

Appendix A

Section 1. Sections 12-204 and 12-206 of Chapter 3, Grading and Soil Erosion Control, of Title 12, Public Health and Environmental Control, shall be amended to read as follows:

Sec. 12-204. Inspection, control and stop-work orders.

(a) The requirements of this chapter shall be enforced by the director of public works. The director of public works or designee shall have the authority to inspect the work and require the property owner and/or developer to obtain services for adequate on-site inspection, including compaction testing by an acceptable soil engineer, if determined necessary.

(b) If the director of public works finds that eroded soils are leaving the area where construction activities are occurring, the director of public works or designee may order the property owner and/or developer to install any and all erosion controls that are deemed necessary to prevent said soil erosion from migrating off-site.

(c) Stop-work orders. When any construction activities are being performed in noncompliance with any provisions of this chapter or any other applicable law, rule or regulation, the director of public works or designee may order the work stopped by serving written notice describing the violation upon the person performing the construction activities. The person should immediately stop work and not proceed with any work until written approval to proceed has been obtained from the director of public works. If the person cannot be located, the notice may be posted in a conspicuous place upon the site of the construction activities. The notice shall not be removed until the violation has been cured or authorization to remove the notice has been issued by the director of public works.

(d) Developed property. Oversight of developed property from which pollutants, sediment, concrete wastes and other materials are allowed to spread are addressed and enforced pursuant to article VII of chapter 73 of title 20 of this Code.

Sec. 12-206. ~~Code~~ Violations.

(a) A violation noticed under this chapter shall be deemed an administrative code violation, unless otherwise designated, and shall proceed in accordance with chapter 12 of title 2 of this Code and shall be subject to penalties set forth in Chapter 10 of title 1 of this Code.

(b) It is unlawful to continue work after a stop-work order has been issued, a violation is a misdemeanor offense and, upon conviction thereof, shall be punished pursuant to chapter 9 of title 1 of the code.

(c) It shall be unlawful to make any false statements, representations, certifications in any application, record, report, plan or other documentation filed or required to be maintained pursuant to this Chapter. A violation is a misdemeanor offense and, upon conviction thereof, shall be punished pursuant to chapter 9 of title 1 of the code.

(d) The city may seek and obtain remedies, including, but not limited to, civil and administrative sanctions and temporary or permanent injunctive relief against persons for noncompliance with provisions, standards and requirements of this chapter.

(be) In addition, if a permit holder violates a condition of a city-issued grading permit, this chapter or applicable state or federal laws or regulations regarding construction activities, the city shall revoke the grading permit. The city may reinstate the permit upon a showing of proof that the noncompliance has been corrected.

(f) Authorized employees of the city shall, at all reasonable times, have access to any premises served by the city for inspection, repair, or the enforcement of the provisions of this chapter.

Section 2. Sections 20-566, 20-567 and 20-568 of Division 1, In General, Article VII, Storm Sewers, Chapter 3, Water and Sanitary Sewer Service, of Title 20, Public Works and Utilities, shall be amended and the same Division shall be amended by adding thereto new sections 20-570, 20-571 and 20-572 to read as follows:

Sec. 20-566. Notice of violation; stop work orders; permit termination.

(a) The director of public works or designee may issue a notice of violation to any owner/user who discharges material as described in this Code into the stormwater drainage system. Such notice of violation shall be issued in accordance with ~~section 2-1032~~ chapter 12 of title 2.

(b) When any construction activities, as defined in section 12-191, are being performed in noncompliance with any provisions of this chapter or Code or other applicable law, rule, or regulation, the director of public works or designee can order the work stopped by serving written notice upon the person performing the construction activities. The person shall immediately stop work until authorized in writing by the director of public works or designee to proceed with the work or until approval to proceed has been obtained by legal process. If the person cannot be located, the notice may be posted in a conspicuous place upon the site where construction activities are taking place. The notice shall not be removed until the violation has been cured or authorization to remove the notice has been issued by the city.

(c) Any violation of a condition of a city-issued permits is a violation of this chapter, Code, or other applicable law, rule, or regulation, including performing noncompliant construction activities, shall be sufficient cause for revocation of the city-issued permit. The city may reinstate the permit upon proof of the correction of the noncompliance.

Sec. 20-567. Violations. ~~Code infraction and administrative hearing procedures.~~

A notice of violation issued under section 20-566 is an ~~misdemeanor infraction~~ administrative code violation and shall proceed in accordance with ~~section 2-1032~~ chapter 12 of Title 2, and shall be subject to the provisions of this chapter and penalties as set forth in chapter 10 of title 1 of this Code.

Sec. 20-568. Connecting to storm sewer without permit unlawful.

It is unlawful for any person to tap or make any connection with the stormwater drainage system without first having obtained a permit as provided in this chapter. A violation is a misdemeanor offense and, upon conviction thereof, shall be punished pursuant to chapter 9 of title 1 of the code.

Sec. 20-570. Unlawful discharge causing personal injury or damage.

It is unlawful for any person to introduce any substance into the MS4 that causes personal injury or damage. A violation is a misdemeanor offense and, upon conviction thereof, shall be punished pursuant to chapter 9 of title 1 of the code.

Sec. 20-571. Violation of stop-work order.

It is unlawful to continue work after a stop-work order has been issued. A violation is a misdemeanor offense and, upon conviction thereof, shall be punished pursuant to chapter 9 of title 1 of the code.

Sec. 20-572. False representation.

It shall be unlawful to make any false statements, representations, certifications in any application, record, report, plan or other documentation filed or required to be maintained pursuant to this Chapter. A violation is a misdemeanor offense and, upon conviction thereof, shall be punished pursuant to chapter 9 of title 1 of the code.

Secs. 20-573 – 20-586, Reserved.

Section 3. Section 20-639 of Chapter 4, Stormwater Management Program, of Title 20, Public Works and Utilities, shall be amended to read as follows:

Sec. 20-639. Enforcement.

(a) Any fee which has not ~~be~~ been paid when due may be recovered in an action at law by the city, in addition to any other remedies or penalties provided by this chapter or this Code.

(b) Authorized employees of the city shall, at all reasonable times, have access to any premises served by the city for inspection, repair, or the enforcement of the provisions of this chapter.

(c) The director of public works or designee may issue a notice of violation to any property owner and/or developer who has not installed and maintained permanent stormwater control measures in accordance with this chapter.

(d) A violation ~~noticed~~ under this chapter shall be deemed an administrative code violation, and shall proceed in accordance with ~~section 2-1032~~ chapter 12 of Title 2, and shall be subject to penalties set forth in chapter 10 of title 1 of this Code.