

SECTION 3: ENFORCEMENT

Existing Bylaw Section: Section 9 – Administration

Approach: This section was drafted to accomplish four primary objectives:

- 1) Relocate the existing “Amendments” section in the Zoning Bylaw to Section 1 – General Provisions.*
- 2) Remove the “Multi-Family Development By-Law” as it has not been useful to the Town.*
- 3) Move the “Subdivision Phasing” to Section 2 - Administration.*
- 4) Remove the “Growth Management By-Law” due to its expiration.*

Commentary for specific provisions is provided throughout this document along with more specific references to those sections of the existing bylaw that are directly related to these revisions.

1. Enforcement/Building Permit

- A. The Building Inspector shall execute the provisions of this Bylaw, except where otherwise provided, and in so doing, shall have the same powers as are provided for the execution of G.L Chapter 40A §7 of the General Laws. He shall issue no building permit for the construction of any building or structure which would be in violation of any of the provisions of this Bylaw. Where a special permit from the Board of Appeals or the Planning Board, as the case may be, is required pursuant to the provisions of this Bylaw, the Building Inspector shall issue no building permit until (a) the Town Clerk has certified that twenty (20) days have elapsed after the decision was filed in the office of the Town Clerk and that no appeal has been filed, or that any such appeal has been dismissed or denied, (b) the applicant has provided proof of recording of the special permit or variance with the Norfolk County Registry of Deeds, and (c) all conditions precedent to the issuance of a building permit in the decision have been met.
- B. Any application for such a permit shall be accompanied by a plan, accurately drawn, showing the actual shape and dimensions of the lot to be built upon, the exact location and size of all buildings to be constructed, together with the lines within which all buildings and structures are to be erected, the existing and intended use of each building or structure, and such other information as may be necessary to provide for the execution and enforcement of this Bylaw.
- C. If the Building Inspector shall be informed or have reason to believe that any provisions of this Bylaw or any permit or decision there under has been, is being, or is about to be violated, he shall make or cause to be made an investigation of the facts, including the inspection of the premises where the violations may exist; and if he finds any violations, he shall give

immediate notice in writing to the owner or his duly authorized agent and to the occupant of the premises.

- D. If, after such notice, such violation continues, with respect to any building, structure, or use contrary to the provisions of this Bylaw or a decision of the Board of Appeals or the Planning Board, as the case may be, the Building Inspector shall forthwith revoke any permit issued in connection with the premises and shall take such other action as is necessary to enforce the provisions of this Bylaw.
- E. Construction or operations under a building or special permit shall conform to any subsequent amendment of this Bylaw unless the use or construction authorized by the permit is commenced within a period of not more than six (6) months after the issuance of the permit, and in cases involving construction, unless such construction is continued through to completion as continuously and expeditiously as is reasonable.

2. Certificate of Occupancy

It shall be unlawful to reduce the open spaces on any lot or to initially occupy or use, in whole or in part, for any purposes whatsoever, or change the use of any building or structure until a certificate of occupancy shall have been issued by the Building Inspector stating that the premises and building comply with all the provisions of the statutes and applicable Bylaws of the Town of Walpole. Any use for which a certificate of occupancy has been issued shall not be changed until a new certificate of occupancy is issued covering such use. A certificate of occupancy shall be granted or denied within ten (10) days from the date of receipt of written application.

3. Other Regulations

The provisions of this Bylaw shall be construed as being additional to and not as annulling, limiting or lessening to any extent whatsoever the requirements of any other Bylaw, rule or regulations, provided that, unless specifically exempted, where this Bylaw is more stringent it shall control.

4. Penalty

- A. Any person, firm or corporation violating any section of this Bylaw shall be fined not more than three hundred dollars (\$300.00) for each offense as provided in accordance with the requirement of state law. Each day that such violation continues shall constitute a separate offense.
- B. In addition to the procedures for enforcement as described above, the provisions of this Zoning Bylaw may also be enforced by the Building Inspector/Zoning Enforcement Officer by non-criminal complaint in accordance with the requirement of state law. The penalty for a violation of any provision of this Bylaw shall be \$300.00 for each offense. Each day that such violation continues shall constitute a separate offense.

COMMENT: Note that the “Multi-Family Development” and “Growth Management” sections have been deleted from the Zoning Bylaw due to their expiration or ineffectiveness. The “Subdivision Phasing” Bylaw has been relocated to Section 2 – Administration.