

CHAPTER 24 – SUBDIVISIONS

Sec. 24-124. Stormwater Pollution Prevention; Enforcement.

(a) Notice of Violation.

(1) Upon examination, if the City finds that a person, whether individual, corporate, associate, partner, or of another entity recognized by law as owning property, or such person's lessee, has violated a prohibition or failed to meet the requirements of Sections 24-120 through 24-143 of this Chapter, the City Manager may order compliance by a written notice of violation to the responsible person.

(2) Such notice may require without limitation any one or more of the following requirements:

- a. The response to conduct monitoring, analyses, and reporting;
- b. The elimination of illicit connections or illegal discharges;
- c. That violating discharges, practices, or operations shall cease and desist;
- d. The abatement or remediation of stormwater pollution or contamination;
- e. The restoration of any affected property;
- f. Assess civil penalties to cover administrative and remediation costs; and
- g. The implementation of source control or treatment BMPs.

(3) If an abatement of a violation and/or the restoration of an affected property are required, the notice of violation shall set forth a plan for remediation or restoration where such activities must be completed by a deadline determined by the City Manager. The notice shall further advise any person in violation of illicit discharge activities that fail to remediate or restore within the established deadline, the work will be completed by a designated governmental agency or a contractor where the City may assess civil penalties by a court of competent jurisdiction or by the City Manager to recover costs and fees incurred as a result of the violation.

(b) Appeal of Notice of Violation.

(1) Any person receiving a notice of violation may appeal such notice.

(2) The notice of appeal must be filed with the City Manager within 30

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calendar days from the date of the notice of violation.

(3) A hearing on the appeal before the City Manager shall take place within 30 calendar days from the date of receipt of the notice of appeal.

(4) The decision of the City Manager shall be final.

(5) Any person continuing to violate this Code will be subject to additional violations, where each day of continued violation may constitute a separate offense.

(6) In lieu of enforcement proceedings, penalties, and remedies authorized by this Code, the City Manager may impose alternative compliance actions upon the person in violation of illicit discharge activities, such as but not limited to storm drain stenciling, attendance at compliance workshops, and watercourse cleanup.

(c) Enforcement Measures after Appeal.

(1) If the violation has not been corrected pursuant to the requirements set forth in the notice of violation, or, in the event of an appeal, within 30 days of the decision to uphold the notice of violation, then representatives of the City shall enter upon the subject property and take any and all measures necessary to abate the violation and/or restore the property.

(2) It shall be unlawful for any person, owner, agent, or other person having control over the subject property to refuse the City, the City Manager, or any designated

government agent and/or contractor to enter upon the premises for the purposes set forth in subsection (c)(1) of this Section.

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