

Chapter 4. Penalties and Enforcement

History:

1996 Amendments. Chapter including §§ 1401 through 1406, inclusive, was added by section 32 (first) of Woodstock Village Ordinance Revision #5, adopted by the Board on January 22, 1996, effective March 22, 1996.

§ 1401. Purpose of chapter

The purpose of this chapter is to simplify, consolidate, and make uniform the penalty and enforcement provisions of the Woodstock Village Ordinances and to take advantage of the relevant authority and procedures set forth in Act No. 237 of the 1993 Adjourned Session of the Vermont General Assembly entitled "An Act Relating to Civil Enforcement of Municipal Ordinances." The provisions of this chapter shall be construed liberally to advance such purpose. To the extent any provision relating to penalty and enforcement contained in any other provisions of the Woodstock Village Ordinances conflict with any provision of this chapter, the provisions of this chapter shall control.

Cross References:

1. 24 V.S.A. §§ 1971, 1974, 1974a, and 1977-1982, inclusive.

§ 1402. Limitations on scope of chapter

- (a) This chapter shall not apply to the Parking Ordinances of the Village.
- (b) Nothing in this chapter shall affect any requirement contained in the Woodstock Village Ordinances for the payment of a fee or other charge in connection with the issuance, violation, or retention of a license or permit or in connection with a false burglar alarm or for the reimbursement of costs incurred by the Village in taking remedial action authorized by any provision whether by action of contract on the ordinance or otherwise.
- (c) This chapter shall not be construed to apply to the ordinances, regulations, and bylaws of the Village adopted pursuant to 24 V.S.A. Chapter 117 ("the Village of Woodstock Zoning Regulations").

Cross References:

1. See W.V.O. §8301 et. seq. and relevant appendices (being Title 8, Chapter 3, of the W.V.O.) for Parking Ordinances.

§ 1403. Ordinances are civil

All Woodstock Village Ordinances are hereby designated to be civil.

§ 1404. Civil penalty; waiver penalties

- (a) Except as otherwise provided in this section, any person who shall violate any provision of the Woodstock Village Ordinances shall be fined a civil penalty of not more than \$175.00 for each offense. Each day the violation continues shall constitute a separate offense.

(b) Whenever any applicable law or rule provides for the imposition of a waiver penalty in lieu of the civil penalty provided in subsection (a) of this section, the waiver penalty for an alleged violation shall be the amount as set forth in Appendix B to this title, and such waiver penalty if duly paid shall be in lieu of the civil penalty.

§ 1405. Public nuisance; application to cease; injunctions

(a) Unless expressly provided otherwise, the violation of any provision of the Woodstock Village Ordinances is hereby declared to constitute a public nuisance.

(b) In addition to the civil penalty or waiver penalty provided in this chapter and any other remedy provided by law for the abatement of a public nuisance, a representative of the Village authorized to enforce the Woodstock Village Ordinances or the Board may apply for and obtain a cease order authorized by 24 V.S.A. §1974a(c) or any other injunctive relief against the person in violation of any provision of the Woodstock Village Ordinances or against any person in violation of any term or condition contained in a permit or license issued pursuant to the Woodstock Village Ordinances, to the extent and in such manner as is provided for by law or applicable court rules from time to time.

(c) The violation of any of the following provisions of the Woodstock Village Ordinances shall not constitute a public nuisance:

- (1) Title 2, Chapter 1;
- (2) Title 3, Chapter 2;
- (3) Title 8, Chapter 1; and
- (4) Title 8, Chapter 2.

§ 1406. Enforcement; designation of representatives

(a) Enforcement of the Woodstock Village Ordinances shall be by any certified law enforcement officer of the Village or the Village Manager. Any one or more of these persons shall be authorized to issue municipal complaints on behalf of the Village for alleged violations of the Woodstock Village Ordinances.

(b) Any person authorized to enforce the Woodstock Village Ordinances under subsection (a) of this section and the attorney for the Village from time to time appointed or engaged by the Board for such purpose shall be authorized to represent the Village in any civil proceedings to prosecute alleged violations of the Woodstock Village Ordinances to the extent authorized under 24 V.S.A. Chapter 59 or applicable court rules. Such persons are authorized and encouraged to apply for a cease and desist order in an appropriate case involving a violation which is a public nuisance.

(c) The Village Manager is hereby designated as the custodian of the ticket (municipal complaint) books and records of the Village.

(d) The Village Manager or his or her designee is authorized to pursue all civil remedies for collection of judgments and orders of the traffic and municipal ordinance bureau and other courts.

(e) The Village Manager shall duly file such forms and other notices as may be required from time to time by law or court rules relating to the designations of representatives made in this section. To fulfill this duty, the Village Manager is authorized and directed to certify the names of individuals serving in a capacity specified in this section from time to time on a current basis.