

Text of Resolution #9361, approved by City Council on June 5, 2006

**RESOLUTION SETTING REMEDIAL FEES FOR NONCOMPLIANCE
WITH CHAPTER 10 AND RULES AND REGULATIONS
ESTABLISHED THEREUNDER**

WHEREAS, Section 10-8(a) of the Durham City Code authorizes City Council to establish remedial fees for violations of Section 10 and rules and regulations established under Section 10-2; and

WHEREAS, such fees are not intended to be punitive in nature, nor are they intended to deter noncompliance with the provisions of Chapter 10 of the City Code. They are instead intended to defray damages accruing to City of Durham taxpayers resulting from violations of Chapter 10 and rules and regulations established thereunder, specifically administrative and operational resources expended by the Department of Solid Waste Management (Department) on education of, and notification to, violators prior to fee issuance, and on assistance to citizens injured by violations.

THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DURHAM:

SECTION 1. The remedial fee for violation of any provision of Section 10 of the Durham City Code or of any rule or regulation established pursuant to Section 10-2 shall be:

First fee: \$50

Second fee within the same fiscal year as the first fee: \$50

Third fee and thereafter within the same fiscal year as the first and second fees: \$50 or the Department may proceed with a court action for relief.

SECTION 2. Interest on any unpaid fee shall accrue at the rate of one percent (1%) per month and be incorporated into that fee.

SECTION 3. This Resolution shall be effective July 1, 2006.

SECTION 4. This Resolution supersedes Resolution #8416, "Resolution setting penalty fees for noncompliance with an ordinance regarding the banning of disposal of recyclables."