

## Chapter 85. Zoning

### Article XII. Remedies and Penalties

#### § 85-157. Remedies.

- A. In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained or any building, structure or premises is used in violation of this chapter, or of any regulations made pursuant thereto, or in violation of any covenant or condition imposed by the Town Board, the Zoning Board of Appeals or the Planning Board as a condition of any change of zone, permit, special permit, grant, subdivision approval or site plan approval, in addition to other remedies provided by law, any appropriate action or proceeding may be instituted or taken to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to restrain, correct or abate such violation, to prevent the occupancy of said building, structure or premises or to prevent any illegal act, conduct, business or use in or about such premises.
- B. Any provision contained in the Town Code to the contrary notwithstanding, the Town Attorney, or his/her designee, in consultation with the Town Board, in addition to or in lieu of seeking criminal penalties or seeking to restrain or enjoin activity in violation of this Code may enter into a civil compromise whereby the person or entity who or which committed such violation agrees to pay to the Town a civil penalty in an agreed amount. The payment of a civil penalty must be made in conjunction with an agreement on consent whereby the violator agrees to take steps to comply with the procedures set forth in the Town Code. A violation of this Code includes, but is not limited to, the construction, alteration, repair or conversion of any building or structure or the use of any building, structure or premises in violation of this Code or any covenant or condition imposed by the Town Board, the Zoning Board of Appeals or the Planning Board in connection with the approval of any petition or application submitted to such Board.
- C. Revocation of Town Board grant. Failure to comply with any restrictions, conditions and/or criteria as set forth under the Town Code of the Town of Brookhaven, or imposed by the Town Board, in connection with any special permit grant or variance granted by the Town Board shall be presumptive grounds for revocation of such special permit or variance granted by the Town Board.