

CHAPTER 24 – SUBDIVISIONS

Sec. 24-123. Stormwater Pollution Prevention; Violations, Injunctive Relief.

(a) Any violation of Sections 24-120 through 24-143 of this Chapter shall be punishable under this Section and Section 1-5 of this Code.

(b) It is unlawful to:

(1) Intentionally, knowingly, or recklessly interfere, prevent, or attempt to interfere or prevent an individual employed by the City or other person contracted for by the City, when the individual is investigating, correcting, or abating a violation Sections 24-120 through 24-143 of this Chapter.

(2) Violations of Subsection (1) shall be punished as a class one misdemeanor. The Court shall order restitution to the City for financial loss incurred in the prosecution and enforcement of the provisions of this Section.

(c) The City may petition for a preliminary or permanent injunction restraining a person from activities which would create further violations or compelling the person to perform abatement or remediation of a violation in either of the following situations:

(1) If the City has been refused access to any part of the premises from which stormwater is discharged and the City is able to demonstrate that one or more of the following conditions exist:

a. Probable cause to believe that there may be a violation of Sections 24-120 through 24-143 of this Chapter.

b. There is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this Code or any order issued hereunder.

c. The overall public health, safety, and welfare of the community is at risk.

(2) If a person has violated or continues to violate any of the provisions of Sections 24-120 through 24-143 of this Chapter.

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