

## Jason Sullivan

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**From:** Nick Robinson [robinson@bradshawrobinson.com]  
**Sent:** Tuesday, January 16, 2007 5:43 PM  
**To:** Keith Megginson  
**Cc:** Jason Sullivan  
**Subject:** Fine Provisions for Subdivision, Zoning and Waershed Ordinances

Dear Mr. Megginson:

Public hearings are scheduled for January 16, 2007 regarding adding graduated fine provisions for violations of the Subdivision, Zoning and Watershed Ordinances.

I have two general comments for clarity.

1. Each of the proposed amendment provisions provides that "**each day such violation continues shall be considered a separate offense.**" This language is confusing when combined with the language that provides a higher fine for the second, third and fourth "occurrence of the same violation." One might conclude that the second day of a violation would be a second offense, thereby triggering the higher fine. I feel sure that is not what was intended. I believe the language in bold above should be removed or clarified because it is no longer necessary given the graduated fine protocol.
2. Also, I believe language needs to be added to each ordinance to clarify that the fines do not begin to accumulate until notice has been received and a reasonable cure period has expired without rectification of the violation. I believe this is consistent with the current practice.

Thanks.

Nick Robinson

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Nicolas P. Robinson  
Bradshaw & Robinson, LLP  
P.O. Box 607  
128 Hillsboro Street  
Pittsboro, NC 27312  
919-542-2400  
(f) 919-542-0496