

TITLE 2: NATURAL RESOURCES  
DIVISION 7: BUILDING AND ZONING CODES

**§ 7254. Penalties: Fines; Conflict of Interest.**

(a) *Administrative Orders.* The Zoning Board shall investigate violations and order violators to conform with this chapter or to cease and desist from any unlawful acts. The Zoning Board may order demolition or removal of nonconforming structures which are built in willful violation of this chapter. The Zoning Board shall have the authority to recoup the cost of demolition from the structure's owner. The zoning administrator or his agent may, with permission of the owner or order of the Commonwealth Superior Court, enter any premises at reasonable times for inspection and verification of any nonconforming uses.

(b) *Penalties.*

(1) *Criminal Penalty.* No person shall knowingly or willingly use any real property or structures thereon, or construct any structure thereon, for purposes not in compliance with this chapter. Any person who violates any provision of this chapter shall be punished by a fine not to exceed \$1,000, or one year imprisonment, or both.

Any person who knowingly or willfully makes a false statement, representation, or certification in any documentation pertaining to this chapter or regulation or order issued thereunder shall be subject to a fine of \$1,000, or one year imprisonment, or both.

(2) *Civil Penalty.* The office of the Attorney General shall bring a civil action to enjoin the use or contemplated use of any real property in violation of this chapter. Upon a showing of a violation of this chapter the court shall issue an injunction prohibiting such use. The Attorney General need not show irreparable harm, as it is presumed; it is not necessary for the Attorney General to show there is an inadequate remedy at law to obtain an injunction.

Any person who materially violates any provision of this chapter or any regulation or any order issued hereunder, is subject to a civil fine not to exceed \$1,000 per day for each day the violation occurs.

(c) *Conflict of Interest.* Any person, including Zoning Board members themselves, having a personal or financial interest in any official proceeding of the Zoning Board, or a familial relationship to the fourth degree of consanguinity with any party to such proceeding, shall disqualify himself or herself from officially hearing or ruling in such proceeding. A knowing or willful failure to do so is a misdemeanor, punishable by not more than one year in prison and a fine not to exceed \$1,000 for each violation.

(d) *Private Action.*

(1) Notwithstanding any other remedies available, any person damaged or aggrieved as a result of a violation of this chapter has a cause of action against the landowner or lessee who committed the violation. An award shall include damages and the costs of litigation including reasonable attorney's fees.

(2) Any person who is aware of a violation of this chapter may bring an action in an appropriate court of the Commonwealth to secure compliance with this chapter. However, such action shall not be brought until the complaining person has first given written notice of the violation to the Zoning Board, and the Zoning Board has refused to take action on the written notice of violation.

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The failure of the Zoning Board to act on the written notice within 90 days of the Zoning Board's receipt of such notice shall be deemed a refusal by the Zoning Board to take action. A person who substantially prevails on the merits of his cause of action shall receive his costs of litigation including attorney's fees.

(e) *Public Nuisance*. Any use of land in violation of this chapter is a per se public nuisance.

**Source:** PL 6-32, § 1 (§ 7254).

**Commission Comment:** With respect to the references to the "Zoning Board," see Executive Order 94-3 (effective August 23, 1994), reorganizing the executive branch, changing agency names and official titles, and effecting other changes, set forth in the Commission comment to 1 CMC § 2001; see also the comment to 2 CMC § 7223.