

## Cañon City Municipal Code

### Title 20 STORMWATER ILLICIT DISCHARGES AND PERMITS

#### **Chapter 20.10 STORMWATER ILLICIT DISCHARGES AND PERMIT REQUIREMENTS**

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##### **20.10.010 Purpose and intent.**

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The purpose of this chapter is to regulate non-stormwater discharges to the storm drainage system, as required by federal and state law, to protect and enhance the water quality of the City's watercourses, water bodies and wetlands in a manner consistent with the Federal Clean Water Act. The objectives of this chapter are:

- A. To regulate the introduction of pollutants to the municipal separate storm sewer system (MS4);
- B. To prohibit illicit connections and discharges to the MS4;
- C. To provide for inspection and monitoring procedures necessary to ensure compliance with this chapter;
- D. To reduce pollutants in stormwater discharges from construction activity by guiding, regulating, and controlling the design, construction, use, and maintenance of any development or other activity that disturbs or breaks the topsoil or results in the movement of earth on land;
- E. To require permanent stormwater runoff controls to be constructed along with development to prevent the deterioration of water quality; and
- F. To promote public awareness of the hazards involved in the improper discharge of pollutants into the storm drainage system. (Ord. 12-2019 § 11)

##### **20.10.020 Definitions.**

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For the purposes of this chapter, the following words and phrases shall have the meaning set forth in this section:

- A. "Applicable Construction Activity" means construction activities with land disturbance (surface disturbing and associated activities) of one or more acres, or disturbing less than one acre if that construction activity is part of a larger common plan of development or sale that would disturb, or has disturbed one or more acres, unless the disturbed areas have been finally stabilized. "Applicable construction activities" include the land disturbing activity and all activities and materials associated with the construction site and located at, or contiguous to, the land disturbing activities.
- B. "Best Management Practices (BMPs)" means schedules of activities, prohibitions of practices, general good housekeeping pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.
- C. "CDPHE" means the Colorado Department of Public Health and Environment.
- D. "Clean Water Act" means the federal Water Pollution Control Act (33 U.S.C. Section 1251 et seq.), and any subsequent amendments thereto.
- E. "Colorado Discharge Permit System (CDPS) Stormwater Discharge Permit" or "CDPS permit" means a permit issued pursuant to the Colorado Water Quality Control Act (C.R.S. § 25-8-101 et seq., as amended).
- F. "Common Plan of Development or Sale" means a contiguous (within 0.25 miles) area where multiple separate and distinct construction activities may be taking place at different times on different schedules, but remain related.
- G. "Construction Activity" means ground surface disturbing and associated activities (land disturbance), which include, but are not limited to, clearing, grading, excavation, demolition, installation of new or improved haul roads and access roads, staging areas, stockpiling of fill materials, and borrow areas. Construction does not include routine maintenance to maintain the original line and grade, hydraulic capacity, or the original purpose of the facility.

Activities to conduct repairs that are not part of regular maintenance or for replacement are construction activities and are not routine maintenance. Repaving activities where underlying and/or surrounding soil is cleared, graded, or excavated as part of the repaving operation are considered construction activities unless they are an excluded site. Construction activity is from initial ground breaking to final stabilization regardless of ownership of the construction activities.

H. “Control Measure” means the same as Best Management Practices.

I. “Director” means the City Engineer of the City of Cañon City or designee.

J. “Disturbed Area” means that area of the land’s surface disturbed by any work or activity upon the property by means including, but not limited to, grading; excavating, stockpiling soil, fill, or other materials; clearing; vegetation removal; removal or deposit of any rock, soil, or other materials; or other activities which expose soil. Disturbed area does not include the tillage of land that is zoned for agricultural use.

K. “Facility” means any building, including a private home, structure, installation, process, or activity from which there is or may be a discharge of a pollutant.

L. “Final Stabilization” means the condition reached when all ground surface disturbing activities at the site have been completed, and for all areas of ground surface disturbing activities a uniform vegetative cover has been established with an individual plant density of at least seventy percent (70%) of pre-disturbance levels, or equivalent permanent, physical erosion reduction methods have been employed.

M. “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 to the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

N. “Illicit Connections” means any drain or conveyance, whether on the surface or subsurface, which allows an illicit discharge to enter the storm drainage system, including, but not limited to, any conveyances which allow any non-stormwater discharge including sewage, process wastewater, and wash water to enter the storm drainage system; and any connections to the storm drainage system from indoor drains, sump pumps and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved.

O. “Illicit Discharge” means any direct or indirect release of pollutants to the storm drainage system, except as excluded in Section 20.10.050(F) of this chapter.

P. “Industrial Activity” means activities subject to CDPS or NPDES Industrial Permits, as defined in 40 CFR, Section 122.26 (b)(14).

Q. “Land Disturbing Activity” means any activity that results in a change in the existing land surface (both vegetative and non-vegetative). “Land disturbing activities” include, but are not limited to, clearing, grading, excavation, demolition, installation of new or improved haul roads and access roads, staging areas, stockpiling of fill materials, and borrow areas. Compaction that is associated with stabilization of structures and road construction shall also be considered a land disturbing activity.

R. “Mobile Washing Operation” means a commercial activity involving power washing, steam cleaning, and any other method of mobile cosmetic cleaning of, by way of example, the following: vehicles, fabric, pets and/or exterior surfaces.

S. “Municipal Separate Storm Sewer System (MS4)” means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains):

1. Owned or operated by a State, city, town, county, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or a designated and approved management agency under Section 208 of the CWA that discharges to state waters;

2. Designed or used for collecting or conveying stormwater, which shall include conveyances that are owned or

operated by the City through an agreement, contract, direct ownership, easement or right-of-way and are for the purpose of managing floodplains, stream banks, and channels for conveyance of stormwater flows;

3. Which is not a combined sewer; and

4. Which is not part of a Publicly Owned Treatment Works (POTW). See 5 CCR 1002-61.2(62).

T. “National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge Permit” or “NPDES permit” means a permit issued pursuant to Section 402 of the Clean Water Act.

U. “Non-Stormwater Discharge” means any discharge to the storm drainage system that is not composed entirely of stormwater.

V. “Operator” means the person or entity who is responsible for the overall operation of the facility or activity from which the associated discharge originates.

W. “Owner” means the person who owns a facility, a development, part of a facility, or land.

X. “Pollutant” means any sewage, sewage biosolids, dirt, slurry, garbage, chemical waste, biological material, biological nutrient, solid waste, incinerator residue, ash, munitions, radioactive material, heat, rock, sand, cellar dirt, wrecked or discarded equipment and any municipal, industrial and agricultural wastes.

Y. “Pollution” means the presence in waters of the state of any substances, contaminants, or manmade or man-induced impairment of waters or alteration of the chemical, physical, biological, or radiological integrity of water in quantities or at levels which are or may be potentially harmful or injurious to human health or welfare, animal or plant life, or property or which unreasonably interfere with the enjoyment of life or property, including outdoor recreation unless authorized by applicable law.

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

AA. “Receiving Water” means any water of the State of Colorado that receives a stormwater discharge from MS4, including all watercourses, even if they are usually dry, and irrigation ditches that receive municipal stormwater. It also includes storm drainage systems owned by other entities.

BB. “Site Plan” means construction stormwater site plans, sediment and erosion control plans, stormwater pollution prevention plans, drainage reports, drainage plans, stormwater management plans, drainage and erosion control plans, etc.

CC. “Spill” means any intentional or unintentional release of solid or liquid material which may cause pollution of the MS4 or waters of the state.

DD. “Storm Drainage System” has the same meaning as “Municipal Separate Storm Sewer System (MS4).”

EE. “Stormwater” means any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

FF. “Stormwater Management Plan (SWMP)” means a plan describing the BMP and activities to be implemented to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to stormwater, MS4, or receiving waters to the maximum extent practicable.

GG. “Threatened Discharge” means a condition creating a substantial probability of harm, which makes it reasonably necessary to take immediate action to prevent, reduce or mitigate damages to persons, property or natural resources.

HH. “Wastewater” means any water or other liquid, other than uncontaminated stormwater, discharged from a facility.

II. “Watercourse” means a channel, natural depression, slough, artificial channel, gulch, arroyo, stream, creek, pond, reservoir or lake, including major drainageways, in which stormwater runoff and floodwater flows, either regularly or infrequently.

JJ. “Waters of the State of Colorado (waters of the state)” means any and all surface and subsurface waters that are contained in or flow in or through the State of Colorado. The definition includes all watercourses, even if they are usually dry. (Ord. 12-2019 § 11)

### **20.10.030 Applicability.**

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This chapter shall apply to all water entering the storm drainage system generated on any developed and undeveloped lands unless explicitly exempted by this chapter. (Ord. 12-2019 § 11)

### **20.10.040 Responsibility for administration.**

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The Director shall administer, implement, and enforce the provisions of this chapter. (Ord. 12-2019 § 11)

### **20.10.050 Illicit discharge prohibited—Exclusions.**

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A. No person shall discharge or cause to be discharged into the MS4 or watercourses any illicit discharge, including, but not limited to, the following:

1. Chemicals, petroleum products, paint, varnishes, solvents, oil, grease and other automotive fluids, pesticides, herbicides, and fertilizers, or other toxic materials;
2. Non-hazardous liquid, solid wastes and yard wastes;
3. Hazardous materials, sewage, fecal coliform and pathogens, dissolved and particulate metals;
4. Trash, refuse, rubbish, garbage, food wastes, pet wastes, litter, other discarded or abandoned objects, floatables and cleaning products;
5. Landscaping materials, sediment, lawn clippings, leaves, branches or other landscaping and yard debris;
6. Construction activities wastes and residues including, but not limited to, trash, painting, paving, concrete placement, sawcutting, material storage and earthwork;
7. Wastes and residues that result from mobile washing operations, discharges from toilets and sinks, industrial processes, cooling systems, boilers, fabric cleaning, equipment cleaning, commercial vehicle cleaning and substances added to the storm drain to control root growth;
8. Any other material that is considered harmful to humans, animals, or aquatic life and its habitat.

B. Exclusions. The following discharges, when properly managed, are excluded from the discharge prohibitions established by this chapter:

1. Landscape irrigation;
2. Lawn watering;
3. Irrigation return flows;
4. Diverted stream flows;
5. Rising ground water;
6. Uncontaminated ground water infiltration;
7. Uncontaminated pumped groundwater; provided it has not come into contact with construction activities;
8. Springs;
9. Flows from riparian habitats and wetlands;
10. Water line flushing in accordance with CDPHE's Low Risk Policy Discharge Guidance: Potable Water;
11. Discharges from potable water sources in accordance with CDPHE's Low Risk Discharge Guidance: Potable Water provided it has not been used in any additional processes such as washing, heat exchange, manufacturing and hydrostatic testing of pipelines not associated with treated water distribution systems;
12. Foundation drains;
13. Air conditioning condensation;

14. Water from crawl space pumps;
15. Footing drains;
16. Individual residential car washing;
17. Dechlorinated swimming pool discharges in accordance with CDPHE's Low Risk Discharge Guidance: Swimming Pools;
18. Water incidental to street sweeping (including associated sidewalks and medians) and that is not associated with construction;
19. Dye testing in accordance with the manufacturer's recommendations;
20. Stormwater runoff with incidental pollutants;
21. Discharges resulting from emergency firefighting activities;
22. Discharges authorized by a CDPS or NPDES permit provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted by the City for any discharge to the storm drain system;
23. Agricultural stormwater runoff; and
24. Discharges that are in accordance with CDPHE's Low Risk Policy guidance documents or other CDPHE policies and guidance documents where CDPHE has stated that it will not pursue permit coverage or enforcement for specified point source discharges. (Ord. 12-2019 § 11)

#### **20.10.060 Illicit connections prohibited.**

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The construction, use, maintenance or continued existence of illicit connections to the MS4 is prohibited. This prohibition 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. (Ord. 12-2019 § 11)

#### **20.10.070 Threatened discharges.**

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A. It is unlawful to cause materials to be deposited in such a manner or location as to constitute a threatened discharge into the MS4 or waters of the state. Pollutants that are no longer contained in a pipe, tank or other container are considered to be threatened discharges unless they are actively being cleaned up.

1. **Cleaning of Paved Surfaces Required.** The owner of any paved parking lot, street or drive shall clean the pavement as necessary to prevent an illicit discharge of pollutants. Paved surfaces shall be cleaned by dry sweeping, wet vacuum sweeping, collection and treatment of wash water or other methods in compliance with this chapter.
2. **Materials Storage.** Materials including, but not limited to, stockpiles used in construction and landscaping activities shall be stored to prevent the release of pollutants.
3. **Pesticides, Herbicides and Fertilizers.** Pesticides, herbicides and fertilizers shall be applied in accordance with manufacturer recommendations and applicable laws. Pesticides, herbicides and fertilizers shall be stored in a manner to prevent release to the MS4. (Ord. 12-2019 § 11)

#### **20.10.080 Best management practices.**

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The owner or operator of a commercial or industrial establishment or a disturbed area shall provide, at his or her own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the MS4 or watercourses through the use of structural and non-structural BMPs. Further, any person responsible for premises, which are, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the MS4. (Ord. 12-2019 § 11)

### **20.10.090 Access and inspection of properties and facilities.**

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A. Whenever the Director has reasonable cause to believe that there exists, or potentially exists, in or upon any premises any condition which constitutes a violation of this chapter, the Director shall have the right to enter the premises at any reasonable time to determine if the owner or operator is complying with all requirements of this chapter. In the event that the owner or occupant refuses entry after a request to enter has been made, the City is hereby empowered to seek assistance from a court of competent jurisdiction in obtaining such entry.

B. The Director shall have the right to set up on the property of any discharger to the MS4 such devices that are necessary to conduct an investigation of such discharges. The investigation may include, but is not limited to, the following: sampling of any discharge or process waters, the taking of photographs, interviewing staff on alleged violations, and access to any and all facilities or areas within the premises that may have any effect on the discharge.

C. If the violation constitutes an immediate danger to public health or public safety, the Director is authorized to enter upon the subject private property, without giving prior notice, to take any and all measures necessary to abate the violation and/or restore the property. (Ord. 12-2019 § 11)

### **20.10.100 Notification of spills.**

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Notwithstanding other requirements of law, as soon as any person responsible for any premises, facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into stormwater, the MS4, or waters of the state, that person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the Director in person or by phone no later than twenty-four (24) hours. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the Director within five (5) calendar days of the phone notice. The Colorado Department of Public Health shall also be notified within twenty-four (24) hours. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three (3) years. (Ord. 12-2019 § 11)

### **20.10.110 Permitting.**

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A. Permit Required. It shall be unlawful for any person to conduct any activity resulting in the following total disturbed area without first obtaining a stormwater quality permit:

1. One acre or more;
2. Less than one acre if such activities are part of a larger common plan of development, even though multiple, separate and distinct land development activities may take place at different times on different schedules, unless the development has been stabilized; or
3. The City may also require a stormwater quality permit regardless of the size of the total disturbed area in conjunction with approval of a final subdivision plat, special use permit, or site development plan, or if the construction activities are adjacent to a watercourse or wetlands.

B. The following activities are exempt from this chapter:

1. Agricultural land management activities; and
2. Facilities associated with oil and gas exploration, production, processing, or treatment operations, or transmission facilities, including activities necessary to prepare a site for drilling and for the movement and placement of drilling equipment, whether or not such activities or operations may be considered to be construction activity.

C. Permit Application. Applications for stormwater quality permits shall be filed with the Director on a form prescribed by the City.

1. In support of the application, the applicant shall submit all information required on the City's form and any additional information requested by the City.

2. The application shall be signed by a person responsible for compliance with the permit throughout the permit's validity.

3. The application shall include:

a. Documentation proving that a complete application for a current CDPHE stormwater general permit for construction activities has been made; and

b. A completed SWMP, including an erosion and sediment control plan.

4. If, at the time of filing of a permit application pursuant to this subsection, the applicant has not filed documentation proving that a CDPHE stormwater general permit for construction activities was issued, the permit to be issued by the City shall not be issued or valid until the applicant has provided proof of CDPHE permit certification to the City. No construction activities shall be commenced prior to the applicant's submission of such proof of certification.

D. Construction activities may not proceed until permit approval is received from the City.

E. Permit Issuance/Denial. The Director shall, within ten (10) working days of receipt of a completed stormwater quality permit application, either issue or deny a permit. The permit shall be denied if the applicant fails to provide the information, fees, or security required by this chapter. If a permit is denied, the applicant shall be notified, in writing, of the grounds for denial and of the corrective actions that must be taken to obtain a permit. An applicant may appeal the denial in writing to the City Administrator no later than thirty (30) calendar days from the date of issuance of denial. The appeal must set forth the grounds for the appeal and include any documents in support of the applicant's appeal. The City Administrator shall within thirty (30) calendar days of receipt of an appeal rule on the matter based solely upon review of the application, denial, appeal, and all documents related thereto. The parties shall receive written notice of the City Administrator's decision.

F. Permit Fees. Fees for any permit required by this chapter shall be established from time to time by resolution of the City Council, and no permit shall be issued until and unless the fee has been paid. (Ord. 12-2019 § 11)

#### **20.10.120 Construction stormwater management plan.**

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A. The SWMP shall be prepared in accordance with the requirements of the most recent SWMP guidance document prepared by the CDPHE, and the engineering, hydrologic and pollution control practices outlined in the City's Design Standards and Construction Specifications.

B. The owner or its representative will be required to have the approved SWMP on site at all times and shall be prepared to respond to maintenance of specific BMPs.

C. The owner or their representative shall inspect all BMPs at least every fourteen (14) days and within twenty-four (24) hours after any precipitation or snow melt event that causes surface runoff.

D. Based on inspections performed by the owner or by City personnel, modifications to the SWMP will be necessary if at any time the specified BMPs do not meet the objectives of this chapter. In this case, the owner shall meet with City personnel to determine the appropriate modifications. All modifications shall be completed within seven (7) days of the referenced inspection, and shall be recorded on the owner's copy of the SWMP.

E. SWMP Review/Changes. The operator shall amend the plan whenever there is a significant change in design, construction, operation, or maintenance, which has a significant effect on the potential for discharge of pollutants to the MS4 or receiving waters, or if the SWMP proves to be ineffective in achieving the general objectives of controlling pollutants in stormwater discharges associated with construction activities.

F. Records of inspection are to be maintained on site with the SWMP and are to be available to the City Inspector upon request. (Ord. 12-2019 § 11)

### **20.10.130 Technical standards and specifications.**

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A. All BMPs designed to meet the requirements of this chapter shall comply with the following technical standards:

1. Urban Drainage and Flood Control District's Urban Storm Drainage Criteria Manual-Volume 3-BMP or its successor;
2. The City's Standard Construction Specifications Manual; and
3. Any other alternative methodology approved by the City, which is demonstrated to be effective. (Ord. 12-2019 § 11)

### **20.10.140 Post-construction requirement of permanent BMPs.**

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A. Land development that meets the requirements of this chapter must address stormwater runoff quality through the use of permanent BMPs which shall be maintained in perpetuity.

1. Structural BMPs located on private property shall be owned and operated by the owners of the property on which the BMP is located, unless the City in writing agrees that a person other than the owner shall own or operate such BMP.

2. As a condition of approval of the BMP, the owner shall also agree to maintain the BMP to its design capacity unless or until the City relieves the property owner of that responsibility in writing. The obligation to maintain the BMP shall be memorialized on the subdivision plat, annexation plat, development agreement or other instrument in a form acceptable to the City and shall be recorded in the office of the County Clerk and Recorder.

B. Certification of Permanent BMPs. Upon completion of a project, and before a certificate of occupancy is granted, the City shall perform an inspection to verify the BMP is constructed and is operating in accordance with the approved site plan. A final inspection by the City is required before the release of any performance securities can occur. The City shall also provide a written certification stating that the completed project is in compliance with the approved final drainage plan. All applicants are required to submit "as built" plans for any permanent BMPs after final construction is completed which must be certified by a Colorado licensed professional engineer. The plans must include the following:

1. Design details for all structural control measures implemented.
2. A narrative reference for all non-structural control measures implemented for the site.
3. Documentation of operation and maintenance procedures which include inspection frequencies and maintenance activities to ensure the long-term maintenance and operation of the BMP.
4. Documentation of easements or other legal means of access for the operation, maintenance and inspection of the BMP(s).

C. Ongoing Inspection and Maintenance of Permanent BMPs.

1. Maintenance Agreements. The owner of site must, unless an on-site stormwater management facility or practice is dedicated to and accepted by the City, execute an inspection and maintenance agreement that shall be binding on all subsequent owners of the permanent BMPs.

2. Long-Term Inspection of Permanent BMPs. Permanent BMPs included in a final drainage plan which are subject to an inspection and maintenance agreement must undergo ongoing inspections to document maintenance and repair needs and to ensure compliance with the requirements of the agreement, the plan and this chapter. (Ord. 12-2019 § 11)

### **20.10.150 Corrective action by City and charge of costs.**

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If a permittee does not successfully complete all work required under a permit issued by the City pursuant to this

chapter or violates any requirement of this chapter, the City may take corrective measures and charge the cost of such corrective measures to the permittee. Such costs shall include the actual cost of any work deemed necessary by the Director, plus reasonable administrative and inspection costs and any civil penalties imposed pursuant to this chapter. (Ord. 12-2019 § 11)

### **20.10.160 Enforcement and penalties.**

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A. It is unlawful for any person to violate any provision or fail to comply with any of the requirements of this chapter, an approved stormwater quality permit or SWMP. Any person who violates any of the provisions of this chapter may be subject to one or more of the enforcement actions outlined in this section.

B. In the event the violation constitutes an immediate danger to public health or public safety, the Director is authorized to enter upon the subject private property, without giving prior notice, to take any and all measures necessary to abate the violation and/or restore the property.

C. Cost of Abatement of the Violation.

1. If the City abates a violation, then within ten (10) days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs by personal delivery or by mail to the last known address of the owner as shown in the records of the County Assessor. The notice shall be effective upon the date of mailing or personal delivery. The property owner may file a written protest objecting to the amount of the assessment within ten (10) days of the effective date of the notice.

2. If no protest is filed, then the charges shall become due and payable on the date set forth in the notice, which date shall be after the expiration of the time in which to file an appeal, and such charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment.

3. In the event a protest is filed, a hearing on such protest shall be held before the City Administrator or his or her designee within fifteen (15) days from the date of receipt of the written protest. If any charges are upheld upon completion of such hearing, then such charges shall become due and payable ten (10) days after the issuance of the order upon such protest and if not timely paid, such charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment.

4. If the amount due is not paid within ten (10) days of the decision of the City Administrator or the expiration of the time in which to file an appeal under this section, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment. The assessment shall be certified by the Director of Finance to the office of the County Treasurer for collection in the same manner as the collection of general property taxes.

D. Stop Work Order. Whenever the Director determines that any activity is occurring which is not in compliance with the requirements of this chapter, an approved stormwater quality permit or SWMP, the Director can order the activity stopped upon service of written notice upon the responsible owner and/or operator. The owner and/or operator shall immediately stop all activity until authorized in writing by the City to proceed. If the owner and/or operator cannot be located, the notice to stop shall be posted in a conspicuous place upon the area where the activity is occurring and shall state the nature of the violation. It shall be unlawful for any owner and/or operator to fail to comply with a stop work order.

E. Civil Penalties Authorized. The Director is hereby authorized to impose and collect civil penalties not to exceed two hundred and fifty dollars (\$250.00) per violation per day, from the day the violation is identified or reported until it is eliminated, if an alleged violator who is served a written notice of violation, identifying one or more specific violations of this chapter or of an approved stormwater quality permit or of a SWMP, fails to take the remedial action set forth in the notice of violation or otherwise fails to cure the violations set forth therein within ten (10) days after the notice of violation is served upon the owner or operator (or such longer period as is authorized in writing by the Director, if a cure cannot reasonably be accomplished in ten (10) days). The amount of the penalty shall depend upon the severity of the violation and may be appealed to the City Administrator using the same process as is provided for in subsection C of this section. The City shall not prosecute any alleged violator nor seek the imposition of criminal penalties with respect to any violation for which a civil penalty was imposed and paid pursuant to this subsection.

F. Criminal Penalties; Enforcement Costs. It is unlawful and an offense for any person to violate or permit or cause a violation of this chapter or of the provisions of any discharge permit issued under this chapter. Upon conviction thereof, violators shall be punished by a fine in an amount that does not exceed the maximum fine provided for in Section 1.28.010.

G. Violations Deemed a Public Nuisance. 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 public nuisance. Any court of competent jurisdiction shall enjoin violations of this chapter, upon proof of such violations.

H. Remedies Not Exclusive. Except as expressly provided above, the remedies in this chapter are cumulative and the exercise of any one or more remedies shall not prejudice any other remedies that may otherwise be pursued for a violation of this chapter. 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 authorized enforcement agency to seek cumulative remedies.

I. Appeal of Administrative Decision to City Council. Any decision of the City Administrator with respect to any matter appealed to and decided by the City Administrator pursuant to this section may be appealed to the City Council as the appeal of an administrative decision pursuant to the provisions of Chapter 2.52 of this Code. (Ord. 12-2019 § 11)