

Lindon City Storm Water
Enforcement Procedures
{Lindon City Code 13.23.120 and 13.23.260}

13.23.120 Notice of Violation.

1. Whenever the City finds that a person has violated a prohibition or failed to comply with a requirement of this Chapter, the City will order compliance by written notice of violation to the responsible person. Such notice may require without limitation;
 - a. The performance of monitoring, analyses, and reporting;
 - b. The elimination of illicit connections or discharges;
 - c. The violating discharges, practices, or operations shall cease and desist.
 - d. The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property.
 - e. Payment to cover administrative, remediation, monitoring, analyses, and reporting costs; and
 - f. The implementation of detention, source control, or treatment BMPs.
2. The City is not required to provide the notice requirements set forth in this Section and immediately proceed with criminal and/or civil action against the violator if:
 - a. the violator has committed the same violation in the past;
 - b. the violation, in the opinion of the City, creates a serious risk to person, the environment or property; or
 - c. the City deems the violation to constitute an emergency.

13.23.260 Violations and Enforcement.

1. The violation of any of the provisions of this Chapter shall be a Class B Misdemeanor. Each day that a violation occurs shall constitute a separate offense.
2. The City may impose a civil fine of up to \$200.00 Dollars a day for each day the violation occurs. The City may, at its discretion, assess said charges against any bond posted by the contractor and/or property owner and may place a lien upon the real estate for the charges.
3. Both the owner(s) of the property on which a violation occurs and the contractor(s) who's work results in a violation of this chapter may be prosecuted separately and may individually face the additional penalties listed herein.
4. Violators of this Chapter are also subject to any penalties that may be imposed by the State of Utah, under the authority of the Utah Water Quality Act, Title 19, Chapter 5 of the Utah Code.
5. In addition to any criminal fines and/or penalties which may be assessed for a violation of this Chapter, the City shall have the right to take any and all steps necessary to investigate, detect and effect the immediate cessation of improper disposal practices and illicit discharges and non-storm water discharges, including, but not limited to illegal dumping. The City shall have the right to issue an immediate stop work order and/or to install and/or maintain appropriate erosion and sediment control measures on any site which is required to have such measures in the event that construction activity is commenced or continued without such measures having been installed as required by this Chapter. The City shall have the right to have such measures installed or maintained by City personnel or to hire a private contractor to perform such work and the contractor and/or the property shall be liable for any and all expenses related to performing such work plus a 25% penalty charge. The City at its discretion may

assess said charges against any bond posted by the contractor and/or property owner and may place a lien upon the real estate for the charges.

6. Violators of this chapter may also be subject to prosecution, fines and penalties from the State of Utah and the United State EPA.

7. The City shall apply the following procedure in addressing violations of this Chapter.

a. Violations involving Development or Construction Sites

- i. If possible, personal contact shall be made with the site manager/foreman and/or property owner, or a written warning shall be left on site explaining the violation and potential penalties if the violation is not remedied.
- ii. A second notice of violation, if necessary, shall be issued in writing. Building Inspections shall not be permitted after Second warning of violation.
- iii. A Third notice of violation shall be issued in writing and a Stop Work Order shall be issued after the third notice. The City may impose a civil fine, which may be applied retroactively for each day from when the first notice of the violation was provided.
- iv. Any violation after a third notice of violation will result criminal penalties, which may be applied retroactively to date of the first notice of violation. However, the City may not impose a criminal charge for any day for which a civil fine was imposed.
- v. The City shall not be required to give repeated warnings and notices of violations that may be of a different nature, quantity, or quality than of previous violations and notice of one violation shall serve as warning against all future violations.
- vi. Notices of violations shall apply to all areas that are part of a larger common plan of development or sale if owned or controlled by the same entity or individual, even if separate building permits are issued for individual lots.

b. Violations involving Existing Structures or Non-Construction Sites.

- i. If possible, personal contact shall be made with the occupant or owner of the property or a written warning shall be left on the property explaining the violation and potential penalties if the violation is not remedied
- ii. A second notice of violation will be provided if the violation is not remedied within 24 hours.
- iii. If the violation continues after the second notice, the city shall provided a Third Notice and may impose a civil fine which may be applied retroactively for each day from when the first notice of the violation was provided.
- iv. Any continuation of the violation after the Third notice will result criminal penalties, which may be applied retroactively to date of the first notice of violation. However, the City may not impose a criminal charge for any day for which a civil fine was imposed.

c. The City shall not be required to comply with the notice requirements of this section if a Public Work Representative, Community Development Representative, or City Engineer determine that the violation constitutes a substantial threat to the water quality and/or the City's Storm Water Collection System.