

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

§ 7338. Penalties.

(a) *Civil Penalties.* Any person who violates any of the provisions of this code or standards hereby adopted or fails to comply therewith, or who violates or fails to comply with any orders made thereunder, or shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder; or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the “Authority Having Jurisdiction” or by a court of competent jurisdiction, within the time fixed herein shall severally for each and every such violation and non-compliance, respectively, shall be civilly liable to a fine of not less than \$5,000 nor more than \$10,000. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each ten days that prohibited condition are maintained shall constitute a separate offense.

(b) *Criminal Penalties.* In addition to all other remedies or penalties hereunder, any person who knowingly and willfully commits an offense under subsection (a) above shall upon conviction be imprisoned for not more than six months or fined not more than \$50,000 or both.

(c) *Enforced Removal.* The application of the penalty shall not be held to prevent the enforced removal of prohibited conditions.

(d) *Private Liability.* Notwithstanding any other remedies available, any person damaged economically, injured, or otherwise aggrieved as a result of a violation of the Fire Safety Code has cause of action against the person who committed the violation. Violation of the code shall constitute a per se public nuisance. An award shall include damages and the costs of litigation including reasonable attorneys fees.

Source: PL 11-56, § 7314, modified.