

Article V. Violations and Enforcement.

Sec. 48-5. Enforcement - Director's powers and duties.

The director shall have primary responsibility for the enforcement of the regulations in this chapter. The director may enter into agreements with other departments for the purpose of implementing this chapter. (Ord. No. 892)

Sec. 48-5.1. Identification for inspectors and maintenance personnel.

The director shall provide means of identification to inspectors and storm drain system maintenance personnel which shall identify them as such. Inspectors and storm drain system maintenance personnel shall identify themselves upon request in the performance of their duties under this chapter. (Ord. No. 892)

Sec. 48-5.2. Obstructing access to facilities prohibited.

No object, whether a permanent structure, a temporary structure, or any object which is difficult to remove, shall be located on any storm drain easement or placed in such a position as to interfere with the ready and easy access to any facility conveying storm water or runoff as described in this chapter unless authority is granted by the director. Upon notification by the director, any such obstruction shall be immediately removed by the responsible party at no expense to the city, and shall not be replaced. (Ord. No. 892)

Sec. 48-5.3. Inspection to ascertain compliance - Access.

- (a) The Director may, when granted permission by the property owner or his/her authorized agent to access private property or when in possession of an administrative inspection warrant issued by a court of competent jurisdiction, inspect in a manner authorized by state law, as often as he/she deems necessary, any publicly or privately owned storm drain, storm drain connection, street, gutter, yard, plant, storage facility, building, BMP, NPDES permit, SWPPP, storm water management plan, construction activity or other facility to ascertain whether such facilities, plans, or protective measures are in place, maintained and operated in accordance with the provisions of this chapter.
 - (b) In the course of such inspection, the director may:
 - (1) Inspect, sample, make flow measurements of any runoff, discharge or threatened discharge;
 - (2) Inspect, copy, or examine any records, reports, plans, test results or other information required to carry out the provisions of this chapter, to the extent allowed by law; and
 - (3) Photograph any materials, storage areas, waste, waste containers, BMP, vehicle, connection, discharge, runoff and/or violation discovered during an inspection.
- (Ord. No. 892)

VERSION 10/2007

Sec. 48-5.4

Sec. 48-5.7

Sec. 48-5.4. Notice to correct violations - Director may take action.

The director may issue a Notice of Violation and Order to Comply to achieve compliance with the provision of this chapter. Failure to comply with the terms and conditions of a Notice of Violation and Order to Comply shall constitute a violation of this chapter.

If a person fails to comply with an order issued under this section to remove an illicit connection, obstruction or other encroachment to the storm drain system, the director may perform the work as provided in Section 48-5.6 of this chapter. The person responsible for installing or operating such a facility shall be liable to the city for such work, including reasonable attorneys fees and other costs of enforcement, to be recovered in a civil action in any court of competent jurisdiction.

(Ord. No. 892)

Sec. 48-5.5. Violation of public nuisance.

Any discharge in violation of this chapter, any illicit connection, and/or any violation of runoff management requirements shall constitute a threat to public health and safety and is declared and deemed a public nuisance. (Ord. No. 892)

Sec. 48-5.6. Nuisance abatement - Director to perform work when - Costs.

Whenever a nuisance shall be found to exist on any premises, the director may summarily abate such nuisance upon determination that the nuisance constitutes an immediate threat to public health or safety, or the director may notify in writing the person(s) having control of or acting as agent for such premises to abate or remove such nuisance within such time as is stated on the notice. Upon the failure or refusal of such person(s) to comply with the notice, the director may abate such nuisance in the manner provided by law. The person(s) having control of such premises, in addition to the penalties provided by this chapter, shall be liable to the city for any costs incurred by the city for such abatement, including reasonable attorneys fees and other costs of enforcement, to be recovered in a civil action in any court of competent jurisdiction. (Ord. No. 892)

Sec. 48-5.7. Violation - Penalty.

Any person, firm, corporation, municipality or district or any officer or agent of any firm, corporation, municipality or district or any officer or agent of any firm, corporation, municipality or district violating any provision of this chapter shall be guilty of a misdemeanor. Such violation shall be punishable by a fine of not more than \$1,000.00 or by imprisonment in the county jail for a period not to exceed six months, or by both such fine and imprisonment. Each day during any portion of which such violation is committed, continued or permitted shall constitute a separate offense and shall be punishable as such. (Ord. No. 892)

VERSION 10/2007

Sec. 48-5.8

Sec. 48-5.9

Sec. 48-5.8. Penalties not exclusive.

Penalties under this chapter are in addition to, and do not supersede or limit, any and all other penalties or remedies provided by law. (Ord. No. 892)

Sec. 48-5.9. Conflicts with other code sections.

The provisions of this chapter shall control over any inconsistent or conflicting provisions of this code. (Ord. No. 892)

(Ord. Nos. 892, 916)

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