



Dave Jenkins <djenkins@leroy.org>

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## Bulk and E Waste Ordinance

3 messages

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Dave Jenkins <djenkins@leroy.org>

Tue, May 26, 2015 at 8:57 AM

To: Julie Tappendorf <jtappendorf@ancelglink.com>

Hi Julie: Would you review 4-2-2-6: VIOLATIONS Item H and give your opinion on whether there is a conflict with 4-2-2-7: REMEDIES AND PENALTIES. Item H references one week while 4-2-2-7 list 72 hours for remedy of the situation. Thanks - Dave

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**LeRoy - Bulk and E Waste Ordinance (1).doc**

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Tappendorf, Julie <jtappendorf@ancelglink.com>

Tue, May 26, 2015 at 10:16 AM

To: Dave Jenkins <djenkins@leroy.org>

Hi Dave:

I've modified 4-2-2-6 as we discussed and then looked at the general penalty provisions. I'm not sure we need to make any changes to the general penalty provision, since it says "unless specifically provided elsewhere in this code or statute" (see below) which means the penalties in 4-2-2-6 would control over the general penalty. However, section 1-4-3 in the general penalty provision deals with settlement of certain ordinance violation charges – there is nothing currently in this section about settling refuse penalties. Is that something you want to add or just leave it to the courts?

**A. General Penalty Imposed: Unless specifically provided elsewhere in this code or state statute, any person found to have been in violation of any of the terms and provisions of this code shall be fined in an amount not to exceed seven hundred fifty dollars (\$750.00). No imprisonment for failure to pay such fine, penalty or cost shall exceed six (6) months for each offense. Each day that a violation continues shall be deemed to be a separate offense. A penalty for each offense may include a requirement that the offending party perform some reasonable public service work such as, but not limited to, picking up litter in public parks or upon public highways or performing maintenance of public facilities. A violation hereof may be established by a preponderance of the evidence.**