

Article 13
Legal Provisions
(Amended 1/17/02)

Section 1301. Conflict with Other Ordinances

Whenever the regulations of this Ordinance conflict with those of another Ordinance or regulations of Saco, the stricter regulations shall prevail.

Section 1302. Severability

The invalidity of any section or provision of this Ordinance shall not be held to invalidate any other section or provision of this Ordinance.

Section 1303. Violations and Penalties Therefore

The Code Enforcement Officer is hereby authorized to institute or cause to be instituted by the City Solicitor in the name of the City of Saco any and all actions that may be appropriate or necessary for the enforcement of this Ordinance. This section shall not prevent any person entitled to equitable relief from enjoining any act contrary to the provisions of this Ordinance.

Furthermore, the Code Enforcement Officer is hereby authorized to institute or cause to be instituted by the City Solicitor in the name of the City of Saco any and all actions that may be appropriate or necessary for the enforcement of the Subdivision Regulations. This section shall not prevent any person entitled to equitable relief from enjoining any act contrary to the provisions of the Subdivision Regulations.

Any person, firm, corporation, or other business association being the owner or having control of any land, building, or other structures, or any part thereof, which violates any of the provisions of this Ordinance shall be penalized in accordance with Title 30-A, M.R.S.A. § 4452, with fines of not less than \$100 nor more than those amounts set forth in Title 30A M.R.S.A. § 4452. Each day may constitute a separate offense. Fines shall apply following issuance of a Notice of Violation signed by the Code Enforcement Officer. Such notice shall be mailed by certified mail, with return receipt requested, or served in person by the Code Enforcement Officer.

Section 1304 Actions and Proceedings

When the actions in Section 1204 do not result in the correction or abatement of the violation or nuisance condition, the Code Enforcement Officer is hereby authorized to institute any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations and the imposition of fines, that may be appropriate or necessary

to enforce the provisions of this Ordinance in the name of the municipality. The municipal officers, or their authorized agent, are hereby authorized to enter into administrative consent agreements for the purpose of eliminating violations of this Ordinance and recovering fines without Court action. Such agreements shall not allow an illegal structure or use to continue unless there is clear and convincing evidence that the illegal structure or use was constructed or conducted as a direct result of erroneous advice given by an authorized municipal official and there is no evidence that the owner acted in bad faith, or unless the removal of the structure or use will result in a threat or hazard to public health and safety or will result in substantial environmental damage.

Any person, including but not limited to a landowner, a landowner's agent or a contractor, who orders or conducts any activity in violation of this Ordinance shall be penalized in accordance with Title 30-A, M.R.S.A. § 4452, with fines of not less than \$100 nor more than those amounts set forth in Title 30A M.R.S.A. § 4452. Each day may constitute a separate offense. (Amended 1/17/02)