

Bond Case Briefs

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ZONING & PLANNING - VERMONT

Town of Pawlet v. Banyai

Supreme Court of Vermont - March 1, 2024 - A.3d - 2024 WL 877863 - 2024 VT 13

Town filed a motion for contempt against landowner for his alleged noncompliance with court orders requiring that he remove structures constructed as part of a “firearms training facility” that violated town’s zoning ordinances.

The Superior Court, Environmental Division, found landowner in contempt and imposed sanctions, denied landowner’s motion for reconsideration, granted in part landowner’s request for an extension of deadlines, and, after deadlines had expired, granted town’s motion to enforce the sanctions. Landowner appealed the enforcement order.

The Supreme Court held that landowner’s failure to appeal contempt order foreclosed him from collaterally attacking the sanctions imposed for violations of town’s zoning ordinances.

Landowner was foreclosed from collaterally attacking any determinations made final in trial court’s contempt order, including whether the sanctions imposed by the order for his violations of town’s zoning ordinances violated the Excessive Fines Clause, where landowner never challenged the contempt order or trial court’s denial of his motion to reconsider, but instead sought to challenge the trial court’s determinations in contempt order on appeal from an order enforcing the sanctions.