

**CITY OF GRANITE FALLS
GRANITE FALLS, Washington**

ORDINANCE NO. 796-10

AN ORDINANCE OF THE CITY OF GRANITE FALLS, WASHINGTON, ADOPTING STORMWATER MANAGEMENT REGULATIONS PURSUANT TO THE WESTERN WASHINGTON PHASE II MUNICIPAL STORMWATER PERMIT ISSUED TO THE CITY BY THE WASHINGTON STATE DEPARTMENT OF ECOLOGY AND REPEALING THE CURRENT VERSION, AND ADOPTING THE REVISED VERSION ATTACHED AS EXHIBIT A, OF ARTICLE II OF CHAPTER 13.20 OF THE GRANITE FALLS MUNICIPAL CODE.

WHEREAS, the Federal Clean Water Act, 33 U.S.C. 1251 *et seq.* (the Act), requires certain local governments such as the City of Granite Falls to implement stormwater management programs and regulations within prescribed time frames, and pursuant to said Act the United States Environmental Protection Agency (EPA) has adopted rules for such stormwater programs and regulations; and

WHEREAS, the EPA has delegated authority to the Washington State Department of Ecology (Ecology) to administer such stormwater programs and regulations, and Ecology has issued the Western Washington Phase II Municipal Stormwater Permit, effective January 17, 2007 through February 15, 2012, which requires local governments such as the City of Granite Falls to implement numerous stormwater management requirements, including adopting Ecology's 2005 Stormwater Management Manual for Western Washington and related regulations by February 16, 2010 and adopting illegal discharge and connection regulations by August 16, 2009; and

WHEREAS, in 2007 and 2009, the City Council adopted Ordinance No. 743-07 and Ordinance No. 789-09, which established a storm drainage utility to be responsible for the operation, construction and maintenance of stormwater facilities and which adopted Ecology's 2005 Stormwater Management Manual for Western Washington and related regulations, as set forth in Ch. 13.20 GFMC; and

WHEREAS, on August 12, 2009, the City Council adopted Ordinance No. 780-09, which adopted illegal discharge and connection regulations, as set forth in GFMC 13.20.250; and

WHEREAS, in order to comply with the currently effective Western Washington Phase II Municipal Stormwater Permit, the City has prepared proposed Stormwater Management regulations, as set forth below and in the attached Exhibit A; and

WHEREAS, on January 7, 2010, the City's SEPA Responsible Official complied with the State Environmental Policy Act (SEPA) by issuing a Determination of Nonsignificance

(DNS) for the adoption of the proposed Stormwater Management regulations and by complying with SEPA's procedural requirements for issuing the DNS; and

WHEREAS, the City Council has determined that it is in the public interest and in furtherance of the public health and welfare to adopt the proposed Stormwater Management regulations, as set forth below and in the attached Exhibit A;

NOW THEREFORE, the City Council of the City of Granite Falls, Washington do ordain as follows:

Section 1. Title 13 of the Granite Falls Municipal Code is hereby amended by repealing the current version, and adopting the revised version, of Article II Stormwater Management of Chapter 13.20 Storm Drainage System, which revised version is set forth in the attached Exhibit A and is incorporated herein by this reference.

Section 2. Severability. If any section, subsection, sentence, clause, phrase or word of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase or word of this ordinance.

Section 3. Effective Date. This ordinance shall take effect five days after the date of its publication by summary.

ADOPTED by the City Council and APPROVED by the Mayor this 10 day of FEB, 2010.

CITY OF GRANITE FALLS

By


Sheikh Haroon Saleem, Mayor

ATTEST:

By Darla Reese
Darla Reese, City Clerk

APPROVED AS TO FORM:

By Craig D. Knutson
Craig D. Knutson, City Attorney

Date of First and Last Reading: Feb. 10, 2010

Date of Publication: Feb. 13, 2010

Effective Date: Feb. 18, 2010

W/GF-Ord Stormwater Management - 2010

EXHIBIT A

Article II Stormwater Management

Sections:

- 13.20.200 Stormwater Management Manual Adopted
- 13.20.210 Stormwater Management Review and Approval Required
- 13.20.220 Standards, Definitions, and Requirements
- 13.20.230 Adjustments and Exceptions
- 13.20.240 Low Impact Development – Alternative Standards
- 13.20.250 Construction and Maintenance of Stormwater Facilities
- 13.20.260 Bonding and Insurance for Stormwater Facilities
- 13.20.270 Prohibited, Allowable, and Conditional Discharges and Connections
- 13.20.280 Administration, Inspection, and Fees
- 13.20.290 Enforcement
- 13.20.300 Appeals

13.20.200 Stormwater Management Manual Adopted.

The 2005 State Department of Ecology Storm Water Management Manual for Western Washington, as amended by Sections 1-6 of Appendix 1 of the NPDES Phase II Municipal Stormwater Permit, as now or hereafter amended, is hereby adopted as the City's minimum stormwater regulations and as a technical reference manual and is hereinafter referred to as the "Stormwater Manual".

13.20.210 Stormwater Management Review and Approval Required.

Stormwater Management review and approval by the City is required when any development or proposed project meets or exceeds the threshold conditions defined in the Stormwater Manual (e.g., new impervious area, drainage system modifications, redevelopments, etc.) and is subject to a City development permit or approval requirement.

13.20.220 Standards, Definitions, and Requirements.

(A) Unless otherwise specified in this chapter, all standards, definitions, and requirements shall be in accordance with the Stormwater Manual.

(B) Plan and Report Submittal. Stormwater site plans, supporting technical analyses and other required documentation shall conform to the requirements contained in the Stormwater Manual.

(C) Where to Submit. All stormwater site plans prepared in connection with any of the permits and/or approvals set forth in this chapter shall be submitted to the Public Works Supervisor.

(D) All plans, drawings and calculations designed to control surface water and subsurface water, submitted to the City, will be prepared by a licensed professional engineer, registered in the State of Washington, or by a person qualified as set forth in the Stormwater Manual, and

those plans, drawings and calculations will be stamped showing that engineer's registration, if applicable.

(E) Interpretation. The provisions of this chapter shall be held to be minimum requirements in their interpretation and application and shall be liberally construed to serve the purposes of this chapter.

(F) More Strict Standard Applies. When any provision of any other ordinance of the City's regulations conflicts with this chapter, that which provides greater environmental protection shall apply unless otherwise provided for in this chapter.

(G) Determining Construction Site Sediment Damage Potential. Any person submitting a stormwater site plan must also determine the Construction Site Sediment Damage Potential. Qualified personnel must use the rating system described in Appendix 7 of the NPDES Phase II permit to determine the site's potential to discharge sediment.

13.20.230 Adjustments and Exceptions.

Adjustments and exceptions to the minimum standards and requirements may be granted as set forth in the Stormwater Manual.

13.20.240 Low Impact Development – Alternative Standards.

(A) The City allows and encourages low impact development (LID) best management practices (BMPs), as an alternative to conventional storm water management systems that rely on detention ponds and closed conveyance. Low impact development is intended to manage runoff close to the source of generation and to mimic the predeveloped hydrologic condition of a site.

(B) Low impact development is accomplished first through minimizing the impervious surface coverage and second by managing runoff through dispersion, infiltration, evapo-transpiration, or a combination of these approaches. Use of LID BMPs may reduce or eliminate the need for conventional detention facilities but does not remove the obligation to comply with the minimum requirements of the Stormwater Manual.

(C) A variety of BMPs to minimize impervious surfaces and to manage storm water have been developed and tested for use in Western Washington. These BMPs and the overall LID approach are described in the LID Technical Guidance Manual for Puget Sound (LID Manual).

(D) The menu of LID BMPs identified in the LID Manual are accepted by the City for use in stormwater site plans to address the minimum requirements for flow control and runoff treatment in this chapter, subject to the specifications, performance standards, and design criteria in the LID Manual and review and approval under this chapter.

(E) A covenant or easement shall be recorded with the Snohomish County Auditor's office for each lot containing or served by bioretention facilities in a form approved by the City Attorney. The covenant shall identify requirements and liability for preservation and maintenance of low impact development facilities approved under this chapter and privately held in individual or undivided ownership or intended for public ownership, shall restrict conversion of LID facilities, and shall grant the City access to low impact development facilities on private property to allow inspection, maintenance, and repair.

13.20.250 Construction and Maintenance of Stormwater Facilities.

(A) All stormwater facilities required under this chapter shall be constructed and maintained as set forth in the Stormwater Manual and the permits and/or approvals of the City.

(B) Maintenance of private stormwater facilities.

(1) The person or persons holding title to the property and the applicant required to construct a stormwater facility shall remain responsible for the facility's continual performance, operation, and maintenance in accordance with the standards and requirements of the Stormwater Manual, this chapter, and the permits and/or approvals of the City and shall remain responsible for any liability as a result of these duties. This requirement shall apply to all facilities not otherwise accepted by the City for maintenance as set forth below in subsection C.

(2) The City shall have authority to periodically enter upon the property and inspect the facilities to ensure such compliance and to issue orders requiring maintenance and/or repair. In event that the titleholders or other responsible parties do not effect such maintenance and/or repairs, the City may perform such work, and the cost thereof shall be recoverable by the City from said titleholders or other responsible parties and/or by filing a lien against the property.

(3) When an inspection identifies an exceedence of the maintenance standard, maintenance shall be performed in accordance with the following schedule:

- Within 1 year for wetpool facilities and retention/detention ponds.
- Within 6 months for typical maintenance.
- Within 9 months for maintenance requiring re-vegetation.
- Within 2 years for maintenance that requires capital construction of less than \$25,000.

(C) Maintenance by City of stormwater facilities on single-family residential property.

(1) The City is authorized to assume the total responsibility for all maintenance and repair of stormwater facilities serving single-family residential property if:

(a) The stormwater facilities have been conveyed to and accepted by the City, at the City's sole discretion, by bill of sale and accompanied by: (1) a warranty of the grantor that the utility lines, facilities and appurtenances are free of debt and were constructed in accordance with City standards and specifications; and (2) an agreement by the grantor to indemnify and hold the City harmless from any claims or damages arising from defective materials or workmanship;

(b) If the lines or facilities are on or cross private property, the grantor shall have conveyed to the City the required easements for constructing, repairing, maintaining, altering, changing, controlling and operating the lines or facilities in perpetuity;

(c) The bonding and insurance requirements of GFMC 13.20.260 have been fully complied with;

(d) The facilities have been inspected and approved by the City;

(e) The City Council has adopted an increase in the stormwater user's fee for the single family residential property being served by the stormwater facilities, which fee increase shall cover the City's cost of maintaining and repairing the facilities; and

(f) All other requirements of this chapter have been fully complied with.

(2) The City is authorized to assume the partial responsibility for only normal and routine maintenance of stormwater facilities serving single-family residential property if:

(a) The City and the titleholders or other responsible parties of the property have entered into an agreement in which the titleholders or other responsible parties: (1) indemnify and hold the City harmless from any claims or damages arising from the City's acts or omissions related to maintenance of the facilities; (2) give the City access rights to maintain the facilities; and (3) agree to remain responsible for all maintenance and repair of the facilities;

(b) The bonding and insurance requirements of GFMC 13.20.260 have been fully complied with;

(c) The facilities have been inspected and approved by the City;

(d) The City Council has adopted an increase in the stormwater user's fee for the single family residential property being served by the stormwater facilities, which fee increase shall cover the City's cost of maintaining the facilities; and

(e) All other requirements of this chapter have been fully complied with.

All major structural and non-structural repairs beyond the scope of "normal and routine maintenance" shall remain the responsibility of the titleholders or responsible parties.

13.20.260 Bonding and Insurance for Stormwater Facilities.

(A) The City may require all persons constructing stormwater facilities under this chapter to post with the City cash or surety bonds to cover the cost of defects in materials, workmanship, and installation and also to correct maintenance deficiencies during the initial 2-year maintenance period following satisfactory completion of the facilities. Posting of such bonds shall be consistent with the City's policy for security deposits and subject to review by the City Attorney.

(B) The person constructing the stormwater facility and/or the property owner shall maintain a liability policy during the construction period and the initial 2-year maintenance period or until the point in time if and when the City assumes maintenance responsibilities, with limits no less than \$1,000,000 combined single limit per occurrence and \$2,000,000 aggregate for personal injury, bodily injury and property damage, and with the City named as an additional insured. A copy of the endorsement naming the City as additional insured shall be attached to the certificate of insurance, which shall be provided to the City prior to commencement of the work.

13.20.270 Prohibited, Allowable, and Conditional Discharges and Connections.

(A) Definitions. The following definitions shall be applicable to this section:

(1) AKART – All Known, Available, and Reasonable methods of prevention, control, and Treatment. See also the State Water Pollution Control Act, RCW 90.48.010 and RCW 90.48.520.

(2) "Ground water" means water in a saturated zone or stratum beneath the surface of the land or below a surface water body.

(3) "Hazardous materials" means 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.

(4) "Hyperchlorinated" means water that contains more than 10mg/Liter chlorine.

(5) "Illicit discharge" means any direct or indirect non-stormwater discharge to the city's storm drain system, except as expressly exempted by this chapter.

(6) "Illicit connection" means any man-made conveyance that is connected to a municipal separate storm sewer without a permit, excluding roof drains and other similar type connections. Examples include sanitary sewer connections, floor drains, channels, pipelines, conduits, inlets, or outlets that are connected directly to the municipal separate storm sewer system.

(7) "Municipal separate storm sewer system (MS4)" means a conveyance or system of conveyances, including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains, which are:

(a) Owned or operated by the city of Granite Falls;

(b) Designed or used for collecting or conveying stormwater;

(c) Not part of a Publicly Owned Treatment Works (POTW) ("POTW" means any device or system used in treatment of municipal sewage or industrial wastes of a liquid nature which is publicly owned); and

(d) Not a combined sewer ("Combined sewer" means a system that collects sanitary sewage and stormwater in a single sewer system).

(8) "National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge Permit" means a permit issued by the Environmental Protection Agency (EPA) (or by the Washington Department of Ecology under authority delegated pursuant to 33 USC Section 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.

(9) "Non-stormwater discharge" means any discharge to the storm drain system that is not composed entirely of stormwater.

(10) "Person" means any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner of a premises or as the owner's agent.

(11) "Pollution" means any pollutants which cause or contribute to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; nonhazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects 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.

(12) "Stormwater drainage system" or "MS4" means publicly owned facilities, including the city's municipal separate storm sewer system, by which 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.

(13) "Stormwater" means runoff during and following precipitation and snowmelt events, including surface runoff and drainage.

(14) "Stormwater pollution prevention plan (SWPPP)" means a document which describes the best management practices and activities to be implemented by a person to identify sources of pollution or contamination at a premises and the actions to eliminate or reduce pollutant

discharges to stormwater, stormwater conveyance systems, and/or receiving waters to the maximum extent practicable.

(B) Prohibited discharges.

(1) No person shall throw, drain, or otherwise discharge, cause or allow others under his/her control to throw, drain or otherwise discharge into the city's stormwater drainage system (MS4) any materials other than stormwater.

(2) Examples of prohibited contaminants include but are not limited to the following:

- (a) Trash or debris.
- (b) Construction materials.
- (c) Petroleum products including but not limited to oil, gasoline, grease, fuel oil and heating oil.
- (d) Antifreeze and other automotive products.
- (e) Metals in either particulate or dissolved form.
- (f) Flammable or explosive materials.
- (g) Radioactive material.
- (h) Batteries.
- (i) Acids, alkalis, or bases.
- (j) Paints, stains, resins, lacquers, or varnishes.
- (k) Degreasers and/or solvents.
- (l) Drain cleaners.
- (m) Pesticides, herbicides, or fertilizers.
- (n) Steam cleaning wastes.
- (o) Soaps, detergents, or ammonia.
- (p) Swimming pool cleaning wastewater or filter backwash.
- (q) Chlorine, bromine, or other disinfectants.
- (r) Heated water.
- (s) Domestic animal wastes.
- (t) Sewage.
- (u) Recreational vehicle waste.
- (v) Animal carcasses.
- (w) Food wastes.
- (x) Bark and other fibrous materials.
- (y) Lawn clippings, leaves, or branches.
- (z) Silt, sediment, concrete, cement or gravel.
- (aa) Dyes. Unless approved by the city.
- (bb) Chemicals not normally found in uncontaminated water.
- (cc) Any other process-associated discharge except as otherwise allowed in this section.
- (dd) Any hazardous material or waste not listed above.

(C) Allowable discharges.

The following types of discharges shall not be considered illegal discharges for the purposes of this chapter unless the city determines that the type of discharge, whether singly or in combination with others, is causing or is likely to cause pollution of surface water or groundwater:

- (1) Diverted stream flows.

- (2) Rising ground waters.
- (3) Uncontaminated ground water infiltration –as defined in 40 CFR 35.2005(20).
- (4) Uncontaminated pumped ground water.
- (5) Foundation drains.
- (6) Air conditioning condensation.
- (7) Irrigation water from agricultural sources that is commingled with urban stormwater.
- (8) Springs.
- (9) Water from crawl space pumps.
- (10) Footing drains.
- (11) Flows from riparian habitats and wetlands.
- (12) Discharges from emergency fire fighting activities.

(D) Conditional Discharges.

The following types of discharges shall not be considered illegal discharges for the purposes of this chapter, if they meet the stated conditions, or unless the city determines that the type of discharge, whether singly or in combination with others, is causing or is likely to cause pollution of surface water or groundwater:

(1) Potable water, including water from water line flushing, hyperchlorinated water line flushing, fire hydrant system flushing, and pipeline hydrostatic test water. These planned discharges shall be de-chlorinated to a concentration of 0.1 ppm or less, pH-adjusted, if necessary and in volumes and velocities controlled to prevent re-suspension of sediments in the stormwater system.

(2) Lawn watering and other irrigation runoff.

(3) De-chlorinated swimming pool discharges. These discharges shall be de-chlorinated to a concentration of 0.1 ppm or less, pH-adjusted and reoxygenized if necessary, volumetrically and velocity controlled to prevent re-suspension of sediments in the stormwater system.

(4) Street and sidewalk wash water, water used to control dust, and routine external building wash down that does not use detergents. These discharges shall be permitted, if the amount of street wash and dust control water used is minimized. At active construction sites, street sweeping must be performed prior to washing the street.

(5) Non-stormwater discharges covered by another NPDES permit. These discharges shall be in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations.

(6) Other non-stormwater discharges. These discharges shall be in compliance with the requirements of a stormwater pollution prevention plan (SWPPP) reviewed and approved by the city, which addresses control of such discharges by applying AKART to prevent contaminants from entering surface or ground water.

(E) Prohibited 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 section, if the person connects a line conveying sewage to the MS4 or allows such a connection to continue.

(F) Emergency Suspension of Utility Service and MS4 Access.

(1) The city may, without prior notice, suspend water service, sanitary sewer service, and/or MS4 discharge access to a person discharging to the MS4, when such suspension is necessary to stop an actual or threatened discharge which:

(a) Presents or may present imminent and substantial danger to the environment or to the health or welfare of persons; or

(b) Presents or may present imminent and substantial danger to the MS4 or Waters of the United States, the State of Washington or Granite Falls.

(2) As soon as is practicable after the suspension of service or discharge access, the Public Works Supervisor shall notify the violator of the suspension in person or by certified mail, return receipt requested, and shall order the correction of the violation. When time permits, the Supervisor should also attempt to notify the violator prior to suspending service or access.

(3) If the violator fails to comply with an order issued under subsection (2), the Supervisor may take such steps as the director deems necessary to prevent or minimize damage to the receiving water or to minimize danger to persons.

(4) The city shall not reinstate suspended services or MS4 access to the violator until:

(a) The violator presents proof, satisfactory to the Supervisor, that the noncomplying discharge has been eliminated and its cause determined and corrected;

(b) The violator pays the city for all costs the city incurred in responding to, abating, and remediating the discharge or threatened discharge; and

(c) The violator pays the city for all costs the city will incur in reinstating service or access.

(5) A violator whose service or access has been suspended or disconnected may appeal such enforcement action to the City Council, in writing, within thirty days of notice of the suspension in accordance with GFMC 13.20.290.

(6) The city may obtain a lien against the property to recover its response costs which may be placed on the tax bill and collected as ordinary taxes by the city.

(G) Non-emergency Suspension of Utility Service and MS4 Access.

(1) The city may terminate the city-provided water supply, sanitary sewer connection, and/or MS4 access to any person discharging to the MS4 in violation of this Article, if such termination would abate or reduce the illicit discharge.

(2) The Supervisor will notify a violator of the proposed termination of its water supply, sanitary sewer connection, and/or MS4 access. The violator may petition the City Council for a reconsideration and hearing pursuant to GFMC 13.20.290.

(3) The city shall not reinstate suspended services or MS4 access to the discharger until:

(a) The violator presents proof, satisfactory to the Supervisor, that the noncomplying discharge has been eliminated and its cause determined and corrected; and

(b) The violator pays the city for all costs the city will incur in reinstating service or MS4 access.

(4) A person commits an offense if the person reinstates water service, sanitary sewer service, and or MS4 access to premises terminated pursuant to this Section, without the prior approval of the Supervisor.

13.20.280 Administration, Inspection, and Fees.

(A) Administration.

(1) This chapter shall be primarily administered by the Public Works Supervisor or a designee, hereafter referred to as the Supervisor, with the cooperation and assistance of the City Planner. The Supervisor and the City Planner shall have the authority to develop and implement administrative procedures to administer and enforce this chapter.

(2) The Supervisor may approve, conditionally approve, or deny activities regulated by this chapter.

(B) Inspections.

(1) The Supervisor is authorized to gain access to private property as provided by law and in this chapter, make such inspections of stormwater facilities, and take such actions as may be required to enforce the provisions of this chapter.

(2) Inspection prior to clearing and construction will apply to sites with a high potential for sediment damage, as identified by the applicant during civil review based on definitions and requirements of Appendix 7 of the Western Washington Phase II Municipal Stormwater permit.

(3) Whenever necessary to make an inspection to enforce any of the provisions of this chapter, monitor for proper function of stormwater facilities, or whenever the Supervisor has reasonable cause to believe that violations of this chapter are present or operating on a subject property or portion thereof, the Supervisor or a designee may enter such premises at all reasonable times to inspect the same or perform any duty imposed upon the Supervisor by this chapter; provided, that if such premises or portion thereof is occupied, the Supervisor shall first make a reasonable effort to locate the owner or other person having charge or control of the premises or portion thereof and request entry. If after reasonable effort, the inspector is unable to locate the owner or other person having charge or control of the premises or portion thereof and has reason to believe an imminent hazard exists, the inspector may enter.

(4) Property owners shall provide proper ingress and egress to any stormwater facility to the Supervisor or a designee to inspect, monitor or perform any duty imposed upon the Supervisor by this chapter. The Supervisor shall notify the responsible party in writing of failure to comply with this access requirement. Failing to obtain a response within 7 days from the receipt of notification, the Supervisor may order the work required completed or otherwise address the cause of improper access. The obligation for the payment of all costs that may be incurred or expended by the City in causing such work to be done shall thereby be imposed on the person holding title to the subject property and/or imposed against the subject property by filing a lien.

(C) Fees. Fees for all reviews, inspections, permits and/or approvals, and appeals, which are set forth in this chapter, shall be set by the City Council.

13.20.290 Enforcement.

(A) General. Enforcement action shall be in accordance with this chapter whenever a person has violated any provision of this chapter. The choice of enforcement action and the applicability of any penalty shall be based on the nature of the violation, the damage threat to the public or to public resources, and/or the degree of bad faith of the person subject to the enforcement action.

(B) Stop Work Order. The Public Works Supervisor shall have the authority to serve a person a stop work order if any action is being undertaken in violation of this chapter.

(1) Content of Order. The order shall contain:

(a) A description of the specific nature, extent, and time of violation and the damage or potential damage; and

(b) A notice that the violation or the potential violation cease and desist and, in appropriate cases, the specific corrective action to be taken within a given time. A civil penalty under subsection (C) of this section may be issued with the order.

(2) Notice. A stop work order shall be imposed by a notice in writing, either by certified mail with return receipt requested or by personal service, to the person incurring the same and by posting at the job site.

(3) Effective Date. The stop work order issued under this section shall become effective immediately upon receipt by the person to whom the order is directed.

(4) Compliance. Failure to comply with the terms of a stop work order is a misdemeanor punishable by not more than 90 days in jail and/or \$3,000 fine.

(C) Civil Penalty. A person who fails to comply with the requirements of this chapter, who fails to conform to the terms of an approval, or who undertakes new development without first obtaining city approval shall be subject to a civil penalty.

(1) Amount of Penalty. The penalty shall not be less than \$250.00 or exceed \$1,000 for each violation. Each day of continued violation or repeated violation shall constitute a separate violation.

(2) Aiding or Abetting. Any person who, through an act of commission or omission, aids or abets in the violation shall be considered to have committed a violation for the purposes of the civil penalty.

(3) Notice of Penalty. A civil penalty shall be imposed by a notice in writing, either by certified mail with return receipt requested or by personal service, to the person incurring the same from the city. The notice shall describe the violation, approximate the date(s) of violation, and shall order the acts constituting the violation to cease and desist and, in appropriate cases, require necessary corrective action within a specific time.

(4) Application for Remission or Mitigation. Any person incurring a penalty may apply in writing within 30 days of receipt of the penalty to the city for remission or mitigation of such penalty. Upon receipt of the application, the Mayor may remit or mitigate the penalty only upon a demonstration of extraordinary circumstances, such as the presence of information or factors not considered in setting the original penalty. The decision may be appealed to the City Council, or to a Hearing Examiner appointed by the City Council, within 30 days of the decision.

(5) Appeal of Civil Penalty. Persons incurring a penalty imposed by the Supervisor may appeal in writing within 30 days of the receipt of the penalty to the City Council, or to a Hearing Examiner appointed by the City Council.

(D) Penalties Due. Penalties imposed under this section shall become due and payable 15 days after receiving the notice of penalty unless an application for remission or mitigation is made or an appeal is filed. Whenever an application for remission or mitigation is made, penalties shall become due and payable 30 days after receipt of the decision regarding the remission or mitigation. Whenever an appeal of a penalty is filed, the penalty shall become due and payable after all review proceedings and a final decision has been issued confirming all or part of the penalty. If the amount of a penalty owed the city is not paid within the time specified, the city may take actions necessary to recover such penalty.

(E) Penalty Recovered. Penalties recovered shall be paid to a fund dedicated to enforcement and/or enhancement of the Storm Drainage System.

13.20.310 Appeals.

The decisions of the Supervisor may be appealed by an aggrieved party to the City Council, or to a Hearing Examiner appointed by the City Council, by filing written notice of appeal, including an appeal fee as set by the City Council, with the City Clerk within 10 days of notice of the Supervisor's decision; provided that enforcement action appeals shall be filed in accordance with GFMC 13.20.300.