



ENFORCEMENT OF CODE VIOLATIONS

Code Enforcement Office: 569-5970

*Town of
Wolfeboro*

Allegation of violation from citizen complaint or as identified by staff

Alleged violations could include:

- ~ Encroachment into setbacks such as property lines or Wetlands Buffer Zone.
- ~ Site preparation or building activity prior to obtaining a permit.
- ~ Exceeding scope of building permit.
- ~ Non-compliance with permit approval conditions (ZBA, HDC, PB, DES).
- ~ Use of property in a manner not permitted by zone or ordinances.

Violation verified and documented by staff through research of the record files, personal interview, and investigation.

Alleged violation unfounded

File closed

Scope and impact of violation assessed and case integrated into departmental work flow for enforcement decision/action

Contact (telephone or in-person) made with violator and violation immediately abated, or abatement agreement made. *Zoning Violation Log Card* or letter completed and added to record file.

Letter written to property owner and responsible party. Letter will identify zoning provision being violated, a method of abatement, and a timeline for action.

Voluntary compliance

Responsible party contacts the Code Enforcement Officer and makes abatement agreement, or takes steps to abate the violation.

No response/no abatement effort from addressee

Certified *Notice of Violation* letter sent reiterating violation and warning of court action and fine if violation is not abated, or an abatement agreement made, within 10 days of receipt of notification (§175-181). A deadline for ZBA application for Appeal of Administrative Decision (§ 175-187) will be set (30 days from receipt of notification).

No response/no abatement effort from addressee

ZBA appeal deadline has passed without application presented for an appeal. Second certified *Notice of Violation* letter sent with warning of impending court action and final date to comply.

Violation forwarded to Town Attorney for action or pursued by Code Enforcement Officer in Court pursuant to New Hampshire Statutes CHAPTER 676: ADMINISTRATIVE AND ENFORCEMENT PROCEDURES

CODE OF THE TOWN OF WOLFEBORO NEW HAMPSHIRE, v6 Updated 02-15-2008

PART II LAND USE LEGISLATION Chapter 175, ZONING

Part 1, Planning and Zoning [Adopted 3-13-1939 ATM by Art. 9, as amended through 3-2000 ATM]

ARTICLE XXVIII, Administration and Enforcement

§ 175-181. Violations and penalties; methods of correction.

A. Any person, partnership, association, company, corporation or individual who violates, disobeys, omits, neglects or refuses to comply with the provisions of this chapter shall be deemed guilty of a misdemeanor offense and, upon conviction thereof by a court of competent jurisdiction, shall be punished by a civil fine of \$100 per day per violation of this Code for each day such violation continues. A violation or suspected violation may be brought to the attention of the Code Enforcement Officer by any individual who suspects that such violation has or may be occurring.

B. The Code Enforcement Officer shall conduct an investigation, under the supervision of the Zoning Administrator, into the alleged violation. If the investigation appears to uphold the allegation, the Code Enforcement Officer shall first notify the offending party, who shall have a maximum of 10 days in which to correct the violation or in which to come to an agreement on a time frame in which the violation may be abated. Such an agreement shall be binding. In the event that these efforts fail to result in an abatement of the violation, the Zoning Administrator shall file a complaint with the Town Attorney, and the matter shall come before a court of competent jurisdiction for resolution.

C. Every violation of these regulations shall be a separate and distinct offense, and in the case of a continuing violation, each day's continuance shall be deemed a separate and distinct offense.

§ 175-187. Appeals.

Appeals to the Board of Adjustment may be taken by any person aggrieved or by an officer, department, board, or bureau of the municipality affected by any decision of the permit officer, in the manner prescribed by RSA 676:5, as amended, within the time limit set forth by the Board of Adjustment according to said statute.

New Hampshire Statutes

CHAPTER 676: ADMINISTRATIVE AND ENFORCEMENT PROCEDURES

Penalties and Remedies

676:15 Injunctive Relief.

676:17 Fines and Penalties; Second Offense.

676:17-a Cease and Desist Orders.

676:17-b Local Land Use Citations; Pleas by Mail.

Full text of the statutes can be found at:

<http://www.gencourt.state.nh.us/rsa/html/NHTOC/NHTOC-LXIV.htm>

Zoning Enforcement Policy

General Policy

Enforcement shall be prioritized to protect the public health, safety, welfare, environment and property values of the community, in a fair and equitable manner. Zoning enforcement is not to be used as a means of furthering neighbor and/or civil disputes.

General Procedures

These procedures are not inflexible and adjustments may be made depending upon the nature and severity of the violation.

☐ All complaints received shall be documented in writing and include the complainant's name and contact information. Said complaint shall be evaluated for priority, and pertinent town records researched.

☐ Site investigation conducted. If violation found, site inspection notes compiled and photographs taken, when possible. Violation file created and violator contacted. Contact may be either written or oral. Nature of violation explained and remedy provided.

☐ Re-inspection conducted. If violation remains, a formal Notice of Violation/Request for Voluntary Compliance may be issued, citing the regulation being violated and the remedy and timeframe for compliance.

☐ If the violation remains upon the expiration of the voluntary compliance date, a Cease and Desist Order may be issued, citing the violation, the required remedy and the right to appeal.

☐ If the violation remains and the right to appeal has expired, a Citation or other legal remedies may be issued/taken.

Enforcement Priorities

The following are general policies relating to prioritizing enforcement of the Wolfeboro Planning and Zoning Regulations:

☐ Violations that pose immediate danger to the public health, safety, environment and general welfare of the community.

☐ Violations related to development projects that are in the construction phase.

☐ Complaint based enforcement which are in writing include the complainant's name and contact information.

☐ Anonymous complaints posing an immediate threat to the public health, safety, environment and welfare of the community.

☐ Complaints associated with neighbor and/or civil disputes shall receive the lowest priority.

Code Enforcement (Building and Fire Codes)

Unlike Zoning, which is adopted by the town, building and fire code are adopted by the State of NH. In addition, both the building and fire code have established standards for enforcement and, therefore, the Zoning Enforcement Policy shall not pertain to the building and fire code.

Adopted by the Board of Selectmen on September 15, 2010