

AN ORDINANCE AMENDING ORDINANCE NUMBER 2006-004 RELATED TO
STORMWATER ILLICIT DISCHARGE DETECTION AND ELIMINATION
WITHIN THE CITY OF GEORGETOWN

City of Georgetown
ORDINANCE NO. 14-001

SUMMARY

Section One

Amends Ordinance number 2006-004 as follows:

- Makes spelling, reference, name, and address corrections throughout
- Sets the Georgetown Stormwater Quality Division (GSQUAD) as the jurisdictional stormwater authority and the issuing authority of permits and approvals for Stormwater Management Plans. For all other areas of Scott County, the Georgetown Scott County Planning Commission is the jurisdictional stormwater authority and the issuing authority of permits and approvals for Stormwater Management Plans. Makes changes throughout to reflect this change.
- Adds GSQUAD and Planning Commission to the list of those with enforcement authority
- States that discharges which are significant contributors of pollutants to the stormwater system and watercourses are not exempt. Modifies exemption for “non-commercial washing of vehicles” to read “individual residential washing of vehicles.”
- Repeals existing enforcement provisions in Sections 14, 16-18, and 20-22 and replaces with new provisions:
 - States that GSQUAD is responsible for enforcement
 - Provides that GSQUAD may order Notices of Violation (NOVs) which may require monitoring and reporting; elimination of illicit connections or discharges, cessation of violating discharges, practices, or operations; abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property; payment of a fine to cover administrative and remediation costs; and the implementation of source control or treatment BMPs.
 - Sets NOV posting requirements
 - Requires violations to be corrected within 5 days of an NOV, unless extended by GSQUAD due to project conditions, otherwise SQUAD will issue a citation.
 - Sets penalties and fines for citations.
 - States that, 6 days after a citation is issued, GSQUAD may issue a notice of intent to proceed with abatement and may proceed with abatement 14 days from notice. Costs are charged to the landowner or responsible party and are enforceable through liens.

- Provides for enforcement through injunction
- Authorizes GQSUAD to seek immediate abatement for violations that constitute an immediate threat to the health, safety or well-being of the public.
- Imposes criminal penalties for violations
- States that property owner is the ultimate party responsible for assuring compliance with ordinance.
- Provides that violations are also deemed public nuisances subject to abatement

SECTION TWO

Provides that if any portion of this Ordinance is for any reason held invalid or unlawful such portion shall be deemed a separate provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION THREE

Provides that all prior ordinances and parts of ordinances in conflict with this Ordinance are repealed.

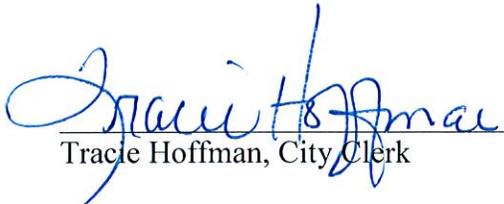
SECTION FOUR

Provides that this Ordinance shall become effective on passage and publication.

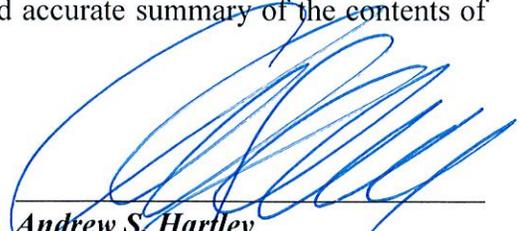
APPROVED:


Everette L. Varney, Mayor

ATTEST:


Tracie Hoffman, City Clerk

I, Andrew S. Hartley, hereby certify I am an Attorney licensed to practice law in the Commonwealth of Kentucky. My office is located at 100 North Court Street, Georgetown, Kentucky 40324. I further certify the foregoing Summary of Ordinance 14-001 of the City of Georgetown, Kentucky, was prepared in accordance with the requirements of KRS 83A.060(9), and is a true and accurate summary of the contents of said Ordinance.


Andrew S. Hartley

AN ORDINANCE AMENDING ORDINANCE NUMBER 2006-004 RELATED TO STORMWATER ILLICIT DISCHARGE DETECTION AND ELIMINATION WITHIN THE CITY OF GEORGETOWN

City of Georgetown
ORDINANCE NO. 14-001

SPONSOR: Council member Brad Penn

NOW THEREFORE, be it ordained by the City of Georgetown:

SECTION ONE

Ordinance number 2006-004 is amended as follows:

SECTION 1. PURPOSE/INTENT

The purpose of this ordinance is to provide for the health, safety, and general welfare of the citizens of Georgetown through the regulation of ~~non-storm-water~~ stormwater discharges to the storm drainage system to the maximum extent practicable as required by federal and state law. This ordinance establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process. The objectives of this ordinance are:

- (1) to regulate the contribution of pollutants to the municipal separate storm sewer system (MS4) by ~~storm-water~~ stormwater discharges by any user;
- (2) to prohibit Illicit Connections and Discharges to the municipal separate storm sewer system; and
- (3) to establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this ordinance.

The requirements of this ordinance should be considered minimum requirements, and where any provision of this ordinance imposes restrictions different from those imposed by any other applicable ordinance, rule, or regulation, or other provision of law, whichever provisions are more restrictive or impose higher protective standards for human health or the environment shall be considered to take precedence.

Within the City of Georgetown, the Georgetown Stormwater Quality Division (GSQUAD) is the jurisdictional stormwater authority and the issuing authority of permits and approvals for Stormwater Management Plans. For all other areas of Scott County, the Georgetown Scott County Planning Commission is the jurisdictional stormwater authority and the issuing authority of permits and approvals for Stormwater Management Plans.

SECTION 2. DEFINITIONS

For the purposes of this ordinance, the following shall mean:

Best Management Practices (BMPs): schedules of activities, prohibitions of practices, general good house keeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or

indirectly to ~~storm-water~~ stormwater, receiving waters, or ~~storm-water~~ stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff; spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

BMP Manual: 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 ~~storm-water~~ stormwater, ~~Storm-water~~ Stormwater Conveyance Systems, and/or Receiving Waters to the Maximum Extent Practicable.

City of Georgetown: employees or designees of the director of the municipal agency designated to enforce this ordinance. Agencies with enforcement authority may include the GSQUAD, Emergency Management Agency, Georgetown Municipal Water and Sewer Service (GMWSS), Public Works, the City Engineer, ~~or Code Enforcement,~~ or Planning Commission.

Clean Water Act: The federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

Construction Activities: Activities subject to NPDES Construction Permits. These include construction projects resulting in land disturbance of 1 acre or more. Such activities include, but are not limited to, clearing and grubbing, grading, excavating, and demolition.

Hazardous Materials: 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.

Illegal Discharge: Any direct or indirect non-~~storm-water~~ stormwater discharge to the storm drain system, except as exempted in Section 7 of this ordinance.

Illicit Connections: An illicit connection is defined as either of the following:

1. Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system including, but not limited to, any conveyances which allow any non-~~storm-water~~ stormwater discharge including sewage, process waste water, and wash water to enter the storm drain system and any connection to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency or,
2. Any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by the City of Georgetown or other authorized enforcement agency.

Industrial Activity: Activities subject to NPDES Industrial Permits as defined in 40 CFR. Section 122.26 (b)(14).

National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permit: A permit issued by EPA (or by the Commonwealth of Kentucky water authority delegated pursuant to 33 USC§ 1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

Non-Storm-Water Stormwater Discharge: Any discharge to the storm drain system that is not

composed entirely of ~~storm-water~~ stormwater.

Person: means any individual, association, organization, partnership, firm, corporation or other entity recognized by law.

Pollutant: Anything which causes or contributes to pollution. Pollutants may include, but are 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, ordinances, and accumulations, so that same may cause or contribute to pollution; floatables pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

Premises: Any building, lot, parcel of land, or portion of land whether improved or unimproved including sidewalks and parking strips.

Storm Drainage System; Publicly-owned facilities by which ~~storm-water~~ 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 human made or altered drainage channels, reservoirs, and other drainage structures.

Storm-Water Stormwater: Any surface flow, runoff, or drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

Wastewater: Any water or other liquid, other than uncontaminated ~~storm-water~~ stormwater, discharged from a facility.

SECTION 3. APPLICABILITY

This ordinance shall apply to all water entering the municipal storm drain system generated on any developed and undeveloped land unless explicitly exempted by the authorized enforcement agency.

SECTION 4. RESPONSIBILITY FOR ADMINISTRATION

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

SECTION 5. SEVERABILITY

The provisions of this ordinance are hereby declared to be severable, if any provision, clause, sentence, paragraph, or portion of this Ordinance or the application thereof to any person, establishment, or circumstances shall be held invalid or unconstitutional by a court of competent jurisdiction, such invalidity shall not affect the other provisions or application of this Ordinance.

SECTION 6. ULTIMATE RESPONSIBILITY

The standards set forth herein and promulgated pursuant to this Ordinance are minimum standards; therefore this Ordinance does not intend nor imply that compliance by any person, firm, or other entity will ensure that there will be no contamination, pollution, nor unauthorized discharge of

pollutants and do not relieve this person, firm, or other entity from complying with any local, state, or federal regulation that address illicit discharges or any other pollutant discharges. If these minimum standards prove inadequate, it is the ultimate responsibility of the person, firm, or other entity to provide additional measures to prevent illicit discharge or other pollutant discharges.

SECTION 7. DISCHARGE PROHIBITIONS

Prohibition of Illegal Discharges

No person shall discharge or cause to be discharged into the ~~storm-water~~ stormwater system or watercourses any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than ~~storm-water~~ stormwater.

The commencement, conduct, or continuance of any illegal discharge to the ~~storm-water~~ stormwater system is prohibited except as described as follows:

- (1) The following discharges are exempt from discharge prohibitions established by this Ordinance unless it is demonstrated that these discharges are significant contributors of pollutants to the stormwater system and watercourses; water line flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising ground water, ground water infiltration to storm drains, uncontaminated pumped ground water, foundation or footing drains (not including active groundwater dewatering systems), sump pumps, air conditioning condensation, springs, ~~non-commercial washing of vehicles~~ individual residential washing of vehicles, natural riparian habitat or wet land flows, swimming pools (NOTE: Swimming pool water maybe discharged only if dechlorinated—below 0.1 milligrams per liter (mg/L), which can typically be achieved by discontinuing chlorination for a minimum of 48 hours), fire fighting activities, and any other water source not containing pollutants.
- (2) Discharges specified in writing by the ~~City of Georgetown~~ GSQUAD as being necessary to protect public health and safety.
- (3) Dye testing is an allowable discharge, but requires a verbal notification to the City of Georgetown prior to the time of the test.
- (4) The prohibition shall not apply to any ~~non-storm-water~~ stormwater discharge permitted under a NPDES permit, waiver, or waste discharge order issued to the discharged administered under the authority of the Federal Environmental Protection Agency (EPA), provided that the discharger is in full compliance with all requirement of the permit, waiver, or order and other applicable laws and regulations, and provide that written approval has been granted for any discharge to the ~~storm-water~~ stormwater system.

Prohibition of Illicit Connections:

- (1) The construction, use, maintenance or continued existence of illicit connections to the stormwater system is prohibited.
- (2) 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.
- (3) A person is considered to be in violation of this Ordinance if the person connects a line conveying sewage to the MS4, or allows such a connection to continue.

SECTION 8. SUSPENSION OF MS4 ACCESS

Suspension due to Illicit Discharges in Emergency Situations

The ~~City of Georgetown~~ GSQUAD may, without prior notice, suspend MS4 discharge access to a

person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment or to the health or welfare of persons, or to the MS4 or Waters of the United States. If the violator fails to comply with a suspension order issued in an emergency, the authorized enforcement agency may take such steps as deemed necessary to prevent or minimize damage to the MS4 or Waters of the United States, or to minimize danger to persons.

Suspension due to the Detection of Illicit Discharge

Any person discharging to the MS4 in violation of this Ordinance may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The City of Georgetown will notify a violator of the proposed termination of its MS4 access. The violator may petition the ~~City of Georgetown~~ GSQUAD for a reconsideration or hearing.

A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this Section, without the prior approval of the City of Georgetown.

SECTION 9. INDUSTRIAL OR CONSTRUCTION ACTIVITY DISCHARGES.

Any person subject to an industrial or construction activity NPDES ~~storm-water~~ stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the ~~City of Georgetown~~ GSQUAD prior to the allowing of discharges to the MS4.

SECTION 10. MONITORING OF DISCHARGES

1. Applicability.

This section applies to all facilities that have ~~storm-water~~ stormwater discharges associated with industrial activity, including construction activity.

2. Access to Facilities.

- (1) The ~~City of Georgetown~~ GSQUAD shall be permitted to enter and inspect facilities subject to regulations under this Ordinance as often as maybe necessary to determine compliance with this Ordinance. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the ~~City of Georgetown~~ GSQUAD.
- (2) Facility operators shall allow the ~~City of Georgetown~~ GSQUAD ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of a NPDES permit to discharge ~~storm-water~~ stormwater, and the performance of any additional duties as defined by state and federal law.
- (3) Upon notifying the owner or owner's representative, the ~~City of Georgetown~~ GSQUAD shall have the right to immediate access to the property to set up on any permitted facility such devices as are necessary in the opinion of the ~~City of Georgetown~~ GSQUAD to conduct monitoring and/or sampling of the facility's ~~storm-water~~ stormwater discharge and/or suspected illicit discharge.
- (4) The ~~City of Georgetown~~ GSQUAD has the right to require the discharger to install monitoring equipment as necessary. The facilities sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure ~~storm-water~~ stormwater flow and quality shall be calibrated to ensure their accuracy.
- (5) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the

~~City of Georgetown GSQUAD~~ and shall not be replaced. The costs of clearing such access shall be borne by the operator.

- (6) Unreasonable delays in allowing the ~~City of Georgetown GSQUAD~~ access to a permitted facility, as described in Item 3 of this Section, is a violation of any applicable ~~storm-water~~ stormwater discharge permit and of this Ordinance. A person who is the operator of a facility with a NPDES permit to discharge ~~storm-water~~ stormwater associated with industrial activity commits an offense if the person denies the ~~City of Georgetown GSQUAD~~ reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this Ordinance.
- (7) If the ~~City of Georgetown GSQUAD~~ has been refused access to any part of the premises from which ~~storm-water~~ stormwater is discharged, and he/she is able to demonstrate probable cause to believe that there may be a violation of this Ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this Ordinance or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community or environment, then the ~~City of Georgetown GSQUAD~~ may seek issuance-of a search warrant from any court of competent jurisdiction.

SECTION 11. REQUIREMENT TO PREVENT, CONTROL, AND REDUCE STORM WATER STORMWATER POLLUTANTS BY THE USE OF BEST MANAGEMENT PRACTICES

The ~~City of Georgetown GSQUAD~~ identified Best Management Practices (BMPs) for any activity, operation, or facility which may cause or contribute to pollution or contamination of ~~storm-water~~ stormwater, the ~~storm-water~~ stormwater system, or Waters of the U.S. The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal ~~storm-water~~ stormwater system or watercourses through the use of these structural and non structural BMPs. Further, any person responsible for a property or premise, which is, or maybe, 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 municipal separate storm sewer system. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of ~~storm-water~~ stormwater associated with industrial activity to the extent practicable, shall be deemed compliance with the provisions of this section. These BMPs are part of the City of Georgetown ~~BMP Manual~~ Post-Construction Stormwater Manual that is hereby incorporated by reference as part of this Ordinance. A copy of the ~~BMP Manual~~ is located at, 100 N. Court Street. This document may be viewed or copied at the City Engineer's Office at ~~Public-Works City Hall~~ during normal operating hours.

SECTION 12. 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, 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.

SECTION 13. NOTIFICATION OF SPILLS.

Notwithstanding other requirements of law, as soon as any person responsible for a 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 ~~storm water~~ stormwater, the ~~storm water~~ stormwater system, or Water of the U.S., said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such 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 Emergency Management Agency (EMA) in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the ~~City Engineer~~ GSQUAD (City Hall, 100 N. Court Street) within three business days of the phone notice. 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 contain the spill, clear the pollutants from the MS4, and prevent its recurrence. Such records shall be retained on site for at least three (3) years and be made available upon request.

SECTION 14. ENFORCEMENT.

~~1. Notice of Violation.~~

~~Whenever the City of Georgetown finds that a person has violated a prohibition or failed to meet a requirement of this Ordinance, the City of Georgetown may order compliance by written Notice of Violation (NOV) to the responsible person. Such notice may require without limitation:~~

- ~~(a) the performance of monitoring, analyses, and reporting;~~
- ~~(b) the elimination of illicit connections or discharges;~~
- ~~(c) that violating discharges, practices, or operations shall cease and desist;~~
- ~~(d) the abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property;~~
- ~~(e) payment of a fine to cover administrative and remediation costs; and~~
- ~~(f) the implementation of source control or treatment BMPs.~~

~~If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that should the violator fail to remediate or restore within the established deadline, the work will be done by the City of Georgetown, a designated governmental agency, or a contractor and the expense thereof shall be charged to the violator.~~

1. The GSQUAD shall be responsible for the enforcement of this Ordinance. Duly authorized representatives have the authority to issue notices of violation, citations and levy fines as described below.
2. Whenever the GSQUAD finds that a person has violated a prohibition or failed to meet a requirement of this Ordinance, the GSQUAD may order compliance by written Notice of Violation (NOV) to the responsible person. Such notice may require without limitation:
 - (a) the performance of monitoring, analysis, and reporting;
 - (b) the elimination of illicit connections or discharges;
 - (c) that violating discharges, practices, or operations shall cease and desist;
 - (d) the abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property,

(e) payment of a fine to cover administrative and remediation costs; and

(f) the implementation of source control or treatment BMPs.

3. For the purposes of this section, a notice of violation is official by posting a copy of the notice of violation on the site of the source in reasonable proximity to a location where the activity generating the discharge is taking place.
4. Notices of Violations are the first level of enforcement and do not include a penalty, or fine. Only one NOV will be issued for an offense before citations are utilized. An offense of the same nature and the same, adjacent, or approximate location as a previous offense, even if previously corrected under a NOV, will constitute a second offense to be enforced through a citation. Offenses enforced through a NOV must be corrected within five (5) calendar days of the date of issuance or a citation will be issued. The GSQUAD has the right to modify the timeframe for corrections based on the authorized representative's judgment due to project conditions.
5. Citations require that ALL project work is halted until the discharge is corrected. Citations shall include a penalty, or fine, for each occurrence and payable to the Issuing Authority prior to release.
 - a. First citation = \$50.00 fine.
 - b. Second citation = \$100.00 fine and Notice of Intent.
6. Six (6) calendar days after posting a citation, the GSQUAD may issue a notice of intent to the Responsible Party, landowner, or land user stating the GSQUAD intent to perform work necessary to comply with Ordinance. The GSQUAD may go on the land and commence work after fourteen (14) days from issuing the notice of intent. The costs incurred by the Issuing Authority to perform this work shall be paid by the landowner or Responsible Party. The cost, plus interest at the rate authorized by the Issuing Authority, plus a reasonable administrative and attorneys fee shall be billed to the owner. Failure to reimburse the City within thirty (30) days will result in a lien being placed on the property.
7. Compliance with the provisions of this Ordinance may also be enforced by injunction.
8. The Issuing Authority is authorized to require immediate abatement of any violation of this Ordinance that constitutes an immediate threat to the health, safety or well-being of the public. If any such violation is not abated immediately, the Issuing Authority is authorized to enter onto private or public property and to take any and all measures required to remediate the violation. Any expense related to such remediation undertaken by the Issuing Authority shall be fully reimbursed by the property owner and/or responsible party. The cost, plus interest at the rate authorized by the Issuing Authority, plus a reasonable administrative and attorneys fee shall be billed to the owner. Failure to reimburse the City within thirty (30) days will result in a lien being placed on the property.
9. Any person, firm, corporation or agency acting as principal, agent, employee or otherwise, who fails to comply with the provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00), or by imprisonment for not more than ninety (90) days, or both, for each separate offense. Each day there is a violation of any part of this Ordinance shall constitute a separate offense.

10. For the purpose of this ordinance, the ultimate party responsible for assuring compliance with the conditions set forth is the property owner.

11. 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 Ordinance 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.

SECTION 15. APPEAL OF NOTICE OF VIOLATION

Any person receiving a Notice of Violation (NOV) may appeal the determination of the authorized enforcement agency. The Notice of Appeal must be received within ten (10) business days from the date of the service of the NOV. Consideration of the appeal by the City of Georgetown Appeals Board shall hear the appeal at the next regularly scheduled Appeals Board meet but not less than 10 days from the date that the appeal is filed. The decision of the Board shall be final, except to the extent that State law provides the further right to appeal.

~~SECTION 16. ENFORCEMENT MEASURES AFTER APPEAL~~

~~Enforcement procedure shall follow the same pattern as the Property Maintenance Code.~~

~~SECTION 17. COST OF ABATEMENT OF THE VIOLATION~~

~~Within ten (10) business days after the City's abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs. If the amount due is not paid within a timely manner as determined by the decision of the City of Georgetown Appeals~~

~~Board, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment~~

~~Any person violating any of the provisions of this article for which the City under takes abatement shall be liable to the City for the cost of that abatement plus administration costs. The liability shall be paid in not more than 12 equal monthly payments. Interest at the rate of 2% percent per annum (or prime rate plus 2%; whichever is greater) shall be assessed on the cost of the abatement beginning the date on which the City incurs that cost.~~

~~SECTION 18. INJUNCTIVE RELIEF~~

~~It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Ordinance. If a person has violated or continues to violate the provisions of this Ordinance, the City of Georgetown may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.~~

SECTION 16. COMPENSATORY ACTION

In lieu of enforcement proceedings, penalties, and remedies authorized by this Ordinance, the authorized enforcement agency may impose upon a violator alternative compensatory actions, such as storm drain stenciling, attendance at Compliance workshops, creek cleanup, etc.

~~SECTION 20. 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 Ordinance 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.~~

~~SECTION 21. CRIMINAL PROSECUTION~~

~~Any person that has violated or continues to violate this ordinance shall be liable to criminal prosecution to the fullest extent of the law, and shall be subject to a criminal penalty of up to five hundred (\$500.00) dollars per violation per day and/or imprisonment for a period of time not to exceed thirty (30) days.~~

~~The City of Georgetown may recover all attorneys' fees, court costs, and other expenses associated with enforcement of this Ordinance, including sampling and monitoring expenses.~~

~~SECTION 22. REMEDIES NOT EXCLUSIVE~~

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

~~SECTION 23. ADOPTION OF ORDINANCE~~

~~This Ordinance shall be in full force and effect upon passage and publication. All prior ordinances and parts of ordinances in conflict with this Ordinance are repealed.~~

SECTION TWO

If any portion of this Ordinance is for any reason held invalid or unlawful such portion shall be deemed a separate provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION THREE

All prior ordinances and parts of ordinances in conflict with this Ordinance are repealed.

SECTION FOUR

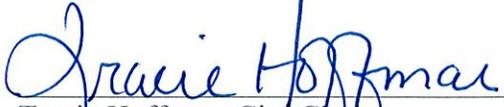
This Ordinance shall be in full force and effect upon passage and publication.

PUBLICLY INTRODUCED AND READ FIRST TIME: January 13, 2014
PUBLICLY READ SECOND TIME AND PASSED: January 27, 2014

APPROVED:


Everette L. Varney, Mayor

ATTEST:


Tracie Hoffman, City Clerk