

NORTH LAS VEGAS MUNICIPAL CODE
STORMWATER REGULATIONS

Purpose/Intent.

The purpose of this Chapter is to provide for the health, safety, and general welfare of the citizens of the City through the regulation of non-storm water discharges to the system to the maximum extent practicable. This Chapter establishes methods for controlling the introduction of pollutants into the system in order to comply with requirements of the City's National Pollutant Discharge Elimination System (NPDES) permit process. The objectives of this Chapter are to:

- (A) Regulate the contribution of pollutants to the system by stormwater discharges by any person;
- (B) Prohibit Illicit Connections and Discharges to the system;
- (C) Establish legal authority to carry out all inspection, surveillance, monitoring procedures and enforcement activities necessary to ensure compliance with this Chapter;
- (D) Establish civil, administrative and criminal penalties for violations of the provisions of this Chapter; and
- (E) Provide procedures for complying with the requirements that are placed upon the City by other governmental agencies.

Definitions.

Except where the context otherwise requires, the following definitions shall govern the construction of this Chapter:

“Act” means the provisions of the Clean Water Act, as amended and as set forth in 33 U.S.C. §§ 1251 et seq., together with all guidelines, limitations and standards that are promulgated by the EPA pursuant to the Act.

“Best Management Practices” or “BMP” means a structural or non-structural device, facility, measure, source control practice, or any activity, along with any required documentation thereof that helps to achieve compliance with any discharge requirement set forth in this Chapter.

“CFR” means the Code of Federal Regulations, a codification of regulations issued by the executive departments and agencies of the Federal Government.

“Construction Activity” means activities subject to NPDES Construction Permits as defined in 40 CFR, Section 122.26.

“Director” means the Director of Public Works, or an authorized agent or representative of the Director.

“Discharge” means the introduction of any liquid, solid, gaseous, or radioactive substance into the system.

“Hazardous materials” means any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

“Illicit discharge” means any direct or indirect non-stormwater discharge to the system, except as allowed for in this Chapter.

“Illicit connection” means:

(A) Any drain or conveyance, whether on the surface or subsurface, which allows an illicit discharge to enter the system including but not limited to any conveyances which allow any non-stormwater discharge including sewage, industrial

wastewater, and wash water to enter the system and any connections to the system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by the Director, or

(B) Any drain or conveyance connected from a commercial or industrial land use to the system which has not been documented in plans, maps, or equivalent records and approved by the Director

“Industrial Activity” means activities subject to NPDES Industrial Permits as defined in 40 CFR, Section 122.26.

“Maximum extent practicable” means the technology-based discharge standard to reduce pollutants in stormwater discharges that was established by the §402(p) of the Act.

“NDEP” means the Division of Environmental Protection of the Nevada Department of Conservation and Natural Resources.

“Non-stormwater” means any discharge to the system that is not composed entirely of stormwater.

“NPDES permit” means a National Pollutant Discharge Elimination System permit that is issued by NDEP pursuant to Section 402 of the Act, authorizing a person to discharge pollutants into the waters of the United States.

“Pollutant” means anything which causes or contributes to pollution, which may include, but is not limited to, paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; sediment, wastes and residues that result from disturbing land or constructing a building or structure; and noxious or offensive matter of any kind.

“Premises” means any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

“Release” means any significant spill, leak, or release of any non-stormwater, whether intentional or unintentional, other than that which is allowed by an NPDES permit.

“Spill” means any significant spill, leak, or release of any non-stormwater, whether intentional or unintentional, other than that which is allowed by an NPDES permit.

“Stormwater” means runoff resulting from precipitation, irrigation, or normal residential activity.

“Stormwater Pollution Prevention Plan” means a document which describes the Best Management Practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to the system to the Maximum Extent Practicable.

“Surface waters” means “navigable waters” as that term is defined in the Act.

“System” means any publicly-owned facility by which stormwater is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and man-made or altered drainage channels, reservoirs, and other drainage structures.

Applicability.

This Chapter shall apply to all water entering the system generated on any developed and undeveloped lands unless explicitly exempted by the Director or NDEP.

Responsibility for Administration.

The Director shall administer, implement, and enforce the provisions of this Chapter. Any powers granted or duties imposed upon the Director may be delegated in writing by the Director to persons or entities acting in the beneficial interest of or in the employ of the City.



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Severability.

The provisions of this Chapter are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this Chapter or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this Chapter.



Ultimate Responsibility.

This Chapter specifies minimum standards; therefore this Chapter does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants.



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Property Outside City Boundaries.

The City is authorized to regulate stormwater discharges from premises that are located outside of the corporate boundaries of the City but are tributary to the system, consistent with any interlocal agreement. The requirements of this Chapter shall apply to each such property. The Director is authorized to inspect and monitor the facilities in order to determine its compliance with this Chapter.



Discharge Prohibitions.

Prohibition of Illicit Discharges.

(A) It is unlawful to discharge or cause to be discharged into the system any material other than stormwater, unless the discharge has been authorized by NDEP and approved by the Director, pursuant to the following exceptions:

(1) Waterline flushing or other possible water sources, landscape irrigation or lawn watering, diverted stream flows, rising ground water, ground water infiltration to the system, foundation or footing drains (not including active groundwater dewatering systems), air conditioning and swamp cooler condensation, springs, non-commercial washing of vehicles, natural riparian habitat or wet-land flows, fire fighting activities, and any other water source not containing pollutants providing that NDEP has not determined these sources to be substantial contributors of pollutants.

(2) Dechlorinated swimming pool water (less than one mg/L chlorine) provided that a suitable connection to the sanitary sewer is not available, as determined by the Director, and permission to discharge swimming pool water into the system has first been obtained from the Director.

(3) Discharges specified in writing by NDEP as being necessary to protect public health and safety.

(4) Non-toxic dye testing provided that a verbal notification is made to the Director prior to the time of the test.

(B) It is unlawful for any person to discharge or cause to be discharged into any surface waters within the City any pollutant, as defined in the Act, without first obtaining from NDEP a NPDES permit authorizing the discharge, when such a permit is required by the Act.

Prohibition of Illicit Connections.

(A) The construction, use, maintenance or continued existence of illicit connections to the system is prohibited, which expressly includes, without limitation,

illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

(B) A person is considered to be in violation of this Chapter if the person connects a line conveying sewage to the system, or allows such a connection to continue.

(C) It is unlawful for any person to remove any manhole cover, or to discharge or cause to be discharged any storm water or non-storm water directly into a manhole or other opening in the system that has not been authorized for stormwater discharge, unless such discharge is approved by the Director. The Director may require a written application by the person and the payment of the applicable fees.



Suspension of System Access.

(A) The Director shall have the full power and authority to immediately and effectively halt or prevent, through whatever means and procedures are deemed reasonably necessary, and after informal notice to the discharger, any discharge of pollutants into the system which appears to present an imminent endangerment to the health or welfare of any person or the environment, or which discharge threatens property or the proper operation of the system, or which places or threatens to place the City in violation of its NPDES permit. In implementing such measure or measures, the personnel of the City, any party with which the City has contracted for such purpose; or a duly authorized representative of any other governmental agency shall have immediate access to the premises on which such condition exists. The Director may prohibit the approach to the premises on which such condition exists by any person, vehicle, vessel or thing, and all persons who are not actually employed in the abatement of such condition or in the preservation of life or property on, or in the vicinity of, such premises may be excluded from such premises. The affected person or persons shall have the opportunity to respond, after the fact, to any action taken pursuant to this Section by requesting a hearing in the manner that is set forth in Subsections (D) and (E) of this Section.

(B) Any person who is notified of a system access suspension pursuant to this Section shall immediately cease and desist the discharge of all non-stormwater from its facilities into the system.

(C) If a person fails to comply voluntarily with the system access suspension order, the Director may take such action as may be reasonably necessary in order to ensure immediate compliance with such order, including without limitation the immediate blockage or the disconnection of the person's connection to the system.

(D) In addition, the Director, in the event of any violation of this Chapter by any person, may serve such person with a notice of an intended order of system access suspension which states the reasons therefor, notifies the person of its opportunity for a hearing with respect thereto and establishes the proposed effective date of the intended order.

(E) Any person who has been notified of a system access suspension under this Section may file with the Director a request for a hearing with respect thereto; provided, however, that the filing of such a request shall not stay the existing or proposed system access suspension.

(F) If a hearing is requested with respect to an existing or proposed system access suspension, the Director shall hold a hearing with respect to such system access suspension within fourteen days after receipt of the request. Within two working days following the close of the hearing, the Director shall make a determination concerning whether to affirm, to terminate or conditionally terminate the system access suspension. Reasonable notice of the hearing shall be given to such person no less than five working days prior to the date of the hearing.

(G) The Director may terminate a system access suspension under this Section upon proof of the compliance by the person with applicable requirements, which compliance ends the emergency nature of the hazard that had caused the Director to initiate the system access suspension; provided, however, that the Director must be

satisfied that the person will henceforth comply with all of the discharge requirements that are set forth in this Section, the City's rules and regulations that relate to the discharge of stormwater and any lawful order that is issued pursuant to this Chapter.



NPDES Industrial or Construction Activity Discharges.

Any person or operation subject to an NPDES permit for stormwater associated with industrial activity or an NPDES permit for stormwater associated with construction activity shall possess such permit prior to performing any activity on any premises within the City subject to such permit. Proof of said permit may be required in a form acceptable to the Director prior to allowing activity subject to such permit to commence on the premises.



Monitoring of Discharges.

(A) Whenever it is necessary to make an inspection to monitor or enforce any of the provisions of, or to perform any duty imposed by, this Chapter or other applicable law, or whenever the Director has reasonable cause to believe that there exists upon any premises any violation of the provisions of this Chapter or other applicable law or any condition which makes such premises hazardous, unsafe or dangerous, the Director is authorized to enter such premises at a reasonable time and inspect the same and perform any duty that is imposed upon the Director by this Chapter or other applicable law, subject to the following conditions:

- (1) If the premises are occupied, the Director shall first present proper credentials to the occupant and request entry after explaining the reasons therefor and the purpose of the inspection; or
- (2) If the premises are unoccupied, the Director shall first make a

reasonable effort to locate the owner or other person who has the care or control of such premises and request entry after explaining the reasons therefor and the purpose of the inspection. If such entry is refused or cannot be obtained because the owner or other person who has the care or control of such premises cannot be found after due diligence, the Director may have recourse to every remedy that is provided by law to effect lawful entry and to inspect such premises.

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(B) Notwithstanding the provisions of Subsection (A) of this Section, if the Director has reasonable cause to believe that the non-stormwater discharge conditions on or emanating from the premises are so hazardous, unsafe or dangerous as to require immediate inspection and action in order to safeguard the public health or safety, the Director shall have the right immediately to enter and inspect such premises and may use any reasonable means that may be required in order to effect such entry and make such inspection, whether the premises are occupied or unoccupied and whether or not formal permission to enter and inspect has been obtained.

(C) It shall be unlawful for any person to fail or refuse, after a proper demand has been made upon that person in accordance with Subsection (B) of this Section, promptly to permit the Director to enter such premises and to make any inspection that is provided for by Subsection (B). In addition to any criminal penalty that may be imposed upon any person who violates this Subsection (C), such person's system access may be suspended.

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(D) Any person subject to this Chapter shall consent and agree to the entry at all reasonable times by the Director or designated personnel upon the premises that are described in such permit for any of the following purposes:

(1) To inspect all areas of the person's facilities that have the potential to influence the characteristics of the non-stormwater that is, or may be, discharged to the system;

(2) To inspect, sample and take flow measurements of the discharge from such person's facilities and to examine records in the performance of the Director's authorized duties;

(3) To set up on such person's property such devices as may be necessary or appropriate in order to conduct sampling, inspections, compliance monitoring, flow measuring or metering operations, or any combination thereof;

(4) To inspect and copy any record, report, test result or other information that is required to carry out the provisions of this Chapter; and

(5) To photograph or otherwise create a record of any waste, waste container, vehicle, waste treatment process, discharge location or violation that is discovered during any such inspection.

(E) If a person has instituted security measures that require proper identification and clearance before entry upon its premises, such person shall make all arrangements with its security guards that may be necessary in order that, upon presentation of their credentials, the duly designated personnel of the City shall be permitted to enter upon the premises without delay for the purpose of performing their authorized duties.



Requirements to Prevent, Control, and Reduce Stormwater Pollutants by the Use of Best Management Practices

(A) The Director may require temporary or permanent Best Management Practices at any construction, commercial or industrial site, or for any activity or operation which has the potential to cause or contribute to non-stormwater discharges into the system, as determined by the Director. When required by the Director, protection from the accidental or intentional release of non-stormwater discharges into the system to

the maximum extent practicable through the use of BMPs shall be provided at the expenses of the site operator/developer.

(1) Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of stormwater to the system shall be deemed compliance with the provisions of this Section. These BMPs shall be part of a stormwater pollution prevention plan (SWPPP) as necessary for compliance with requirements of the NPDES permit.

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(B) If the Director determines that existing Best Management Practices are ineffective at preventing the accidental or intentional release of non-stormwater discharges into the system, the Director may require additional BMPs to satisfy the provisions provided for in Subsection A of this Section. The use of BMPs shall not absolve compliance with any requirement set forth in this Chapter.

(D) Upon written notification from the Director, secondary containment for prohibited material or other substances that are regulated by this Chapter shall be provided. Secondary containment for such material shall be provided and maintained at the site operator/developer's sole cost and expense.

(E) Upon written notification from the Director, the site operator/developer must submit and implement a spill prevention and control plan, including, without limitation, plans for the secondary containment system and operating procedures. This spill prevention and control plan shall contain, but is not limited to, the following elements:

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- (1) Description of potential discharges;
- (2) Description of stored chemicals;
- (3) Procedures for promptly notifying the Director of any spill or any discharge that would violate any provision of this Chapter;
- (4) Procedures to prevent spills, including as necessary, inspection and

maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents);

(5) Procedures and practices for responding to spills, including as necessary measures and equipment for emergency response and follow-up practices to minimize any damage

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(F) If at any time the Director determines that a spill prevention and control plan is inadequate, such plan shall be modified and implemented as specified by the Director.



Watercourse Protection.

Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.



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Notification of Spills.

(A) In the event that a spill or release enters the system, the person from whose premises the spill or release emanates shall immediately notify the Director of the incident by telephone. The notification shall include the location or locations of the spill

or release, the type or types of material that was spilled or released, the concentration and volume thereof and the corrective actions, if any, that have been taken.

(B) Within five days following the spill or release, the person shall submit to the Director a detailed written report that describes the cause of the spill or release, the corrective action that was taken and the measures that the person will take to prevent future occurrences. Such notification shall not relieve the person of the liability for fines that may result from the spill.

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Enforcement.

(A) The Director may rely on any appropriate evidence to determine noncompliance with this Chapter.

(B) In the case of noncompliance with this Chapter, the Director may proceed with any one or more of the following actions:

- (1) Issue a notice of violation;
- (2) Assess noncompliance fees;
- (3) Revocation of City permits, licenses and agreements pertaining to work on the premises;

(4) Issue a cease and desist order requiring any person who caused or is responsible for the release to cease the release within a specified time;

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(5) Issue a cleanup and abatement order requiring any such person to clean up and abate the release within a specified time;

(6) Cause the release to be cleaned up and abated, and thereafter recover the costs thereof from the person or persons who are responsible for the release;
or

(7) Any other action as provided for in any provision of the Chapter.

(C) The payment of noncompliance fees by the user or any other person shall not preclude the Director from undertaking any other enforcement procedure that is specified in this Chapter.



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Reconsideration.

(A) Any person who is affected by any decision, action or determination made by the Director in the interpretation or the implementation of the provisions of this Chapter may file with the Director a written request for the reconsideration of such decision, action or determination. The person requesting reconsideration must file the request within thirty days after receipt of notice of the decision, action or determination, and must set forth in detail the facts that support the request for reconsideration. Such facts must include a statement that sets forth any newly discovered relevant fact that was not known or was unavailable to the person requesting reconsideration at the time of the initial decision, action or determination. The Director shall render a written decision with respect to the request within thirty days after receipt thereof.

(B) Each request for reconsideration shall be accompanied by the fee, if any, that has been established for the filing of such a request. Any such fee may, in the sole discretion of the Director, be refunded if the Director's ruling with respect to such request is in favor of the person who made the request.

(C) If the ruling of the Director with respect to a request for reconsideration is unacceptable to the person who made such request, the person may, within ten working days after the date of its receipt of the notification of the Director's ruling, file a written appeal to the City Council.

(D) Each appeal shall be accompanied by the fee, if any, that has been established by the City Council pursuant to NLVMC 16.08.150 for the filing of an

appeal. Any such fee may, in the sole discretion of the City Council, be refunded if the City Council's ruling with respect to such appeal is in favor of the person who filed the appeal.

(E) The appeal shall be heard by the City Council within forty-five days after the date on which the appeal was filed, and the City Council shall make a final ruling with respect to the appeal within forty-five days after the hearing is concluded.



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Liability for Civil Penalties.

(A) In the event of any violation by any provision of this Chapter, for which violation the Director is authorized by this Chapter to issue a compliance order pursuant to this Section, the Director is authorized to commence a civil action against such person for appropriate relief, including without limitation civil penalties or a temporary and permanent injunction against the perpetuation of such violation, or both, or to impose administrative penalties upon such person for such violation.

(B) A person shall be liable for civil penalties pursuant to Subsection (A) of this Section for failure to comply with any of the provisions of this Chapter.

(C) Before commencing a civil action against a person pursuant to this Section, the Director shall issue an order that requires the person to comply with this Chapter and advises person that, upon failure to comply with the order, the Director is authorized to bring a civil action in accordance with this Section.

(D) Any order which the Director issues pursuant to this Section shall be in writing and shall be delivered in person to the person, or served by registered or certified mail that is addressed to the person at the person's last known address, return receipt requested, shall state with reasonable specificity the nature of the violation in respect of which the order is issued and shall specify a period in which compliance therewith is required. The period for compliance shall not exceed thirty days, in the case of a violation of an interim compliance schedule or operation and maintenance requirement, and shall not

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exceed the period that the Director determines is reasonable, in the case of a violation of a final deadline. In determining the period for compliance, the Director shall consider the seriousness of the violation and any good faith effort on the part of the user or other person to comply with the applicable requirements.

(E) In any civil action that is brought by the Director for enforcement of the provisions of this Chapter, the Director shall seek the imposition of a civil penalty upon the person against whom the action is brought in an amount that is not less than one thousand dollars nor more than twenty-five thousand dollars for each day that each such violation continues. In determining the amount of a civil penalty that is to be imposed, following a finding by the court of liability, the court shall consider the circumstances, extent and gravity of the violation in respect of which the action is brought, the economic benefit, if any, that has inured to the person as the result of the violation, any history of similar violations, the degree of culpability of the person, any good faith effort on the part of the person to comply with the applicable requirements, the potential economic impact of the penalty upon the person, and such other matters as justice may require.

(F) The civil and administrative penalties that are provided for in this Section and the seeking or imposition thereof, shall be in addition to, and not in substitution for, any criminal penalty that may be imposed for the violation that forms the subject matter of any such civil or administrative relief and in addition to, and not in substitution for the invocation of any of the provisions of this Chapter as the result of the violation.



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Imposition of Administrative Penalties.

(A) Whenever, on the basis of the information that is available, the Director finds that any person is in violation of any of the provisions of this Chapter, the Director may assess an administrative penalty in an amount that is not less than five hundred dollars nor more than ten thousand dollars for each day that each such violation continues, unless a

different administrative penalty for any of such violations is established in the schedule of fees and charges that has been established.

(B) Before assessing any administrative penalty pursuant to this Section, the Director shall give the person upon whom such penalty is to be imposed written notice of the proposed assessment and the opportunity to request, within thirty days after the date on which such notice is received by it, a hearing with respect to the proposed order of assessment.

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(C) In determining the amount of any penalty assessed pursuant to this Section, the Director shall consider the nature, circumstances, extent and gravity of the violation in respect of which the penalty is proposed to be assessed; the economic benefit, if any, that has inured to the person as the result of such violation; any good faith effort on the part of the person to comply with the applicable requirements; the potential economic impact of the penalty upon the user or other person; any history of similar violations; the degree of culpability of the user or other person; and such other matters as justice may require.

(D) An order which imposes an administrative penalty pursuant to this Section shall become final:

(1) Thirty days after its issuance; or

(2) If a hearing has been requested pursuant to Subsection (B) of this Section, upon the Director's issuance of a decision following the hearing.

(E) The failure of a person to pay any administrative penalty that is imposed by the Director pursuant to this Section within thirty days after the imposition thereof shall be grounds for any remedy that is available under this Chapter for terminating the person's ability to discharge or cause to be discharged stormwater or non-stormwater from its facilities into the system.

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Unpaid Fees Constitute Lien.

Any fee, assessment or penalty that is imposed pursuant to this Chapter which remains unpaid for a period that exceeds thirty days after the same became due shall, upon the expiration of such thirty-day period, constitute a perpetual lien on and against the premises which are subject to such fee, assessment or penalty as well as constituting a debt that is owing to the City by the person upon whom such fee, assessment or penalty is imposed and the owner of record of such premises, if such owner is someone other than the person. The City may bring a civil action in any court of competent jurisdiction to recover such fee, assessment or penalty, or any combination thereof, together with interest thereon, and may enforce such lien by recording a notice thereof with the County Recorder upon the expiration of such thirty-day period and foreclosing the same against the premises that are subject to such lien in the same manner as is provided by the laws of the State for the foreclosure of mechanics' liens.

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Schedule of Fees and Charges—Established.

(A) In order to provide for the recovery by the City of its costs that are related to the discharge of stormwater and non-stormwater into the system and for the enforcement of the provisions of this Chapter, or both, the City Council shall establish a schedule of fees and charges. Such schedule, which shall be subject to periodic revision, may establish a specific amount for any fee, charge, assessment, penalty or other cost that is related to the discharge of stormwater and non-stormwater to the system or the enforcement of the provisions of this Chapter, or both, including without limitation:

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- (1) Inspection fees??;
- (2) Application fees??;
- (3) Plan review fees??;
- (4) Monitoring fees??;
- (5) ??;

- (6) Administrative penalties; and
- (7) Fees for filing requests for reconsideration and appeals.

(B) Except as may be otherwise provided in this Chapter, whenever any fee, charge, assessment or penalty that is required by this Chapter to be paid is based upon an estimated value or an estimated quantity, the Director shall make such determination in accordance with generally recognized practices.

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Schedule of Fees and Charges—Due Upon Receipt.

All fees, charges, assessments and penalties that are imposed pursuant to the provisions of this Chapter or the approved schedule of fees and charges that is established in accordance with this ordinance shall be due and payable upon delivery of notice thereof, or upon mailing such notice to the last known mailing address of the person or entity responsible for payment thereof. All such fees, charges, assessments and penalties shall be and become delinquent thirty days after delivery or mailing of the notice described above.

City to Keep Account of Fees, Charges and Penalties Received.

The City shall keep a permanent and accurate account of all fees, charges, assessments and penalties that are received by it under this Chapter, which account shall include the name and address of each person who paid any such fee, charge, assessment or penalty or on whose behalf the same was paid, the date of such payment and amount thereof and the purpose for which the same was paid.

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Delinquency Charges.

Whenever a delinquency charge has not been specifically provided for in this Chapter, any fee, charge or assessment that becomes delinquent shall have added to it a basic delinquency charge that is equal to ten percent of the fee, charge or assessment that became delinquent, and thereafter an additional delinquency charge shall accrue on the total amount that is due, including the ten percent basic delinquency charge, at the rate of ten percent per month compounding, but the amount of the delinquent fee, charge or assessment, as increased by delinquency charges, shall not exceed twice the amount of the original fee, charge or assessment. In addition to the delinquency charges described in this Section, the City may also assess the collection costs, including, without limitation, attorneys' fees and court costs, that the City may incur in collecting the fee, charge or assessment and the delinquency charges.

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Actions to Collect—Prayer for Injunction.

Any action that is brought by the City for the purpose of collecting any fee, charge, assessment or penalty that is provided for in this Chapter may include a prayer for an injunction to prevent repeated and recurring violations of this Chapter.

Violation--Penalty

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(A) Any person who negligently or wilfully violates any of the provisions of this Chapter is guilty of a misdemeanor, and each day during which such violation continues constitutes a separate offense.

(B) Any person who negligently or wilfully introduces or causes to be introduced into the system any non-stormwater which such person knew, or with the exercise of reasonable diligence would have known, could cause personal injury or property damage or, unless such action is necessary in order for such person to comply with all applicable

Federal, State and local requirements or permits, which causes any violation of any condition of any permit that has been issued to the City pursuant to the Act is guilty of a misdemeanor, and each day during which such person continues to introduce or cause to be introduced such non-stormwater into the system shall constitute a separate offense.

(C) Any person who knowingly makes a false statement, representation or certification of any material fact in an application, record, report, plan or other document that is filed or required to be maintained pursuant to this Chapter or who knowingly falsifies, tampers with or renders inaccurate any monitoring device or method that is required by this Chapter to be maintained is guilty of a misdemeanor.

(D) Whenever in this Chapter any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in this Chapter the doing of any act is required or the failure to do any act is made or declared to be unlawful or an offense or a misdemeanor, the doing of any such prohibited act or the failure to do any such required act shall constitute a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than one thousand dollars or by imprisonment for a term of not more than six months, or by any combination of such fine and imprisonment. Any day of any violation of this Chapter shall constitute a separate offense.



Cost of Abatement of the Violation.

Any person who discharges or causes to be discharged any non-stormwater into the system shall be liable to the City for all damages, cleanup costs, monitoring costs and other associated costs that result therefrom.



Alternate Compensatory Actions.

In lieu of enforcement proceedings, penalties, and remedies authorized by this Chapter, the Director may impose upon a violator alternative compensatory actions, as determined by the Director.



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Violations Deemed A Public Nuisance.

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this Chapter is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.



Remedies Not Exclusive.

The remedies listed in this Chapter are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the Director to seek cumulative remedies.

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