

ORDINANCE NO. 6191

CITY OF PINE BLUFF STORM WATER ORDINANCE

1 **WHEREAS**, under Phase II the Clean Water Act as administered by the U. S.
2 Environmental Agency all entities are required to take measures to comply with “Best
3 Management Practices (BMP’s), which are used to control silt, dust and other pollutants
4 when disturbing one acre or more; and

5 **WHEREAS**, under Phase II of the Clean Water Act, the City will assist the State
6 of Arkansas in regulating the construction sites and require the contractors to take the
7 needed measures to control dust and silt runoff; and

8 **WHEREAS**, under Phase II of the Clean Water Act, the City will prohibit illegal
9 discharges into the municipal storm drain system and waterways; and

10 **WHEREAS**, a storm water permit and fee is established for disturbing one acre
11 of land or more that involves clearing, filling in of land, grading or excavation, road
12 construction, the construction of residential and industrial buildings.

13 **NOW, THEREFORE BE IT RESOLVED THAT THE CITY COUNCIL OF**
14 **THE CITY OF PINE BLUFF, ARKANSAS THAT:** a Municipal Code entitled, Storm
15 Water Regulations is hereby enacted for the purpose of regulating storm water
16 discharges, issuing permits and collecting fees.

17 **SECTION 1: INTRODUCTION/PURPOSE**

18 The purpose of this ordinance is to regulate discharges to the storm water
19 drainage system as required by federal and state law. This ordinance establishes methods
20 for controlling the introduction of pollutants into the municipal separate storm sewer
21 system (MS4) in order to comply with requirements of the National Pollutant Discharge
22 Elimination System (NPDES) Phase II permit process. This ordinance also sets forth the
23 minimum requirements for construction site activities and those activities associated with
24 excavation, grading, and removal of trees and vegetation. The objective of this ordinance
25 is:

- 26 (a) To regulate the contribution of pollutants to the municipal separate storm sewer
27 system by storm water discharges by any user.
28 (b) To regulate dust, silt and other construction site non-point pollution.

1 (c) To prohibit illicit connections and discharges to the municipal separate storm
2 water system.

3 (d) To establish legal authority and a permitting fee to carry out inspections,
4 surveillance and monitoring procedures necessary to ensure compliance with this
5 ordinance.

6 (e) To establish and collect fees for services provided for education, maintenance
7 and construction of the city storm water systems.

8 **SECTION2: DEFINITIONS**

9 For the purpose of this ordinance, the following shall mean:

10 Authorized Enforcement Agency. Employees or designees of the City of Pine
11 Bluff Program Administrator.

12 Best Management Practices (BMP's). Schedules of activities, prohibitions of
13 practices, general good house keeping practices, pollution prevention and educational
14 practices, maintenance procedures, and other management practices to prevent or reduce
15 the discharge of pollutants directly or indirectly to storm water, receiving waters, or
16 storm water conveyance systems. BMP's also include treatment practices, operating
17 procedures, and practices to control site runoff, dust, spillage or leaks, sludge or water
18 disposal, or drainage from raw materials storage. Said BMP's shall comply with
19 Arkansas Department of Environmental Quality BMP's Practices and Procedures
20 Guidelines and the City BMP's Practices and Procedures as determined by the Program
21 Administrator.

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

24 Construction Activities. Activities subject to a National Pollutant Discharge
25 Elimination Permit. These include construction projects resulting in land disturbance
26 including but not limited to clearing, grubbing, excavating, and demolition.

27 Hazardous Materials. Any material, including any substance, waste, or
28 combination thereof, which because of its quantity, concentration, or physical, chemical,
29 or infectious characteristics may cause, or significantly contribute to, a substantial
30 present or potential hazard to human health, safety, property, or the environment when
31 improperly treated, stored, transported, disposed of, or otherwise managed.

1 Illegal Discharge. Any direct or indirect non-storm water discharge to the storm
2 drain system, except as exempted in this ordinance.

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

4 (a) Any drain or conveyance, whether on the surface or subsurface, which allows an
5 illegal discharge to enter the storm drain system including but not limited to any
6 conveyances which allow any non-storm water discharge including sewage, process
7 wastewater, and wash water to enter the storm drain system and any connections to the
8 storm drain system from indoor drains and sinks, regardless of whether said drain or
9 connection had been previously allowed, permitted, or approved by an authorized
10 enforcement agency or,

11 (b) Any drain or conveyance connected from a commercial or industrial land use to
12 the storm drain system which has not been documented in plans, maps or equivalent
13 records and approved by an authorized enforcement agency.

14 Industrial Activity. Activities subject to National Pollutant Discharge
15 Elimination System (NPDES) Industrial Permits as defined in 40 CFR, Section 122.26
16 (b) (14).

17 MS4. Municipal Separate Storm Sewer System.

18 National Pollutant Discharge Elimination Permit. (NPDES) This means a permit
19 issued by EPA (or by a State under authority pursuant to 33 U.S.C. § 1342(b) that
20 authorizes the discharge of pollutants to waters of the United States, whether the permit
21 is applicable on an individual, group, or general area-wide basis. This permit is also
22 referred to as a MS4 permit for discharge of storm water runoff under the Arkansas
23 Department of Environmental Quality.

24 Notice of Intent (NOI). Application form for obtaining coverage under a General
25 Storm Water Permit for construction activities that disturbs one or more acres or for
26 industrial activities.

27 Non-Storm Water Discharge. Any discharge to the storm drain system that is not
28 composed entirely of storm water.

29 Person. Means any individual, association, organization, partnership, firm,
30 corporation or other entity acting as either the owner or as the owner's agent.

1 Pollutant. Anything that causes or contributes to pollution. Pollutants may
2 include, but are not limited to: paints, varnishes, and solvents; oil and other automotive
3 fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage,
4 litter, or other discarded or abandoned objects, and accumulations, so that same may
5 cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers;
6 hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and
7 particulate metals; animal wastes; wastes and residues that result from constructing a
8 building or structure; and noxious or offensive matter of any kind.

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

11 Program Administrator. The office, or individual responsible for enforcing the
12 requirements of this ordinance—Authorized Enforcement Agency.

13 Operator. Means the owner, party, person, general contractor, sub-contractor,
14 corporation, or other entity that has operations control over the construction project. The
15 operator is responsible for ensuring compliance with all conditions for the elimination of
16 dust and storm water pollution.

17 Storm Drainage System. Publicly or privately-owned facilities by which storm
18 water is collected and/or conveyed, including but not limited to any roads with drainage
19 systems,

20 Storm Water. Any surface flow, runoff, and drainage consisting entirely of water
21 from any form of natural precipitation, and resulting from such precipitation.

22 Storm Water Pollution Prevention Plan (SWPPP). A document which describes
23 the Best Management Practices and activities to be implemented by a person or business
24 to identify sources of pollution or contamination at a site and the actions to eliminate or
25 reduce pollutant discharges to Storm Water, Storm Water Conveyance Systems, and/or
26 Receiving Waters to the Maximum Extent Practicable.

27 Wastewater. Means any water or other liquid, other than uncontaminated storm
28 water, discharged from a facility.

1 **SECTION 3: APPLICABILITY**

2 This ordinance shall apply to all water entering the City of Pine Bluff storm drain
3 system generated on any public or private developed and undeveloped lands regardless of
4 size and location unless explicitly exempted.

5 **SECTION 4: RESPONSIBILITY FOR ADMINISTRATION**

6 The Program Administrator or designated agent, shall administer, implement, and
7 enforce the provisions of this ordinance acting in the beneficial interest of the city.

8 **SECTION 5: STORM WATER PROGRAM ADMINISTRATOR**

9 **Section 5-1:** The Mayor shall appoint a Storm Water Administrator, who shall
10 administer this ordinance and be responsible to address other related storm water issues
11 as they relate to the City's compliance with its Small MS4 Storm Water Permit as issued
12 by ADEQ to the City.

13 **Section 5-2:** The Mayor shall designate a person, who shall administer the storm
14 water regulations and its affairs in the same manner as all other departments under his
15 jurisdiction.

16 **SECTION 6: PERMITS**

17 A city permit will be required for construction site activities and those activities
18 associated with excavation, grading, and removal of trees and vegetation. The permit
19 shall be required for only those sites where one (1) acre or more of the land is disturbed.
20 The permit application for sites between one (1) acre and five (5) acres shall consist of
21 documentation the applicant has filed his Notice of Intent (NOI) that is filed with the
22 Arkansas Department of Environmental Quality (ADEQ) and providing the Program
23 Administrator with a copy of the SWPPP for the construction site that meets ADEQ and
24 the City BMP's practices and procedures as determined by the Program Administrator.

25 The City permit application for sites of five (5) acres or more shall consist of
26 documentation that ADEQ has approved the construction site SWPPP and that a copy of
27 said plan and documentation is submitted to the Program Administrator along with
28 documentation as to complying with the City BMP's practices and procedures as
29 determined by the Program Administrator. Prior to starting any of the above stated
30 construction activities the application shall obtain a storm water permit. No zoning and

1 building permit shall be issued for said site until the applicant has received his storm
2 water permit.

3 **SECTION 7: PERMIT FEES**

4 The permit and rates associated with the implementation of this ordinance will be
5 on the disturbance for more than one or more acres of land as stated in this ordinance.

6	▪ Single family dwellings	\$25.00
7	▪ Multiple family dwellings 4 units or less	\$100.00
8	▪ Multiple family dwellings 5 units or more	\$250.00
9	▪ Commercial and industrial buildings 10,000 sq. ft. or larger	\$250.00
10	▪ Commercial and industrial buildings 5,000 sq. ft. to 9,999 sq. ft.	\$100.00
11	▪ Commercial and industrial building additions	
12	between 5,000 sq.ft. and 9,999 sq. ft.	\$50.00
13	▪ Commercial and industrial building additions	
14	10,000 sq.ft. or larger	\$100.00
15	▪ Parking lots 10,000 sq. ft. or more	\$100.00
16	▪ Parking lots 5,000 sq. ft. to 9,999 sq. ft.	\$75.00
17	▪ Parking Lots less than 5,000 sq. ft.	\$50.00
18	▪ Subdivisions up to 5 lots	\$100.00
19	▪ Subdivisions from 6 lots to 12 lots	\$200.00
20	▪ Subdivisions with 13 lots or more	\$400.00
21	▪ Other activities that disturb between 1 acre and 3 acres	\$100.00
22	▪ Other activities that disturb more than 3 acres	\$200.00

23 Permit exceptions are as follows:

24 (1) Land used for agricultural purpose.

25 (2) Land where timber extraction takes place provided that it is to be re-seeded as
26 timber land.

27 Enforcement Fee:

28 Where code enforcement action is needed to bring a site into compliance with the
29 Clean Water Act, the following fees will be charged to the permit holder and or the
30 property owner.

31 ▪ Program Administrator or his designated agent hourly

1	fee in monitoring and process violation compliance	\$50.00 per minimum
2	▪ Street sweeper	\$100.00 per minimum
3	▪ Other equipment or action as needed	\$100.00 per minimum

4 **SECTION 8: SEVERABILITY**

5 The provisions of this ordinance are hereby declared to be severable. If any
6 provision, clause, sentence, or paragraph of this Ordinance or the application thereof to
7 any person, establishment, or circumstances shall be held invalid, such invalidity shall
8 not affect the other application of this Ordinance.

9 **SECTION 9: RESPONSIBILITY**

10 The standards set forth herein and promulgated pursuant to this ordinance are
11 minimum standards; therefore this ordinance does not intend nor imply that compliance
12 by any person will ensure that there will be no contamination, pollution, nor unauthorized
13 discharge of pollutants.

14 **SECTION 10: PROHIBITIONS AND PERMISSIBLE DISCHARGE**

15 A. Prohibition of Illegal Discharges.

16 No person shall discharge or cause to be discharged into the municipal storm
17 drain system or watercourses any materials, including but not limited to pollutants or
18 waters containing any pollutants that cause or contribute to a violation of applicable
19 water quality standards, other than storm water. The commencement, conduct or
20 continuance of any illegal discharge to the storm drain system is prohibited. The
21 following is a partial list, provided for informational purposes only, of common
22 substances which are illicit discharges when allowed to enter a public drainage control
23 system: solid waste, human and animal waste, antifreeze, oil, gasoline, grease and all
24 other automotive and petroleum products, flammable or explosive materials, metals in
25 excess of naturally occurring amounts whether in liquid or solid form, chemicals not
26 normally found in uncontaminated water, solvents and degreasers, painting products,
27 drain cleaners, commercial and household cleaning materials, pesticides, herbicides,
28 fertilizers, acids, alkalis, ink, steam-cleaning waste, laundry waste, soap, detergent,
29 ammonia, chlorine, swimming pool or hot tub water, domestic or sanitary sewage, animal
30 carcasses, food and food waste, yard waste, dirt, sand and gravel, and commercial car
31 wash discharge water.

1 B. Permissible Discharges.

2 The following discharges are exempt from discharge prohibitions established by this
3 ordinance: water line flushing or other potable water sources, landscape irrigation or
4 lawn watering, diverted stream flows, rising ground water, ground water infiltration to
5 storm drains, uncontaminated pumped ground water, foundation or footing drains (not
6 including active groundwater de-watering systems), crawl space pumps, air conditioning
7 condensation, springs, non-commercial washing of vehicles, natural riparian habitat or
8 wet-land flows, swimming pools (if de-chlorinated – typically less than one PPM
9 chlorine), fire fighting activities, and any other water source not containing pollutants.
10 Dye testing is an allowable discharge, but requires a verbal notification to the authorized
11 enforcement agency prior to the time of the test. The prohibition shall not apply to any
12 non-storm water discharge permitted under an NPDES permit, waiver, or waste discharge
13 order issued to the discharger and administered under the authority of the Arkansas
14 Department of Environmental Quality provided that the discharger is in full compliance
15 with all requirements of the permit, waiver, or order and other applicable laws and
16 regulations, and provided that written approval has been granted for any discharge to the
17 storm drain system.

18 B. Prohibition of Illicit Connections.

19 The construction, use, maintenance or continued existence of illicit connections to the
20 storm drain system is prohibited. This prohibition expressly includes, without limitation,
21 illicit connections made in the past, regardless of whether the connection was permissible
22 under law or practices applicable or prevailing at the time of connection. A person is
23 considered to be in violation of this ordinance if the person connects a line conveying
24 sewage to the MS4, or allows such a connection to continue.

25 **SECTION 11: SUSPENSION OF MS4 ACCESS**

26 A. Suspension due to Illicit Discharges in Emergency Situations.

27 The Program Administrator may, without prior notice, suspend MS4 discharge
28 access to a person when such suspension is necessary to stop an actual or threatened
29 discharge which presents or may present imminent and substantial danger to the
30 environment, or to the health or welfare of persons, or to the MS4 or Waters of the
31 United States. If the violator fails to comply with a suspension order issued in an

1 emergency, the authorized enforcement agency may take such steps as deemed necessary
2 to prevent or minimize damage to the MS4 or Waters of the United States, or to minimize
3 danger to persons.

4 B. Suspension due to the Detection of Illicit Discharge.

5 Any person discharging to the MS4 in violation of this ordinance may have their
6 MS4 access terminated if such termination would abate or reduce an illicit discharge.
7 The authorized enforcement agency will notify a violator of the proposed termination of
8 its MS4 access. The violator may petition in writing the Pine Bluff City Council for a
9 reconsideration and hearing.

10 **SECTION 12: INDUSTRIAL OR CONSTRUCTION ACTIVITY**

11 **DISCHARGES**

12 Any person subject to an industrial or construction activity NPDES storm water
13 discharge permit shall comply with all provisions of such permit. Proof of compliance
14 with said permit may be required in a form acceptable to the Program Administrator prior
15 to the allowing of discharges to the MS4.

16 **SECTION 13: MONITORING OF DISCHARGES**

17 A. Applicability.

18 This section applies to all facilities that have storm water discharges associated
19 with industrial activity, and construction activity.

20 B. Access to Facilities.

21 The Program Administrator shall be permitted to enter and inspect facilities
22 subject to regulation under this ordinance as often as may be necessary to determine
23 compliance with this ordinance. If a discharger has security measures in force which
24 require proper identification and clearance before entry into its premises, the discharger
25 shall make the necessary arrangements to allow access to representatives of the
26 authorized enforcement agency.

27 Facility operators shall allow the Program Administrator ready access to all parts
28 of the premises for the purposes of inspection, sampling, examination and copying of
29 records that must be kept under the conditions of an NPDES permit to discharge storm
30 water, and the performance of any additional duties as defined by state and federal law.

1 The Program Administrator shall have the right to set up on any permitted facility
2 such devices as are necessary in the opinion of the authorized enforcement agency to
3 conduct monitoring and/or sampling of the facility's storm water discharge.

4 The Program Administrator shall have the right to require the discharger to install
5 monitoring equipment as necessary. The facility's sampling and monitoring equipment
6 shall be maintained at all times in a safe and proper operating condition by the discharger
7 at its own expense. All devices used to measure storm water flow and quality shall be
8 calibrated to ensure their accuracy.

9 Any temporary or permanent obstruction to safe and easy access to the facility to
10 be inspected and/or sampled shall be promptly removed by the operator at the written or
11 oral request of the Program Administrator and shall not be replaced. The costs of
12 clearing such access shall be borne by the operator.

13 Unreasonable delays in allowing the Program Administrator access to a permitted
14 facility is a violation of a storm water discharge permit and of this ordinance. A person
15 who is the operator of a facility with a NPDES permit to discharge storm water
16 associated with industrial activity commits an offense if the person denies the authorized
17 enforcement agency reasonable access to the permitted facility for the purpose of
18 conducting any activity authorized or required by this ordinance.

19 If the Program Administrator has been refused access to any part of the premises
20 from which storm water is discharged, and he/she is able to demonstrate probable cause
21 to believe that there may be a violation of this ordinance, or that there is a need to inspect
22 and/or sample as part of a routine inspection and sampling program designed to verify
23 compliance with this ordinance or any order issued hereunder, or to protect the overall
24 public health, safety, and welfare of the community, then the authorized enforcement
25 agency may seek issuance of a search warrant from any court of competent jurisdiction.

26 **SECTION 14: REQUIREMENT TO PREVENT, CONTROL, AND**
27 **REDUCE STORM WATER POLLUTANTS BY THE USE OF BEST**
28 **MANAGEMENT PRACTICES.**

29 The City of Pine Bluff requires Best Management Practices (BMP's) for any
30 activity, operation, or facility which may cause or contribute to pollution or
31 contamination of storm water, the storm drain system, or waters of the United States.

1 The owner or operator of a residential, commercial or industrial establishment shall
2 provide, at their own expense, reasonable protection from accidental discharge of
3 prohibited materials or other wastes into the municipal storm drain system or
4 watercourses through the use of these structural and non-structural BMPs. Further, any
5 person responsible for a property or premise, which is, or may be, the source of an illicit
6 discharge, may be required to implement, at said person's expense, additional structural
7 and non-structural BMPs to prevent the further discharge of pollutants to the municipal
8 separate storm sewer system. Compliance with all terms and conditions of a valid
9 NPDES permit authorizing the discharge of storm water associated with industrial
10 activity, to the extent practicable, shall be deemed compliance with the provisions of this
11 section. These BMPs shall be part of a storm water pollution prevention plan (SWPPP)
12 as necessary for compliance with requirements of the NPDES permit.

13 **SECTION 15: WATERCOURSE PROTECTION**

14 Every person owning property through which a watercourse passes, or such
15 person's lessee, shall keep and maintain that part of the watercourse within the property
16 free of trash, debris, and other deleterious materials that would pollute, contaminate, or
17 significantly degrade the flow of water through the watercourse. In addition, the owner
18 or lessee shall maintain existing privately owned structures within or adjacent to a
19 watercourse, so that such structures will not become a hazard to the use, function, or
20 physical integrity of the watercourse.

21 **SECTION 16: NOTIFICATION OF SPILLS OR RELEASES**

22 Notwithstanding other requirements of law, as soon as any person responsible for
23 a facility or operation, or responsible for emergency responses for a facility or operation
24 has information of any known or suspected release of materials which are resulting or
25 may result in illegal discharges or pollutants discharging into storm water, the storm
26 drain system, or water of the United States said person shall take all necessary steps to
27 ensure the discovery, containment, and cleanup of such release. In the event of a release
28 of hazardous materials said person shall immediately notify emergency response
29 agencies of the occurrence via emergency dispatch services. In the event of a release of
30 non-hazardous materials, said person shall notify the authorized enforcement agency in
31 person or by phone or facsimile no later than the next business day. Notifications in

1 person or by phone shall be confirmed by written notice addressed and mailed to the City
2 Program Administrator within five business days of the phone notice.

3 **SECTION 17: ENFORCEMENT**

4 Notice of Violation. Whenever the Program Administrator finds that an
5 organization has violated a prohibition or failed to meet a requirement of this Ordinance,
6 the authorized enforcement agency may order compliance by written notice of violation
7 to the responsible person. Such notice may require without limitation:

- 8 ▪ The performance of monitoring, analyses, and reporting;
- 9 ▪ The elimination of illicit connections or discharges;
- 10 ▪ That violating discharges, practices, or operations shall cease and desist;
- 11 ▪ The abatement or remediation of storm water pollution or contamination hazards and
12 the restoration of any affected property;
- 13 ▪ Payment of fees to cover administrative and remediation costs; and
- 14 ▪ The implementation of source control or treatment BMPs.

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

21 **SECTION 18: APPEAL OF NOTICE OF VIOLATION**

22 A person receiving a Notice of Violation may appeal the determination of the
23 authorized enforcement agency. The notice of appeal must be in writing and received
24 within 5 days from the date of the Notice of Violation. Hearing on the appeal before the
25 Pine Bluff City Council shall take place at the next regularly scheduled City Council
26 meeting. The decision of the City Council shall be final.

27 **SECTION 19: ENFORCEMENT MEASURES AFTER APPEAL**

28 If the violation has not been corrected pursuant to the requirements set forth in the
29 Notice of Violation, or, in the event of an appeal, within 10 days of the decision of the
30 City Council upholding the decision of the authorized enforcement agency, then
31 representatives of the City of Pine Bluff may enter upon the subject private property and

1 are authorized to take any and all measures necessary to abate the violation. It shall be
2 unlawful for any person, owner, agent or person in possession of any premises to refuse
3 to allow the government agency or designated agent to enter upon the premises for the
4 purposes set forth above.

5 **SECTION 20: COST OF ABATEMENT OF THE VIOLATION**

6 Within 30 days after abatement of the violation, the owner of the property will be
7 notified of the cost of abatement, including administrative costs. The owner of the
8 property may file a written protest objecting to the amount of the assessment within 10
9 days. If the amount due is not paid within a timely manner as determined by the decision
10 of the city council or by expiration of the time in which to file an appeal, the charges
11 shall become a special assessment against the property and shall constitute a lien on the
12 property for the amount of the assessment.

13 Any person violating any of the provisions of this article shall become liable to
14 the city by reason of such violation. The liability shall be paid in not more than 12 equal
15 payments. Interest at the rate of 10 percent per annum shall be assessed on the balance
16 beginning on the 1st day following discovery of the violation.

17 **SECTION 21: PENALTIES FOR VIOLATION**

18 (A) Violation of the provisions of this ordinance or failure to comply with any of its
19 requirements shall constitute a misdemeanor. After the expiration date indicated by the
20 notice of violation, any person who violates this chapter or fails to comply with any of its
21 requirements shall upon conviction thereof, be fined not less than one hundred dollars
22 (\$100.00) nor more than five hundred dollars (\$500), or double such sum for each
23 repetition thereof, and, in addition, shall pay all costs and expenses involved in the case.
24 After the expiration date indicated by the notice of violation, each day such violation
25 continues shall be considered a separate offense. The penalty for allowing continuance
26 thereof of a violation that is continuous with respect to time is a fine not to exceed \$250
27 for each day that the same is unlawfully continued.

28 (B) The owner or tenant of the premises or part thereof, and builder,
29 contractor, agent or other person, who willfully commits, participates in, assists in, or
30 maintains such violation may each be found guilty of a separate offense and suffer the
31 penalties herein provided.

1 **SECTION 22: VIOLATIONS DEEMED A PUBLIC NUISANCE**

2 In addition to the enforcement processes and penalties provided, any condition
3 caused or permitted to exist in violation of any of the provisions of this Ordinance is a
4 threat to public health, safety, and welfare, and is declared and deemed a nuisance, and
5 may be summarily abated or restored at the violator's expense, and/or a civil action to
6 abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

7 **SECTION 23: REMEDIES NOT EXCLUSIVE**

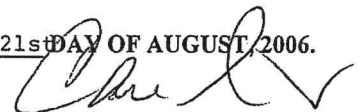
8 The remedies listed in this ordinance are not exclusive of any other remedies
9 available under any applicable federal, state or local law and it is within the discretion of
10 the authorized enforcement agency to seek cumulative remedies.

11 (A) Full Force and Effect. This ordinance shall be in full force and effect the date of
12 passage and publication as required by law.

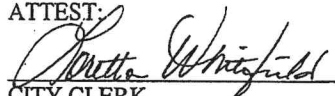
13 (B) Severability of Provisions. If any section, subsection, sentence, clause, phase or
14 portion of this ordinance be held invalid or unconstitutional by any court of competent
15 jurisdiction, such portion shall be deemed a separate, distinct and independent provision,
16 and such holding shall not affect the validity of the remaining portion thereof.

17 (C) Repealer. This ordinance shall be construed to repeal any prior ordinance
18 inconsistent herewith.

19 **PASSED AND APPROVED THIS 21st DAY OF AUGUST, 2006.**

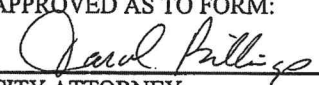


Mayor

20
21
22 ATTEST:
23 
24 CITY CLERK



SPONSOR

25 APPROVED AS TO FORM:
26 
27 CITY ATTORNEY