

1 TO THE HONORABLE SENATE:

2 The Committee on Natural Resources and Energy to which was referred
3 House Bill No. 809 entitled “An act relating to designation of new town
4 centers and growth centers” respectfully reports that it has considered the same
5 and recommends that the Senate propose to the House that the bill be amended
6 as follows:

7 First: In Sec. 3, 24 V.S.A. § 2793c, in subdivision (d)(1)(A), by striking out
8 “subdivision (B) of this subdivision (1)” and inserting in lieu thereof
9 subsection (c) of this section.

10 Second: By inserting a new Sec. 10 to read:

11 Sec. 10. 24 V.S.A. § 4451 is amended to read:

12 § 4451. ENFORCEMENT; PENALTIES

13 (a) Any person who violates any bylaw after it has been adopted under this
14 chapter or who violates a comparable ordinance or regulation adopted under
15 prior enabling laws shall be fined not more than \$200.00 for each offense. No
16 action may be brought under this section unless the alleged offender has had at
17 least seven days’ warning notice by certified mail. An action may be brought
18 without the seven-day notice and opportunity to cure if the alleged offender
19 repeats the violation of the bylaw or ordinance after the seven-day notice
20 period and within the next succeeding 12 months.

1 (1) The seven-day warning notice shall state that a violation exists, that
2 the alleged offender has an opportunity to cure the violation within the seven
3 days, and that the alleged offender will not be entitled to an additional warning
4 notice for a violation occurring after the seven days.

5 (2) A notice of violation issued under this chapter also shall state:

6 (A) the bylaw or municipal land use permit condition alleged to have
7 been violated;

8 (B) the facts giving rise to the alleged violation;

9 (C) to whom appeal may be taken and the period of time for taking
10 an appeal; and

11 (D) that failure to file an appeal within that period will render the
12 notice of violation the final decision on the violation addressed in the notice.

13 (3) In default of payment of the fine, the person, the members of any
14 partnership, or the principal officers of the corporation shall each pay double
15 the amount of the fine. Each day that a violation is continued shall constitute a
16 separate offense. All fines collected for the violation of bylaws shall be paid
17 over to the municipality whose bylaw has been violated.

18 (b) Any person who, being the owner or agent of the owner of any lot,
19 tract, or parcel of land, lays out, constructs, opens, or dedicates any street,
20 sanitary sewer, storm sewer, water main, or other improvements for public use,
21 travel, or other purposes or for the common use of occupants of buildings

1 abutting thereon, or sells, transfers, or agrees or enters into an agreement to sell
2 any land in a subdivision or land development whether by reference to or by
3 other use of a plat of that subdivision or land development or otherwise, or
4 erects any structure on that land, unless a final plat has been prepared in full
5 compliance with this chapter and the bylaws adopted under this chapter and
6 has been recorded as provided in this chapter, shall be fined not more than
7 \$200.00, and each lot or parcel so transferred or sold or agreed or included in a
8 contract to be sold shall be deemed a separate violation. All fines collected for
9 these violations shall be paid over to the municipality whose bylaw has been
10 violated. The description by metes and bounds in the instrument of transfer or
11 other document used in the process of selling or transferring shall not exempt
12 the seller or transferor from these penalties or from the remedies provided in
13 this chapter.

14 and by renumbering the remaining section to be numerically correct.

15

16

17 (Committee vote: _____)

18

19

Senator _____

20

FOR THE COMMITTEE

21