

Memo

To: Chief Hudgins

From: Lt. Whitley

Date: 4/7/2022

Subject: Fines Change for Certain Town Traffic Offenses

There are certain Town Ordinance Violations that warrant changes in the fines. As cost of living arises and so do fines for state law violations, as well as court costs continue to rise, so does the necessity to increase the fines periodically.

§ 130.03 DISCHARGE OF WEAPONS

(A) It shall be unlawful for any person to fire or discharge any BB gun, pellet gun, air rifle, pistol, rifle, gun, or other firearm within the town except in case of necessary defense of person or property; provided that this section shall not apply to an officer lawfully discharging his or her duty; and provided further, that nothing in this section shall be construed to prohibit licensed shooting galleries.

(B) It shall also be unlawful for any person to discharge any bow, compound bow, cross bow, or any other similar weapon within 500 feet of any occupied structure, public roadway, sidewalk, park, church, school, or other areas frequented by the public. The discharge of these types of weapons shall only occur on private property, with written approval for each individual hunting on another's property, unless otherwise approved by the town.

*(1995 Code, § 32-3) (Ord. 2015-01, passed 2-10-2015) Penalty, see **§ 10.99***

§ 10.99 GENERAL PENALTY

*Any person, firm or corporation violating any of the provisions of any section or division of this code of ordinances for which no other penalty is provided or failing or neglecting or refusing to comply with same, shall be subject to a **fine not to exceed \$50 per day per violation.***

I'd like to encourage the increase of the penalty on Discharge of Firearms (Code 130.03) from the current \$50.00 (follows penalty in 10.99) to be \$100.00 for the first offense and \$200.00 for second and subsequent offenses. This will be a further deterrent for not only the first offense, but a second and subsequent offense even more so.

§ 91 NOISE

§ 91.99 PENALTY.

(A) Generally. Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99.

(B) Violations of nuisances in general; noise.

(1) Where there is a violation of any provision of this chapter, except as otherwise indicated, the town, in its discretion, may take one or more of the following enforcement actions:

(a) A police officer may issue a citation subjecting the violator to a \$100 civil penalty, which penalty may provide for a \$15 delinquency charge upon nonpayment, and which penalty and delinquency charge may be recovered by the town in a civil action.

(b) A misdemeanor warrant may be issued either immediately or upon the issuance of a citation and the violator's failure to pay the same. Misdemeanors shall be punishable by a fine of up to \$500 and/or imprisonment for up to 30 days.

(c) A civil action seeking a penalty of \$500 per day of violation plus injunction and order of abatement may be directed toward any person creating or allowing the creation of any unlawful noise, including the owner or person otherwise having legal or actual control of the premises from which it emanates.

The Town of Mint Hill has adopted in its ordinance that the violations for noise ordinances should increase as follows:

1. 1st violation = \$100
2. 2nd violation = \$250
3. 3rd violation = \$500
4. 4th violation = \$750
5. 5th and subsequent violations = \$1,000

With a gradual increase in the cost of these violations, it would be a growing deterrent for violators to comply with the Town's Code.