

## ARTICLE VII – VIOLATIONS & ENFORCEMENT

A. **Violations.** In accordance with the Act [ §§ 4451, 4452), the commencement or continuation of any land development, subdivision or use that is not in conformance with the provisions of these regulations shall constitute a violation. Each day that a violation continues after notice of violation per subsection B below shall constitute a separate offense. The ZA shall institute in the name of the City of Winooski, any appropriate action, injunction or other proceeding to enforce the provisions of these regulations. All fines imposed and collected for violations shall be paid over to the city.

B. **Notice of Violation.** No action may be brought under this section unless the alleged offender has had at least seven days notice by certified mail that a violation exists, as required under the Act [ § 4451]. The warning notice shall state that:

1. a violation exists;
2. that the alleged offender has an opportunity to cure the violation within the seven days;
3. that the alleged offender will not be entitled to an additional warning notice for a violation occurring after the seven days; and
4. that action may be brought without notice and opportunity to cure if the alleged offender repeats the violation of the regulations after the seven- day notice period and within the next succeeding 12 months.

C. **Limitations on Enforcement.** An action, injunction or other enforcement proceeding relating to the failure to obtain or comply with the terms and conditions of any required or duly recorded municipal land use permit may be instituted against the alleged offender if the action, injunction or other enforcement proceeding is instituted within 15 years from the date the alleged violation first occurred, and not thereafter, in accordance with the Act [§4454]. The burden of proving the date the alleged violation first occurred shall be on the person against whom the enforcement action is instituted. No enforcement proceeding may be instituted to enforce an alleged violation of a municipal land use permit unless the permit or a notice of the permit has been recorded in the land records of the municipality in accordance with **Section 6.10**.