

ORDINANCE 4, 2012

**FINE STRUCTURE FOR ILLICIT DISCHARGE AND CONNECTION STORMWATER
ORDINANCE 2, 2012 AND VIOLATION OF ORDINANCE 3, 2012 THE TOWN OF
MOORESVILLE STORMWATER MANAGEMENT AND EROSION CONTROL ORDINANCE**

WHEREAS, the Town of Mooresville through its Town Council legislates Ordinances pertaining to the health and general welfare of the citizens of the Town of Mooresville which would include Ordinance 2, 2012 "Illicit Discharge and Connection Storm Water Ordinance";

WHEREAS, pursuant to Ordinance 2, 2012, Section 14 "Enforcement", Paragraph (e) payment of certain fines are fines to cover administrative and remediation costs are one of the remedies of the enforcement pursuant to Ordinance 2, 2012;

WHEREAS, it is necessary for the Town to set certain minimum and maximum fines for purposes of placing the general public on notice of the penalties for violation and to set a procedure for setting the penalties and further enforcement of Ordinance 2, 2012.

NOW THEREFORE BE IT HEREBY ORDAINED by the Civil Town of Mooresville as follows:

1. That violations of Ordinance 2, 2012 and Ordinance 3, 2012 shall be cited into the Mooresville Town Court for enforcement purposes.

2. Violations of Ordinance 2, 2012 for purposes of Section 14 Paragraph (e) "Enforcement - Payment of a fine to cover administrative and remediation costs;" shall be subject to Court costs along with a minimum fine of Twenty-Five Dollars (\$25.00) and a maximum fine up to Two Thousand Five Hundred Dollars (\$2,500.00) dependent on the type of violation, the number of prior violations, other costs of enforcement administratively based on time and dollars expended by the Town of Mooresville.

3. Violation of Ordinance 3, 2012 pursuant to Paragraph 11 Enforcement shall be subject to payment of a fine to cover administrative and related costs and shall also be subject to Court costs along with a minimum fine of Twenty-Five Dollars (\$25.00) and a maximum fine of up to Two Thousand Five Hundred Dollars (\$2,500.00) dependent upon the violation, any prior violations and other costs of enforcement administratively based on time and dollars expended by the Town of Mooresville.

4. The Town of Mooresville further adopts the attached scale for violations and further approves the form of the Ticket to be used for citing violators with a recommendation of the proposed minimum and maximum fines to be set by the Enforcement Authority (Town of Mooresville Stormwater Department) for violators choosing to pay out of Court with the above scale to apply to violations resolved by payment through the "no contest"

procedure. It is understood that the administrative costs could increase through a Court proceeding where additional evidence is presented to show the administrative cost and other related costs under the Ordinance that a violator could be subject to based upon evidence presented in the Town Court proceeding.

It is understood that Rule 5 and Rule 6 violations associated with other Town Ordinances will be used for this same process through the Mooresville Town Court and ticketing procedure set out by the Town of Mooresville Stormwater Department.

It is further designated that the Mooresville Stormwater Department shall be the Enforcement Authority under Ordinance 2, 2012 and shall use a ticketing procedure for the citation.

5. This Ordinance shall be in full force and effect after passage and publication.

MOORESVILLE TOWN COUNCIL

Jeffrey M. Cook

Anthony Langley

Mark Mathis

Virginia Perry

George Watkins

Attest:

Sandra Perry, Clerk-Treasurer

EXHIBIT PURSUANT TO PARAGRAPH 4
"SCALE FOR VIOLATIONS"
OF TOWN ORDINANCE 2, 2012 AND ORDINANCE 3, 2012
WHICH INCLUDES ENFORCEMENT BY LOCAL ORDINANCE OF
STATE RULES 5 AND 6 VIOLATIONS
THROUGH THE MOORESVILLE TOWN COURT