

# ARTICLE X

## ENFORCEMENT, PENALTIES AND OTHER REMEDIES

### Section 10.01 Violations

The Code Enforcement Officer shall have the authority to investigate and enforce alleged or suspected violations of this Zoning Ordinance. In this regard he/she shall have the authority to enter onto all premises, public or private, at any reasonable time, consistent with constitutional safeguards and any required warrant.

### Section 10.02 Procedure for Abatement of Violations

- (A) Any person may file a complaint in regard to an alleged or suspected violation of this Ordinance. All such complaints must be in writing and shall be filed with the Code Enforcement Officer, who shall properly record and timely investigate the complaint. The CEO may also investigate any alleged violation that he/she has reason to believe has occurred or is occurring.
- (B) Whenever a complaint has been filed, or whenever it shall appear that the provisions of this Ordinance are being violated, the CEO shall investigate the complaint. Except in cases where the alleged violation is in plain view and/or where no entry is necessary, or except in cases where an imminent peril exists, the Code Enforcement Officer shall obtain approval from an owner, lessee, agent, tenant, or other person with authority, to make an inspection of the property.
- (C) Following the inspection of the property, the Code Enforcement Officer shall file a written report, which details the findings of his/her inspection, in his/her office.
- (D) **Letter of Violation**
  - (1) If the Code Enforcement Officer finds that a violation of this Ordinance exists on the property, he/she shall prepare and mail a written Letter of Violation which shall contain the following information:
    - (a) The name of the owner or occupant to whom the Letter is addressed.
    - (b) The location of the premises involved in the violation.
    - (c) A statement describing the condition of the premises at the time of the inspection and showing in which way the premises is in violation of this Ordinance.
    - (d) A demand that the violation be remedied to comply with this Ordinance. The Letter shall set a reasonable time for compliance. (For example, within 15 days of the date of the Letter of Violation.)
    - (e) A statement that a failure to comply with the demand may result in prosecution.
  - (2) **Extension.** Upon application of the owner or occupant showing reasonable cause, the Code Enforcement Officer may grant an extension of up to thirty (30) days for the owner or occupant to comply with the Letter of Violation.

**(E) Appearance Ticket**

If, after the expiration of the time specified in the Letter of Violation, or after the completion of any extension period, the owner or occupant has failed to comply with the requirements of this Ordinance, the Code Enforcement Officer may institute enforcement procedures as follows:

- (1) The Code Enforcement Officer is hereby authorized, pursuant to Criminal Procedure Law Section 150.20 (3), to issue an appearance ticket to any person whom the CEO has reason to believe has violated this Ordinance, and shall cause such person to appear before the local court.
- (2) After the appearance ticket has been issued, the Code Enforcement Officer shall file an Information and Supporting Deposition with the local justice.

**(F) Other Remedies**

- (1) In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained; or any building, structure or land is used, or any land is divided into lots, blocks or sites in violation of this Ordinance, the Town Board, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use, to prevent the occupancy of said building, structure or land, or to prevent any illegal act, conduct, business or use in or about such premises.
- (2) If at any time any building or structure is erected, constructed, altered, repaired, converted or maintained in conformity with this Ordinance but without a duly issued Building and Zoning Permit and notification is issued by the Code Enforcement Officer to obtain such permit, an application for the permit, along with the required fee, must be filed within five (5) business days from the date of the Code Enforcement Officer's notification.
- (3) The Town Board reserves the right to seek a court order to have a violation corrected by the Town. The expense thereof shall be charged to the property so affected.
  - (a) The owner of the premises shall be held responsible and liable for all charges for such services. The Town shall send a bill for the cost of the correction of the violation to the property owner. Payment shall be due thirty (30) days from the date of such bills, or such other time as the Town may establish. Failure to pay within the designated time shall be deemed a violation of this statute and punishable therefore.
  - (b) If the bill is not paid, the cost shall be charged to the property so affected by including such expense in the next annual tax levy against the property.

- (4) The provisions of this Article shall not limit the available procedures for enforcement and remedies provided for under the Town Law of the State of New York or any other applicable law.

### **Section 10.03 Penalties**

A violation of this Ordinance is hereby declared to be an offense, punishable by a fine not exceeding three hundred fifty dollars (\$350.00) or imprisonment for a period not to exceed six (6) months, or both, for conviction of a first offense; for conviction of a second offense both of which were committed within a period of five years, punishable by a fine not less than three hundred fifty dollars (\$350.00) nor more than seven hundred dollars (\$700.00) or imprisonment for a period not to exceed six (6) months, or both; and, upon conviction for a third or subsequent offense all of which were committed within a period of five years, punishable by a fine not less than seven hundred dollars (\$700.00) nor more than one thousand dollars (\$1,000.00) or imprisonment for a period not to exceed six (6) months, or both. However, for the purpose of conferring jurisdiction upon courts and judicial officers generally, violations of this Ordinance shall be deemed misdemeanors and for such purpose only all provisions of law relating to misdemeanors shall apply to such violations. Each week's continued violation shall constitute a separate additional violation.