

Commissioners, my name is Robert N. Eby. I live at 19 East Madison, Pittsboro and am a member of the board of CCEC.

I have signed up to speak to the proposed revisions to the penalty sections of three ordinances and regulations, viz. Zoning and Junkyard Ordinances and the Subdivision Regulations. Since my comments are interrelated, I would like to speak about all three of these proposed revisions at one time.

If you look carefully at the three proposed revisions, you will see that each has its own peculiar wording. I see no reasons for these differences. I suggest that they could be revised so that they are essentially identical. As I read them, the changes to the Zoning Ordinance seem to be the clearest.

Let me be specific. The Zoning Ordinance, in the first paragraph, says that a violation is a misdemeanor and ... shall be punished by a fine or imprisonment not to exceed 30 days. In the second paragraph it says that violations "shall constitute either a misdemeanor or, at the election of the county, shall be subject to a civil penalty." It then defines the civil penalties quantitatively as fines. It also says that, if the fines are not paid in 15 days, they can be recovered by the County in a civil action in the nature of debt.

The Junkyard Ordinance, in its first paragraph, is similar to the Zoning Ordinance, except that it cites N. C. General Statute 14-4 as a reference. In the second paragraph no mention is made of violations being misdemeanors. It refers only to civil penalties. The quantitative penalties are the same as in the Zoning Ordinance, but here it says that failure to pay the fine within 10 days permits the County to recover the penalties in a civil action in the nature of debt.

The Penalty section of the Subdivision Regulations have a first paragraph similar, but not identical, to the Junkyard Ordinance. Its second paragraph is identical with that of the Junkyard Ordinance, with no mention of a misdemeanor, except that it provides no specific provision for the County's recovering the penalties in a civil action, if they are not paid within a specified period.

I would propose using identical language for the penalty sections of all three items and suggest they would each read as follows:

- A. Except as otherwise provided herein, each violation of this Ordinance (Regulation) shall constitute a misdemeanor, and violations of such provisions of this Ordinance (Regulation) shall be punished by a fine or by imprisonment for a term not exceeding 30 days, as provided by N. C. General Statute 14-4, or both.
- B. Any violations of this Ordinance (Regulation) shall constitute either a misdemeanor or, at the election of the County, shall subject the offender to a civil penalty upon the issuance of a citation for said violation as hereinafter provided. The civil penalty, if not paid to the County (Planning Department) within 15 days of the issuance of the citation, may be recovered by the County in a civil action in the nature of debt. Said civil penalties shall be assessed in the amount of \$50.00 per day for the first violation, \$100.00 per day for the second occurrence of the same violation, \$200.00 per day for the third occurrence of the same violation, and \$500.00 per day for the fourth and each subsequent occurrence of the same violation. Each day such violation continues shall be considered a separate offense.

Bob Eby  
CCEC Board Member

Jan. 16, 2007