

# DRAFT Illicit Discharge Fine Schedule

On March 10, 2020, the citizens of Pelham voted to adopt in its entirety proposed Zoning Article VIII-I, *Illicit Discharge Detection and Elimination* (IDDE) Ordinance to replace the prior IDDE ordinance within Pelham's Zoning Ordinance.

As described in Article VIII-I, Section 307-48-1-7, 7.3, *Enforcement*, Any person or entity who violates any provision of this Ordinance, or the terms or conditions in any related permit or order issued hereunder, shall be subject to fines as defined in the Town's current Illicit Discharge Fine Schedule or as determined by a court of competent jurisdiction. Each day of non-compliance shall represent a separate offense.

Only the Board of Selectmen have the authority to establish a Town fine schedule and on \_\_\_\_\_ the Pelham Board of Selectmen approved the following fine schedule:

## Non-Criminal Illicit Discharge Enforcement Steps for Private Property and Persons

Enforcement Step	Details	Compliance Schedule
<b>Step 1 First Violation</b>	<ul style="list-style-type: none"><li>• Provide written warning letter identifying issues and setting expected compliance date for the elimination of the illicit activity</li><li>• Encourage voluntary compliance and provide educational materials</li><li>• If resolved, require evidence of corrected problem (if applicable)</li><li>• Site visit to verify compliance via dye test</li></ul>	<ul style="list-style-type: none"><li>• Town will send a letter within one week of identification of a violation</li><li>• Property owner/violator will be given 30 days to eliminate the discharge</li></ul>
<b>Step 2 Follow-up Actions</b>	<ul style="list-style-type: none"><li>• Send "Second Violation-Notice of Intent to Enforce " letter to property owner regarding unresolved issues and assign a fine of \$100.</li><li>• "Third Violation" Letter to property owner has a fine of \$200 and "Fourth Violation" Letter and subsequent letters have a fine of \$300 each.</li></ul>	<ul style="list-style-type: none"><li>• If after 30-days and the property owner is still in noncompliance, Second Violation letters will be sent out and the property owner will have a 10-day compliance period.</li></ul>
<b>Step 3 - Final Actions</b>	<ul style="list-style-type: none"><li>• The Town may correct problems and send the bill to the property owner.</li><li>• The Town may refer the issue for criminal prosecution.</li></ul>	<ul style="list-style-type: none"><li>• If after 40 days of non-compliance, the Town may elect to follow-up with additional violation letters or resolve the violation at the property owner's expense</li></ul>

To the extent the Board of Selectmen follow any of the three-step enforcement procedures outlined above, undertaking those procedures shall not limit the Board of Selectmen, at their discretion, from pursuing injunctive relief as authorized by NH RSA 676:15 and or the fines authorized by NH RSA 676:17. Should the Board of Selectmen decide to pursue the injunctive relief authorized by 676:15 or statutory relief authorized by RSA 676:17 the Board shall follow the procedures set forth in those statutes.