

27.0 PENALTIES AND REMEDIES (Amended 7-21-08, 2-17-09)

27.1 CRIMINAL PENALTY

Any person, whether owner, lessee, principal, agent, employee or otherwise, who violates any provision of this ordinance, or permits any such violation, or fails to comply with any of the requirements hereof, or who erects any building or structure or uses any building, structure or land in violation of this ordinance or any site plan or other detailed statement or plan submitted by one of the above-described persons and approved under the provisions of this ordinance, shall be subject to the following:

- a. The person shall have committed a misdemeanor offense punishable by a fine of not less than ten dollars (\$10.00) nor more than one thousand dollars (\$1,000.00).
- b. If the violation is uncorrected at the time of conviction, the court shall order the person convicted to abate or remedy the violation in compliance with this ordinance, within a time period established by the court. Failure to remove or abate such violation within the time period established by the court shall constitute a separate misdemeanor offense punishable by a fine of not less than ten dollars (\$10.00) nor more than one thousand dollars (\$1,000.00), and any such failure during any succeeding ten (10) day period shall constitute a separate misdemeanor offense for each ten (10) day period, punishable by a fine of not less than one hundred dollars (\$100.00) nor more than one thousand five hundred dollars (\$1,500.00).

27.2 CIVIL PENALTY

Any person, whether owner, lessee, principal, agent, employee or otherwise, who violates any provision of this ordinance, or permits any such violation, or fails to comply with any of the requirements hereof, or who erects any building or structure or uses any building, structures or land in violation of this ordinance or any site plan or other detailed statement or plan submitted by him and approved under the provisions of this ordinance, shall be subject to the following:

- a. Any violation of this ordinance shall be subject to a civil penalty of two hundred dollars (\$00.00) for the first violation, and a civil penalty of five hundred dollars (\$500.00) for each subsequent violation arising from the same set of operative facts.
- b. Each day during which a violation is found to exist shall be a separate offense. However, the same scheduled violation arising from the same operative set of facts may be charged not more than once in a ten (10) day period, and the total civil penalties from a series of such violations arising from the same set of operative facts shall not exceed five thousand dollars (\$5,000.00).
- c. Any person summoned for a scheduled violation may elect to pay the civil penalty by making an appearance in person or in writing by mail to the Town prior to the date fixed for trial in court. A person so appearing may enter a waiver of trial, admit liability, and pay the civil penalty established for the offense charged. A signature to an admission of liability shall have the same force and effect as a judgment of court. However, such an admission shall not be deemed a criminal conviction for any purpose. If a person charged with a violation does not elect to enter a waiver of trial and admit liability, the violation shall be tried in the general district court in the same manner and with the same right of appeal as provided by law. A finding of liability shall not be deemed a criminal conviction for any purpose.
- d. A violation enforced under section 27.2 shall be in lieu of any criminal penalty and, except for any violation resulting in injury to persons, such a designation shall preclude the prosecution of the particular violation as a criminal misdemeanor, but shall not preclude any other remedy available under this

ordinance.

e. Section 27.2 shall not be construed to allow the imposition of civil penalties: (i) for activities related to land development within the meaning of Va. Code §10.1-603.2; or (ii) for violation of any provision of the zoning ordinance relating to the posting of signs on public property or public rights-of-way.

27.3 INJUNCTIVE RELIEF AND OTHER REMEDIES

Any violation of this ordinance may be restrained, corrected, or abated as the case may be by injunction or other appropriate relief.