

**110 Violations and Enforcement.**

- (1) **Misdemeanor.** Any person who violates or fails to comply with any of the provisions of this Code or of any permit, other authorization or order issued pursuant hereto, including conditions and safeguards in connection with permits, grants of variances, conditional uses, or any other requests, or who makes any false statement in any document required to be submitted under the provisions of this Code, shall be guilty of a misdemeanor punishable by fine and/or imprisonment to the maximum extent permitted by law. Violations of this Code can occur regardless of whether or not a permit or other authorization is required for an activity regulated under this Code.
- (2) **Enforcement.** The City Council is responsible for the administration and enforcement of this Code. The Council shall conduct and supervise the enforcement of the City Code with the assistance of City Staff as provided in this section.
- (A) **Legal Proceedings.** The Council may authorize the institution of legal proceedings to restrain, correct or abate any violation of this Code.
- (B) **Revocation; Suspension; Modification.** Prior to the institution of legal proceedings, the City may, by written order, suspend, revoke or modify any permit or authorization issued pursuant to this Code, on information and belief that the permit or other authorization has been issued in error or on the basis of incorrect or inadequate information, or that the work is not being performed in compliance with this Code or with the provisions of any permit issued pursuant hereto. The City, in addition, may issue an order to the owner or occupant of any premises to cease and desist the use of such premises immediately, when such premises are being used in a manner creating substantial hazard to the public health, safety or welfare, or in violation of any permit issued pursuant hereto. The City shall have the powers to prevent unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use of lands or structures within the City and to restrain, correct or abate such violations, or to prevent the occupancy of buildings, structures or lands, or prevent any illegal act, conduct, business, or use on or about said premises.

Ordinance 108, 2<sup>nd</sup> Series Amendments – Effective 4-24-16  
 Ordinance 106, 2<sup>nd</sup> Series repeal Section 12 – Effective 1-24-16  
 Ordinance 103, 2<sup>nd</sup> Series Amendments-Effective 8/30/15  
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 Ord. 60 Amendments – Effective 3/01/09  
 Section 110 – Violations and Enforcement

The City’s Building Inspector, Planning and Zoning Administrator and their regularly authorized assistants are hereby authorized to issue written orders upon information or belief that the issuance of an order is warranted under this provision. They are hereby authorized to order any condition remedied in such manner as to secure compliance. Failure to comply with such written order shall constitute a misdemeanor. Upon receipt or posting of written notice, all persons engaged in the work prohibited by such an order shall stop such work until authorized in writing by the City’s Building Inspector or Planning and Zoning Administrator to proceed.

(C) Vegetation; Restoration.

Vegetation Restoration and Replacement:

1. Violation; Restoration. The City shall require a property owner who has removed vegetation in violation of Section 211{1}{B} to replace v e g e t a t i o n as follows:
  - a. Replacement vegetation shall be species except: Buckthorn, American Elm and Green Ash that are considered hardy in this area are the same or similar as the species removed;
  - b. Replacement Vegetation shall be placed in close proximity to the location of the removed vegetation in such a way that it does not impair traffic visibility;
  - c. Replacement trees shall be at least two {2} inches in diameter measured two {2} feet above the ground;
  - d. Replacement trees shall have a cumulative measurement at least equal to that of the removed tree{s},and
  - e. Replacement shrubs shall be at least ten {10} inch potted shrubs.
  
2. The Property Owner shall enter into a 5 year agreement with the City guaranteeing the healthy growth of the replacement vegetation.
  
3. **Authorized Enforcement** The City Engineer or other qualified person shall be designated Authorized Enforcement Agent and authorize to enforce to the maximum extent practicable (MEP) this ordinance regarding Best Management Practices (BMP), Clean Water Act, Construction Activity related to stormwater management, Hazardous

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 Section 110 – Violations and Enforcement

Material, Illicit Discharge, Illicit Connections, Industrial Activity, Municipal Separate Storm Sewer System, National Pollutant Discharge Elimination System Stormwater Discharge Permit, non-Stormwater Discharge, Pollutants, Premises, Storm Drainage System, Stormwater, Water Quality Management Plan Stormwater Pollution Prevention Program, and Wastewater.

**(D) Nuisance Abatement: Duties of Police, Tree Inspector and Building Inspector.**

1. The Police Department Officers, who shall also be the Assistant Weed Inspector in accord with Minnesota Statutes 18.75 through 18, and the Tree Inspector and Building Inspector shall enforce the provisions of Chapter 5, Section 508 as specified by the City Council. The Police Department Officers, Tree Inspector and Building Inspector have the power to inspect private premises, determine if probable cause exists and take all reasonable precautions to prevent the commission and maintenance of public nuisances or to control or abate the public nuisance in accord with Section 508, State and Federal laws.
2. The Tree Inspector must identify diseased trees by generally accepted field symptoms contained in Minnesota Rules chapter 1505 such as wilting, yellowing of leaves or staining of wood and/or by tests as may be recommended by the Commissioner of the Minnesota Department of Natural Resources.

**(E) Notice of Violation.** Whenever the Officer, Tree Inspector or Building Inspector charged with enforcement determines that a public nuisance is being maintained or exists on premises in the city, the officer shall notify in writing the property owner and occupant of the premises of such fact and order in writing that such nuisance be controlled, removed, eradicated, terminated, or abated. Unless an emergency, the notice shall provide a reasonable time for the removal, termination, eradication, or abatement; provide how the nuisance removal, termination, eradication or abatement shall occur and shall in the case of noxious or rancorous weeds, trees and other

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 Ord. 60 Amendments – Effective 3/01/09  
 Section 110 – Violations and Enforcement

vegetation provide specific instructions on when and how the weeds or tree disease or pest infestation are to be controlled, eradicated or abated.

**Failure to terminate, control, remove, eradicate or abate a Public Nuisance Appeal of Nuisance Abatement, Termination, or Eradication:**

1. If the notice of violation is not complied with within the time specified, the enforcing officer shall report that fact at the next scheduled City Council meeting. Thereafter, the City Council may, after notice to the owner or occupant and an opportunity to be heard, determine that the condition identified in the notice of violation is a nuisance and further order that if the nuisance is not abated within the time prescribed by the City Council, the City may seek injunctive relief by serving a copy of the Council order and notice of motion for summary enforcement. Furthermore, the City Council may request the Chief of Police to issue a misdemeanor citation.
2. Written notice City Council hearing to determine or abate nuisance shall be served on the owner of record and occupant of the premises either in person or by registered mail and shall be published in the official newspaper. Such notice and publication shall be given at least 10 days before the scheduled hearing.
3. Written notice of any Council order shall be made as provided in Minnesota. Statute 463.17 (Hazardous and Substandard Building Act).

In cases of emergency, where delay in abatement required to complete the normal notice and procedure requirements set forth in this Section will permit a continuing nuisance to unreasonably endanger public health, safety or welfare, the City Council may order summary enforcement and abate the nuisance.

1. To proceed with summary enforcement, the officer charged with enforcement shall determine that a probable cause of a public nuisance exists or is being maintained on premises

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 Section 110 – Violations and Enforcement

in the City and that delay in abatement of the nuisance will unreasonably endanger public health, safety or welfare.

2. The enforcement officer shall notify in writing the occupant and owner of the premises of the nature of the nuisance and of the City's intention to seek summary enforcement and the time and place of the Council meeting to consider the question of summary enforcement.
3. The Council shall determine whether or not the condition identified in the notice to the owner or occupant is a nuisance, whether public health, safety or welfare will be unreasonably endangered by delay in abatement required to complete the procedure set forth in this Section, and may order that such nuisance be immediately terminated or abated. If the nuisance is not immediately terminated or abated, the Council may order summary enforcement and abate the nuisance.
4. Written notice of any motion for summary enforcement shall be made as provided for in Minn. Stat. 463.17 (Hazardous and Substandard Building Act).

**Immediate Abatement.** The police officer or designated officer without notice or other due process may immediately abate or control any nuisance condition which poses an imminent and serious hazard to human life or safety.

(3) **Impoundment Procedures.**

Upon the order of any police officer, a motor vehicle, Lake Accessory Use, Recreational Vehicle or Trailer deemed a public nuisance or abandoned or driven by an individual arrested for a violation of Minn. Stat. §169A.20 et. seq., or an ordinance in conformity with it, may be removed and impounded in the manner provided in this Section.

1. Except in an emergency where removal of the vehicle or other use is necessary to prevent an imminent danger to the public, the officer shall notify the owner in writing of the vehicle or other use of the intension to impound the vehicle or other use. The notice

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 Ord. 60 Amendments – Effective 3/01/09  
 Section 110 – Violations and Enforcement

shall provide a stated reasonable amount of time that the owner has to correct the public nuisance;

2. If the owner or operator requests that the vehicle be towed to any garage other than the towing contractor, and provided before the tow, the owner shall advance to the towing contractor a sum estimated to equal the minimum towing charge as established by the towing contract and upon arrival to the requested garage and prior to the release of the vehicle, the owner or operator shall advance to the towing contractor a sum equal to the actual minimum towing charge under the towing contract less the estimated towing charge paid at the time of the tow the owner may request that the vehicle or other use be towed to a specific garage.

**A. Redemption; Prerequisites.**

1. Any motor vehicle, Recreational Vehicle, Trailer, Lake Accessory Use impounded under this Section shall only be released from impoundment:

(a) To the registered owner, or person authorized by the registered owner, a lien holder of record, or a person who has purchased the vehicle from the registered owner, who provides proof of ownership, and in the case of a vehicle or trailer, proof of valid Minnesota driving privileges, and proof of insurance required by law to cover the vehicle or trailer.

(b) If the vehicle is subject to a rental or lease agreement, to a renter or lessee with valid Minnesota driving privileges who provides a copy of the rental or lease agreement and proof of insurance required by law to cover the vehicle; or

(c) To an agent of a towing company authorized by the registered owner, renter or lessee if the owner provides proof of ownership of or the renter or lessee provides a copy of the rental or lease agreement for the vehicle and proof of insurance required by law to cover the vehicle; and

(d) Upon payment of all towing and storage charges resulting from impounding the vehicle under this Section.

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 Ord. 60 Amendments – Effective 3/01/09  
 Section 110 – Violations and Enforcement

The proof of ownership, valid driving privileges and insurance, and when applicable, the copy of the rental or lease agreement shall be provided to the person or entity designated by the City as a towing contractor to provide impoundment and storage services under this Section.

2. Nothing in this Section shall be construed to impair any lien of a garage keeper under the laws of this State or the right of a lien holder to foreclose. For the purposes of this Section, "garage keeper" is an operator of a motor vehicle storage facility, or an operator of an establishment for the servicing, repair or maintenance of motor vehicles.

**(4) Procedures for Removals, Repair, or Abatement of Hazardous Building or Property.**

**A. The City Council Order for Removal, Repair, or Abatement of Hazardous Buildings or Property:**

1. The order shall be in writing; recite the grounds therefore; specify the necessary repairs, if any, and provide a reasonable time for compliance; and shall state that a motion for summary enforcement of the order will be made to the District Court of the Hennepin County unless corrective action is taken, or unless an answer is filed within the time specified in the order;
2. The order shall be served upon the owner of record, or the owner's agent if an agent is in charge of the building or property, and upon the occupying tenant, if there is one, and upon all lien holders of record, in the manner provided for service of a summons in a civil action. If the owner cannot be found, the order shall be served upon the owner by posting it at the main entrance to the building or, if there is no building, in a conspicuous place on the property, and by four weeks' publication in the official newspaper of the municipality.
3. A copy of the order with proof of service shall be filed with the Hennepin County District Court administrator not less than five days prior to the filing of a motion pursuant to enforce the order. At the time of filing such order The City of Attorney

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 Ord. 60 Amendments – Effective 3/01/09  
 Section 110 – Violations and Enforcement

shall file for record with the County Recorder or Registrar of Titles a notice of the pendency of the proceeding, describing with reasonable certainty the lands affected and the nature of the order. If the proceeding be abandoned the City Attorney shall within ten days thereafter file with the County Recorder a notice to that effect.

4. Within 20 days from the date of service, any person upon whom the order is served may serve an answer in the manner provided for the service of an answer in a civil action, specifically denying such facts in the order as are in dispute.
5. If no answer is served, the City Council may move the District Court for the enforcement of the order. If such a motion is made the District Court may, upon the presentation of such evidence as it may require, affirm or modify the order and enter judgment accordingly, fixing a time after which the City Council may proceed with the enforcement of the order. The Hennepin County Court administrator shall cause a copy of the judgment to be mailed forthwith to persons upon whom the original order was served.
6. If an answer is filed and served further proceedings in the action shall be governed by the Rules of Civil Procedure for the District Courts, except that the action has priority over all pending civil actions and shall be tried forthwith. If the order is sustained following the trial, the District Court shall enter judgment and shall fix a time after which the building must be destroyed or repaired or the hazardous condition removed or corrected, as the case may be, in compliance with the order as originally filed or modified by the court. If the order is not sustained, it shall be annulled and set aside. The Hennepin County Court administrator shall cause a copy of the judgment to be mailed forthwith to the persons upon whom the original order was served.
7. If a judgment is not complied with in the time prescribed, the City Council may cause the building to be repaired, razed, or removed or the hazardous condition to be removed or corrected as set forth in the judgment, or acquire the building, if any, and

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 Ord. 60 Amendments – Effective 3/01/09  
 Section 110 – Violations and Enforcement



real estate on which the building or hazardous condition is located by eminent domain as provided in 560.15. The cost of the repairs, razing, correction, or removal may be a lien against the real estate on which the building is located or the hazardous condition exists, or recovered by obtaining a judgment against the owner of the real estate on which the building is located or the hazardous condition exists. A lien may be levied and collected only as a special assessment in the manner provided by Minnesota Statutes sections 429, but the assessment is payable in a single installment. When the building is razed or removed by order of City Council, it may sell the salvage and valuable materials at public auction upon three days' posted notice.

8. The City Clerk shall keep an accurate account of the expenses incurred in carrying out the order and of all other expenses theretofore incurred in connection with its enforcement, including specifically, but not exclusively, filing fees, service fees, publication fees, attorney's fees, appraisers' fees, witness fees, including expert witness fees, and traveling expenses incurred by the municipality from the time the order was originally made, and shall credit thereon the amount, if any, received from the sale of the salvage, or building or structure, and shall report its action under the order, with a statement of moneys received and expenses incurred to the court for approval and allowance. Thereupon the court shall examine, correct, if necessary, and allow the expense account, and, if the amount received from the sale of the salvage, or of the building or structure, does not equal or exceed the amount of expenses as allowed, the court shall by its judgment certify the deficiency in the amount so allowed to the City Clerk for collection. The owner or other party in interest shall pay the same, without penalty added thereon, and in default of payment by October 1, the clerk shall certify the amount of the expense to the County Auditor for entry on the tax lists of the county as a special charge against the real estate on which the building or hazardous condition is or was situated and the same shall be collected in the same manner as other taxes and the amount so collected shall be paid into the City's treasury. If the amount received for the sale of the salvage

or of the building or structure exceeds the expense incurred by the City as allowed by the District Court, and if there are no delinquent taxes, the court shall direct the payment of the surplus to the owner or the payment of the same into Court. If there are delinquent taxes against the property, the Court shall direct the payment of the surplus to the Hennepin County Treasurer to be applied on such taxes.

9. The net proceeds of a sale shall be paid to persons designated in the judgment in the proportions as their interests shall appear therein. Acceptance of such payment shall be taken as a waiver of all objections to the payment and to the proceedings leading thereto on the part of the payee and of all persons for whom the payee is lawfully empowered to act. In case any party to whom a payment of damages is made be not a resident of the State of Minnesota, or the place of residence be unknown, or the party be an infant or other person under legal disability, or, being legally capable, refuses to accept payment, or if for any reason it be doubtful to whom any payment shall be paid to the City Clerk, to be paid out under the direction of the District Court; and, unless an appeal be taken such deposit with the City Clerk shall be deemed a payment of the award.
10. If any building ordered razed, removed, or made safe and sanitary by repairs contains personal property or fixtures which will unreasonably interfere with the razing, removal, or repair of such building, or if the razing or removal of the building makes necessary the removal of such personal property or fixtures, the original order of the City Council may direct the removal of such personal property or fixtures within a reasonable time. If the property or fixtures are not removed by the time specified, the City Council may order the sale the same at public auction as provided in or if without appreciable value, the City Council may order may order destruction of the same.

(5) **Public Nuisance Recovery of Cost.**

A. Personal Liability. The property owner on which a nuisance has been abated, eradicated or removed or the removal of a Hazardous Building or Hazardous Property by the City shall be personally liable for the cost to

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 Ord. 60 Amendments – Effective 3/01/09  
 Section 110 – Violations and Enforcement  
 Page 10 of 16

the City of the abatement, removal or eradication, and in addition shall be liable for related City costs including: enforcement costs, legal costs and administrative costs. In a reasonable time after the work has been completed and the costs determined, the City Clerk shall prepare a bill for the costs and mail it to the property owner. The amount shall be immediately due and payable to the City of the Village of Minnetonka Beach at the Office of the City Clerk, City Hall.

B. Should the property owner of the premises not pay the cost in a reasonable amount of time after the City Clerk has caused a bill to be sent to the property owner, the City Council, after notification of the property owner and providing an opportunity for the owner to be heard, will collect the unpaid costs in one of the following manners:

1. If the nuisance is a public health or safety hazard on private property, removal of hazardous building or hazardous property, the accumulation, the growth of noxious or rancorous weeds on private property or outside the traveled portion of streets, or unsound, diseased or insect-infected trees, any unpaid charges by the City for the cost of elimination of the nuisance, may be collected as a special cost and assessed to the property pursuant to the requirements of Minnesota Statute Chapter 429.
2. In such case, the City Council shall certify all unpaid costs to the Hennepin County Auditor who shall enter them upon the tax records as a lien upon such land to be collected in the manner as other real estate taxes are collected.
3. In addition, the City may sue to collect the unpaid costs plus any reasonable attorney fees and court costs.

(6) **Event Recovery Costs: Payment for Services to provide security, control crowds, or provide other City services.**

After the event has occurred, the public works, police and fire services will determine from the actual time spent and document their costs due to the services provided directly because of the event, such costs to be separate from the cost normally billed the City.

The City Clerk shall prepare a bill based on the information received from the public works, police and fire services for the cost of providing the services adding one percent of those costs for administration and mail it to the property owner on whose property the event took place or event organizer if the event took place on public property. The amount shall be immediately due and payable to the City of the Village of Minnetonka Beach at the Office of the City Clerk, City Hall.

Should the owner of the property or event organizer not pay the cost in a sixty (60) days after the City Clerk has caused a bill to be sent to the property owner, The City Council, after notification of the property owner or event organizer and providing an opportunity for the owner or event organizer to be heard, will collect the unpaid costs in one of the following manners:

If the event was held on private property and if the public nuisance required providing public safety law enforcement, traffic control, emergency or fire services, police protection or security or any other City service related to that event, any unpaid charges for those services may be collected as a special cost and assessed to the property within the authority granted to the City, by its Charter and Minnesota Statutes. In such case, the City Council shall certify all unpaid costs to the Hennepin County Auditor who shall enter them upon the tax records as a lien upon such land to be collected in the manner as other real estate taxes are collected. In addition, the City may sue to collect the unpaid costs plus any reasonable attorney fees and court costs.

If the event was held on public property and if the public nuisance required providing public safety law enforcement, traffic control, emergency or fire services, police protection or security or any other City service related to that event, any unpaid charges for those services may be collected as a special cost within the authority granted to the City by its Charter, other instruments or Minnesota Statutes. The City may sue to collect the unpaid costs plus any reasonable attorney fees and court costs.

**(C) Injunction or Special Assessment.** In addition to any other remedies authorized by this Code or other law, the City has the right to seek an injunction in District Court ordering compliance with this Code; or in the alternative the City, after due notice as

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 Ord. 60 Amendments – Effective 3/01/09  
 Section 110 – Violations and Enforcement  
 Page 12 of 16

specified in this section, may correct the violation itself and certify the costs of correction as a special assessment against the property on which the correction was made; provided, however, that the following steps are taken before the City so corrects the violation itself:

1. **Notice.** The City must send written notice of the violation to the owner of the affected property, mailed by first class mail, postage prepaid, to the owner c/o the address of the affected property or such other address for the owner as may be on file at City Hall.
  2. **Opportunity to Correct Violation.** The above specified notice shall give the owner ten (10) calendar days from the date the notice was mailed in accordance with section 110 (2) (C) (i) to correct the violation. Upon expiration of the ten (10) days, if the violation remains uncorrected, the City may correct the violation itself in accordance with section 110 (2) (C).
  3. **Appeal.** For good cause shown, the owner may appeal to the City Council the notice of violation. Such appeal must be in writing addressed to the City Clerk and received before expiration of the ten (10) day period specified in section 110 (2) (C) (ii). Such appeal shall toll the ten-day notice period until after the City Council has heard and decided the matter.
- (D) **Private Cause of Action.** Any resident or owner of lands within the City may institute appropriate legal action to prevent, restrain or correct violations of this Code, including proceedings in the District Court to compel the specific performance by the proper official(s) of any duty required by this Code.
- (7) **Continuing Violation.** Each day that a violation continues shall constitute a separate offense.
- (8) **Penalties For Each Offense.** When a penalty or forfeiture is provided for the violation of any provision of this Code, such penalty or forfeiture shall be construed to be for each such violation.

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 Ord. 60 Amendments – Effective 3/01/09  
 Section 110 – Violations and Enforcement  
 Page 13 of 16

(9) **Compliance Monitoring** may be as often as reasonably necessary to determine compliance of this ordinance

**1. Right of Entry: Inspection and Sampling.**

The authorized enforcement agent shall be permitted to enter and inspect facilities subject to regulation under this ordinance as often as may be reasonably necessary to determine compliance with this ordinance.

(A) If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the authorized enforcement agent.

(B) Facility operators shall allow the authorized enforcement agent ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an NPDES permit to discharge storm water, and the performance of any additional duties as defined by state and federal law.

(C) The authorized enforcement agent shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the authorized enforcement agent to conduct monitoring and/or sampling of the facility's storm water discharge.

(D) The authorized enforcement agent has the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure storm water flow and quality shall be calibrated to ensure their accuracy.

(E) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the authorized enforcement agent and shall not be replaced. The costs of clearing such access shall be borne by the property owner.

(F) Unreasonable delays in allowing the authorized enforcement agent access to a permitted facility is a violation of a storm water discharge permit and of this ordinance. A person who is the operator of a facility with an NPDES permit to discharge storm water associated with industrial or construction activity commits an offense if the person denies the authorized enforcement agent reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this ordinance

**(10) SUSPENSION OF MS4 ACCESS**

**(A). Emergency Cease and Desist Orders**

When the authorized enforcement agent finds that any person has violated, or continues to violate, any provision of this ordinance, or any order issued hereunder, or that the person’s past violations are likely to recur, and that the person’s violation(s) has (have) caused or contributed to an actual or threatened discharge to the MS4 or waters of the United States which reasonably appears to present an imminent or substantial endangerment to the health or welfare of persons or to the environment, the authorized enforcement agent and the Mayor may issue an order to the violator directing it immediately to cease and desist all such violations and directing the violator to:

- (1) Immediately comply with all ordinance requirements; and
- (2) Take such appropriate preventive action as may be needed to properly address a continuing or threatened violation, including immediately halting operations and/or terminating the discharge. Any person notified of an emergency order directed to it under this Subsection shall immediately comply and stop or eliminate its endangering discharge. In the event of a discharger’s failure to immediately comply voluntarily with the emergency order, the authorized enforcement agent may take such steps as deemed necessary to prevent or minimize harm to the MS4 or waters of the United States, and/or endangerment to persons or to the environment, including with written approval of the Mayor immediate termination of a facility’s water supply, sewer connection, or other municipal utility services. The authorized enforcement agent may allow the person to recommence its discharge when it has demonstrated to the satisfaction of the authorized enforcement agent that the period of endangerment has passed, unless further termination proceedings are initiated against the discharger under this ordinance. A person that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful discharge and the measures taken to prevent any future occurrence, to the authorized enforcement agent within 5 days of receipt of the emergency order. Issuance of an emergency cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the violator.

**(B). Suspension due to Illicit Discharges in Emergency Situations**

The authorized enforcement agent may with the approval of the Mayor may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened

- Ordinance 108, 2<sup>nd</sup> Series Amendments – Effective 4-24-16
- Ordinance 106, 2<sup>nd</sup> Series repeal Section 12 – Effective 1-24-16
- Ordinance 103, 2<sup>nd</sup> Series Amendments-Effective 8/30/15
- Ordinance 99, 2<sup>nd</sup> Series Amendments – Effective 12/28/14
- Ordinance 86, 2<sup>nd</sup> Series Amendments – Effective 1/15/2012
- Ord. 60 Amendments – Effective 3/01/09
- Section 110 – Violations and Enforcement

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

**(C). Suspension due to the Detection of Illicit Discharge**

Any person discharging to the MS4 in violation of this ordinance may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The **authorized enforcement agent** will notify a violator of the proposed termination of its MS4 access. The violator may petition the authorized enforcement agent for a reconsideration and hearing. A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this Section, without the prior approval of the authorized enforcement agent.

**(11) ENFORCEMENT MEASURES AFTER APPEAL.**

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, within 10 days of the decision of the Mayor upholding the decision of the authorized enforcement agent, then the **authorized enforcement agent** shall enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the government agency or designated contractor to enter upon the premises for the purposes set forth above.