

CITY OF SOMERVILLE
ORDINANCE NO. 2020-
IN THE CITY COUNCIL: _____, 2020

Be it ordained by the City Council, in session assembled, that the Code of Ordinances of the City of Somerville Article VI of Chapter 11 is hereby amended, by adding the underlined language and deleting the struck-through language to read as follows:

ARTICLE VI. - DIVISION OF ENGINEERING

Sec. 11-140. Definitions.

ABUTTER — The owner(s) of land abutting the activity.

APPLICANT — Any person, individual, partnership, association, firm company, corporation, trust, authority, agency, department, or political subdivision of the Commonwealth of Massachusetts or the federal government to the extent permitted by law requesting a stormwater management permit for proposed land disturbances.

APPURTENANCES - Items which are tributary to the City's wastewater or storm drainage systems, including, but not limited to, grease traps, oil traps, and particle separators.

BEST MANAGEMENT PRACTICE (BMP) — An activity, procedure, restraint, or structural improvement that helps to reduce the quantity or improve the quality of stormwater runoff.

CERTIFIED PROFESSIONAL IN EROSION AND SEDIMENT CONTROL (CPESC) —A specialist in soil erosion and sediment control certified by the Soil and Water Conservation Society in cooperation with the American Society of Agronomy.

CFR — Code of Federal Regulations.

CITY - The City of Somerville including all authorized agents thereof.

CLEAN WATER ACT ("THE ACT")— The Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.) as hereafter amended.

CLEARING — Any activity that removes the vegetative surface cover.

CMR — Code of Massachusetts Regulations.

COMBINED SEWER – A sewer pipe or conduit designed to receive both sewage and stormwater.

COMMON SEWER (OR MAIN DRAIN) – Any sanitary sewer, combined sewer, or storm drain laid in any land, or street, or way, public or private, opened or proposed to be opened for public travel and accommodation, for the purpose of draining more than one lot or building. DEP - The Massachusetts Department of Environmental Protection.

DEVELOPMENT — The modification of land to accommodate a new use or expansion of use, usually involving construction.

DISCHARGES - Any liquid, vapor, or solid material(s) introduced into the municipal sanitary sewerage system, whether intentionally or unintentionally, including, but not limited to, leaks, spills, leaching, and pouring.

DISCHARGE OF POLLUTANTS — The addition from any source of any pollutant or combination of pollutants into the municipal storm drainage system or into the waters of the United States or Commonwealth of Massachusetts from any source.

EFFLUENT - A discharge of pollutants into the environment or to a sewer system, whether or not treated.

EROSION — The wearing away of the land surface by natural or artificial forces such as wind, water, ice, gravity, or vehicle traffic and the subsequent detachment and transportation of soil particles.

FLOATABLES - Any oil, fat, or grease (originating from any animal, vegetable, petroleum product, or any other hydrocarbon) in a physical state that will allow for separation from wastewater by gravity.

GARBAGE - Solid wastes from the domestic and commercial preparation, cooking, and dispensing of food and from the handling, storage, and sale of produce.

GRADING — Changing the level or shape of the ground surface.

GREASE TRAP - A receptacle designed to collect and retain or remove grease and fatty substances from wastewater normally resulting from the commercial handling, preparation, cooking, or dispensing of food; also referred to as a grease interceptor in the Uniform State Plumbing Code, 248 CMR 2.00.

GROUNDWATER — Water beneath the surface of the ground.

ILLICIT CONNECTION — A surface or subsurface drain or conveyance which allows an illicit discharge into the municipal storm drainage system, including, without limitation, sewage, process wastewater, or wash water and any connections from indoor drains, sinks, or toilets, regardless of whether said connection was previously allowed, permitted, or approved before the effective date of this article.

ILLICIT DISCHARGE — Direct or indirect discharge to the municipal storm drainage system that is not composed entirely of stormwater, except as exempted in § 25-23 of this article.

IMPERVIOUS SURFACE — Any material or structure on or above the ground that prevents water infiltrating the underlying soil. "Impervious surface" includes, without limitation, roads, paved parking lots, sidewalks and rooftops.

INDUSTRIAL WASTES - The liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.

INFILTRATION - Water other than wastewater that enters a sewer system (including sewer service connections and foundation drains) from the ground through means which include, but are not limited to, defective pipes, pipe joints, connections, or manholes. Infiltration does not include, and is distinguished from inflow.

INFILTRATION/INFLOW - The quantity of water from both infiltration and inflow without distinguishing the source.

INFLOW - Water other than sanitary flow that enters a sewer system (including sewer service connections) from sources which include, but are not limited to, roof leaders, cellar drains, yard drains, area drains, drains from springs and swampy areas, manhole covers, cross connections between storm sewers and sanitary sewers, catch basins, cooling towers, storm waters, surface runoff, street wash waters, or drainage. Inflow does not include, and is distinguished from infiltration.

LAND DISTURBANCE — Any action that causes a change in the position, location, or arrangement of soil, sand, rock, gravel, or similar earth material.

MWRA - The Massachusetts Water Resource Authority.

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) or MUNICIPAL STORM SYSTEM – The system of conveyances designed or used for collecting or conveying stormwater, including any road with a drainage system, street, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or man-made or altered drainage channel, reservoir, and other drainage structure that together comprise the storm drainage system owned or operated by the City and discharging via an outfall to a surrounding waterway.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORMWATER DISCHARGE PERMIT — A permit issued by the United States Environmental Protection Agency or jointly with the Commonwealth of Massachusetts that authorizes the discharge of pollutants to waters of the United States.

NONSTORMWATER DISCHARGE — Discharge to the municipal storm drainage system not composed entirely of stormwater.

OWNER — A person with a legal or equitable interest in property.

PERSON — An individual, partnership, association, firm, company, trust, corporation, agency, authority, department or political subdivision of the Commonwealth of Massachusetts or the federal government, to the extent permitted by law, and any officer, employee, or agent of such person.

POINT SOURCE — Any discernible, confined, and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, or container from which pollutants are or may be discharged.

POLLUTANT — Any element or property of sewage, agricultural, industrial or commercial waste, runoff, leachate, heated effluent, or other matter, whether originating at a point or nonpoint source, that is or may be introduced into any sewage treatment works or waters of the Commonwealth of Massachusetts and/or the United States. Pollutants shall include, without limitation:

- A. Paints, varnishes, and solvents;
- B. Oil and other automotive fluids

- C. Nonhazardous liquid and solid wastes and yard wastes;
- D. Refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, accumulations and floatables
- E. Pesticides, herbicides, and fertilizers;
- F. Hazardous materials and wastes; sewage, fecal coliform and pathogens;
- G. Dissolved and particulate metals;
- H. Animal wastes;
- I. Rock, sand, salt, soils;
- J. Construction wastes and residues; and
- K. Noxious or offensive matter of any kind.

PRE-CONSTRUCTION — All activity in preparation for construction.

PRIVATE COMBINED SEWER – A combined sewer which is not owned by the City or the MWRA. Private combined sewers include, but are not limited to, Building Drains - Combined (as defined by 248 CMR 10.03), building combined sewer laterals and manholes located on private property and not located within an easement held by the City or other public agencies, and the connection from a private combined sewer to the public wastewater system.

PRIVATE SANITARY SEWER – A sanitary sewer that is not owned by the City or the MWRA. Private sanitary sewers include, but are not limited to, Building Drains - Sanitary (as defined by 248 CMR 10.03), building sanitary sewer laterals and manholes located on private property and not located within an easement held by the City or other public agencies, and the connection from a private sanitary sewer to the public wastewater system.

PRIVATE STORM DRAIN – A Storm Drain that is not owned by the City. Private Storm Drains include, but are not limited to, Building Drains - Storm (as defined by 248 CMR 10.03), building storm Drain laterals, catch basins and manholes located on private property and not located within an easement held by the City and other public agencies, and the connection from a private storm Drain to the public storm drainage system.

PRIVATE SEWER OR DRAIN – Any private combined sewer, private sanitary sewer, or private storm drain.

PROCESS WASTEWATER — Water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any material, intermediate product, finished product, or waste product.

PUBLIC COMBINED SEWER – A combined sewer that is owned by the City or the MWRA or any of their successors.

PUBLIC SANITARY SEWER – A sanitary sewer which is owned by the City or the MWRA or any of their successors.

PUBLIC STORM DRAIN – A Storm Drain that is owned by the City.

RECHARGE — The process by which groundwater is replenished by precipitation through the percolation of runoff and surface water through the soil.

REDEVELOPMENT — Development, rehabilitation, expansion, demolition, or phased projects that disturb the ground surface or increase the impervious area on previously developed sites.

REPLACEMENT – expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the useful life of the treatment works to maintain the capacity and performance which such works were designed and constructed. The term "operation and maintenance" includes replacement.

RUNOFF — Rainfall, snowmelt, or irrigation water flowing over the ground surface.

SANITARY SEWAGE - Liquid and water-carried human and domestic wastes from buildings, exclusive of ground-, storm- and surface water, industrial wastes, uncontaminated cooling water, and uncontaminated industrial process water.

SANITARY SEWER - A sewer which carries sewage and to which stormwaters, surface waters, and groundwaters are not intentionally admitted.

SEDIMENT — Mineral or organic soil material that is transported by wind or water, from its origin to another location; the product of erosion processes.

SEDIMENTATION — The process or act of deposition of sediment.

SEWAGE - A combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such groundwaters, surface waters, and stormwaters as may be present.
SITE — Any lot or parcel of land or area of property where land disturbances are, were, or will be performed.

SOIL — Any earth, sand, rock, gravel, or similar material.

STORM DRAIN— A pipe or conduit that carries surface water, stormwater and groundwater or runoff and is exclusive of sanitary sewage.

STORMWATER – Water resulting from rainfall or other precipitation that runs off surfaces during or after a storm.

STORMWATER MANAGEMENT PLAN — A plan required as part of the application for a stormwater management permit.

STREAM — A body of running water, including brooks, creeks, and other water courses, which moves in a definite channel in the ground due to a hydraulic gradient. A portion of a stream may be naturally obscured or flow through a culvert or beneath a bridge. A stream's flow may be intermittent (i.e., does not flow throughout the year) or perennial.

TOXIC OR HAZARDOUS MATERIAL OR WASTE — Any material which, because of its quantity, concentration, chemical, corrosive, flammable, reactive, toxic, infectious or radioactive characteristics, either separately or in combination with any substance or substances, constitutes a present or potential threat to human health, safety, or welfare or to the environment. Toxic or hazardous materials include any synthetic organic chemical, petroleum product, heavy metal, radioactive or infectious waste, acid and alkali, and any substance

defined as "toxic" or "hazardous" under MGL c. 21C and c. 21E and the regulations at 310 CMR 30.00 and 310 CMR 40.00 et seq.

USER - Any person or entity, whether or not physically located within the City, who discharges or causes or permits the discharge of wastewater into the City's sanitary sewers, storm drains, or interceptors owned by MWRA located within the City. Such person or entity is not limited to the owner of the property from which the offending discharge is made.

USER CHARGE – a charge levied on users of the treatment works for the cost of operation of said works in accordance with Section 204(b) of the Clean Water Act.

WATERCOURSE - A channel in which a flow of water occurs either continuously or intermittently.

WATERS OF THE COMMONWEALTH OF MASSACHUSETTS — All waters within the jurisdiction of the Commonwealth of Massachusetts, including, without limitation, rivers, streams, lakes, ponds, springs, impoundments, estuaries, wetlands, coastal waters, and groundwater.

WASTEWATER – Sanitary sewage, together with any groundwater, stormwater and surface water that may be present.

WASTEWATER SYSTEM – The devices, equipment or works used in transportation, pumping, storage, treatment, recycling or reclamation of wastewater or in the disposal of the effluent.

WETLANDS — Coastal and freshwater wetlands, including wet meadows, marshes, swamps, and bogs, as defined and determined pursuant to MGL c. 131, § 40 and 310 CMR 10.00 et seq.

Sec. 11-141. - City engineer duties.

- (a) *Generally.* The city engineer shall make such surveys, plans, estimates and descriptions, and he or she shall perform all other such services, and impart such information concerning any department of the city's affairs, properly relating to the office of the city engineer, as may be required of him or her by the mayor, the city council or any committee thereof, or any board of officers of the city. He or she shall be consulted in relation to public improvements of every kind when the advice of a civil engineer would be of service.
- (b) *Descriptions of certain lands.* The city engineer shall furnish to the city treasurer and collector of taxes, whenever requested, an accurate description in writing of the locations and boundaries of all lands which may become liable to sale for nonpayment of sewer, sidewalk or other betterment assessments.
- (c) *Custodian of all plans.* The city engineer shall have the charge of all plans of every kind, not especially belonging to other departments, and shall keep the same properly classified and indexed and he or she may make such rules concerning the taking of plans from his or her office as he or she may deem necessary to ensure their safety.
- (d) *Information on streets.* The city engineer shall give to all applicants, so far as the files and records of his or her office will permit, any information they may desire as to the lines and grades of streets on which their estates are situated, or upon which they intend to build and

all information of this character furnished to owners of estates, or persons representing them or to those intending to build, shall be without charge.

- (e) *Annual report.* The city engineer shall annually, in the month of January, present to the city council a report in relation to his or her division, showing the number of persons employed, the detailed expenses of the department, the general nature of the work, the property under his or her charge, the condition of all structures under his or her supervision that are in process of construction or that have been completed during the previous year, and such other general information in relation to the same as he or she may deem expedient.

(Code 1963, §§ 8-23—8-27)

Cross reference— Sewer specifications, § 11-157; plans of sewers and drains, § 11-159.

Sec. 11-142. - Pipes, sewer, conduit, poles or other structures on, above, or under streets.

- (a) No gas pipe, sewer, conduit, street railway tract, pole, or any other structure, except wires, whether belonging to the city or to any individual or corporation, shall be placed upon, beneath or above any street, unless a plan showing the proposed location thereof shall have first been deposited with the city engineer, and such location approved by him or her or authorized by the city council. Upon the completion of work approved or authorized as aforesaid a final plan shall be filed with the city engineer, showing the accurate location and manner of construction.
- (b) Any person violating the foregoing provision shall be subject to a penalty in accordance with section 1-11 and shall remove such structure if required so to do by the city engineer, or the city engineer may cause the same to be removed.

(Code 1963, § 12-1)

Cross reference— Blocking sidewalks, § 12-5; trash and rubbish on streets and sidewalks, § 12-12; signs, awnings, outdoor seating and other items on or over streets and sidewalks, § 12-14; signs over streets and sidewalks, § 12-15; awnings over streets and sidewalks, § 12-16; posts and supports on streets and sidewalks, § 12-17.

Sec. 11-143. - Excavating streets and other public places.

- (a) *Street opening permit.* No person, except one authorized to do so as an employee of the city, shall dig up any street or other public place unless said person first obtains a written permit therefore from the commissioner of public works or the city engineer, and unless such permit is at all times in the possession of some person actually engaged in or supervising such digging, which permit shall be exhibited to any police officer of the city whenever said officer shall demand to see the same. Such permits for the purpose of laying or repairing drains shall be issued by the city engineer, and for all other purposes by the commissioner of public works, who shall grant such permits subject to the conditions set forth below and on such further terms as they may deem expedient.

- (b) *Notification requirement.* No permit to allow the excavation of a public way shall be issued by the commissioner of public works or the city engineer until the following notification requirements have been provided by the applicant for said street opening permit.
- (1) *Written notice to abutting property owners and residents.* The applicant must give written notification of its "street opening permit" application to abutters within 300 feet of the location in which the opening is proposed. The notification must be mailed by certified mail with return receipt at least seven days before the street opening permit is issued and must contain a description of the work to be performed, start date, contact personnel with telephone number and expected length of project.
 - (2) *Posting the application.*
 - a. The applicant is responsible for ensuring that notice of proposed street opening is posted continuously in a publicly visible place at the location for at least seven days prior to the issuance of the street opening permit. Such notice shall be on a form prepared by public works department.
 - b. The applicant, through the city clerk's office, shall post notice of the proposed street opening in city hall for at least seven days prior to the issuance of the street opening permit.
 - (3) *Affidavit of compliance.* An affidavit of compliance with the notice and posting requirements of this section including copies of certified mail return receipts must be submitted to the commissioner of public works or the city engineer before the street opening permit may be issued.
- (c) *Emergency street opening.* The above notification requirements may be waived by the commissioner of public works or the city engineer in the event of an emergency street opening. An "emergency" shall exist only when the public health and safety is threatened as determined by the commissioner of public works or city engineer. A written notice of emergency shall be made to commissioner of public works or city engineer.

(Code 1963, § 12-25; Ord. No. 2001-20, 12-13-2001)

Charter reference— Security required for excavations of streets and sidewalks, § 42.

Cross reference— Licenses, permits and miscellaneous business regulations, Ch. 8; safety requirements for excavations or other obstructions, § 11-26; security bond for excavations or other obstructions, § 11-27.

Sec. 11-144. - Openings in streets.

- (a) No person shall make or maintain, or allow to be made or maintained, any vault, coal-hole or other opening in or under a street without permission from the city council.
- (b) The opening of a coal-hole shall be circular and not more than 18 inches in diameter and furnished with a cover of iron having a rough upper surface. Such cover shall be kept securely

fastened at all times when the coal-hole is not used, and shall be supplied with iron rods at least two feet in length fitting closely to the side of the opening and projecting downwards, so that the cover can be lifted perpendicularly, but cannot be tipped or easily removed from the opening, or shall be provided with such other safety device as the commissioner of public works shall require.

- (c) The location, size, shape, and manner of construction of such vault, coal-hole, or other opening, and the material to be used therefor, shall be stated in such permission, or if not so stated, shall be subject to the approval in writing of the commissioner of public works.

(Code 1963, § 11-6)

Sec. 11-145. - Stormwater runoff.

On any lot in the City of Somerville, no impervious surface shall be constructed, expanded or altered such that it generates an increase in stormwater runoff onto adjacent lots or any public or private right-of-way.

(Ord. No. 2012-04, § 2, 4-12-2012)

Sec. 11-146. Implementation of Legal Authority to Manage Adverse Impacts of Stormwater Runoff

A. Purpose; objectives; statutory authority; conflicts with NPDES permit.

(1) The purpose of this article is to: implement the requirements of the National Pollutant Discharge Elimination System (NPDES) general permit for stormwater discharges from small municipal separate storm sewer systems issued by the U.S. Environmental Protection Agency; protect the public health, safety and welfare of Somerville residents; protect the natural resources, water bodies, groundwater resources, environment and municipal facilities of the City; satisfy the appropriate water quality requirements of the Federal Clean Water Act; eliminate or reduce the adverse effects of soil erosion and sedimentation as a result of land-disturbing activities; manage stormwater runoff to minimize adverse impacts to the City, its residents and the environment; and establish the legal authority to ensure compliance with the provisions of this article through inspection, monitoring and enforcement.

(2) The Site Construction Permit establishes stormwater management standards for the final conditions that result from development and redevelopment projects to minimize adverse impacts off site and downstream which would be borne by abutters, residents, and the general public. In addition, the Site Construction Permit establishes stormwater management standards for land disturbances that have harmful impacts of soil erosion and sedimentation.

(3) The objectives of this ordinance are:

- (a) To require practices to control the flow of stormwater from new and redeveloped sites in order to prevent flooding, erosion, and adverse impacts to water quality.

- (b) To protect groundwater and surface water from degradation.
 - (c) To promote groundwater recharge and infiltration.
 - (d) To prevent pollutants from entering the City's municipal separate storm sewer system (MS4) and to minimize discharge of pollutants from the MS4.
 - (e) To ensure adequate long-term operation and maintenance of stormwater best management practices (BMPs) so that they work as designed.
 - (f) To require practices that eliminate soil erosion and sedimentation and control the volume and rate of stormwater runoff resulting from land disturbances.
 - (g) To ensure that soil erosion and sediment control measures and stormwater runoff control practices are incorporated into the site planning and design process and are implemented and maintained.
 - (h) To require practices to control waste such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality.
 - (i) To comply with state and federal statutes and regulations relating to stormwater discharges.
 - (j) To establish the City's legal authority to ensure compliance with the provisions of this ordinance , through inspection, monitoring, and enforcement.
- (4) This article is adopted under authority granted by the Home Rule Amendments of the Massachusetts Constitution, the Massachusetts Home Rule statutes, and the regulations of the Federal Clean Water Act found at 40 CFR 122.34. The provisions of this article shall apply to all property owners in the City and to users where applicable.
- (5) To the extent this article conflicts with the requirements of the NPDES general permit, the terms and conditions of the permit shall apply.

B. Applicability.

- (1) No person may undertake a construction activity, including clearing, grading, paving, and excavation, that results in a land disturbance that could potentially increase runoff or introduce pollutants to the City's storm drainage system without a Site Construction Permit from the city engineer. Construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or the original purpose of the site.
- (2) Exemptions.
- (a) The construction of fencing that will not substantially alter existing terrain or drainage patterns;
 - (b) Construction of utilities other than drainage (gas, electric, telephone, etc.) which will not alter terrain or drainage patterns;

- (c) Projects permitted and approved by the City of Somerville prior to the effective date of this article; and
- (d) Emergency work to protect life, limb, or property.

C. Administration.

- (1) The city engineer shall administer, implement, and enforce this ordinance. Any powers granted to or duties imposed upon the city engineer may be delegated in writing by the city engineer to its employees and agents.
- (2) Rules and regulations. The rules and regulations governing the issuance of a Site Construction Permit shall be determined and published by the city engineer, and may be revised from time to time. The city engineer shall provide the city council with the rules and regulations on or before January 1 of each year, and whenever the rules and regulations are revised. The rules and regulations may include a de minimis exemption for minor work performed, at the discretion of the city engineer in consultation with the city council.

D. Permits, fees, & procedures. [Ord. No. 30916, 6-23-2008]

- (1) Permits, fees, and procedures shall be defined and included as part of the rules and regulations promulgated as required in this ordinance.

E. Waivers.

- (1) The city engineer may waive strict compliance with any requirement of this article or the rules and regulations promulgated hereunder, where:
 - (a) Such action is allowed by federal, state and local statutes and/ or regulations;
 - (b) Is in the public interest;
 - (c) Is not inconsistent with the purpose and intent of this article, and.
 - (d) The waiver would be for a small-scale project with de minimis impacts.
- (2) Any applicant may submit a written request to be granted such a waiver. Such a request shall be accompanied by an explanation or documentation supporting the waiver request and demonstrating that strict application of the article does not further the purposes or objectives of the article.

F. Performance Guarantee.

The city engineer shall require from the applicant a surety or cash bond, or other means of security acceptable to the city treasurer, prior to the issuance of any building permit for the construction of a development requiring a stormwater management facility. The amount of the security shall not be less than the total estimated construction cost of the stormwater management facility. The bond so required in this section shall include provisions relative to forfeiture for failure to complete work specified in the approved stormwater management plan, compliance with all of the provisions of this article and other applicable laws and regulations, and any time limitations. The bond shall not be fully released without a final inspection of the completed work by the city engineer, submission of "as-built" plans, and certification of

completion by the city engineer of the stormwater management facilities being in compliance with the approved plan and the provisions of this article.

G. Enforcement.

(1) The city engineer shall enforce this article and any regulation, decision, permit or order issued under this article and may pursue all civil and criminal remedies for violations of their provisions.

(2) If, in the estimation of the city engineer, corrective work is required to protect the environment, and the property owner fails to perform said corrective work within a reasonable period of time as set by the city engineer, he/she may order the same to be performed by a party to be determined by it, and the property owner shall be required to reimburse the City for all costs incurred. These costs will be in addition to the fines described below.

(3) Penalties. In addition to the other means of enforcement otherwise available for violations of this article, including, but not limited to, where applicable, the provisions of Section 1-11 of the Code of Ordinances, violations may be penalized, as provided by MGL c. 40, § 21D, pursuant to the noncriminal disposition provisions of Section 1-11(b) of the Code of Ordinances. Each day a violation continues shall constitute a separate offense. If the property owner violates more than one provision of this article or any condition of an approval issued hereunder, each provision or condition so violated shall constitute a separate offense. Fines issued and costs assessed shall constitute a municipal lien upon the property and shall accrue interest as provided by applicable law. To the extent permitted by state law, or if authorized by the owner or other party in control of the property, the city engineer, its agents, officers, and employees may enter upon privately owned property for the purpose of performing its duties and may make or cause to be made such examinations, surveys or sampling as the city engineer deems reasonably necessary to enforce the provisions of this article.

In the alternative, whoever violates any provision of this ordinance may be penalized by indictment or on complaint brought in the District Court. The penalty shall be three hundred dollars for each offense. Each day on which any violation exists shall be deemed a separate offense.

Be it further ordained by the City Council, Section 1-11(b) of the Code of Ordinances is hereby amended, by adding the following:

Offense	Fine	Enforcing Personnel
Stormwater Management (Sec. ____)	1st offense: warning 2nd offense: \$100 3rd & subsequent offense: \$300	City Engineer

APPROVED:

President
City Council