

ARTICLE IX: ADMINISTRATION

9.10 ENFORCEMENT

9.11 Authority and Responsibility. It shall be the duty of the Selectboard, acting as the Administrator, to enforce the provisions of this ordinance and the Board is hereby given the power and authority to do so. The Selectboard may appoint an Administrator to carry out any action in the enforcement of this ordinance as the Selectboard may direct.

9.12 Violations and Penalties. Upon determination of the Administrator that the Ordinance is being violated, the Administrator shall immediately take informal steps to enforce the provisions of this Ordinance. If informal efforts fail to achieve compliance, the Administrator or the Selectboard may issue a cease and desist order per NH RSA 676:17-a. addressed to the violator stating the provision of the Ordinance which is being violated, the facts constituting the violation, the corrective action required, including a reasonable time within which such action shall be taken, but in no case longer than 20 days, and notice that failure either to take corrective action or file an answer will cause the Administrator or the Selectboard to issue a citation of land use violation or take other appropriate legal action.

If the cease and desist order fails to achieve compliance, the Administrator or the Selectboard may elect to issue and serve upon the violator a local land use citation in accordance with the provisions of RSA 676:17-b which will impose a civil penalty payable by the offender for each day the violation continued subsequent to the written notice up to a maximum of five days violation charged in one citation. The recipient may either plead guilty or *nolo contendere* to the District Court and pay the fine or answer and request a trial.

Alternatively, the Administrator or the Selectboard, after giving the offender notice of the violation and reasonable time to take corrective action, but in no case longer than 20 days, may elect to commence an action directly in Court charging a violation of the Ordinance and requesting a fine not to exceed the amount specified in NH RSA 676:17. If necessary, the Administrator or the Selectboard may seek an injunction in the Superior Court.

9.20 PERMITS

9.21 Permit Required. It shall be unlawful to develop, construct, alter, restore, remove, or demolish or commence any construction, alteration, restoration, removal or demolition of a building or structure or construct or alter a sign or commence development or construct a water body without first filing a written application with the Administrator and receiving an approved Building & Zoning Permit.

It shall also be unlawful to make any change in the use of property, other than a permitted use as set forth in Table 4.1, without first filing with the Administrator a written application requesting a Site Plan Review. If the application is approved by the Planning Board, the Administrator shall issue a Building & Zoning Permit for the requested change in use. Permits for any new construction or

renovation of schools, halls, theatres, or other public buildings shall be granted as provided in RSA 155-A:4.

In the event the Zoning Administrator's position is vacant or s/he is absent, the Selectboard may issue Building & Zoning Permits.

9.22 Permit Not Required. A permit is not required to repair or otherwise work on any existing building or structure by replacing existing materials, if the type and grade of the replacement materials are similar to the original materials, and if the interior and exterior size and configuration remain unchanged (e.g. re-staining, re-painting, re-papering, re-plastering, re-roofing with same type of shingles, and re-flooring with same type of flooring). This does not include a major renovation. A permit is not required to paint ceilings, walls, or woodwork previously stained or wallpapered or to wallpaper where previously stained or painted.

9.23 Application Form. Permit applications shall be filed with the Administrator in such form as the Administrator may require. The application shall contain the full name of the owner and/or her/his agent. It shall contain a certification that the property lies in an approved subdivision or is not subject to the subdivision regulations of the Town in effect at the time of application. The application shall describe briefly the proposed work and/or use and give such other information as may be required to enable the Administrator to determine whether the proposed work and/or use complies with the provisions of this ordinance. The application for a building & zoning permit shall require submission of all subdivision approvals and conditions specified by the Planning Board at the time the lot was created or subdivided.

The Administrator shall act upon any application within 15 days after its receipt. If the Administrator requires additional information, s/he shall act upon the application within 15 days after the receipt of the additional information. If the Administrator or Selectboard deny a permit, they shall state their reasons for denial in writing to the applicant.

9.24 Issuance of Permit.

- A. No development shall be commenced until the owner or his agent shall first secure a building & zoning permit from the Administrator.
- B. No building & zoning permit shall be issued or become effective until the Administrator has certified that the proposed building or alteration and its intended use and occupancy comply with the provisions of this ordinance.
- C. No such permit shall be issued or become effective with respect to matters which must be reviewed and approved by the ZBA or the Planning Board until such review has been completed and such approval has been given.
- D. Upon approval of the application, the Administrator shall issue a permit authorizing such construction, alteration, or demolition.
- E. A copy of the permit shall be posted on-site within public view and maintained in good condition.

9.25 Permit Fees. Permit fees shall be established by the Selectboard at a rate designed to cover the cost of administering this ordinance.

9.26 Revocation, Expiration, or Renewal of Building & Zoning Permits.

- A. A violation of or variation from the terms, conditions, or authorization of a building & zoning permit by the holder thereof or her/his agent, architect, or contractor shall be cause for the revocation of said permit. Such revocation shall be made at the discretion of the Selectboard. An appeal from such action may be made as provided in Article X of this ordinance.
- B. Building and Zoning Permits shall expire one year from the date of issuance. If the work or change in use for which a permit was issued has not yet begun or has not been completed when the permit expires, the recipient of the permit shall be required to obtain a renewal permit. Application for renewal shall include the information required for the initial permit, an explanation of the reasons for renewal, and description of the work or change in use, if any, completed as of the date of the application to renew. If the work or change in use has not been carried out to a significant degree, renewal of the permit will be granted as long as there are no changes to the Zoning Ordinance or original site conditions that will affect the conditions under which the permit was originally granted. All renewal applications for a Building & Zoning Permit for which a Site Plan Review, Special Exception, or Variance was originally required must be reviewed by the Zoning Administrator who will decide whether or not to issue a renewal of the Sit Plan Review, Special Exception, or Variance upon which the initial permit was based.
- C. The Administrator shall not issue any building & zoning permits if application for such permit is made after the first legal notice of an amendment to the Zoning Ordinance has been posted and if the proposed amendment would, if adopted, justify denial of such permit.