relative thereto. The Zoning Enforcement Officer shall withhold a permit for the construction, alteration or moving of any building or structure if the building or structure as constructed, altered or moved would be in violation of any provision of the By-laws or applicable Rules and Regulations. The Zoning Enforcement Officer shall not approve applications of any kind or plans or specifications or intended uses, which are not in conformity in all respects with the By-laws or applicable Rules and Regulations. No permit or license shall be granted for a new use of a building, structure or land which use would be in violation of the By-laws or applicable Rules and Regulations. The Zoning Enforcement Officer may from time to time delegate administrative duties under this Article such as conducting inspections, investigations of complaints, assessments, etc. to the Zoning Enforcement Officer's staff and its agents including but not limited to engineers and other professionals engaged by the Town.

### 1411 ENFORCEMENT AND VIOLATION

#### 1411.1 Enforcement

If the Zoning Enforcement Officer has reason to believe that a provision of the By-laws or any applicable Rule or Regulation or any permit, plan, decision or certificate issued thereunder, including any conditions under which it has been issued, has been, is being or is about to be violated, the Zoning Enforcement Officer shall upon such officer's own initiative or upon written complaint of a citizen or owner of property within the Town make or cause to be made an investigation of the facts, including the inspection of the premises where the violations may exist, and if a violation is found, immediate notice shall be given by the Zoning Enforcement Officer in writing to the owner or his duly authorized agent and the occupants of the premises.

#### 1411.2 Notice of violation and order

If after notice, such violation continues as to any building, structure or use contrary to the provision of the By-laws or applicable Rules and Regulations, the Zoning Enforcement officer shall institute any appropriate action or proceedings in the name of the Town to prevent, restrain or abate any violations of the By-laws by service of a notice of VIOLATION AND ORDER as provided in Ch. 40A, Section 7 of the General Laws on any owner or person so responsible for such violation.

Violations shall include but not be limited to the erection, construction, reconstruction, conversion, and alteration of a structure or change in use, increase in intensity, or extension of displacement of use. Such order shall direct the immediate discontinuance of the unlawful action, use or condition and the abatement of the violation.

Any owner who has been served with a notice and ceases any work or other activity shall leave the structure or lot in such condition as not to be or create a hazard or menace to the public safety, health, morals or general welfare.

#### **1411.3 Prosecution of Violation**

If the notice of VIOLATION AND ORDER is not complied with promptly, the Select Board shall institute the appropriate action or proceeding at law or equity to prevent any unlawful action, use or condition and to restrain, correct, or abate such violation.

### **1412 PENALTIES FOR VIOLATION**

#### **1412.1 Fines**

Any person, firm or corporation violating any of the provisions of the By-Law or applicable Rules and Regulations shall be liable for a fine of not more than three hundred dollars (\$300.00) for each violation. Each day that a violation continues shall constitute a separate offense.

#### **1412.2 Criminal and Non-Criminal Disposition**

Any violation may be enforced by criminal complaint brought in the district court in the manner provided in Ch. 40, Sections 21 of the General Laws or alternatively by a noncriminal disposition complaint brought in the manner provided in Ch. 40, Sections 21D of the General Laws and otherwise as set forth in the Town By-laws.