

8.30.110 - Enforcement authority.

The enforcement official is authorized to enforce the provisions of this chapter and to exercise any enforcement powers authorized or provided in this chapter, including without limitation the imposition of administrative requirements, orders and penalties pursuant to this chapter, as may be necessary to effectively implement and enforce this chapter. Without limitation on the enforcement authority set forth above, the enforcement official is authorized to exercise any and all of the following supplemental enforcement powers as he or she determines may be necessary or appropriate in the enforcement official's judgment under the circumstances:

- A. Notice of Violation (NOV). Whenever the enforcement official determines that any person owning or occupying a premises has violated or is violating this chapter or order issued hereunder, the enforcement official may serve, by personal service, or by registered or certified mail, upon said person a written NOV. Within thirty days of receipt of this notice, or shorter period as may be prescribed in the NOV, the person to whom the NOV has been issued shall provide the enforcement official a written explanation or denial of the violation and, if the person does not deny the violation, a plan for the satisfactory correction and prevention thereof, which shall include without limitation specific actions or mitigations required by the enforcement official in the NOV. Submission of this plan shall in no way relieve the person of liability for any violation before or after receipt of the NOV.
- B. Cease and Desist Orders. The enforcement official may require any person owning or occupying a premises to cease and desist all activities that may cause or contribute to discharge in violation of this chapter. This order may also require such person to: (i) comply with the applicable provisions of this chapter within a designated period of time or; (ii) take such other appropriate remedial or preventative action the enforcement official determines to be necessary to prevent the violation from recurring.
- C. Notice to Clean and Abate. The enforcement official may require any person owning or occupying a premises to clean up and abate any release of one or more pollutants on those premises, which otherwise would result in a violation of this chapter. The enforcement official may also order abatement of activities or practices, which otherwise reasonably would result in such a violation.
- D. Mitigation. The enforcement official shall have authority to order the mitigation of any condition, activity or circumstance which otherwise would result in or contribute to illicit discharges.
- E. Stormwater Pollution Prevention Plan. The enforcement official shall have the authority to establish elements of a stormwater pollution prevention plan, and to require any business or person to adopt and implement such a plan, as may be reasonably necessary to fulfill the purposes of this chapter.
- F. Best Management Practices. The enforcement official may establish and impose the requirements of best management practices for any premises.
- G. Seasonal and Recurrent Nuisance. If any violation of this chapter constitutes a seasonal and recurrent nuisance, the enforcement official shall so declare. Thereafter, such seasonal and recurrent nuisance shall be abated every year without the necessity of any further hearing.
- H. Emergency Orders and Abatements. The enforcement official may order the abatement of any discharge from any source to the stormwater conveyance system when, in the opinion of the enforcement official, the discharge causes or threatens to cause a condition which presents an imminent danger to the public health, safety or welfare, or the environment. In emergency situations where the property owner or other responsible party is unavailable and time constraints are such that service of a notice and order to abate cannot be effected without presenting an immediate danger to the public health, safety or welfare, or the environment or a violation of a NPDES permit, the city may perform or cause to be performed such work as shall

be necessary to abate said threat or danger. The costs of any such abatement shall be borne by the owner and shall be collectable in accordance with the provisions of this chapter.

- I. Contents of Notice. Any NOV, cease and desist order, or other civil notice or civil order issued by the enforcement official pursuant to this chapter shall include a copy of Section 8.30.120 of this chapter outlining appeal rights.

(Ord. 901 § 1 (part), 2005).