

CITY OF NORTH LOGAN
ORDINANCE NO. 12 - 02

AN ORDINANCE MODIFYING THE CITY OF NORTH LOGAN'S
STORM WATER ORDINANCE TO INCLUDE
PROVISIONS FOR ESCALATING ENFORCEMENT

WHEREAS, the City Council of the City of North Logan adopted the Storm Water Control System Ordinance (Ord. 06-03); and

WHEREAS, the city's General Utah Pollutant Discharge Elimination System (UPDES) permit No. UTR090000, paragraph 4.2.3.2. requires that the permittee (North Logan City) "must have a variety of enforcement options in order to apply escalating enforcement procedures as necessary for the severity of violation and/or the recalcitrance of the violator".

NOW THEREFORE, BE IT ORDAINED BY THE NORTH LOGAN CITY COUNCIL,
AS FOLLOWS:

SECTION 1: the following changes are hereby made to section 13G - 420 of the Storm Water Control System Ordinance. Items crossed out are eliminated and highlighted items are added:

13G – 420. Notice of Violation. Whenever the City finds that a person has violated a prohibition or failed to comply with a requirement of this Ordinance, the City will order compliance by ~~written notice of violation to the responsible person. Such notice may require without limitation:~~ provide notice of any violation by means of the following series of escalating enforcement options outlining the steps to be taken and consequences for non-compliance:

(A) **Verbal Warning.** A verbal warning is issued to inform the violator of the ordinance being violated and gives the violator a timeframe to comply. Depending on the severity of the violation and the time needed to correct the violation, this period may be from twenty-four (24) hours up to thirty (30) days.

(B) **Stop Work Order.** If the violator does not correct the violations in accordance with the verbal warning the city may issue a "Stop Work Order" and inform the violator that he/she/it must stop work and correct the violation or further actions will be taken. Before the violator may begin work again, the city must inspect and approve the violator's completed corrective action and rescind the "Stop Work Order".

(C) **Written Warning.** A written warning is issued to inform the violator of the ordinance being violated and give the violator a timeframe to comply. Depending on the severity of the violation and the time needed to correct the violation, this period may be from twenty-four (24) hours up to thirty (30) days.

(D) **Notice of Violation and/or Citation.** A formal "Notice of Violation" (NOV) is issued when the violator refuses to comply with the previous measures. The NOV may be

accompanied by a citation issued by law enforcement or it may inform the violator of a citation that will be issued if compliance is not completed within a certain time frame.

(E) **Further Legal Action.** The City may take further criminal or civil action as allowed by law to ensure compliance as it deems appropriate.

(F) **Additional Requirements.** Any or all of the above such notices may also require without limitation:

- (A) (1) The performance of monitoring, analyses, and reporting;
- (B) (2) The elimination of illicit connections or discharges;
- (C) (3) That violating discharges, practices, or operations shall cease and desist;
- (D) (4) The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;
- (E) (5) Payment to cover administrative, remediation, monitoring, analyses, and reporting costs; and
- (F) (6) The implementation of source control or treatment BMPs.

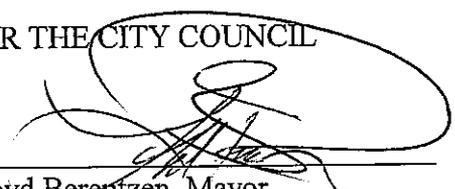
(G) **Repeat Offences, Serious Risks, and Emergencies.** The City may skip any of the individual notice requirements or escalating enforcement options set forth in this Section and immediately proceed with criminal and/or civil action against the violator if:

- (1) the violator has committed the same violation within the past 365 days, or
- (2) the violation, in the opinion of the City, creates a serious risk to persons, the environment or property, or
- (3) the City deems the violation to constitute an emergency.

SECTION 2: Effective Date. This ordinance shall take effect immediately upon publication and posting as required by law.

PASSED BY THE NORTH LOGAN CITY COUNCIL, STATE OF UTAH, THIS 7th DAY OF MARCH, 2012.

FOR THE CITY COUNCIL


Lloyd Berentzen, Mayor

ATTEST:


Scott Bennett, City Recorder

CERTIFICATE OF DUE POSTING

I, SCOTT BENNETT, City Recorder of North Logan, Utah, hereby certify that I, on the 9th day of March, 2012, in the City of North Logan, Cache County, State of Utah, posted the foregoing Ordinance No. 12 - 02 in a likely manner, a copy of which is hereto attached, in each of three public places in the said City of North Logan, to-wit:

1. North Logan City Offices, 2076 North 1200 East
2. North Logan City Library, 475 East 2500 North
3. North Park Police Department, 2005 North 1200 East

WITNESS my hand this 9th day of March, 2012.



City Recorder