

ORDINANCE NO. 496

AN ORDINANCE OF THE CITY OF MANOR, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF MANOR, TEXAS BY ADDING ARTICLE 6.06 TO CHAPTER 6, HEALTH AND SANITATION, REGULATING LAND DISTURBING ACTIVITY; ESTABLISHING EROSION AND SEDIMENT CONTROL REQUIREMENTS; PROVIDING FOR DEFINITIONS; REQUIRING AN EROSION AND SEDIMENT CONTROL PLAN FOR LAND DISTURBING ACTIVITY; PROVIDING FOR DESIGN REQUIREMENTS; PROVIDING FOR INSPECTIONS; PROVIDING FOR ENFORCEMENT; PROVIDING A PENALTY FOR VIOLATIONS OF THE ORDINANCE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Whereas, the City Council of the City of Manor finds the establishment of erosion and sediment control requirements within the City will promote the general health, safety, and welfare of the City; and

Whereas, the development of land causes large quantities of soil to be displaced and transported to downstream locations which can create significant soil erosion and sedimentation problems and may result in potentially destructive consequences; and

Whereas, a buildup of sediment degrades water quality, destroys valuable environmental resources and obstructs watercourses and storm drains which can cause flooding, thereby damaging public and private lands and property; and

Whereas, the City finds it necessary to adopt the regulations set forth in this ordinance to govern erosion control to provide and maintain a safe, efficient and effective drainage system within the City of Manor and to establish the various public and private responsibilities for the provision thereof and to reserve the natural beauty and aesthetics of the community;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MANOR, TEXAS, THAT:

Section 1. Findings. The forgoing recitals are incorporated into this Ordinance as true and correct findings of fact.

Section 2. Amendment of Code of Ordinances. The City Council hereby amends Chapter 6 Health and Sanitation, of the City's Code of Ordinances to add a new *Article 6.06. Erosion and Sedimentation Control* section, attached hereto as Exhibit "A" and incorporated herein for all purposes.

Section 3. Repealing All Ordinances in Conflict. All other ordinances or parts of ordinances inconsistent or in conflict herewith, or to the extent of such inconsistency or conflict are hereby amended to the extent of such inconsistency or conflict. In the event of a conflict between this Ordinance and another ordinance of the City, this Ordinance shall control.

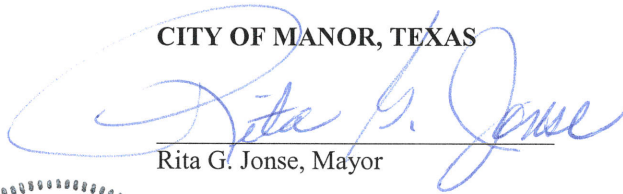
Section 4. Savings Clause. This City Council of the City of Manor, Texas does hereby declares that if any section, subsection, paragraph, sentence, clause, phrase, work or portion of this Ordinance is declared invalid, or unconstitutional, by a court of competent jurisdiction, that, in such event that it would have passed and ordained any and all remaining portions of this Ordinance without the inclusion of that portion or portions which may be so found to be unconstitutional or invalid, and declare that its intent is to make no portion of this Ordinance dependent upon the validity of any portion thereof, and that all said remaining portions shall continue in full force and effect.

Section 5. Compliance With Open Meetings Act. It is hereby officially found and determined that the meeting at which this Ordinance was considered was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

Section 6. Effective Date. This Ordinance shall take effect immediately upon its adoption by the City Council and publication as required by the Local Government Code.

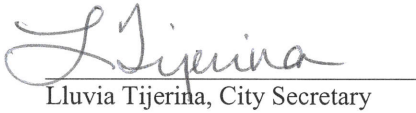
PASSED AND APPROVED on this the 15th day of November 2017.

CITY OF MANOR, TEXAS



Rita G. Jonse, Mayor

ATTEST:



Lluvia Tijerina, City Secretary



Exhibit "A"**ARTICLE 6.06 EROSION AND SEDIMENTATION CONTROL****Sec. 6.06.001 Purpose and Intent**

- (a) Eroded soil endangers water resources by reducing water quality and causing the siltation of aquatic habitats for fish and other desirable species.
- (b) Eroded soil also necessitates repair of storm sewers and ditches and the dredging of lakes or ponds.
- (c) In addition, clearing and grading during construction cause the loss of native vegetation necessary for terrestrial and aquatic habitat.
- (d) This Article sets forth the minimum performance standard necessary to protect against erosion and sedimentation problems within the City and to establish the various public and private responsibilities for providing this protection. It is the intent of this Article to set forth performance standards which all erosion and sedimentation controls must, at a minimum, meet. It shall be the duty and responsibility of all persons, firms or corporations to which this Article applies, to design and implement erosion and sedimentation control measures which meet the performance standards contained in this Article. Further, it is the purpose of this Article to:
- (1) Protect human life, health and property;
 - (2) Minimize expenditures of public money for cleaning sediment out of streets, sidewalks, storm drains and watercourses;
 - (3) Ensure that those who expose soil to possible erosion losses are minimizing those soil losses;
 - (4) Preserve the natural beauty and aesthetics of the community;
 - (5) Prevent the pollution of streams, ponds and other watercourses by sediment; and
 - (6) Provide for restoration of sites to reduce the negative environmental impacts of construction activity.

Sec. 6.06.002 Definitions

Accelerated Erosion. Any increase over the rate of natural erosion as a result of land disturbing activity.

Adequate Erosion Control Measures. Ones that control the soil material within the land area under responsible control of the Person conducting the land disturbing activity.

Adverse impact. Any deleterious effect on waters or wetlands, including their quality, quantity, surface area, species composition, aesthetics, or usefulness for human or natural uses, which are or may potentially be harmful or injurious to human health, welfare, safety or property, biological productivity, diversity, or stability or that unreasonably interfere with the enjoyment of life or property, including outdoor recreation.

Agricultural land management practices. Those methods and procedures used in the cultivation of land in order to further crop and livestock production and conservation of related soil and water resources. Logging and timber removal operations are not to be considered a part of this definition.

Applicant. Any person, firm, or government agency that executes the necessary forms to apply for a permit or approval to carry out construction of a project.

Best Management Practices or “BMPs”. Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of water in the State or the City MS4. BMPs include treatment requirements, operating procedures, and practices to control site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

Borrow. Fill material that is required for on-site construction and is obtained from other locations.

City. The City of Manor, Texas.

City Staff. The officers, employees and agents of the City assigned and designated from time to time by the City Administrator and/or City Council, including but not limited to the City Engineer, to review and/or comment and report on development plans.

Clearing. Any activity that removes the vegetative surface cover.

Construction Activity. Land disturbing activities that are subject to National Pollutant Discharge Elimination System (NPDES) Construction Permits. These activities include but are not limited to clearing and grubbing, grading, excavating and demolition.

Erosion. The wearing away of land surface by the action of wind, water, ice, gravity or artificial means or any combination thereof.

Erosion Control. A system of structural and vegetative measures that minimizes soil erosion and off-site sedimentation.

Grading. Any stripping, cutting, filling, stockpiling or a combination thereof which modifies the existing land surface contour.

Ground Cover. Any vegetative growth or other material that renders the soil surface stable against accelerate erosion.

Land Disturbing Activity. Any use of the land by any person in residential, governmental, industrial, educational, institutional or commercial development, highway and road construction and maintenance that results in a change in the Ground Cover or topography and that may cause or contribute to Sedimentation.

Natural Erosion. The wearing away of the earth’s surface by water, wind or other natural agents under natural environmental conditions undisturbed by man.

Owner/Developer. A person undertaking, or for whose benefit, activities covered by this Article are carried on. General contractors or subcontractors, or both, without a proprietary interest in a project are not included within this definition.

Person(s). An individual, association, partnership, firm, public or private corporation, joint venture, organization, business trust, estate, board, public or private institution, political subdivision, state or federal agency, utility, cooperative or other legal entity or an agent or employee thereof.

Person Responsible for the Violation:

- (a) The developer or other person who has or holds himself out as having financial or operational control over the land disturbing activity;
- (b) The landowner or person in possession or control of the land who has directly or indirectly allowed the land disturbing activity or has benefited from it or has failed to comply with any provision of this Article or any order adopted pursuant to this Article; and/or
- (c) The contractor with control of the tract or the contractor conducting the land disturbing activity.

Plan(s). An erosion and sedimentation control plan.

Sediment. Solid particulate matter, both mineral and organic, that has been or is being transported by water, air, gravity, ice or artificial means from its site of origin.

Sedimentation. The process by which sediment resulted from accelerated erosion has been or is being transported off the site of the land disturbing activity or into a wetland, lake or watercourse.

Site. Any tract, lot, or parcel of land, or combination of tracts, lots or parcels of land that are in one ownership, or are contiguous and in diverse ownership, where development is to be performed as part of a unit, subdivision, or project.

Stabilization. The protection of exposed soils from erosion by the application of seed and mulch, seed and matting, sod, other vegetative measures, and/or structural means.

Storm water. Water that originates from a precipitation event.

Storm Water Pollution Prevention Plan (SWPPP or SWP3). Are a requirement of the NPDES that regulates water quality when associated with construction or industrial activities. The SWPPP addresses all pollutants and their sources, including sources of sediment associated with construction, construction site erosion, and all other activities associated with construction activity and controlled through the implementation of BMPs.

Sec. 6.06.003 Ultimate Responsibility

The planning considerations given in this Article for erosion controls rely on a degree of erosion and sedimentation control and flood protection that is considered reasonable for regulatory purposes. This Article does not imply that erosion and sedimentation controls will survive inundation by runoff from storms or that land below such controls will be free from flooding or flood damages. This Article shall not create liability on the part of the City, or any officer or employee thereof, for any flood damages, or erosion or sedimentation damages, whether to persons or property, that result from reliance on this Article or any administrative decision lawfully made thereunder.

Sec. 6.06.004 Applicability

- (a) City of Manor Subdivision Ordinances apply to the review of the completeness of each new application for a preliminary plan, final plat, subdivision construction plan, residential development, single lot development, commercial development, and any development that requires a development permit.
- (b) City of Manor Subdivision Ordinances apply to the review of the completeness of each application to amend or propose revisions of an approved preliminary plan, final plat, subdivision construction plan, residential development, single lot development, commercial development, or any development that requires

a development permit. Non-substantive revisions or minor corrections are not subject to re-submittal and re-approval of an application.

(c) A substantive revision requiring re-submittal includes those that revise the limits of construction, increases the area of land disturbance, or increases impervious cover to the project by greater than ten (10) percent. Other substantial revisions requiring re-submittal include addition of a significantly new development activity, structures, requires a significant re-design of sediment controls, a sediment basin, permanent water quality control measures, the drainage plan, or a revision that would change a substantive term, condition, provision, or limiting parameter in an existing authorization.

(d) This Article applies to any owner of permanent water quality controls for an authorized development.

(e) Except as otherwise noted, This Article applies to the following applications:

(1) An application for a development permit or subdivision development that proposes 10,000 square feet or greater of impervious cover or where one (1) acre or more of land would be disturbed;

(2) An application for development that would disturb less than one (1) acre of land but is a part of a common plan of development where the overall development would disturb one (1) acre or more of land; and

(3) Other development applications, including applications for utility placement, right of way construction, single lot or parcel construction, a driveway, or an on-site sewerage facility, that propose less than 10,000 square feet of impervious cover or where less than one (1) acre of land would be disturbed which are subject to as a minimum, including following technical guidelines for erosion and sedimentation control provided by the City.

(f) The following activities are EXEMPT from the provisions of this Article:

(1) Agricultural land management practices and agricultural BMPs.

(2) Agricultural Structures.

(3) Clearing or grading activities that disturb less than 5,000 square feet of land area.

Sec. 6.06.005 Erosion and Sedimentation Control Plans

(a) Review and Approval of Erosion and Sediment Control Plans.

(1) In addition to those requirements for subdivisions found in the Code of Ordinances, City of Manor, Texas, all applicants for subdivision of land shall submit to the City an erosion and sedimentation control plan for approval prior to the commencement of construction. The erosion and sedimentation control plan shall be included in the engineering construction plans.

(2) A person may not start construction on a project without an erosion and sediment control plan approved by the City.

(3) The City shall review erosion and sediment control plans to determine compliance with this Article prior to approval. In approving the plan, the City may impose such conditions that may be deemed necessary to ensure compliance with the provisions of this Article and the preservation of public

health and safety.

(4) An applicant shall submit an erosion and sediment control plan to the City for review and approval. A SWPPP plan is required if more than five (5) acres of land is disturbed.

(b) Contents of Erosion and Sediment Control Plans.

(1) An applicant is responsible for submitting erosion and sediment control plans that meet the requirements of this Article. The plans shall include sufficient information to evaluate the environmental characteristics of the affected areas, the potential impacts of the proposed grading on water resources, and the effectiveness and acceptability of measures proposed to minimize soil erosion and off-site sedimentation.

(2) The objective of the Erosion and Sedimentation Control Plan is to prevent public erosion nuisances. The prevention of public erosion nuisances can be promoted, in part, by the following goals:

- (A) Reduce sedimentation in streams, creeks, lakes, waterways, storm drains, etc.
- (B) Protect the quality of the water in the City.
- (C) Provide, protect, and preserve wildlife habitat.
- (D) Provide for restoration of sites to reduce the negative environmental impacts of construction activity.

(3) At a minimum, applicants shall submit the following information:

- (A) Erosion and sediment control plans including:
 - (i) The existing topography and improvements as well as proposed improvements at a scale between 1" = 10' and 1" = 50' (or other approved readable scale) with two (2) foot contours or other approved contour interval;
 - (ii) The limits of construction (LOC);
 - (iii) Scale, project and sheet title, and north arrow on each plan sheet along with:
 - 1. Total disturbed area;
 - 2. Volume of cut and fill quantities; and
 - 3. Volume of borrow and spoil quantities;
 - (iv) Storm drainage features, including:
 - 1. Existing and proposed bridges, storm drains, culverts, outfalls, etc.;
 - 2. Velocities and peak flow rates at outfalls for the twenty-five year and one hundred-year frequency storm events; and
 - 3. Site conditions around points of all surface water discharge from the site;

(v) Erosion and sediment control practices to minimize on-site erosion and prevent off-site sedimentation including:

1. The salvage and reuse of topsoil;
2. Phased construction and implementation of grading to minimize disturbances,
3. Location, sizes and type of all proposed sediment control practices;
4. Design details for all erosion and sediment control practices; and
5. Specifications for temporary and permanent stabilization measures including, at a minimum:

a. The “Standard Stabilization Note” on the plan stating:

“Following initial soil disturbance or re- disturbance, permanent or temporary stabilization must be completed within:

(I) Three (3) calendar days as to the surface of all perimeter dikes, swales, ditches, perimeter slopes, and all slopes steeper than 3 horizontal to 1 vertical (3:1); and

(II) Seven (7) calendar days as to all other disturbed or graded areas on the project site not under active grading.”

b. Maintenance requirements;

(vi) A sequence of construction describing the relationship between the implementation and maintenance of controls, including permanent and temporary stabilization, and the various stages or phases of earth disturbance and construction. Any changes or revisions to the sequence of construction must be approved by the City prior to proceeding with construction. The sequence of construction, at a minimum, must include the following:

1. Request for a pre-construction meeting with the appropriate enforcement authority;
2. Clearing and grubbing as necessary for the installation of perimeter controls;
3. Construction and stabilization of perimeter controls;
4. Remaining clearing and grubbing within installed perimeter controls;
5. Road grading;
6. Grading for the remainder of the site;
7. Utility installation and connections to existing structures;
8. Construction of buildings, roads, and other construction;

9. Final grading, landscaping, and stabilization;
10. Installation of storm water management measures;
11. Removal of controls and stabilization of areas that are disturbed by removal of sediment controls;

(vi) A statement requiring the owner/developer or representative to contact the City or its agent at the following stages of the project or in accordance with the approved erosion and sediment control plan, grading permit or building permit:

1. Prior to the start of earth disturbance;
2. Upon completion of the installation of perimeter erosion and sediment controls, but before proceeding with any other earth disturbance or grading;
3. Prior to the start of another phase of construction and prior to the removal of sediment control practices;

(B) Any additional information or data deemed appropriate by the City of Manor.

(C) Methods of Reducing Erosion and Sedimentation – In order to implement the objectives stated about, the following design considerations are necessary:

- (i) Limit the size of disturbed areas to the greatest extent possible.
- (ii) Stabilize any disturbed area as soon as possible.
- (iii) Controls are required to intercept silt from all disturbed areas.
- (iv) Minimize the extent of sediment leaving the project site.
- (v) Reduce the concentration of storm water runoff and promote street flow to greatest extent possible.
- (vi) Erosion control plans should be phased to accommodate for changes in drainage patterns that occur during development.
- (vii) Reduce the silt leaving a construction site on the wheels of construction vehicles by providing vehicle washing areas and/or established construction entrances and exits.
- (viii) Preserve and protect existing vegetation to the greatest extent possible.
- (ix) Planning should consider the natural topography and soil condition in an attempt to limit the erosion potential.

(c) Modifications to Erosion and Sediment Control Plans

(1) The City may revise approved plans as necessary. Modifications may be requested by the owner/developer, the City or any state inspection agency.

(2) The City may develop a list of minor modifications that may be approved as filed revisions by the inspection agency. The City or its representatives must approve any list of minor modifications prior to its implementation.

Sec. 6.06.006 Permit Required

(a) A person commits an offense if the person performs or causes to be performed any land-disturbing activity without an approved site development or construction permit from the City.

(b) It is an affirmative defense to prosecution of a violation of subsection (a) that the land-disturbing activity consists of one of the following activities:

(1) An emergency activity that is immediately necessary for the protection of life, property, or natural resources; or

(2) A nursery and/or agricultural operation existing as of the date of adoption of this Article and conducted as a permitted main or accessory use on the site; or

(3) Gardening or yard work for a residential dwelling disturbing less than 7,500 square feet of vegetation.

(c) Each permit application shall be submitted to Development Services on a form maintained by the City.

(d) A person shall include with their construction or site development plans an Erosion and Sediment Control Plan for the property for which the land disturbing activity is proposed. Additionally, if applicable, offsite borrow areas, spoil areas and construction staging areas shall be considered as part of the development site and shall be included in the Plan. The Erosion and Sediment Control Plan shall meet the requirements of Section 6.06.005 hereof.

(e) Each application shall include a signed statement by the applicant affirming that any land clearing, grading, construction, or development involving the movement of earth shall be conducted in accordance with the Erosion and Sediment Control Plan approved with the site development or construction permit.

Sec. 6.06.007 Review and Approval

(a) City Staff or City Engineer, as appropriate, will review each application for a site development or construction permit to determine its conformance with the provisions of this Article.

(b) After receiving an application, the City shall review the application and:

(1) Approve the permit application; or

(2) Approve the permit application subject to such reasonable conditions as may be necessary to secure substantially the objectives of this Article, and issue the permit subject to these conditions; or

(3) Disapprove the permit application, indicating the reason(s) and procedure for submitting a revised application.

Sec. 6.06.008 Duties and Responsibilities

(a) Duties of the City Manager

The City Manager or his/her designee is hereby appointed to administer and implement this Article. The duties of the City Manager or his/her designee shall include, but not be limited to:

- (1) Inspecting sites to determine compliance with this Article;
- (2) Determining if sureties shall be exercised. If so, the City Manager shall arrange for the work to be done, and if not, the City Manager shall return the sureties to the applicant; and
- (3) Determining if a "stop work order" shall be issued and, if so, when the "stop work order" shall be removed from the project or construction, and work allowed to commence or recommence.

(b) Responsibilities of Owners

The owner, builder, developer, tenant, or any other person, firm, or corporation who owns, possesses, is in custody of, or exercises control of, property shall be responsible for any silt, mud, or sands transported from the property by drainage. The intent of this Article is that owners, builders, and developers make provisions for preventing erosion and sedimentation problems at such time as their property is proposed for development, use, or modification, and to continue such preventive measures during the actual construction and development of the property. Additionally, all persons, firms, or corporations who, after construction and development, own, possess, are in custody of, or exercise control of, the property are responsible for preventing the erosion and sedimentation problems addressed by this Article.

Sec. 6.06.009 Inspection

The City is responsible for the inspection and enforcement of all land disturbing activities, including those sites requiring an erosion and sediment control plan as specified by this Article. This enforcement authority may be delegated to TCEQ (Texas Commission on Environmental Quality) through a request by the TCEQ or required as a condition of a NDPEs municipal separate storm sewer system permit. This section applies to the City, TCEQ or, Travis County, if delegated the enforcement authority.

(a) Inspection Frequency and Reports

- (1) The owner/developer shall maintain a copy of the approved erosion and sediment control plan on site.
- (2) Every active site having a designed erosion and sediment control plan should be inspected for compliance with the plan on average once every two (2) weeks or after a rainfall of one (1) inch or more.
- (3) A written report shall be prepared by the inspection agency after every inspection. The report shall describe:
 - (A) The date and location of the site inspection;
 - (B) Whether the approved plan has been properly implemented and maintained;
 - (C) Practice deficiencies or erosion and sediment control plan deficiencies;
 - (D) If a violation exist, the type of enforcement action taken; and

- (E) If applicable, a description of any modifications to the plan.
- (4) The inspection agency shall notify the on-site personnel or the owner/developer in writing when violations are observed, describing:
 - (A) The nature of the violation;
 - (B) The required corrective action; and
 - (C) The time period in which to have the violation corrected.
- (b) Right of Entry
 - (1) Pursuant to Texas Water Code Section 26.171, City officials, employees, agents, and representatives are entitled to enter and inspect the premises of any person to determine whether or not:
 - (A) The quality of the water meets the state water quality standards adopted by the TCEQ;
 - (B) Persons discharging effluent into the public water located in the areas in which the City has jurisdiction have obtained permits for discharge of the effluent; and
 - (C) Persons who have permits are making discharges in compliance with the requirements of the permits.
 - (2) Pursuant to Texas Water Code Section 26.173, City officials, employees, agents, and representatives are entitled to enter any public or private property within the City's territorial jurisdiction to make inspections and investigations of conditions relating to water quality. In exercising this power, City officials, employees, agents, and representatives are subject to the same provisions and restrictions set forth in Texas Water Code Section 26.014 with respect to the TCEQ.
 - (3) City officials, employees, agents, representatives and contractors are entitled to enter public or private property at any reasonable time to investigate or monitor, or if the person responsible is not responsive or there is an immediate danger to public health or the environment, to remove or remediate a condition related to the quality of water in the state.
 - (4) City officials, employees, agents, representatives and contractors who enter private property must:
 - (A) Observe the property's rules and regulations concerning safety, internal security, and fire protection; and
 - (B) If the property has management in residence, notify management in person or the person then in charge in that person's presence and exhibit proper credentials.
 - (5) City officials, employees, agents, representatives, and contractors are entitled to enter and inspect premises as often as may be necessary to determine compliance with this Article. If a responsible person has security measures in force which require proper identification and clearance before entry into its premises, the responsible person shall make the necessary arrangements to allow access to City officials, employees, agents, representatives, and contractors.

(6) Responsible persons must allow City officials, employees, agents, representatives, and contractors 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 a TPDES permit to discharge storm water, and the performance of any additional duties as defined by state and federal law.

(7) If the premises are occupied, the City official, employee, agent, representative or contractor shall present credentials and request entry. If the premises are unoccupied, the City official, employee, agent, representative or contractor shall attempt to contact a responsible person and request entry before entering.

(8) At the written or oral request of the responsible person of a facility or vessel to be inspected or sampled, any temporary or permanent obstruction to safe and easy access to the facility or vessel to be inspected or sampled must be promptly removed by the responsible person at the written or oral request of a City official, employee, agent, representative, or contractor and must not be replaced.

(9) A delay of thirty (30) minutes or more in allowing a City official, employee, agent, representative, or contractor access to a permitted facility is a violation of a storm water discharge permit and of this Article. A person who is the owner or operator of a facility with a TPDES permit to discharge storm water associated with industrial activity violates this Article if the person denies City officials, employees, agents, representatives and contractors reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this Article.

(10) If a City official, employee, agent, representative, or contractor has been refused access to any part of the premises from which storm water is discharged, and is able to demonstrate probable cause to believe that there may be a violation of this Article, or that there is a need to inspect or sample as part of a routine inspection and sampling program designed to verify compliance with this Article or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the City official, employee, agent, representative, or contractor may seek issuance of a search warrant from any court of competent jurisdiction.

(c) Complaints

The City shall accept and investigate complaints regarding erosion and sediment control concerns from any interested parties and:

- (1) Conduct an initial investigation within three (3) working days from receipt of the complaint;
- (2) Notify the complainant of the initial investigation and findings within seven (7) days from receipt of the complaint; and
- (3) Take appropriate action when violations are discovered during the course of the complaint investigation.

Sec. 6.06.010 Notice Provisions

It shall be the duty of the appointed City Manager or his designee to give forty-eight (48) hours notice, in writing, to the owner or agent in charge of any premises believed to be in violation of this Article, to correct the public erosion nuisance and to clean up and remove the offending and burdensome sedimentation. A notice of less than forty-eight (48) hours may be given in the event that the City Manager decides, in his/her judgment, that the situation believed to be in violation of this Article poses a substantial and immediate threat to public health, safety, and welfare.

Sec. 6.06.011 Stop Work Orders

All development, improvement, and construction on any land which is in violation of the provisions of this Article may be halted and stopped by order of the City Manager. No stop work order may be issued until the notice provisions of this Article are fully complied with by the City and the owner or agent of the premises is given reasonable time period to correct the public erosion nuisance and to clean up and remove the offending and burdensome sedimentation.

Sec. 6.06.012 Violation; Penalties; Enforcement

(a) A person commits an offense if the person violates any provision or fails to comply with any of the requirements of this Article.

(b) Any person who violates any of the provisions of this Article shall be fined no more than One Thousand Dollars (\$1,000.00) for each violation of this Article. Each day that a violation is allowed to exist shall constitute a separate offense.

(c) The City Attorney is authorized to commence an action for appropriate legal or equitable relief in a court of competent jurisdiction. Such relief may include:

- (1) An injunction to prevent a violation of this Article;
- (2) Recovery for damages to the storm drainage system resulting from a violation of this Article;
- (3) Recovery for expenses incurred by the City in responding to a violation of this Article;
- (4) A civil fine of up to one thousand dollars (\$1,000.00) per day for a violation of this Article;
- (5) All other damages, costs and remedies to which the City may be entitled.

(d) The remedies listed in this Article are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the City to seek cumulative remedies.

Sec. 6.06.013 Violations Deemed A Public Nuisance

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this Article is a threat to public health, safety and welfare, and is declared and deemed a nuisance.