

**Topic:** Enforcement; Wetlands & Watercourse Protection  
**Resource Type:** Regulations  
**State:** New York  
**Jurisdiction Type:** Municipal  
**Municipality:** Town of Kent  
**Year (adopted, written, etc.):** Unknown  
**Community Type - applicable to:** Suburban; Rural  
**Title:** Town of Kent Enforcement Ordinance  
**Document Last Updated in Database:** February 24, 2016

### ***Abstract***

The Town of Kent's Freshwater Wetlands ordinance contains enforcement provisions which specifically related to the protection of this natural resource.

### ***Resource***

#### **§ 39A-12 Enforcement; Penalties for Offenses; Equitable Relief**

- A. This chapter shall be enforced by a Wetlands Inspector appointed by the [Municipality] Board. The [Municipality] Board may also designate Deputy Wetlands Inspectors.
1. Any person, firm, corporation or entity found violating any provision of this chapter or conditions imposed by an approval authority upon an approved permit shall be served with a written notice by the Wetlands Inspector. This notice shall state the nature of the violation and shall provide a specified time within which the violation shall cease and satisfactory corrective action be taken by the violator.
  2. The Wetlands Inspector shall also be authorized to issue and serve appearance tickets to violators of this chapter.
- B. Any person who violates, disobeys, or disregards any provision of this chapter shall be liable to the people of the [municipality] for a civil penalty not to exceed three thousand dollars (\$3,000) for every such violation. Each week's continuation of a condition violating this chapter shall be deemed a separate violation.
- C. In addition to the above civil fine, any person who violates any provision of this chapter shall be guilty of a violation pursuant to the Penal Law, punishable by a fine of not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1000). For a second and each subsequent offense, the violator shall be guilty of a misdemeanor punishable by a fine two thousand dollars (\$2000) or a term of imprisonment up to fifteen days, or both. Each offense shall be a separate and distinct offense, and, in the

case of a continuing offense, each day's continuance thereof shall be deemed a separate and distinct offense.

- D. In addition to the above civil and criminal penalties, the approving authority shall have the right to seek equitable relief to restrain any violation or threatened violation of any provision of this chapter.