

Topic:	Timber Harvesting; Enforcement
Resource Type:	Regulations
State:	New York
Jurisdiction Type:	Municipal
Municipality:	Town of Pawling
Year (<i>adopted, written, etc.</i>):	Unknown
Community Type – applicable to:	Suburban; Rural
Title:	Town of Pawling Enforcement Ordinance
Document Last Updated in Database:	March 21, 2016

Abstract

The Town of Pawling’s Timber Harvesting ordinance contains enforcement provision related specifically to harvesting issues and protection of natural resources.

Resource

§ 45-13 Penalties

A. Stop Work Order

The Code Enforcement Officer may issue a Stop Work Order when he/she finds that the permittee is in violation of the provisions of applicable laws, ordinances, and/or regulations; has not complied with any term of such permit issued pursuant to this Chapter; has exceeded the authority granted in the permit; or has failed to undertake or complete the project in the manner set forth in the permit. A Stop Work Order shall be issued by notifying the permittee performing the work to suspend all work. Any person served with a Stop Work Order shall forthwith suspend all activity until the Stop Work Order has been rescinded. Such order and notice shall be in writing, shall state the conditions under which work may be resumed, and shall be served upon the person to whom it is directed either by delivering it to the individual personally or by posting the same upon a conspicuous portion of the area and sending: 1) a copy of the same, by registered or certified U .S. mail, 2) return receipt requested to the permittee at the address shown on the permit or approval.

The Code Enforcement Officer shall immediately notify the Environmental Director and the Planning Board when a Stop Work Order has been issued. The [Municipality] Engineer and Environmental Director must inspect and approve corrective actions prior to any lifting of a Stop Work Order issued.

B. Any infraction of the provisions of this Chapter by failure to comply with any of its requirements, including any infraction of a condition of a permit issued pursuant to this Chapter, shall constitute a violation. Any person, firm, partnership, corporation or other party who violates any provision of this Chapter shall, upon conviction thereof, be

punishable by a fine of no less than fifty dollars (\$50) nor more than three hundred fifty dollars (\$350) or by a term of imprisonment of not more than fifteen (15) days, or both. The imposition of any such penalty for the violation of this Chapter shall not excuse such violation nor permit the continuance thereof. The application of the above penalty or penalties for a violation of the provisions of this Chapter shall not be held to prevent the removal of conditions prohibited by this Chapter by such legal means as may be proper.

- C. In addition to the foregoing, if there is any damage due to violation of this Chapter or if any soil, liquid, or other material is caused to be deposited upon or to roll, flow, or wash upon any public property, private property, or right-of-way in violation of this Chapter, the person, firm, partnership, corporation, or other party responsible shall be notified and shall cause the same to be removed from such property or way within thirty-six (36) hours of notice. In the event of an immediate danger to the public health or safety, notice shall be given by the most expeditious means; the violation may then be remedied by the [municipality]. The cost of such remedy by the [municipality] shall be paid to the [municipality] by the party who failed to so remedy.
- D. Every day that a violation of any of the provisions of this Chapter occurs shall constitute a separate violation of this Chapter.