

## Chapter 8.40 STORMWATER MANAGEMENT ORDINANCE

### Sections:

#### ARTICLE I. GENERAL PROVISIONS

- 8.40.010 Title.
- 8.40.020 Purpose and intent.
- 8.40.030 Definitions.
- 8.40.040 Applicability.
- 8.40.050 Regulatory consistency.
- 8.40.060 Compliance disclaimer.
- 8.40.070 Administration.
- 8.40.080 Disclaimer of liability.

#### ARTICLE II. PROHIBITED DISCHARGES

- 8.40.090 General prohibition.
- 8.40.100 Exception to discharge prohibition.
- 8.40.110 Prohibited stormwater discharges.
- 8.40.120 Prohibition of illicit connections.
- 8.40.130 Waste disposal prohibitions.
- 8.40.140 Discharges in violation of industrial or construction activity NPDES stormwater discharge permit.

#### ARTICLE III. REGULATIONS AND REQUIREMENTS

- 8.40.150 Requirement to prevent, control and reduce stormwater pollutants.
- 8.40.160 Requirement to eliminate illegal discharges.
- 8.40.170 Requirement to eliminate or secure approval for illicit connections.
- 8.40.180 Requirement to remediate.
- 8.40.190 Construction sites with building permits.
- 8.40.200 Post-construction requirements for new development and significant redevelopment.
- 8.40.210 Notification of spills.

#### ARTICLE IV. INSPECTION AND MONITORING

- 8.40.220 Authority to inspect.
- 8.40.230 Authority to sample, establish sampling devices and test.
- 8.40.240 Fees.

#### ARTICLE V. ENFORCEMENT

- 8.40.250 Warning notice.
- 8.40.260 Notice of violation.
- 8.40.270 Cease and desist orders.
- 8.40.280 Delivery of notice.
- 8.40.290 Appeal.
- 8.40.300 Abatement by city.

- 8.40.310 Charging cost of abatement/liens.
- 8.40.320 Urgency abatement.
- 8.40.330 Criminal liability.
- 8.40.340 Judicial remedies.
- 8.40.350 Violations deemed a public nuisance.
- 8.40.360 Severability.

## **ARTICLE I. GENERAL PROVISIONS**

### **8.40.010 Title.**

A. This chapter shall be known and be cited as the "Stormwater Management Ordinance" of the city of Lakeport. (Ord. 853 §1(part), 2006)

### **8.40.020 Purpose and intent.**

A. The purpose of this chapter is to insure the health, safety and general welfare of the city of Lakeport's citizens, and to protect and enhance the water quality of water courses and water bodies within the incorporated area of the city of Lakeport in a manner pursuant to and consistent with the Federal Clean Water Act (33 U.S.C. 1251 et seq.), by reducing pollutants in stormwater discharges to the maximum extent practicable and by prohibiting non-stormwater discharges. (Ord. 853 §1(part), 2006)

### **8.40.030 Definitions.**

As used in this chapter, the following words and phrases shall have the meanings as defined in this chapter:

"Authorized non-stormwater discharges" means categories of discharges that are not composed entirely of stormwater but are not found to pose a threat to water quality as defined in the stormwater management plan.

"Best management practices (BMPs)" means schedules of activities, prohibition of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce to the maximum extent practicable the direct and indirect discharge of pollutant to the city storm drainage system and to natural surface waters. BMPs shall also be defined to include, but not limited to, structural controls, source controls, treatment controls, training requirements, operating and maintenance procedures, practices to control site runoff, erosion and sediment control reduction practices, spillage or leaks, sludge or waste disposal or drainage from raw materials storage.

"Beneficial uses" means existing or potential uses of receiving waters as defined in the state of California water quality control plan.

"Clean Water Act" means the Federal Water Pollution Control Act (33 U.S.C. 125 et seq.) and any subsequent amendments thereto.

"City" means the city of Lakeport.

"City storm drainage system" means those publicly owned facilities within the National Pollutant Discharge Elimination System designated incorporated area of the city which are owned, operated, maintained or controlled by the city by which stormwater may be collected and/or conveyed to natural surface waters, including, but not limited to, any roads with drainage systems, city roads, catch basins, water quality basins, detention basins, constructed wetlands,

drainage channels, aqueducts, curbs, gutters, ditches, sumps, pumping stations, storm drain inlets, storm drains and other drainage structures which are not part of a publicly owned treatment works.

“Construction activity” means activities subject to the NPDES construction general permits or successor permit issued by the state of California or any instrument of the city that established pollutant control provisions for construction activities. These include construction projects typically resulting in land disturbance of one acre or more. Such activities include, but are not limited to, clearing and grubbing, grading, excavating and demolition.

“Council” means the city council of the city of Lakeport.

“Director” means the community development director or such other department head designated by the council to enforce the provisions of this chapter.

“Discharge” means any addition or introduction of any pollutant, stormwater, or any other substance whatsoever into the city stormwater drainage system or natural surface waters.

“Discharger” means any person who discharges, or causes to discharge, either directly or indirectly stormwater or any other material into the city storm drainage system or natural surface waters.

“Illegal discharge” means any direct or indirect nonstormwater discharge to the storm drain system, except as exempted in Article II of this chapter.

“Illicit connection” means one 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-stormwater discharge including sewage, processed wastewater, backwash water, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether such drain or connection had been previously allowed, permitted, or approved by a government 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.

“Implementing agency” means the department designated by the council to enforce the provisions of this chapter with respect to a particular site, person, facility or industry category.

“Industrial activity” means activities subject to NPDES industrial permits as defined in 40 CFR, Section 122.26(b)(14).

“Municipal stormwater permit” means NPDES Permit No. CAS000004 including any amendments thereto or successor permit, issued by the Regional Water Board to the city.

“National pollutant discharge elimination system (NPDES)” means a permit issued by either the Regional Water Board or the State Water Quality Control Board pursuant to Chapter 5.5 (commencing with Section 13370) of Division 7 of the Water Code to control discharges from point sources to natural surface waters.

“Natural surface waters” means any rivers, creeks, unnamed tributaries, natural ponds or lakes,

wetlands, or navigable waters and shall include any waters of the state and of the United States contained within the boundaries of the state. Natural surface waters does not mean any wet or dry detention basin, constructed wetland or stormwater treatment facility.

“Non-stormwater discharge” means any discharge to the city storm drainage system, or to natural surface waters that is not composed entirely of stormwater.

“Person” means any natural person as well as any corporation, partnership, public agency, trust, estate, cooperative association, joint venture, business entity or other similar entity, or the agent, employee or representative of any of the above.

“Pollutant” means anything that causes or contributes to pollution. Pollutants may include, but are not limited to, solid waste, sewage, garbage, medical waste, wrecked or discarded equipment, radioactive material, dredged soil, rock and sand, industrial waste, feces, volatile organic carbon, surfactants, oil and grease, petroleum, hydrocarbon, organic solvents, metals, phenols, pesticides, nutrients, suspended or settleable solids, materials causing an increase in biochemical or chemical oxygen or total organic carbon, substances which alter pH, and those pollutants defined in Section 501(6) of the Federal Clean Water Act.

“Pollution” means human made or human induced alteration of the quality of waters by waste or pollutants to a degree which unreasonably affects, or has potential to unreasonably affect, either the waters for beneficial uses or the facilities which serve these beneficial uses.

“Premises” means any building, lot, parcel or land, or portion thereof and any appurtenant structures or facilities, whether improved or unimproved.

“Publicly owned treatment works” means facility owned, operated or maintained by a public entity.

“Receiving water limitations” means those restrictions defined and listed in the state general permit or municipal stormwater permit or any successor document.

“Receiving waters” means surface bodies of water, as defined by the municipal stormwater permit, including, but not limited to, lakes, creeks, rivers, and other waters of the state or the United States which serve as discharge points for the city storm drainage system.

“Regional water board” means the California Regional Water Quality Control Board, Central Valley Region and/or California Regional Water Quality Control Board, North Coast Region.

“The national pollutant discharge elimination system (NPDES)” means General Permit No. CAS000004 Waste Discharge Requirements (WDRs) for discharges of stormwater runoff associated with construction activity, and any successor documents.

“Stormwater” means surface runoff and drainage resulting from storm events and snowmelt.

“Stormwater management plan” means the city’s documented strategy of how the discharge of pollutants to stormwater will be reduced to the maximum extent practicable through the implementation of BMPs designed to protect water quality and requirements of the municipal stormwater permit.

“Water quality control plan” means a basin plan required by the California Water Code (Section 13240) that consists of a designation or establishment of beneficial uses to be protected in waters within a specific area

(i.e., basin), water quality objectives to protect those uses, and a program of implementation needed for achieving the objectives.

“Waters of the United States” means surface watercourses and water bodies as defined at 40 CFR 122.2, including all natural waterways and definite channels and depressions in the earth that may carry water, even though such waterways may only carry water during rains and storms and may not carry stormwater at and during all times and seasons. (Ord. 853 §1(part), 2006)

**8.40.040 Applicability.**

A. The provisions of this chapter shall apply to all water entering the city storm drainage system or natural surface waters generated or deposited on any developed or undeveloped lands in the incorporated area of the city of Lakeport.

B. This chapter shall apply to facilities and premises subject to and in compliance with the municipal stormwater permit, state construction general permit, city grading ordinance, city building permit, and/or any other instrument of the city that establishes pollutant control provisions for construction activities. (Ord. 853 §1(part), 2006)

**8.40.050 Regulatory consistency.**

A. The provisions of this chapter shall take precedence over and are controlling with respect to any conflicting or inconsistent provisions of the Lakeport Municipal Code. (Ord. 853 §1(part), 2006)

**8.40.060 Compliance disclaimer.**

A. Compliance by any person with the provisions of this chapter shall not preclude the need to comply with other local, state or federal statutory or regulatory requirements relating to any one or combination of the following: (1) the control of pollutant discharges, (2) the protection of stormwater quality, or (3) the protection and/or restoration of beneficial uses. (Ord. 853 §1(part), 2006)

**8.40.070 Administration.**

A. The director shall be responsible for the administration, implementation and enforcement of the provisions of this chapter. (Ord. 853 §1(part), 2006)

**8.40.080 Disclaimer of liability.**

A. The standards set forth in this chapter are minimum standards and this chapter does not imply that compliance will ensure that there will be no unauthorized discharge of pollutants into natural surface waters. This chapter shall not create liability on the part of the city or any officer or employee thereof for any damages that result from reliance on this chapter or any administrative decision lawfully made thereunder. (Ord. 853 §1(part), 2006)

## **ARTICLE II. PROHIBITED DISCHARGES**

**8.40.090 General prohibition.**

A. It is unlawful for any person to make or cause to be made any non-stormwater discharge into the city storm drainage system or directly to natural surface waters, except as allowed by the municipal stormwater permit. (Ord. 853 §1(part), 2006)

**8.40.100 Exception to discharge prohibition.**

A. The director may prepare and update the list of authorized non-stormwater discharges and circumstances under which these discharges may be allowed in the city stormwater system pursuant to the municipal stormwater permit. (Ord. 853 §1(part), 2006)

**8.40.110 Prohibited stormwater discharges.**

A. It is unlawful for any person to discharge or cause to be discharged any stormwater or material that causes or contributes to causing the city to violate water quality standards, the city's obligations under the municipal stormwater permit, or any state-issued discharge permit. (Ord. 853 §1(part), 2006)

**8.40.120 Prohibition of illicit connections.**

A. The construction, use, maintenance or continued existence of illicit connections to the storm drain system is 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. (Ord. 853 §1(part), 2006)

**8.40.130 Waste disposal prohibitions.**

A. No person shall throw, deposit, leave, maintain, keep, or permit to be thrown, deposited, left, or maintained, in or upon any public or private property, driveway, parking area, street, alley, sidewalk, component of any storm drain system, or waters of the United States any refuse, rubbish, garbage, litter, or other discarded or abandoned objects, articles, and accumulations, so that the same may cause or contribute to pollution. (Ord. 853 §1(part), 2006)

**8.40.140 Discharges in violation of industrial or construction activity NPDES stormwater discharge permit.**

A. Any person subject to an industrial or construction activity NPDES stormwater discharge permit shall demonstrate that he/she has obtained coverage under, and is complying with the required permits. Proof of coverage and compliance with such permit shall be required in a form acceptable to the director to or as a condition of a subdivision map, site plan, building permit, or development or improvement plan, upon inspection of the facility, during any enforcement proceeding or action, or for any other reasonable cause. (Ord. 853 §1(part), 2006)

**ARTICLE III. REGULATIONS AND REQUIREMENTS****8.40.150 Requirement to prevent, control and reduce stormwater pollutants.**

A. Authorization to Adopt and Impose BMPs. The city shall adopt by resolution requirements identifying BMPs for any activity, operation, or facility, which may cause or contribute to pollution or contamination of stormwater, the storm drain system, or waters of the state or of the United States. Where BMPs requirements are promulgated by the city or any federal, state of California, or regional agency for any activity, operation, or facility which would otherwise cause the discharge of pollutants to the storm drain system or waters of the state or of the United States, every person undertaking such activity or operation, or owning or operating such facility shall comply with such requirements.

B. New Development and Redevelopment. The city shall adopt by resolution requirements identifying appropriate BMPs to control the volume, rate, flow-duration and potential pollutant load of stormwater runoff from new development and redevelopment projects that disturb one acre or more, including projects less than one acre that are part of a larger common plan of development or sale, as may be appropriate to minimize the generation, transport and discharge of pollutants or that may be needed to comply with any successor permit or amendment to the municipal stormwater permit. The city shall incorporate such requirements in any land use entitlement and construction or building-related permit to be issued relative to such development or redevelopment. The owner and developer shall comply with the terms, provisions, and conditions of such land use entitlements and building permits as required by the

city.

C. Responsibility to Implement BMPs. Notwithstanding the presence or absence of requirements promulgated pursuant to subsections A and B of this section, any person engaged in activities or operations, or owning facilities or property which will or may result in pollutants entering stormwater, the storm drain system, or waters of the state or of the United States shall implement BMPs to the extent they are technologically achievable and/or required by any applicable permit or regulatory requirement to prevent and reduce such pollutants. The owner or operator of a commercial or industrial establishment shall provide reasonable protection from accidental discharge of prohibited materials or other wastes into the city storm drain system or watercourses. Facilities to prevent accidental discharge of prohibited materials or other wastes shall be provided and maintained at the owner or operator's expense. (Ord. 853 §1(part), 2006)

**8.40.160 Requirement to eliminate illegal discharges.**

A. Notwithstanding the requirements of Section 8.40.220 of this chapter, the director shall require by written notice that a person responsible for an illegal discharge, immediately, or by a specific date, discontinue the discharge and, if necessary, take measures to eliminate the source of the discharge to prevent the occurrence of future illegal discharges. (Ord. 853 §1(part), 2006)

**8.40.170 Requirement to eliminate or secure approval for illicit connections.**

A. The director shall require by written notice that a person responsible for an illicit connection to the storm drainage system comply with the requirements of this chapter to eliminate or secure approval for the connection by a specific date, regardless of whether or not the connection or discharges to it had been established or approved prior to the effective date of the ordinance codified in this chapter.

B. If subsequent to eliminating a connection found to be in violation of this chapter, the responsible person can demonstrate that an illegal discharge will no longer occur, such person may request city approval to reconnect. The reconnection or reinstallation of the connection shall be at the responsible person's expense. (Ord. 853 §1(part), 2006)

**8.40.180 Requirement to remediate.**

A. Whenever the director finds that a discharge of pollutants is taking place or has occurred which will result in or has resulted in pollution of stormwater, the storm drain system, or waters of the United States, the director may require by written notice to the owner of the property and/or the responsible person that the pollution be remediated and the affected property restored within a specified time pursuant to the provisions of Sections 8.40.250 and 8.40.260 of this chapter. (Ord. 853 §1(part), 2006)

**8.40.190 Construction sites with building permits.**

A. Any person owning or operating a construction site for which a building permit has been issued shall implement BMPs to control the discharge of pollutants to the maximum extent practicable, and to eliminate nonstormwater discharges that are not authorized as set forth in Article II of this chapter or are not in compliance with an NPDES permit. (Ord. 853 §1(part), 2006)

**8.40.200 Post-construction requirements for new development and significant redevelopment.**

A. The council shall adopt, by resolution, rules and regulations that establish performance requirements and requirements for BMPs to prevent or minimize the long term, post-construction discharge of stormwater pollutants and water quality impacts from new

development or significant redevelopment projects that disturb one or more acres, including projects less than one acre that are part of a larger common plan of development or sale, that discharge into the city storm drainage system.

B. Provisions shall be made for the continued post-construction maintenance of any structural or treatment control BMPs by a means acceptable to the director. (Ord. 853 §1(part), 2006)

**8.40.210 Notification of spills.**

A. As soon as any person responsible for a facility or operation, or responsible for emergency responses for a facility operation, has information of any known or suspected release of materials which are resulting in or may result in illegal discharges or pollutants discharging into stormwater, the storm drain system, or waters of the United States, such person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of a release of hazardous materials such person shall immediately notify emergency response agencies of the occurrence by way of central dispatch.

B. For any discharge subject to the reporting requirements of the Water Code Sections 13271 and 13272 or successor sections, notification in compliance therewith shall constitute sufficient notification for purposes of this section.

C. In the case of discharges not subject to the reporting requirements of the Water Code Sections 13271 and 13272 or successor sections, the responsible person shall notify the director or implementing agency within twenty-four hours by phone or fax of the discovery of the discharge. A written report on the actions taken shall be required within five days of the initial notice. (Ord. 853 §1(part), 2006)

## **ARTICLE IV. INSPECTION AND MONITORING**

**8.40.220 Authority to inspect.**

A. Whenever necessary to make an inspection to enforce any provision of this chapter or 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 chapter, the director may enter such premises at all reasonable times to inspect the same and to inspect and copy records related to stormwater compliance. In the event the owner or occupant refuses entry after a request to enter and inspect has been made, the director is empowered to seek assistance from any court of competent jurisdiction to obtain such entry. (Ord. 853 §1(part), 2006)

**8.40.230 Authority to sample, establish sampling devices and test.**

A. During any inspection as provided in this chapter, the director may take any samples and perform any testing deemed necessary to aid in the pursuit of the inquiry or to record site activities. (Ord. 853 §1(part), 2006)

**8.40.240 Fees.**

A. The council may by ordinance establish fees for the recovery of regulatory costs, including routine inspections and other regulatory functions associated with this chapter. Failure to pay required fees shall be a violation of this chapter. (Ord. 853 §1(part), 2006)

## **ARTICLE V. ENFORCEMENT**

**8.40.250 Warning notice.**

A. When the director finds any person has violated, or continues to violate, any provision of this chapter, or any order issued hereunder, the director may serve upon that person a written warning notice, specifying the particular violation believed to have occurred and requesting the

discharger to immediately investigate the matter and to seek a resolution of the matter whereby any offending violation will cease. Investigation and/or resolution of the matter in response to the warning notice in no way relieves the alleged violator of liability for any violations occurring before or after receipt of the warning notice. Nothing in this subsection shall limit the authority of the director to take any action, including emergency action or any other enforcement action, without first issuing a warning notice. (Ord. 853 §1(part), 2006)

**8.40.260 Notice of violation.**

A. The director, upon discovery of any violation of this chapter, may take enforcement action as to the violation(s) in accordance with this chapter or other city ordinance provisions.

B. The director may issue to the owner, manager, operator or occupant of any premises, or to any person responsible for an illicit connection, prohibited discharge, maintenance of a threatened prohibited discharge, failure to implement BMPs in accordance with Section 8.40.150(C) of this chapter, or any other violation of this chapter, a notice of violation.

C. The notice of violation shall identify the provision of this chapter that has been violated and shall state that continued noncompliance may result in additional enforcement action being taken against the business, facility, or any responsible person.

D. The notice of violation shall specify a date by which the discharger must be in compliance with this chapter. The director may under his/her own discretion extend the date to achieve compliance if good cause exists for such an extension.

E. The notice of violation shall state that the city may recover any costs incurred by the city as a result of the violation.

F. If a notice of violation is issued, a single notice of violation shall be issued for all violations noted during a single inspection or site visit.

G. The person who receives a notice of violation pursuant to this chapter shall submit to the director, upon request, written certification that the necessary corrective action(s) have been taken prior to the specified compliance date. As appropriate for the type of correction action taken, the notice of violation may require proof that substantiates the certification, including, but not limited to, receipts or photographs. The effective date of the certification shall be the date that it is postmarked.

H. The notice of violation shall state that the recipient has a right to appeal the matter as set forth in Section 8.40.290 of this chapter. (Ord. 853 §1(part), 2006)

**8.40.270 Cease and desist orders.**

A. The Director may Issue a Cease and Desist Order. A cease and desist order shall be delivered in accordance with Section 8.40.280 of this chapter. A cease and desist order may direct the owner or occupant of any premises, or any other person responsible for any violation of this chapter, to take any of the following action:

1. Immediately discontinue any prohibited discharge to the city storm drainage system;
2. Immediately discontinue any other violation of this chapter;
3. Clean up the area affected by the violation.

B. The director may direct by a cease and desist order that any person immediately cease

any activity which may lead to a violation of receiving water limitations. (Ord. 853 §1(part), 2006)

**8.40.280 Delivery of notice.**

A. Any notice of violation, cease or desist order or other enforcement order issued pursuant to the requirements of this chapter shall be subject to the following requirements:

1. Delivery shall be deemed complete upon either personal delivery to the recipient or by deposit in the U.S. mail, postage prepaid, certified, return receipt requested.
2. Where the recipient of the notice or order is the owner of the property, the address for notice or order shall be the address from the most recently issued equalized assessment roll for the property.
3. In the event that delivery by certified mail, return receipt requested, cannot be effected or the recipient cannot be personally served, the notice or order shall be deemed delivered after posting on the premises for a period of ten business days. (Ord. 853 §1(part), 2006)

**8.40.290 Appeal.**

A. Notwithstanding the provisions of Section 8.40.300 of this chapter, any person receiving a notice of violation may appeal the determination of the director to the council. The notice of appeal must be received by the city clerk within ten days of the delivery of the notice of violation.

B. An appeal shall be accompanied by a written statement setting forth the grounds upon which the appellant asserts there was an error by the director.

C. The Council Shall Hear the Appeal. At the time and place set for the appeal, the council shall proceed to hear the testimony of the director, his/her assistants or deputies, the testimony of the appellant or his/her representatives, and the testimony of other competent persons concerning the conditions constituting the violation, and other matters which the council may deem pertinent. Any person affected may be present at such hearing, may be represented by counsel, may present testimony, and may cross-examine the director, and other witnesses. The hearing may be continued from time to time. The council shall render a written decision thereon, which decision shall be final. (Ord. 853 §1(part), 2006)

**8.40.300 Abatement by city.**

A. If the violation has not been corrected pursuant to the requirements set forth in the notice of violation, or, in the event of an appeal under Section 8.40.290 of this chapter, within ten days of the decision of the council upholding the decision of the director, the city or a contractor designated by the director shall enter upon the subject private property and is authorized to take any and all measures necessary to abate the violation and/or restore the property. It is unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the city or designated contractor to enter upon the premises for the purposes set forth above. (Ord. 853 §1(part), 2006)

**8.40.310 Charging cost of abatement/liens.**

A. Within thirty days after the abatement of the nuisance by city, the director shall notify the property owner of the property of the cost of abatement, including administrative costs in the manner provided in Section 8.40.280 of this chapter. The property owner may file a written protest objecting to the amount of the assessment with the city clerk within fifteen days. The

city clerk shall set the matter for public hearing by the council. At the time and place of the appeal, the council shall hear and consider the account and proposed assessment, together with objections and protests thereto. At the conclusion of the hearing, the council may make such modifications and revisions of the proposed assessment confirmed or denied, in whole or in part or as modified and revised. The determination of the council as to all matters contained therein shall be in writing, final and conclusive.

B. If no appeal is filed or if the amount due is not paid within ten days of the decision of the council, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment.

C. If no appeal is filed or if an appeal is filed and confirmed by the council, the director shall cause to be prepared and recorded in the office of the county recorder of the county of Lake, a notice of lien. The notice shall contain the following:

1. An address, legal description or other description sufficient to identify the premises;
2. A description of the proceeding under which the special assessment was made, including the order of the council confirming the assessment;
3. The amount of the assessment;
4. A claim of lien upon the described premises.

D. Upon the recordation of such notice of lien, the amount claimed shall constitute a lien upon the described premises. Such lien shall be in parity with the liens of state and county taxes.

E. The notice of lien, after recordation, shall be delivered to the county auditor who shall enter the amount of the lien on the assessment roll as a special assessment. Thereafter the amount set forth shall be collected at the same time and in the same manner as ordinary county taxes are collected and shall be subject to the same penalties and interest and to the same procedures for foreclosure and sale in case of delinquency, as is provided for ordinary county taxes, and all laws applicable to the levy, collection and enforcement of county taxes are made applicable to such assessment. (Ord. 853 §1(part), 2006)

#### **8.40.320 Urgency abatement.**

A. The director is authorized to require immediate abatement of any violation of this chapter that constitutes an immediate threat to the health, safety or wellbeing of the public. If any such violation is not abated immediately as directed by the director, the city is authorized to enter onto private property and to take any and all measures required to remediate the violation. Any expense related to such remediation undertaken by the city shall be fully reimbursed by the property owner and/or responsible party. Any relief obtained under this section shall not prevent city from seeking other and further relief authorized under this chapter. (Ord. 853 §1(part), 2006)

#### **8.40.330 Criminal liability.**

A. A violation of any provision of this chapter, any order issued pursuant to the chapter or any wastewater permit condition imposed pursuant to this chapter is punishable as an infraction by a fine not exceeding two hundred fifty dollars; or as misdemeanor by a fine of not more than one thousand dollars, or by imprisonment in the county jail for a period of not more than six months, or by both such fine and imprisonment. Each separate day or any portion thereof on which any violation occurs shall be deemed to constitute a separate offense punishable as

provided in this chapter. (Ord. 853 §1(part), 2006)

**8.40.340 Judicial remedies.**

A. Civil Remedies. If any person violates any provision of this chapter, any order issued pursuant to this chapter or any wastewater discharge permit condition imposed pursuant to this chapter, the county may commence an action for appropriate legal and/or equitable relief, in any appropriate court. In such an action, the city may seek all appropriate judicial relief including, but not limited to, injunctive relief and damages in the minimum of one thousand dollars per violation per day.

B. Continuing Violations. Each day on which a violation occurs or continues to occur shall be a separate and distinct offense.

C. Nothing set forth in this chapter shall be construed as prohibiting the city from seeking civil or criminal judicial relief in connection with the enforcement of this chapter or pursuant to any other state or federal statutory or common law right to such relief.

D. Remedies Cumulative. The remedies provided in this chapter shall be cumulative and not exclusive. (Ord. 853 §1(part), 2006)

**8.40.350 Violations deemed a public nuisance.**

A. In addition to the enforcement processes and penalties hereinabove provided, any condition caused or permitted to exist in violation of any of the provisions of this chapter is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored by the city at the violator's expense, and/or civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken by city. (Ord. 853 §1(part), 2006)

**8.40.360 Severability.**

A. The provisions of this chapter are declared to be severable. If any provision, clause, sentence, or paragraph of this chapter is for any reason held to be invalid such decision shall not affect the validity of the remaining provisions, clauses, sentences or paragraphs of this chapter. (Ord. 853 §1(part), 2006)