

## **IX ENFORCEMENT**

A. General The Commission or the Conservation Commission through a designee of the Commission may enforce these Regulations, or an Order, Permit, or Determination issued thereunder, in any manner consistent with Section 16-34 of the Ordinance and these Regulations promulgated thereunder, The Home Rule Amendment, and all other laws.

B. Violations and Fines The Commission or the Conservation Commission through a designee of the Commission shall have the authority to impose penalties and issue fines for failure to adhere to the provisions of the Ordinance and Regulations promulgated thereunder and/or the Act.

The standard and fine schedule are attached as Appendix 1 and incorporated as part of these regulations. Each day the violation continues may constitute an additional offense/violation.

1. LEVEL 1 VIOLATIONS. These violations result from relatively minor activities occurring without filing a request for determination. Such violations occur only in the buffer zone. Brush removal, branch cutting, etc. would be considered Level 1 Violations.
  - 1.1 The Standard to be Applied. Will merely ceasing the activity allow the buffer zone area to repair itself? Typically these kinds of violations result from a defect of form (the activity might have received a negative determination if the applicant had filed a request). A Level One violation should not impact the resource area or significant wildlife habitat.
  - 1.2 Refusal to Respond Refusal to respond to a Level 1 violation within a specified time period can result in it becoming a Level 2 violation.
2. LEVEL 2 VIOLATIONS These violations are more serious. Such violations refer to more extensive work in the buffer zone or any work in the resource area.
  - 2.1 Buffer Zone Tree cutting (Definition 3-inch caliper or greater)
  - 2.2 Resource Area Removing brush within the wetland or river front area would be considered a Level 2 violation. Leaf litter dumped into a wetland would be considered a Level 2 violation.
  - 2.3 The Standard to be Applied Can the wetland recover by itself in a single growing season? Can the damage to the buffer zone be repaired within a reasonable amount of time?
  - 2.4 Refusal to Respond Refusal to respond to a Level 2 violation within a specified time period can result in it becoming a Level 3 violation.

### 3. LEVEL 3 VIOLATIONS

3.1 Buffer Zone Tree cutting and stumping, extensive earth-work, removal of large trees, building structures with foundations.

3.2 Resource Areas Tree removal or trash dumping.

3.3 The Standard to be Applied This work would have required a NOI. Can the materials be removed from the wetlands without extensive disturbance? Can the removal work be done by hand? Is it possible to replace the trees removed with trees of equivalent caliper?

3.4 Refusal to Respond Refusal to respond to a Level 3 violation within a specified time period can result in its becoming a Level 4 violation.

### 4. LEVEL 4 VIOLATIONS Damage to the resource area requiring extensive restoration. Damage to known rare or endangered wildlife habitat within the resource area. Extensive siltation into the resource areas, filling the resource areas, placing hazardous materials within the resource area or within the buffer zone

4.1 The Standard to be Applied This work would not have received an Order of Conditions. The repair process will require considerable expense and machine work. It will take several years for the disturbed area to recover.

### 5. INACCURATE INFORMATION

One time fine for the submission of inaccurate information and/or incorrect as-built plans.