

Chapter 3-7

STORMWATER POLLUTION PREVENTION

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3-7-1: The terms as used in this Ordinance shall have the following meanings:

Animal Waste - Excrement and other waste from domestic animals, including household pets.

Best Management Practices (BMPs) - Methods to control pollutants in storm water. BMPs are of two types: “source controls” (nonstructural) and “treatment controls” (structural). Source controls are practices that prevent pollution by reducing potential pollutants at their source, before they come into contact with storm water. Treatment controls remove pollutants from storm water. The selection, application and maintenance of BMPs must be sufficient to prevent or reduce the likelihood of pollutants entering the storm drainage system. Specific BMPs may be imposed by the City in compliance with this Ordinance.

Clean Water Act (CWA) - Public Laws 95-217, 95-576, 96-483, and 97-117; 33 USC 1251, *et. seq.*, Federal Water Pollution Control Act, enacted by Public Law 92-500, as amended.

Commercial - Pertaining to any business, trade, industry, or other activity engaged in for profit activities.

Construction Site - Any location where construction activity occurs.

Contaminated - Containing harmful quantities of pollutants.

Contractor - Any person or firm performing or managing construction work at a construction site, including any construction manager, general contractor or subcontractor. Also includes, but is not limited to, earthwork, paving, building, plumbing, mechanical, electrical or landscaping contractors, and material suppliers delivering materials to the site.

Development - Any construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure within the jurisdiction of the City of Montrose, as well as any manmade change or alteration to the landscape, including but not limited to, mining, drilling, dredging, grading, paving, excavating and filling.

Director - The Public Works Director, or his or her duly authorized representative.

Discharge - Any addition or release of any pollutant, storm water or any other substance whatsoever into storm drainage system.

Domestic Sewage - Sewage originating primarily from kitchen, bathroom and laundry sources, including waste from food preparation, dishwashing, garbage grinding, toilets, baths, showers and sinks.

Environmental Protection Agency (EPA) - The United States Environmental Protection Agency, the regional office thereof, any federal department, agency, or commission that may succeed to the authority of the EPA, and any duly authorized official of the EPA or such successor agency.

Fertilizer - A substance or compound that contains an essential plant nutrient element in a form available to plants and used primarily for its essential plant nutrient element content in promoting or stimulating growth of a plant or improving the quality of a crop, or a mixture of two or more fertilizers.

Fire Protection - Any water, and any substances or materials contained therein, used by any person to control or extinguish a fire, or to inspect or test fire equipment.

Fungicide - A substance that destroys or inhibits the growth of fungi.

Garbage - Putrescible animal and vegetable waste materials from the handling, preparation, cooking, or consumption of food, including waste materials from markets, storage facilities, and the handling and sale of produce and other food products.

Groundwater - Any water residing below the surface of the ground or percolating into or out of the ground.

Harmful Quantity - The amount of any substance that the Director determines will cause an adverse impact to storm drainage system or will contribute to the failure of the City to meet the water quality based requirements of the NPDES permit for discharges from the Municipal Separate Storm Sewer System.

Hazardous Substance - Any substance listed in Table 302.4 of 40 CFR, Part 302.

Hazardous Waste - Any substance identified or listed as a hazardous waste by the EPA pursuant to 40 CFR, Part 261.

Herbicides - A chemical substance used to destroy plants and especially weeds.

Illegal Discharge - See Illicit Discharge.

Illicit Connection - Any drain or conveyance, whether on the surface or subsurface, which allows an illicit discharge to enter the storm drainage system. Such connection includes any physical connection to a publicly maintained storm drain system composed of non-storm water that has not been permitted by the public entity responsible for the operation and maintenance of the system.

Illicit Discharge - Any discharge to a storm drain system that is not composed entirely of storm water, except discharges pursuant to a NPDES permit, discharges resulting from fire fighting activities, and discharges further exempted by this Ordinance.

Industrial Waste - Any wastes produced as a by-product of any industrial, institutional or commercial process or operation, other than domestic sewage.

Mechanical Fluid - Any fluid used in the operation and maintenance of machinery, vehicles and any other equipment, including lubricants, antifreeze, petroleum products, oil and fuel.

Mobile Commercial Cleaning - Washing, steam cleaning, and any other method of mobile cosmetic cleaning, of vehicles and/or exterior surfaces, engaged in for commercial purposes or related to a commercial activity.

Municipal Separate Storm Sewer System - The system of conveyances, including roads, streets, curbs, gutters, ditches, inlets, drains, catch basins, pipes, tunnels, culverts, channels, detention basins and ponds owned and operated by the City and designed or used for collecting or conveying storm water, and not used for collecting or conveying sanitary sewage.

MSDS - Material Safety Data Sheet for hazardous chemicals.

NPDES - The National Pollutant Discharge Elimination System.

NPDES Permit - A permit issued by EPA 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.

Notice of Violation - A written notice detailing any violations of this Ordinance and any action expected of the violators.

Oil - Oil means any kind of oil in any form, including, but not limited to, petroleum, fuel oil, crude oil, synthetic oil, motor oil, cooking oil, grease, sludge, oil refuse, and oil mixed with waste.

Person - Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns, including all federal, state, and local governmental entities.

Pesticide - A substance or mixture of substances intended to prevent, destroy, repel, or migrate any pest.

Petroleum Product - A product that is obtained from distilling and processing crude oil and that is capable of being used as a fuel or lubricant in a motor vehicle or aircraft, including motor oil, motor gasoline, gasohol, other alcohol blended fuels, aviation gasoline, kerosene, distillate fuel oil, and #1 and #2 diesel.

Pollutant - Any substance attributable to water pollution, including but not limited to rubbish, garbage, solid waste, litter, debris, yard waste, pesticides, herbicides, fertilizers, animal waste, domestic sewage, industrial waste, sanitary sewage, wastewater, septic tank waste, mechanical fluid, oil, motor oil, used oil, grease, petroleum products, antifreeze, surfactants, solvents, detergents, cleaning agents, paint, heavy metals, toxins, household hazardous waste, small quantity generator waste, hazardous substances, hazardous waste, soil and sediment.

Pollution - The alteration of the physical, thermal, chemical, or biological quality of, or the contamination of, any water that renders the water harmful, detrimental, or injurious to humans, animal life, plant life, property, or public health, safety, or welfare, or impairs the usefulness or the public enjoyment of the water for any lawful or reasonable purpose.

Potable Water - Water that has been treated to drinking water standards and is safe for human consumption.

Private Drainage System - All privately or publicly owned ground, surfaces, structures or systems, excluding the Municipal Separate Storm Sewer System, that contribute to or convey storm water, including but not limited to, roofs, gutters, downspouts, lawns, driveways, pavement, roads, streets, curbs, gutters, ditches, inlets, drains, catch basins, pipes, tunnels, culverts, channels, detention basins, ponds, draws, swales, streams and any ground surface.

Qualified Person - A person who possesses the required certification, license, or appropriate competence, skills, and ability as demonstrated by sufficient education, training, and/or experience to perform a specific activity in a timely and complete manner consistent with the regulatory requirements and generally accepted industry standards for such activity.

Release - To dump, spill, leak, pump, pour, emit, empty, inject, leach, dispose or otherwise introduce into the storm drainage system.

Rubbish - Non-putrescible solid waste, excluding ashes, that consist of: (A) combustible waste materials, including paper, rags, cartons, wood, excelsior, furniture, rubber, plastics, yard trimmings, leaves, and similar materials; and (B) noncombustible waste materials, including glass, crockery, tin cans, aluminum cans, metal furniture, and similar materials that do not burn at ordinary incinerator temperatures (1600 to 1800 degrees Fahrenheit).

Sanitary Sewage - The domestic sewage and/or industrial waste that is discharged into the City Sanitary Sewer System and passes through the Sanitary Sewer System to the City sewage treatment plant for treatment.

Sanitary Sewer - The system of pipes, conduits, and other conveyances which carry industrial waste and domestic sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, to the City sewage treatment plant (and to which storm water, surface water, and groundwater are not intentionally admitted).

Sediment - Soil (or mud) that has been disturbed or eroded and transported naturally by water, wind, gravity, or mechanically by any person.

Septic Tank Waste - Any domestic sewage from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks and aerated tanks.

Site - The land or water area where any facility or activity is physically located or conducted, including adjacent land used in connection with the facility or activity.

Solid Waste - Any garbage, rubbish, refuse and other discarded material, including solid, liquid, semisolid, or contained gaseous material, resulting from industrial, municipal, commercial, construction, mining or agricultural operations, and residential, community and institutional activities.

Storm Drainage System - All surfaces, structures and systems that contribute to or convey storm water, including private drainage systems, the Municipal Separate Storm Sewer System, surface water, groundwater, waters of the State and United States.

Storm Water - Run-off resulting from precipitation.

Storm Water Pollution Prevention Plan - A document that describes the Best Management Practices (BMPs) to be implemented at a site, to prevent or reduce the discharge of pollutants.

Surface Water - Water bodies and any water temporarily residing on the surface of the ground, including oceans, lakes, reservoirs, rivers, ponds, streams, puddles, channeled flow and runoff.

Toxic - A substance that is harmful or poisonous according to the MSDS standards (added).

Uncontaminated - Not containing harmful quantities of pollutants.

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

Water of the State - Means any groundwater, percolating or otherwise, lakes, bays, ponds, impounding reservoirs, springs, rivers, streams, creeks, estuaries, marshes, inlets, canals, inside the territorial limits of the State, and all other bodies of surface water, natural or artificial, navigable or non-navigable, and including the beds and banks of all water courses and bodies of surface water, that are wholly or partially inside or bordering the State or inside the jurisdiction of the State.

Water Quality Standard - The designation of a body or segment of surface water in the State for desirable uses and the narrative and numerical criteria deemed by State or Federal regulatory standards to be necessary to protect those uses.

Waters of the United States - All waters which are currently used, used in the past, or susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and the flow of the tide; all interstate waters, including interstate wetlands; all other waters the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce; all impoundments of waters otherwise defined as waters of the United States under this definition; all tributaries of waters identified in this definition; all wetlands adjacent to waters identified in this definition; and any waters within the federal definition of "Waters of the United States" at 40 CFR Section 122.2; but not including any waste treatment systems, treatment ponds, or lagoons designed to meet the requirements of the Federal Clean Water Act.

Wetland - Any area that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

Yard Waste - Leaves, grass clippings, tree limbs, brush, soil, rocks or debris that result from landscaping, gardening, yard maintenance or land clearing operations.

3-7-2: GENERAL PROVISIONS

(A) Prohibitions

- (1) No person shall release or cause to be released into the storm drainage system any discharge that is not composed entirely of uncontaminated storm water, except as allowed in Section 3-7-2(B) below. Common storm water contaminants include rubbish, garbage, yard waste, herbicides and lawn chemicals, animal waste, wastewater, oil, petroleum products, cleaning products, paint products, hazardous waste, sediment and other toxic substances.
- (2) Notwithstanding the provisions of Section 3-7-2(B), any discharge shall be prohibited by this Section if the discharge in question has been determined by the Director to be a source of pollutants to the storm drainage system.
- (3) The construction, use, maintenance or continued existence of illicit connections to the Storm Drainage System are 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.
- (4) No person shall connect a line conveying sanitary sewage, domestic sewage or industrial waste, to the Storm Drainage System, or allow such a connection to continue.
- (5) No person shall maliciously destroy or interfere with BMPs implemented pursuant to this Ordinance.

(B) Exemptions

- (1) The following non-storm water discharges are deemed acceptable and not a violation of this Ordinance:
 - (a) A discharge authorized by an NPDES permit, other than the NPDES permit for discharges from the Municipal Separate Storm Sewer System.
 - (b) Uncontaminated waterline flushing and other infrequent discharges from potable water sources.
 - (c) Infrequent uncontaminated discharge from landscape irrigation or lawn watering.
 - (d) Discharge from the occasional non-commercial washing of vehicles on properties zoned residential, or occasional not-for-profit car washing events.
 - (e) Uncontaminated discharge from foundation, footing or crawl space drains, sump pumps and air conditioning condensation drains.
 - (f) Uncontaminated groundwater, including rising groundwater, groundwater infiltration into storm drains, pumped groundwater and springs.
 - (g) Diverted stream flows and natural riparian habitat or wetland flows.
 - (h) A discharge or flow of fire protection water that does not contain oil or hazardous substances or materials.

(C) Requirements Applicable to Certain Dischargers

- (1) Private Drainage System Maintenance. The owner of any private drainage system shall maintain the system to prevent or reduce the discharge of pollutants. This maintenance shall include, but is not limited to, sediment removal, bank erosion repairs, maintenance of vegetative cover, and removal of debris from pipes and structures.

- (2) **Minimization of Irrigation Runoff.** A discharge of irrigation water that is of sufficient quantity to cause a concentrated flow in the storm drainage system is prohibited. Irrigation systems shall be managed to reduce the discharge of water from a site.
- (3) **Cleaning of Paved Surfaces Required.** The owner of any paved parking lot, street or drive shall clean the pavement as required to prevent the buildup and discharge of pollutants. The visible buildup of mechanical fluid, waste materials, sediment or debris is a violation of this Ordinance. Paved surfaces shall be cleaned by dry sweeping, wet vacuum sweeping, collection and treatment of wash water or other methods in compliance with this Ordinance. This section does not apply to pollutants discharged from construction activities, which are regulated by Section 3-7-3 set forth below.
- (4) **Mobile commercial cleaning operations shall not discharge to the storm drainage system in violation of this Ordinance.**
- (5) **Maintenance of Equipment.** Any leak or spill related to equipment maintenance in an outdoor, uncovered area shall be contained to prevent the potential release of pollutants. Vehicles, machinery and equipment must be maintained to reduce leaking fluids.
- (6) **Materials Storage.** In addition to other requirements of this Ordinance, materials shall be stored to prevent the potential release of pollutants. The uncovered, outdoor storage of unsealed containers of hazardous substances is prohibited.
- (7) **Animal Waste.** Animal waste shall be disposed of as solid waste or sanitary sewage in a timely manner, to prevent discharge to the Storm Drainage System.
- (8) **Pesticides, Herbicides, Fungicides and Fertilizers.** Pesticides, herbicides, fungicides and fertilizers shall be applied in accordance with manufacturer recommendations and applicable laws. Excessive application shall be avoided.
- (9) **Prohibition on Use of Pesticides, Herbicides and Fungicides Banned from Manufacture.** Use of any pesticide, herbicide or fungicide, the manufacture of which has been either voluntarily discontinued or prohibited by the Environmental Protection Agency, or any Federal, State or City regulation, is prohibited.

(10) Open Drainage Channel Maintenance. Every person owning or occupying property through which an open drainage channel passes shall keep and maintain that part of the drainage channel within the property free of garbage, rubbish, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or retard the flow of water through the drainage channel. In addition, the owner or occupant shall maintain existing privately owned structures adjacent to a drainage channel, so that such structures will not become a hazard to the use, function, or physical integrity of the drainage channel.

(D) Release Reporting and Cleanup

Any person responsible for a known or suspected release of materials which are resulting in, or may result in, illegal discharges to the Storm Drainage System shall take all necessary steps to ensure the discovery, containment, abatement and cleanup of such release. In the event of such a release of a hazardous material, said person shall comply with all state, federal, and local laws requiring reporting, cleanup, containment, and any other appropriate remedial action in response to the release.

(E) Authorization to Adopt and Impose Best Management Practices

The City may adopt and impose requirements identifying Best Management Practices (BMPs) for any activity, operation, or facility, which may cause a discharge of pollutants to the storm drainage system. Where specific BMPs are required, every person undertaking such activity or operation, or owning or operating such facility shall implement and maintain these BMPs at their own expense.

3-7-3: STORM WATER DISCHARGES FROM CONSTRUCTION ACTIVITIES

(A) General Requirements for Construction Sites

(1) The owner of a site of construction activity, including subdivision developments, shall be responsible for compliance with the requirements of this Ordinance and to any BMPs adopted by the City as set forth above.

- (2) Waste Disposal. Solid waste, industrial waste, yard waste, rubbish and any other pollutants or waste on any construction site shall be controlled through the use of BMPs. Waste or recycling containers shall be provided and maintained by the owner or contractor on construction sites where there is the potential for release of waste. Uncontained waste, rubbish and other pollutants or toxins that may blow, wash or otherwise be released from the site are prohibited.
- (3) Ready-mixed concrete, or any materials resulting from the cleaning of vehicles or equipment containing or used in transporting or applying ready-mixed concrete, shall be contained on construction sites for proper disposal. Release of these materials is prohibited.
- (4) Erosion and Sediment Control. BMPs shall be implemented to prevent the release of sediment from construction sites. Disturbed areas shall be minimized, disturbed soil shall be managed, and construction site entrances shall be managed to prevent sediment tracking. Sediment tracked onto public streets shall be removed immediately at the owner's expense.

(B) Construction Sites Requiring an Approved Storm Water Pollution Prevention Plan

- (1) Where construction, including subdivision development, will disturb soil or remove vegetation on one (1) or more acres of land during the life of the construction project, an approved Storm Water Pollution Prevention Plan (Plan) for the project must be provided to the City and implemented by the construction site owner as follows:
 - (a) The preparation and implementation of the Plan must comply with this Ordinance.
 - (b) The area disturbed, and to be included in the Plan, shall be assumed to include the entire property area, unless all applicable plans specifically exclude certain areas from disturbance.
 - (c) In the case of subdivision developments, Plans must be provided for all phases of development, including sanitary sewer construction, storm drainage system construction, waterline, street and sidewalk construction, general grading, installation of utilities and the construction of individual homes.

- (d) The Plan must be provided by the owner and submitted to the City for approval.
- (e) The Director will review the Plan submitted for the site and will return either a Letter of Storm Water Pollution Prevention Plan Acceptance or a request for revisions, within 14 days of submission of the Plan.
- (f) Construction activity, including any soil disturbance or removal of vegetation, shall not commence on the site until the Director has issued a Letter of Plan Approval.
- (g) The owner bears the responsibility for implementation of, and monitoring for compliance with, the Plan and for notification of all contractors and utility agencies on the site regarding the same.
- (h) The owner bears the responsibility for implementation of the approved Plan for all construction activity within the development. An owner shall provide a copy of the approved Plan to all utility agencies, subcontractors and other agencies or person prior to their working within the construction site or subdivision development.

(C) Storm Water Pollution Prevention Plans

- (1) Preparation and implementation of Storm Water Pollution Prevention Plans for construction activity shall:
 - (a) Be prepared under the direction of a qualified person, as defined in 3-7-1 of this Ordinance.
 - (b) Provide the name, address and phone number of the project owner for purposes of correspondence and enforcement.
 - (c) Identify existing natural resources such as streams, forest cover and other established vegetative cover.
 - (d) Specify and provide detail for all BMPs necessary to meet the requirements of this Ordinance, including any applicable BMPs that have been adopted and imposed by the City.

- (e) Specify when each BMP will be installed, and for how long it will be maintained within the construction sequence. Multiple plans may be required for major phases of construction such as rough grading, building construction and final grading.
- (f) Delineate all anticipated disturbed areas and specify the vegetative cover that must be established in those areas to achieve final stabilization.

(D) Implementation of Approved Storm Water Pollution Prevention Plans

- (1) BMPs shall be installed and maintained by qualified persons.
- (2) The owner or their representative shall be able to provide upon the Director's request a copy of the Plan on site during construction.
- (3) The owner or their representative shall inspect all BMPs at least once per month, and within the next business day after a rainfall of one quarter of an inch or more, as measured at the site or generally reported in the City of Montrose area.
- (4) Based upon inspections performed by the owner or by authorized City personnel, modifications to the Plan shall be necessary if at any time the specified BMPs do not meet the objectives of this Ordinance.
- (5) Where modification is required, the owner shall meet with authorized 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 Plan.

3-7-4: ENFORCEMENT

- (A) **Right of Entry.** Whenever the Director has cause to believe that there exists, or potentially exists, in or upon any premises, any condition which constitutes a violation of this Ordinance, the Director shall have the right to enter the premises at any reasonable time to determine if the discharger is complying with all requirements of this Ordinance. 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) **Sampling.** The Director shall have the right to set up on the property of any discharger to the storm drainage system such devices that are necessary to conduct sampling of discharges.
- (C) **Notice of Violation.** Whenever the Director determines that a person has violated a prohibition or failed to meet a requirement of this Ordinance, the Department of Public Works' enforcement person will order compliance by written Notice of Violation to the responsible person. The Notice of Violation shall identify:
- (1) The name of the responsible person;
 - (2) The date and location of the violation;
 - (3) A description of the violation;
 - (4) Actions that must be taken by the responsible person to remedy the violation;
 - (5) The deadline within which the required actions must be completed; and
 - (6) Enforcement actions that may be taken by the City.
- (D) Any person receiving a Notice of Violation may appeal the Notice to the Director. The written appeal must be received by the Director within 15 days of the Notice date. The Director will affirm, modify or rescind the Notice in writing, within 15 days of the date of the appeal. Any person aggrieved by the decision of the Director may appeal the decision to the Montrose City Council by submitting a written appeal to the City Attorney's Office within 15 days of the date of the Director's written decision. A hearing on the appeal will be scheduled before the City Council.

(E) Action Without Prior Notice. Any person who violates a prohibition or fails to meet a requirement of this Ordinance will be subject, without prior notice, to one or more of the enforcement actions identified herein, when attempts to contact the person have failed and the enforcement actions are necessary to stop an actual or threatened discharge which presents or may present imminent danger to the environment, or to the health or welfare of persons, or to the Storm Drainage System.

(F) Enforcement Actions. Any person who fails to comply with a Notice of Violation shall be subject to any of the following:

- (1) Stop Work Order. The Director may issue a Stop Work Order to the owner and contractors on a construction site, by posting the order at the construction site and distributing the order to all City departments whose decisions may affect any activity at the site. Unless express written exception is made, the Stop Work Order shall prohibit any further construction activity at the site and shall bar any further inspection or approval necessary to commence or continue construction or to assume occupancy at the site. A Notice of Violation shall accompany the Stop Work Order, and shall define the compliance requirements.
- (2) Abatement of an Illicit Connection. The Director may order City representatives to terminate an illicit connection to the Municipal Separate Storm Sewer System. Any expense related to such abatement by City representatives shall be fully reimbursed by the property owner.
- (3) Abatement of a Violation on Private Property. When a property owner is not available, not able or not willing to correct a violation, the Director may order City representatives to enter private property to take any and all measures necessary to abate the violation. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow City representatives to enter upon the premises for these purposes. Any expense related to such abatement by City representatives shall be fully reimbursed by the property owner.
- (4) Recovery of Costs. Within 30 days after abatement by City representatives, the Director shall notify the property owner of the costs of abatement, including administrative costs, and the deadline for payment. If the amount due is not paid, the charges shall become a special assessment against the property and shall constitute

a lien on the property for the amount of the assessment. A copy of the charges shall be turned over to the County Assessor so that the Assessor may enter the amounts of the assessment against the parcel as it appears on the current assessment roll, and the amount of the assessment on the bill for taxes levied against the parcel of land.

(5) Performance Bonds. Where necessary for the reasonable implementation of this Ordinance, the Director may, by written notice, order any owner of a construction site or subdivision development to post surety, in a sum not to exceed a value determined by the Director to be necessary to achieve consistent compliance with this Ordinance. The City may deny approval of any building permit, subdivision plat, site development plan, or any other City permit or approval necessary to commence or continue construction or to assume occupancy, until such surety has been filed.

(G) Criminal Prosecution. Any person who violates or continues to violate a prohibition or requirement of this Article shall be liable to criminal prosecution to the fullest extent of the law, and shall be subject to criminal penalties.

(H) The violation of any provision of this Ordinance shall be deemed a municipal offense. Any person violating this Ordinance shall, upon an adjudication of guilt or a plea of no contest, be fined to a maximum of \$1,000, and up to a year in jail. Each separate day on which a violation is committed or continues shall constitute a separate offense.

(I) Other Legal Action. Notwithstanding any other remedies or procedures available to the City, if any person discharges into the Storm Drainage System in a manner that is contrary to the provisions of this Ordinance, the City Attorney may commence an action for appropriate legal and equitable relief, including damages and costs. The City Attorney may seek a preliminary or permanent injunction or both which restrains or compels the activities on the part of the discharger.