

Jefferson County Stormwater Coalition SWMP

JCSW Coalition Standard Operating Procedure	Subject: Storm Water E & SC Enforcement & Penalization	SOP Number: JCSWC - 4
	Approved By: _____ MS4 Municipal SWMO Date	Issue Date: 6/1/2016

Purpose

To create a standard procedure for the enforcement and penalization of violators of the Storm Water and Erosion & Sediment Control Local Law.

Standard Operating Procedures

Preparation

1. The Storm Water Management Officer is to gather all information relevant to the SWPPP or E&SC Plan in question.

Process

Erosion and Sediment Control Inspection

The Stormwater Management Officer (SMO) may require such inspections as necessary to determine compliance and may either approve that portion of the work completed or notify the applicant wherein the work fails to comply with the requirements of the law and the stormwater pollution prevention plan (SWPPP) as approved. To obtain inspections, the applicant shall notify the SMO at least 48 hours before any of the following as required by the SMO:

- 1.1.1 Start of construction
- 1.1.2 Installation of sediment and erosion control measures
- 1.1.3 Completion of site clearing
- 1.1.4 Completion of rough grading
- 1.1.5 Completion of final grading
- 1.1.6 Close of the construction season
- 1.1.7 Completion of final landscaping
- 1.1.8 Successful establishment of landscaping in public areas.

If any violations are found, the applicant and developer shall be notified in writing of the nature of the violation and the required corrective actions. No further work shall be conducted except for site stabilization until any violations are corrected and all work previously completed has received approval by the Stormwater Management Officer.

Enforcement and Penalties

Notice of Violation

When the Municipality determines that a land development activity is not being carried out in accordance with the requirements of this local law, it may issue a written notice of violation to the landowner. The notice of violation shall contain :

1. the name and address of the landowner, developer or applicant;
2. the address when available or a description of the building, structure or land upon which the violation is occurring;
3. a statement specifying the nature of the violation;
4. a description of the remedial measures necessary to bring the land development activity into compliance with this local law and a time schedule for the completion of such remedial action;
5. a statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed;
6. a statement that the determination of violation may be appealed to the municipality by filing a written notice of appeal within fifteen (15) days of service of notice of violation.

<p>JCSW Coalition Standard Operating Procedure</p>	<p>Subject: Storm Water E & SC Enforcement & Penalization</p>	<p>SOP Number: JCSWC - 2</p>
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Stop Work Orders

The Municipality may issue a stop work order for violations of this law. Persons receiving a stop work order shall be required to halt all land development activities, except those activities that address the violations leading to the stop work order. The stop work order shall be in effect until the Municipality confirms that the land development activity is in compliance and the violation has been satisfactorily addressed. Failure to address a stop work order in a timely manner may result in civil, criminal, or monetary penalties in accordance with the enforcement measures authorized in this local law.

Violations

Any land development activity that is commenced or is conducted contrary to this local law, may be restrained by injunction or otherwise abated in a manner provided by law.

Penalties

In addition to or as an alternative to any penalty provided herein or by law, any person who violates the provisions of this local law shall be guilty of a violation punishable by a fine not exceeding three hundred fifty dollars (\$350) or imprisonment for a period not to exceed six months, or both for conviction of a first offense; for conviction of a second offense both of which were committed within a period of five years, punishable by a fine not less than three hundred fifty dollars nor more than seven hundred dollars (\$700) or imprisonment for a period not to exceed six months, or both; and upon conviction for a third or subsequent offense all of which were committed within a period of five years, punishable by a fine not less than seven hundred dollars nor more than one thousand dollars (\$1000) or imprisonment for a period not to exceed six months, or both. However, for the purposes of conferring jurisdiction upon courts and judicial officers generally, violations of this local law shall be deemed misdemeanors and for such purpose only all provisions of law relating to misdemeanors shall apply to such violations. Each week’s continued violation shall constitute a separate additional violation. If any building or land development activity is installed or conducted in violation of this local law the Stormwater Management Officer may prevent the occupancy of said building or land.

Restoration of lands

Any violator may be required to restore land to its undisturbed condition. In the event that restoration is not undertaken within a reasonable time after notice, the Municipality may take necessary corrective action, the cost of which shall become a lien upon the property until paid.

Withholding of Certificate of Occupancy

If any building or land development activity is installed or conducted in violation of this local law the Stormwater Management Officer may prevent the occupancy of said building or land.

Documentation

The SWMO will document the enforcement action on the inspection page within the JCSW Coalition SWMP.

