

2. Two trees shall be replaced for every tree removed, except healthy heritage trees. Removal of healthy heritage trees shall be in accordance with Section 3.05.04(D).
 3. In determining the required location of relocated or replacement trees that will be planted either on-site or offsite, the Town Administrator shall consider the needs of the intended use of the property together with a realistic evaluation of the following:
 - a. Existing tree coverage, including percentage of canopy;
 - b. Number of trees to be removed on the entire property;
 - c. Area to be covered with structures, parking and driveways;
 - d. Topography and drainage of the site and its environs;
 - e. Character of the site and its environs;
 - f. Ecology of the site;
 - g. Characteristics and amount of shrubs, grass and trees proposed for planting on the site by the applicant;
 - h. The health and desirability of existing trees;
 - i. The impact of features included in the proposed project (e.g., buffer areas, etc.) and areas not to be impacted by the proposed project.
- F. *Natural emergencies or disasters.* In the case of natural emergencies or disasters such as hurricanes, windstorms, floods or other disasters, issuances of permits for the removal of damaged trees may be waived by the Town Administrator. Such waiver may not be for an indefinite period and shall expire when the Town Administrator determines that emergency conditions have ended.
- 10.02.03 Heritage Tree Removal Permits.**
- A. A permit shall be required to remove a heritage tree.
 - B. The Town Administrator shall only approve a permit for removal of a heritage tree if the applicant demonstrates the presence of one or more of the following conditions:
 1. *Safety hazard.* Necessity to remove a tree which poses a safety hazard to pedestrians or other persons, buildings or other property, or vehicular traffic, or which threatens to cause disruption of public services.
 2. *Diseased or pest infested trees.* Necessity to remove a diseased or pest infested tree to prevent the spread of the disease or pests. The need to remove trees because of disease or pest infestation must be determined by a forester with a B.S. degree or higher from a Society of American Foresters accredited college or by an arborist certified by the International Society of Arboriculture.
 3. *Compliance with other ordinances or codes.* Necessity for compliance with Town ordinances and codes, such as building code, land use district regulations, subdivision regulations, health provisions, and other environmental ordinances.

4. *Reasonable and permissible use of property.* Tree removal which is essential for reasonable and permissible use of property, or necessary for construction of substantial improvements.
- C. In order for removal of a heritage tree to be essential for reasonable use of property or necessary for construction of substantial improvements, it must be demonstrated that no reasonable, economically-feasible, lawful use of the property would be possible without removal of the heritage tree and that removal of the tree is necessary in order to:
 1. Provide access immediately around a proposed structure for essential construction equipment, limited to a maximum width of 20 feet from the structure
 2. Provide limited access to the building site essential for reasonable use of construction equipment
 3. Facilitate essential grade changes. Essential grade changes are those grade changes needed to implement safety standards common to standard engineering or architectural practices, and reference to a text where such standards are found shall be required.
 4. Make possible the location of driveways, where there is no alternative means of access to the property. Driveway aisles shall be consistent with other applicable standards.
 5. Provide for construction of buildings or other permanent improvements.
 6. Provide access to the property, where there is no alternative means of access to the property.

10.03.00 PUBLIC NOTICE REQUIREMENTS

10.03.01 Generally

- A. Public notice of proposed action shall be required for the following types of applications:
 1. Amendments to the Comprehensive Plan;
 2. Amendments to this ULDC;
 3. Sites plans;
 4. Variances;
 5. Administrative appeals;
 6. PUD final development plans; and
 7. Tree removal permits.
- B. Public notice of amendments to the Comprehensive Plan and amendments to this ULDC shall comply with the requirements of State law.
- C. All required public notices shall contain the following information:
 1. The name of the applicant.
 2. The location of the property for which development approval is sought.
 3. The nature of the approval sought by the applicant.
 4. The date, time, and place of any applicable public hearings on the application.

- D. Except as required in Section 10.04.01(B), notice shall be provided in accordance with the procedures of Section 10.04.02 – 10.04.04 a minimum of fifteen (15) days before the applicable public hearing.

10.03.02 Posted Notice Requirements

- A. The Town Administrator shall post notice of the proposed change or development at the property that is identified in the application. The posted notice shall adhere to the following conditions:
1. The posted notice for development orders shall contain a site plan with proposed architectural renderings for development permits.
 2. The posted notice shall be located in a manner to ensure that it is clearly visible on each portion of the subject property that fronts on a roadway
 3. The posted notice shall contain the information set forth in Section 10.04.01(C).
 4. Failure to place, maintain, or replace the posted notice shall not affect the jurisdiction of the reviewing board or decision-making entity to consider the application or the validity of any resulting decision.
- B. The Town Administrator shall also post notice of the proposed change or development in a conspicuous place at Town Hall.
- C. The applicant shall pay any fees or costs associated with the posting of notices in accordance with Section 10.01.04.

10.03.03 Mailed Notice Requirements

- A. The applicant shall mail notice for public hearings for variances and establishment or amendment of overlay district boundaries to abutting property owners within 100 feet of the subject property at least fifteen (15) days prior to the public hearing.
- B. The applicant shall provide proof of mailed notice in the form of an affidavit or certificate of mailing from the Post Office to the Town at least seven (7) days prior to the public hearing.
- C. The applicant shall pay any fees or costs associated with the mailing of notices.

10.03.04 Published Notice Requirements

- A. The applicant shall publish notice of the proposed change or development in a newspaper of general circulation and readership in Flagler County.
- B. The published notice shall contain the information set forth in Section 10.04.01.
- C. The published notice shall comply with all requirements of State law regarding size and placement in the newspaper.
- D. The applicant shall provide proof of published notice in the form of a copy of the published notice to the Town at least seven (7) days prior to the public hearing.
- E. The applicant shall pay all fees and costs associated with publishing notice.

10.04.00 PROCEDURES FOR REVIEW AND DECISION-MAKING**10.04.01 Review and Compliance Report by Technical Review Committee****A. PUD master plan review**

1. The TRC shall meet with the applicant to review the concept plan prior to consideration of a preliminary development plan, as determined by the Town Administrator.
2. Preliminary development plan review
The TRC shall review applications for compliance with Sections 4.04.00 and 4.05.00, as applicable, and prepare a report documenting compliance of the application and preliminary development plan with the standards and criteria of this ULDC. The Town Administrator shall forward the compliance report to the Local Planning Agency for review and recommendation. The Town Administrator shall forward the application, supporting materials, and the recommendation of the Local Planning Agency to the Town Council for action.
3. Final development plan review
The TRC shall review the final development plan and prepare a report documenting the consistency of the final development plan with the preliminary development plan and with the standards and criteria of this ULDC. The Town Administrator shall forward the compliance report to the Local Planning Agency for review and recommendation. The Town Administrator shall forward the application, supporting materials, and the recommendation of the Local Planning Agency to the Town Council for action.

D. Site plan review, with or without supplemental standards

1. The TRC shall review site plans for compliance with the applicable standards set forth in the ULDC and prepare a report documenting its findings.
2. When the site plan does not comply with the requirements of the ULDC, the applicant may provide additional information or resubmit a revised site plan. The TRC shall review the revised plan at its next regular meeting and prepare a revised compliance report.
3. The TRC shall forward the compliance report, with recommendations of the TRC for approval, denial, or approval with conditions, to the Local Planning Agency for review at the next available meeting.
4. The Town Administrator shall forward the application, supporting materials, and the recommendation of the Local Planning Agency to the Town Council for action.

10.04.02 Procedures for Action by the Community Redevelopment Agency (CRA)

- A. The CRA shall hold a public hearing on matters pertaining to an application within their jurisdiction. The procedures for public hearings of the CRA shall be the same as procedures for public hearings of the Town Council.

- B. The CRA shall recommend approval, approval with conditions, or denial of the application to the Town Council.
- C. The Town Council may take action on the application during a properly noticed public hearing of the Town Council immediately following the public hearing at which the CRA hears and recommends an action.

10.04.03 Procedures for Action by the Local Planning Agency

- A. The Town Administrator shall submit compliance reports to the Local Planning Agency shall contain proposed findings regarding consistency of the application with the goals, objectives, and policies of the Comprehensive Plan and with the requirements of the ULDC.
- B. Review of PUD master plans shall be in compliance with the requirements set forth in the ULDC.
 - 1. Preliminary development plan review
 - a. The Local Planning Agency shall consider the proposed preliminary development plan at a public hearing.
 - b. Following the public hearing, the Local Planning Agency shall forward the preliminary plan and application to the Town Council with a recommendation to approve, approve with conditions, or deny the preliminary development plan.
 - 2. Final development plan review
 - a. The Local Planning Agency shall consider the proposed final development plan at a public hearing.
 - b. Following the public hearing, the Local Planning Agency shall forward the final development plan and application to the Town Council with a recommendation to approve, approve with conditions, or deny the preliminary development plan.
- E. Site plan review, with or without supplemental standards
 - 1. The Local Planning Agency shall hold a public hearing to review the site plan application.
 - 2. The Local Planning Agency shall vote to recommend approval, approval with conditions, or deny the application and shall forward the plan and recommendation to the Town Council for final action.

10.04.04 Procedures for Action by the Town Council

- A. PUD preliminary development plan review
 - 1. The Town Council shall hold a public hearing for the purpose of determining whether or not the preliminary development plan should be approved.
 - 1. If, after the public hearing, the Town Council approves the preliminary development plan, the developer shall then submit his final development plan within twelve (12) months of the date of approval of the preliminary development plan.
 - 2. For good cause shown, the Town Council may, at its discretion, extend the time in which to file the final development plan for up to six (6) months.

- B. PUD final development plan review
The Town Council shall consider the proposed final development plan at a public hearing according to the published schedule. The Town Council shall approve, deny, or approve with conditions the final development plan.
- C. Site plan review, with or without supplemental standards
The Town Council shall hold a public hearing to review the site plan application and take action to approve, approve with conditions, or deny the application.

10.05.00 QUASI-JUDICIAL HEARINGS

10.05.01 Generally

- A. The Town Administrator shall schedule a quasi-judicial hearing when all required reports and procedures have been completed. A quasi-judicial hearing shall not be scheduled until an applicant has paid all outstanding amounts.
- B. A quorum of the decision-making entity shall be present at the quasi-judicial hearing.

10.05.02 Conduct of hearings

- A. The hearing shall be conducted in a manner to protect the due process rights of the applicant and affected parties.
- B. All testimony presented by the applicant, any affected party, any witness for a party, or the staff (other than legal advice given by the Town attorney) shall be given under oath.
- C. The applicant, any affected party, and the staff may cross-examine any person presenting information at the hearing.
- D. An electronic record shall be made of the hearing.
- E. Members of the general public may provide comment during the hearing. If a member of the general public desires his or her testimony to be considered as potential competent substantial evidence, such person shall be placed under oath and subject to cross-examination.
- F. The decision-making entity may question the applicant, other parties, witnesses, and the Town staff at any time during the hearing.
- G. The decision-making entity shall approve, approve with conditions, or deny the matters under consideration. The decision shall be based upon competent substantial evidence presented during the hearing.
- H. The decision-making entity shall enter a written order which contains findings of fact and conclusions of law in support of its decision.
- I. The Town Administrator shall file the decision-making entity's written order as part of the official records of the Town.

10.05.03 When Required

Quasi-judicial hearings shall be required for review of the following applications:

- A. PUD preliminary and final development plans;
- B. Site plans with or without supplemental standards; and

C. When otherwise required by State law.

10.05.04 Procedures Regarding *Ex Parte* Communication

- A. A member of a decision-making entity shall not willfully participate in an *ex parte* communication regarding a pending application.
- B. All *ex parte* communications are presumed prejudicial, unless the approximate date and general substance of the *ex parte* communication is disclosed at the beginning of the quasi-judicial hearing at which the decision-making entity considers the pending application.
- C. The Town may rebut the presumption of prejudice by demonstrating the absence of any actual prejudice to any party challenging the validity of a decision-making entity’s decision on the basis of *ex parte* communications.

10.05.05 Order of Presentations

The following order of presentation shall be followed:

- A. Presentation by the Town Administrator of a compliance report regarding the pending application.
- B. Presentation by the applicant of evidence supporting the application. The applicant shall bear the burden of demonstrating that the application should be granted.
- C. An affected party is entitled to present evidence opposing the application.
- D. Rebuttal by the Town Administrator, any affected party, and the applicant.
- E. Conclusion of the evidentiary portion of the hearing.
- F. Closing arguments by the Town Administrator, any affected party, and the applicant.
- G. Deliberation by the decision-making entity.
- H. Public comment
- I. Decision or action by the decision-making entity.

10.06.00 CONSTRUCTION AND IMPROVEMENTS

10.06.01 Compliance with Development Permits and Local Development Orders

Prior to the consideration of the final PUD development plan by the Town Council, the applicant shall have completed all the necessary improvements in accordance with Town specifications set forth in Table 10.06.01.

Table 10.06.01 Requirements for Improvement Plans

1	Plans and profiles of each proposed street and sidewalk at a horizontal scale of fifty (50) feet or less to the inch and vertical scale of five (5) feet or less to the inch, with tentative grades indicated; including plans and profiles or proposed sanitary sewers, also stormwater sewers, if required, with grades and sizes indicated.
2	Typical cross sections of each proposed street and sidewalk, including private streets, at a horizontal and vertical scale of five (5) feet or less to the inch, showing the width of pavement, the location and width of sidewalks when installed, and the location of the utility

	main.
3	A complete grading plan.
4	A minimum of two (2) benchmarks, not more than 1,500 feet apart. Benchmarks shall not be required at closer intervals than 600 feet.
5	Drainage plans and calculations in compliance with the stormwater level of service standard in the Comprehensive Plan. The drainage plans shall include all necessary calculations and documentation demonstrating the adequacy of the proposed facilities. Proof of compliance with the rules and regulations of state and federal regulatory agencies shall be submitted with the improvements plan.
6	Construction plans of all water, sewage, pumping, and treatment systems shall include a layout of piping system detailing line size, material, and what the line is carrying.
7	<ol style="list-style-type: none"> a. Mechanical plans for water and sewage pumping stations and water and sewage treatment plants shall, as a minimum, include a plan of the facilities in two sections. b. Electrical plans shall include wiring routes and a line diagram and any control system diagrams. c. Structural plans, where necessary, shall include foundation plans, detail of concrete steel, and slab and wall thicknesses. d. Plans of sewer package plant, if applicable, shall include landscaping and physical buffering to include security.

10.06.02 Improvement Agreements, Guarantees, and Sureties

In lieu of the immediate installation of the required improvements, the applicant may do one of the following:

- A. File an irrevocable letter of credit conditioned to secure the construction of the required improvements in a satisfactory manner and within a time period specified by the Town Council, such period not to exceed one (1) year. The irrevocable letter of credit shall be executed by a surety company authorized to do business in the state. No such letter of credit shall be accepted unless it is enforceable by or payable to the Town in a sum equal to the cost of constructing the improvements as estimated by the Town Administrator and unless its form, the surety thereon and the conditions thereof are approved by the Town attorney.
- B. Deposit with the Town or place in escrow cash, an irrevocable letter of credit, a cashier's check, or a certified check in amount equal to the cost of constructing the improvements as estimated by the Town Engineer. The Town Administrator may release portions of this security deposit as the work progresses to his satisfaction. The Town Administrator shall require that the amount on deposit shall always be equal to or exceed the estimated cost of completing the improvements. Upon the Town's acceptance of the improvements, the developer shall post a one (1) year maintenance bond or irrevocable letter of credit. The amount of the

maintenance bond shall be determined by the Town Administrator, based on the cost of construction of the improvements. When all improvements have been made and accepted, the amount of the maintenance bond/irrevocable letter of credit will normally be ten percent of the amount of the improvements.

10.06.03 Conditions, Covenants and Restrictions

The Town shall require enforceable, recorded Declaration(s) of Restrictive Covenants from the applicant as “Grantor” binding all heirs, legal representatives, successors, and assigns and upon all mortgagees and lessees and others presently or in the future having any interest in the property to the restrictive covenants running with the land naming the Town of Marineland as a “Grantee” to ensure that the Town can enforce all conditions, covenants and restrictions meant to run with the land (for example, green building and energy efficiency standards, low impact development practices and criteria, and any other conditions of approval meant to run with the land). The declaration shall contain the following necessary elements:

- A. That the development shall be developed in accordance with the approved site plan and development order (as may only be modified or amended as set forth in 10.07.01) and that in the event of multiple ownerships subsequent to site plan approval, that each of the subsequent owners shall be bound by the terms, provisions and conditions of the declaration of restrictive covenants and any applicable operating agreements.
- B. The declaration of covenants shall contain such other provisions with respect to the operation, maintenance and development of the property as to which the parties thereto may agree, all to ensure that although the property may have several owners, it will be constructed, conveyed, maintained and operated in accordance with the approved site plan (as may only be modified or amended as set forth in 10.07.01).
- C. The Declaration of Restrictive Covenants shall be in a form(s) prescribed by the Town. The Declaration of Restrictive Covenants shall be recorded in the public records of Flagler County, Florida, by the Department at the expense of the owner of the property.
- D. The declaration of Declaration of Restrictive Covenants shall be in effect for a period of thirty (30) years from the date the documents are recorded in the public records of Flagler County, Florida, after which time they shall be extended automatically for successive periods of ten (10) years unless released in writing by the owners and the Town, upon the demonstration and affirmative finding that the same is no longer necessary to preserve and protect the property for the purposes herein intended.
- E. For modification or elimination of conditions or Declaration of Restrictive Covenants, or parts thereof, after public hearing, mailed notice shall be accomplished by placing in the United States mail a written notice to all property owners of record, as reflected on the Flagler County Property

Appraiser's tax roll as updated, within the same radius of the property as required to be noticed for zoning action imposing or accepting the condition or restrictive covenant sought to be modified or eliminated, or such greater distance as the Town may prescribe.

- F. Enforcement of the declaration of restrictive covenant shall be by action at law or in equity with costs and reasonable attorney's fees to the Town if the Town is a substantially prevailing party.

10.06.04 Major Developments

In order to assure that proposed developments are developed in substantial compliance with proffered plans, or in compliance with plans approved by public hearing, the Town may, in order to preserve the integrity of a development, require a property owner to file a unity of title, a development agreement pursuant to Section 163.3122 through 163.3243, a declaration of restrictive covenants, and other appropriate agreements on forms approved for legal sufficiency by the Town Attorney.

10.06.05 Maintenance of Common Areas and Facilities

A homeowners' association, or similar association, shall be created for the entire development (total property) as a master association which shall provide for the maintenance of all common areas, roadways, cross-easements and other amenities common to the entire parcel of land. This does not preclude individual associations for each phase in regard to maintenance of buildings and other common areas so long as said associations, or the members thereof, are made members of the master association, or, the property owner shall execute and record among the public records a covenant running with the land for the entire property providing for the maintenance of all common areas, roadways, cross-easements and other amenities common to the entire parcel of land. This does not preclude individual associations for each phase in regard to maintenance of buildings and other common areas.

10.07.00 AMENDMENTS TO LOCAL DEVELOPMENT ORDERS

Any deviation or changes affecting conformity with this ULDC made in any plans prepared and to be used in construction without obtaining approval shall be grounds for revoking the building permit theretofore issued.

10.07.01 Amendments Required

Changes to an approved local development order, as defined below, shall require specific Town Council approval of an amendment to a site plan or PUD master plan. The approval of an amendment shall follow the same procedure as the original approval. All applications shall demonstrate compliance with the required standards set forth in this ULDC. An amendment to an approved local development order shall be required in any of the following situations:

- A. A proposed increase in the amount of approved impervious surface of five (5) percent or more;
- B. A proposed increase in the approved density of development (may also require an amendment to the Comprehensive Plan);

- C. A proposed decrease in the approved open space of five (5) percent or more;
- D. A modification in the approved design concept, such as a substantial change in relationships among land uses, addition of a land use category not in the approved site plan or PUD master plan, a substantial change in traffic pattern or points of ingress or egress;
- E. A modification in building location that affects required setbacks;
- F. A modification to the number of approved parking spaces;
- G. A modification that reduces the dimensions of approved parking spaces;
- H. A modification in the landscaping or buffering that changes the approved dimensions of the buffer or the location of plants.

10.08.00 VIOLATIONS

10.08.01 Generally

- A. Any development activity that is commenced without prior approval of a stormwater management plan or is conducted contrary to an approved stormwater management plan, as required by this ULDC, shall be deemed a public nuisance and may be restrained by injunction or otherwise abated in a manner provided by law.
- B. Any violation of any of the provisions of a development permit or local development order shall constitute a violation of this ULDC, making the offender subject to penalties under Section 10.09.00.

10.08.02 Responsibility for Enforcement

The Building Official shall issue building permits and certificates of occupancy, inspect buildings and premises with reference to compliance with the Florida Building Code. The Town Building Official and the Town Administrator are hereby designated as the Town Code Enforcement Officers and shall generally enforce the provisions of this ULDC.

10.08.03 Code Enforcement Procedures

All code enforcement activities and procedures shall be carried out as set forth in the Town Code of Ordinances and 10.09.00.

10.09.00 CODE ENFORCEMENT PROCEDURES AND PENALTIES

10.09.01 Violations

Any person, whether as owner, lessee, principal, agent, employee or otherwise, who violates any of the provisions of this ULDC, or permits any such violation to continue, or otherwise fails to comply with the requirements of this ULDC or of any plan or statement submitted and approved under the provisions of this ULDC, shall be guilty of an ordinance violation.

10.09.02 Reasonable Time to Correct Violation; Exceptions for Repeat, Serious Public Health and Safety and Irreparable Harm

Prior to issuing a citation, a code enforcement officer shall provide notice to the person that the person has committed a violation of code or ordinance and shall establish a reasonable time period within which the person must correct the

violation. Such time period shall be no fewer than 24 hours and no more than 30 days. If, upon personal investigation, a code enforcement officer finds that the person has not corrected the violation, a code enforcement officer may issue a citation or notice to appear before the special master. Each day such violation continues shall be considered a separate offense. The code enforcement officer does not have to provide the person with a reasonable time to correct the violation, and may require immediate compliance, or may immediately issue a citation or notice to appear if:

- A. A repeat violation is found; or
- B. The code enforcement officer has reason to believe that the violation is of an itinerant or a transient nature that takes place on a particular parcel of property for a period of less than five days which will be discontinued and then subsequently repeated on the parcel or moved to another parcel of property; or
- C. The violation presents a serious threat to public health, safety or welfare; or
- D. The violation resulted in irreparable harm or is irreversible.

10.09.03 Citations

Violations are subject to a citation (under Florida Statutes §162.21) or notice to appear (under Florida Statutes §162.23) issued by the Town Building Official or Town Administrator, who are hereby designated as the Town Code Enforcement Officers. The citation may be contested in county court as set forth in Florida Statutes Sections 162.21 through 162.23. A code enforcement officer may issue a citation in a form prescribed by the Town containing the following information:

- A. The date and time of issuance.
- B. The name and address of the person to whom the citation is issued.
- C. The date and time the infraction was committed.
- D. The facts constituting reasonable cause.
- E. The number or section of the code or ordinance violated.
- F. The name and title or authority of the code enforcement officer.
- G. The procedure for the person to follow in order to pay the civil penalty or contest the citation.
- H. The applicable civil penalty if the person elects to contest the citation.
- I. The applicable civil penalty if the person elects not to contest the citation.
- J. A conspicuous statement that if the person fails to pay the civil penalty within the time allowed, or fails to appear to contest the alleged violation, the person shall be deemed to have waived the right to contest the citation, alleged violation, or notice to appear, and that in such a case, judgment can be entered against the person for an amount up to the maximum civil penalty, fees and costs incurred by the Town and Court, and a \$20.00 administrative citation processing fee.

10.09.04 Supplemental Code Enforcement - Special Master

Pursuant to 162.22, Florida Statutes, at the option of the Town, any violation may be processed through the Town's code enforcement special master by notice

of violation (See, Florida Statutes Section 162.06) or citation (See, Florida Statutes 162.21).

10.09.05 Code Enforcement – Appointment of Board

The Town may also refer a notice of violation to a code enforcement board designated by the Town to hear code enforcement cases under Florida Statutes Chapter 162 Part I pursuant to notices of violation issued under Florida Statutes Section 162.06.

10.09.06 Penalties

Unless otherwise specifically authorized and provided for by law, a person convicted of violating a city ordinance by a court of competent jurisdiction may be sentenced to pay a fine, not to exceed \$500.00 per violation per day, and may be sentenced to a definite term of imprisonment as provided by Florida Statutes.

10.09.07 Refusal to Sign, Penalties

Whoever refuses to sign a citation or notice to appear or notice of violation, opposes, obstructs, or resists a law enforcement officer or code enforcement officer in the service or posting of any notice or enforcement of this article, upon conviction, shall be guilty of a misdemeanor of the second degree, punishable as provided in F.S. § 775.082 or 775.083.

10.09.08 Civil Actions

The Town may also decide to pursue a civil action against a violator in a court of competent jurisdiction for temporary or permanent mandatory injunction, civil penalties, damages, attorney's fees and costs of enforcement. Civil actions shall be filed in a court of competent jurisdiction.