



STATE OF ARKANSAS
City of Brookland

ORDINANCE NO. 2009-1

AN ORDINANCE FOR STORM WATER POLLUTION PREVENTION AND EROSION CONTROL

BE IT ORDAINED AND ENACTED by the City Council of the City of Brookland, Arkansas, that:

SECTION 1. Purposes

The purpose and objectives of this Ordinance are as follows:

- A. To maintain and improve the quality of water impacted by the storm drainage system within the City of Brookland.
- B. To prevent the discharge of contaminated storm water runoff and illicit discharges from industrial, commercial, residential, and construction sites into the storm drainage system within the City of Brookland.
- C. To promote public awareness of the hazards involved in the improper discharge of trash, yard waste, lawn chemicals, pet waste, wastewater, oil, petroleum products, cleaning products, paint products, hazardous waste, sediment, and other pollutants into the storm drainage system.
- D. To facilitate compliance with state and federal standards and permits by owners of construction sites within the City of Brookland.
- E. To enable the City of Brookland to comply with all federal and state laws and regulations applicable to the National Pollutant Discharge Elimination System (NPDES) permitting requirements for storm water discharges.

SECTION 2. Administration

Except as otherwise provided herein, the Storm Water Discharge Commission shall administer, implement, and enforce the provisions of this Ordinance. The Storm Water Discharge Commission shall be composed of three members appointed by

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the Mayor and approved by the City Council. At least one member of the Commission shall be a current member of the City Council.

SECTION 3. Abbreviation

The following abbreviations when used in this Ordinance shall have the following meanings:

ADEQ – Arkansas Department of Environmental Quality
BMP – Best Management Practices
CFR – Code of Federal Regulations
EPA – U. S. Environmental Protection Agency
HHW – Household Hazardous Waste
MS4 – Municipal Separate Storm Sewer System
NPDES – National Pollutant Discharge Elimination System
SWP3 – Storm Water Pollution Prevention Plan

SECTION 4. Definitions

Unless a provision explicitly states otherwise, the following terms and phrases as used in this Ordinance, shall have the meanings hereinafter designated.

Best Management Practices (BMP's) - refers to management practices and methods to control pollutants in storm water. BMP's are of two types: "source controls" (nonstructural) and "treatment controls" (structural). Source controls are practices that prevent pollution by reducing potential pollutants at their source, before they come into contact with storm water. Treatment controls remove pollutants from storm water. The selection, application and maintenance of BMP's must be sufficient to prevent or reduce the likelihood of pollutants entering the storm drainage system.

City - the City of Brookland, Arkansas.

Code Enforcement Officer - the person appointed to the position of code enforcement officer by the city of Brookland, AR.

Construction Site - any location where construction activity occurs.

Contaminated - containing harmful quantities of pollutants.

Contractor- any person or firm performing or managing construction work at a construction site, including any construction manager, general contractor or subcontractor. Also includes, but is not limited to, earthwork, paving, building, plumbing, mechanical, electrical or landscaping contractors, and material suppliers delivering materials to the site.

Discharge - any addition or release of any pollutant, storm water or any other substance whatsoever into storm drainage system.

Discharger - any person who causes, allows, permits, or is otherwise responsible for, a discharge, including, without limitation, any owner of a construction site or industrial facility.

Domestic Sewage - sewage originating primarily from kitchen, bathroom and laundry sources, including waste from food preparation, dishwashing, garbage grinding, toilets, baths, showers and sinks.

Earthwork - the disturbance of soils on a site associated with clearing, grading, or excavation activities.

Environmental Protection Agency (EPA) - the United States Environmental Protection Agency, the regional office thereof, any federal department, agency, or commission that may succeed to the authority of the EPA, and any duly authorized official of the EPA or such successor agency.

Facility - any building, structure, installation, process, or activity from which there is or may be a discharge of a pollutant.

Fertilizer - a substance or compound that contains an essential plant nutrient element in a form available to plants and is used primarily for its essential plant nutrient element content in promoting or stimulating growth of a plant or improving the quality of a crop, or a mixture of two or more fertilizers.

Fire Protection Water - any water, and any substances or materials contained therein, used by any person to control or extinguish a fire, or to inspect or test fire equipment.

Garbage - putrescible animal and vegetable waste materials from the handling, preparation, cooking, or consumption of food, including waste materials from markets, storage facilities, and the handling and sale of produce and other food products.

Groundwater - any water residing below the surface of the ground or percolating into or out of the ground.

Harmful Quantity - the amount of any substance that the Mayor determines will cause an adverse impact to storm drainage system or will contribute to the failure of the City to meet the water quality based requirements of the NPDES permit for discharges from the MS4.

Hazardous Substance - any substance listed in Table 302.4 of 40 CFR Part 302.

Hazardous Waste - any substance identified or listed as a hazardous waste by the EPA pursuant to 40 CFR Part 261.

Household Hazardous Waste (HHW) - any material generated in a household (including single and multiple residences) that would be classified as hazardous.

Illegal Discharge - See illicit discharge below.

Illicit Discharge - any discharge to the storm drainage system that is prohibited under this Ordinance.

Illicit Connection - any drain or conveyance, whether on the surface or subsurface, which allows an illicit discharge to enter the storm drainage system.

Industrial Waste (or commercial waste) - any wastes produced as a byproduct of any industrial, institutional or commercial process or operation, other than domestic sewage.

Land Alteration - the process of grading, clearing, filling, excavating, quarrying, tunneling, trenching, construction or similar activities

Mechanical Fluid - any fluid used in the operation and maintenance of machinery, vehicles and any other equipment, including lubricants, antifreeze, petroleum products, oil and fuel.

Mobile Commercial Cosmetic Cleaning (or mobile washing) - power washing, steam cleaning, and any other method of mobile cosmetic cleaning, of vehicles and/or exterior surfaces, engaged in for commercial purposes or related to a commercial activity.

Municipal Separate Storm Sewer System (MS4) - the system of conveyances, including roads, streets, curbs, gutters, ditches, inlets, drains, catch basins, pipes, tunnels, culverts, channels, detention basins and ponds owned and operated by the City and designed or used for collecting or conveying storm water, and not used for collecting or conveying sanitary sewage.

NPDES - the National Pollutant Discharge Elimination System.

NPDES Permit - a permit issued by EPA that authorizes the discharge of pollutants to Waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

Notice of Violation - a written notice detailing any violations of this Article and any action expected of the violators.

Oil - any kind of oil in any form, including, but not limited to: petroleum, fuel oil, crude oil, synthetic oil, motor oil, cooking oil, grease, sludge, oil refuse, and oil mixed with waste.

Release - to dump, spill, leak, pump, pour, emit, empty, inject, leach, dispose or otherwise introduce into the storm drainage system.

Rubbish - non-putrescible solid waste, excluding ashes, that consist of: (A) combustible waste materials, including paper, rags, cartons, wood, excelsior, furniture, rubber, plastics, yard trimmings, leaves, and similar materials; and (B) noncombustible waste materials, including glass, crockery, tin cans, aluminum cans, metal furniture, and similar materials that do not burn at ordinary incinerator temperatures (1600 to 1800 degrees Fahrenheit).

Sanitary Sewage - the domestic sewage and/or industrial waste that is discharged into the City sanitary sewer system and passes through the sanitary sewer system to the City sewage treatment plant for treatment.

Sanitary Sewer - the system of pipes, conduits, and other conveyances which carry industrial waste and domestic sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, to the City sewage treatment plant (and to which storm water, surface water, and groundwater are not intentionally admitted).

Sediment - soil (or mud) that has been disturbed or eroded and transported naturally by water, wind or gravity, or mechanically by any person.

Septic Tank Waste - any domestic sewage from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks and aerated tanks.

Shall - Means mandatory; may means discretionary.

Site - the land or water area where any facility or activity is physically located or conducted, including adjacent land used in connection with the facility or activity.

Solid Waste - any garbage, rubbish, refuse and other discarded material, including solid, liquid, semisolid, or contained gaseous material, resulting from industrial, municipal, commercial, construction, mining or agricultural operations, and residential, community and institutional activities.

State - The State of Arkansas.

Storm Drainage System - all surfaces, structures and systems that contribute to or convey storm water, including private drainage systems, the MS4, surface water, groundwater, Waters of the State and Waters of the United States.

Storm water - runoff resulting from precipitation.

Storm Water Discharge Commission – Means a Commission of at least three (3) individuals, one of which must be an active member of the City Council, appointed by the Mayor and approved by the City Council, for the purpose of assisting with the implementation and administration of this Ordinance and the Storm Water Management Program.

Storm water Pollution Prevention Plan (SWP3) - a document that describes the Best Management Practices to be implemented at a site, to prevent or reduce the discharge of pollutants.

Subdivision Development - Includes activities associated with the platting of any parcel of land into two or more lots and includes all construction activity taking place thereon.

Surface Water - water bodies and any water temporarily residing on the surface of the ground, including oceans, lakes, reservoirs, rivers, ponds, streams, puddles, channelized flow and runoff.

Uncontaminated - not containing harmful quantities of pollutants.

Used Oil (or Used Motor Oil) - any oil that as a result of use, storage, or handling, has become unsuitable for its original purpose because of impurities or the loss of original properties.

Utility Agency - private utility companies, City departments or contractors working for private utility companies or City departments, engaged in the construction or maintenance of utility distribution lines and services, including water, sanitary sewer, storm sewer, electric, gas, telephone, television and communication services.

Wastewater - any water or other liquid, other than uncontaminated storm water, discharged from a facility.

Water of the State (or water) - any groundwater, percolating or otherwise, lakes, bays, ponds, impounding reservoirs, springs, rivers, streams, creeks, estuaries, marshes, inlets, canals, inside the territorial limits of the State, and all other bodies of surface water, natural or artificial, navigable or non-navigable, and including the beds and banks of all water courses and bodies of surface water, that are wholly or partially inside or bordering the State or inside the jurisdiction of the State.

Water Quality Standard - the designation of a body or segment of surface water in the State for desirable uses and the narrative and numerical criteria deemed by State or Federal regulatory standards to be necessary to protect those uses.

Waters of the United States - all waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which

are subject to the ebb and the flow of the tide; all interstate waters, including interstate wetlands; all other waters the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce; all impoundments of waters otherwise defined as waters of the United States under this definition; all tributaries of waters identified in this definition; all wetlands adjacent to waters identified in this definition; and any waters within the federal definition of "waters of the United States" at 40 CFR Section 122.2; but not including any waste treatment systems, treatment ponds, or lagoons designed to meet the requirements of the Federal Clean Water Act.

Wetland - any area that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

Yard Waste - leaves, grass clippings, tree limbs, brush, soil, rocks or debris that result from landscaping, gardening, yard maintenance or land clearing operations.

SECTION 5. Prohibitions

- A. No person shall release or cause to be released into the storm drainage system, any discharge that is not composed entirely of uncontaminated storm water, except as allowed herein. Common storm water contaminants include trash, yard waste, lawn chemicals, pet waste, wastewater, oil, petroleum products, cleaning products, paint products, hazardous waste, and sediment.
- B. Any discharge shall be prohibited by this section, if the discharge in question has been determined by the Storm Water Discharge Commission to be a source of pollutants to the storm drainage system.
- C. The construction, use, maintenance or continued existence of illicit connections to the storm drain system are prohibited. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
- D. No Person shall connect a line conveying sanitary sewage, domestic sewage or industrial waste to the storm drainage system, or allow such a connection to continue.
- E. No person shall maliciously destroy or interfere with BMP's implemented pursuant to this Ordinance.

SECTION 6. Exemptions

The following non-storm water discharges are deemed acceptable, and not a violation of this section:

- A. A discharge authorized by an NPDES permit other than the NPDES permit for discharges from the MS4;
- B. Uncontaminated waterline flushing and other infrequent discharges from potable water sources;
- C. Infrequent uncontaminated discharge from landscape irrigation or lawn watering;
- D. Discharge from the occasional noncommercial washing of vehicles on properties zoned R-1, R-2, and R-3.
- E. Uncontaminated discharge from foundation, footing or crawl space drains, sump pumps and air conditioning condensation drains;
- F. Uncontaminated ground water, including rising ground water, ground water infiltration into storm drains, pumped ground water and springs;
- G. Diverted stream flows and natural riparian habitat or wetland flows;
- H. A discharge or flow of fire protection water that does not contain oil or hazardous substances or materials.

SECTION 7. Requirements applicable to certain dischargers.

- A. *Private drainage system maintenance.* The owner of any private drainage system shall maintain the system to prevent or reduce the discharge of pollutants. This maintenance shall include, but is not limited to, sediment removal, bank erosion repairs, maintenance of vegetative cover, and removal of debris from pipes and structures.
- B. *Minimization of irrigation runoff.* A discharge of irrigation water that is of sufficient quantity to cause flooding of the storm drainage system is prohibited. Irrigation systems shall be managed to reduce the discharge of water from the site.
- C. *Maintenance of Equipment.* Any leak or spill related to equipment maintenance in an outdoor, uncovered area shall be contained to prevent the potential release of pollutants. Vehicles, machinery, and equipment must be maintained to reduce leaking fluids.

- D. *Materials Storage.* Materials shall be stored to prevent the potential release of pollutants. The uncovered, outdoor storage of unsealed containers of hazardous substances is prohibited.
- E. *Pesticides, herbicides, and fertilizers.* Pesticides, herbicides and fertilizers shall be applied in accordance with manufacturer recommendations, and applicable laws. Excessive application shall be avoided.
- F. *Prohibition on use of pesticides and fungicides banned from manufacture.* Use of any pesticide, herbicide or fungicide, the manufacture of which has been either voluntarily discontinued or prohibited by the Environmental Protection Agency, or any federal or state regulation is prohibited.
- G. *Open drainage channel maintenance.* Every person owning or occupying property through which an open drainage channel passes, shall keep and maintain that part of the drainage channel within the property, free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or retard the flow of water through the drainage channel. In addition, the owner or occupant shall maintain existing privately owned structures adjacent to a drainage channel, so that such structures will not become a hazard to the use, function, or physical integrity of the drainage channel.

SECTION 8. Release reporting and clean-up.

Any person responsible for a known or suspected release of materials which are resulting in, or may result in illegal discharges to the storm drainage system, shall take all necessary steps to ensure the discovery, containment, abatement and cleanup of such release. In the event of such a release of a hazardous material, said person shall comply with all state, federal and local laws requiring reporting, clean-up, containment and any other appropriate remedial action in response to the release. In the event of such a release of non-hazardous materials, said person shall notify the Mayor's Office no later than 5:00 pm of the next business day.

SECTION 9. Authorization to adopt and impose best management practices.

The City of Brookland may adopt and impose requirements identifying best management practices for any activity, operation, or facility, which may cause a discharge of pollutants to the storm drainage system. Where specific BMP's are required, every person undertaking such activity or operation, or owning or operating such facility shall implement and maintain these BMP's at their own expense.

SECTION 10. General requirements for construction sites.

- A. *[Responsible Party.]* The owner of a site of construction activity shall be responsible for compliance with the requirements of this ordinance, and with the requirements of the state of Arkansas Construction General Permit (for discharge of storm water from construction sites), which is incorporated in its entirety herein. The state Construction General Permit was developed in accordance with provisions of the Arkansas Water and Air Pollution Control Act (Act 472 of 1949, as amended, Ark. Code Ann. 8-4-101 et seq., and the Clean Water Act (33 U.S.C. 1251 et. seq.).
- B. *Waste Disposal.* Solid waste, industrial waste, yard waste, and any other pollutants or waste on any construction site shall be controlled through use of best management practices. Waste or recycling containers shall be provided and maintained by the owner or contractor, on construction sites where there is potential for release of waste. Uncontained waste that may blow, wash, or otherwise be released from the site is prohibited.
- C. *[Release of materials.]* Ready-mixed concrete, or any materials resulting from the cleaning of vehicles or equipment containing, or used in transporting, or applying ready-mixed concrete, shall be contained on construction sites for proper disposal. Release of these materials is prohibited.
- D. *Erosion and sediment control.* Best management practices shall be implemented to prevent the release of sediment from construction sites. Disturbed areas shall be minimized, disturbed soil shall be managed, and construction site entrances shall be managed to prevent sediment tracking. Excessive sediment tracking onto public streets shall be removed immediately.
- E. *[Continued compliance – Post Construction.]* Upon completion of permitted construction activity on any site, the property owner and subsequent property owners, will be responsible for continued compliance with the requirements of this article, in the course of maintenance, reconstruction, or any other construction activity on the site.

SECTION 11. Construction sites requiring an approved SWP3.

This section applies to all construction sites where construction activities on a site will disturb soil, or remove vegetation on one (1) or more acres of land during the life of the construction project. An approved Storm Water Pollution Prevention Plan (SWP3) for the project must be provided, and implemented by the construction site owner as follows:

- A. The area disturbed shall be assumed to include the entire property area unless all applicable plans specifically exclude certain areas from disturbance.
- B. The SWP3 must be provided by the owner, and submitted to the city for approval. A copy of the SWP3 shall be submitted to the Storm Water Discharge Commission.

For sites subject to plan review by the city, the plan will not be released for construction until an approved SWP3 has been obtained.

- C. The Storm Water Discharge Commission will review the SWP3 submitted for the site, and will return either an approval of the SWP3, or a request for revisions. Construction activity, including any soil disturbance or removal of vegetation, shall not commence on the site until the Commission has issued an approval of the SWP3.
- D. The owner/developer bears the responsibility for implementation of the SWP3, and notification of all contractors and utility agencies on the site.
- E. The owner/developer bears the responsibility for meeting compliance with the State of Arkansas Construction General Permit (for discharge of storm water from construction sites).

SECTION 12. Subdivision developments requiring an approved SWP3

Where construction of a subdivision development will disturb soil, or remove vegetation on one (1) or more acres of land during the life of the development project, approved storm water pollution prevention plans (SWP3's) for the project must be provided, and implemented by the subdivision owner/developer as follows:

- A. The area disturbed shall be assumed to include the entire platted area.
- B. SWP3's must be provided by the subdivision owner/developer, and submitted to the Storm Water Discharge Commission for approval.
- C. SWP3's must be provided for all phases of development, including sanitary sewer construction, storm drainage system construction, waterline, street and sidewalk construction, general grading, and the construction of individual homes. The subdivision owner/developer will not be required to provide an SWP3 for the activities of utility agencies within the subdivision.
- D. The subdivision owner/developer shall provide a copy of the approved SWP3's to all utility agencies prior to their working within the subdivision.
- E. The subdivision owner/developer bears the responsibility for implementation of the approved SWP3's for all construction activity within the development, excluding construction managed by utility agencies.
- F. The subsequent owner of an individual lot bears the responsibility for continued implementation of the approved SWP3's for all construction activity within, or related to the individual lot, excluding construction managed by utility agencies.

SECTION 13. Storm water pollution prevention plans.

Preparation and implementation of storm water pollution prevention plans for construction activity shall comply with the following:

A. *Preparation.*

- (1) The SWP3 shall be prepared under the direction of a qualified person.
- (2) The SWP3 shall provide the name, address, and phone number of the project owner, for purposes of correspondence and enforcement.
- (3) The SWP3 shall identify existing natural resources such as streams, forest cover, and other vegetative cover.
- (4) The SWP3 shall specify and provide detail for all BMP's necessary to meet the requirements of this article, including any applicable BMP's that have been adopted and imposed by the city of Brookland.
- (5) The SWP3 shall specify when each BMP will be installed, and for how long it will be maintained within the construction sequence. Multiple plans may be required for major phases of construction such as rough grading, building construction and final grading.
- (6) The SWP3 shall delineate all anticipated disturbed areas and specify the vegetative cover that must be established in those areas to achieve final stabilization.

B. *Implementation.*

- (1) BMP's shall be installed and maintained by qualified persons. The owner/developer, or their representative shall be able to provide, upon the Code Enforcement Officer's request, a copy of the SWP3 on site, and shall be prepared to respond to unforeseen maintenance of specific BMP's.
- (2) The owner/developer or their representative shall inspect all BMP's at least once per month, and within 24 hours after a rainfall of one quarter of an inch or more, as measured at the site, or generally reported in the Brookland area.
- (3) Based on inspections performed by the owner/developer, or by authorized city personnel, modifications to the SWP3 will be necessary if at any time the specified BMP's do not meet the objectives of this article, or those of the state of Arkansas Construction General Permit. In this case, the owner/developer, or authorized representative shall meet with authorized city personnel to determine the appropriate modifications. All modifications shall be completed within seven (7) days of the referenced inspection, except in the circumstances necessitating more

timely attention, and shall be recorded on the owner's copy of the SWP3.

SECTION 14. Requirements for utility construction.

- A. Utility agencies shall be responsible for compliance with the requirements of this article.
- B. Utility agencies shall develop and implement best management practices (BMP's) to prevent the discharge of pollutants on any site of utility construction within the city of Brookland. In addition, the city may adopt and impose BMP's on utility construction activity.
- C. Utility agencies shall implement BMP's to prevent the release of sediment from utility construction sites. Disturbed areas shall be minimized, disturbed soil shall be managed, and construction site entrances shall be managed to prevent sediment tracking. Excessive sediment tracked onto public streets shall be removed immediately.
- D. Prior to entering a construction site or subdivision development, utility agencies shall have obtained from the owner, a copy of any SWP3's for the project. Any disturbance to BMP's resulting from utility construction, shall be repaired immediately by the utility company, in compliance with the SWP3.

SECTION 15. Enforcement personnel authorized.

The following personnel employed by the city shall have the power to issue notices of violations and implement other enforcement actions under this article, as provided by the City of Brookland.

- A. All authorized personnel under the supervision of the Mayor.
- B. All code enforcement officers under the supervision of the Mayor.
- C. All health officers that are authorized representatives of the Craighead County Health Department.

SECTION 16. Right of entry and sampling.

- A. Whenever the code enforcement officer has cause to believe that there exists, or potentially exists, in or upon any premises any condition which constitutes a violation of this ordinance, the code enforcement officer shall have the right to enter the premises at any reasonable time to determine if the discharger is complying with all requirements of this ordinance. In the event that the owner or occupant refuses

entry after a request to enter has been made, the city is hereby empowered to seek assistance from a court of competent jurisdiction in obtaining such entry.

- B. The Mayor and/or code enforcement officer shall have the right to set up on the property of any discharger to the storm drainage system, such devices that are necessary to conduct sampling of discharges.

SECTION 17. Enforcement procedures.

This Ordinance establishes a formal enforcement procedure to be followed by the City of Brookland Mayor and Storm Water Discharge Commission, when enforcement action is necessary on sites that do not comply with the city's storm water pollution prevention and erosion control ordinance. Enforcement cases can be generated in any of three ways: (1) through the construction review (inspection) process; (2) through complaints from individuals, groups, etc.; and (3) through referrals from city/state agencies. Procedures to be followed for each of these methods are outlined below:

- A. *Construction Review (Inspection).* Every effort is made to use the construction review process to correct deficiencies in site compliance whenever possible. Should that process fail to achieve expected results, or if the code enforcement officer feels that a violation is serious enough to warrant enforcement action, the following procedures shall be followed:

- (1) *Issuance of Notice of Violation.* If site deficiencies are noted, the owner/developer, or authorized agent shall be given a notice of violation. The notice of violation shall be specific as to the noted violation, corrective measures to be taken, and time frame allowed for completion of the work.

- (2) *Compliance Review.* At the end of the time period specified above, a follow-up site inspection shall take place to determine whether compliance has been achieved. Depending on that determination, the following actions may occur:

- a. Site violations corrected. If all previous site violations have been corrected, the code enforcement officer shall issue an inspection report stating that fact, and the site shall be returned to a normal construction review status.

- b. Previous violations not corrected. If previously noted violations have not been satisfactorily corrected, then further actions may be initiated as outlined in the following section.

- B. *Submissions from the General Public.* Members of the general public may submit information pertaining to this ordinance to the City of Brookland Storm Water Discharge Commission. The Mayor will consider such submissions as they pertain

to the implementation and enforcement of this ordinance, and will provide written or verbal response to the person submitting the information.

C. *Referrals from other agencies.* Referrals from other agencies will be handled in the following manner:

(1) Cases will be referred directly to the Mayor. At this point, the Mayor, in conjunction with the Storm Water Discharge Commission, will determine if enforcement actions are warranted, and if proper documentation has been obtained. If the Mayor determines that action is required, the enforcement process will be set into motion.

(2) Cases received by the Mayor will be handled on a first come, first served basis. All enforcement actions will be initiated by a site inspection to verify site conditions that caused the case to be referred. If conditions have been corrected, or do not exist as stated in the referral, the case will be returned to file for documentation and reporting purposes. If conditions exist as stated in the referral, enforcement actions will proceed.

(3) Once site conditions have been verified and the site is determined to be in a state of noncompliance, a Notice to Comply will be issued to the owner/developer informing them that they are not in compliance with the city's storm water pollution prevention and erosion control ordinance, the steps needed to be taken to get into compliance, and that they have an established time frame to complete the work. At the end of the period the code enforcement officer will re-inspect the site to check for compliance. If all work has been satisfactorily completed, the case will be returned to file for documentation and reporting purposes. If the work has not been satisfactorily completed within the established time frame, a citation (ticket) will be issued to the owner/developer and follow-up will be done until the site is brought back into compliance.

D. *Enforcement options for failure to comply.*

(1) The City of Brookland Mayor, in conjunction with the Storm Water Discharge Commission, may issue a stop work order to any persons violating any provision of the city's storm water pollution prevention and erosion control ordinance by ordering that all site work stop, except that necessary to comply with any administrative order.

(2) The City of Brookland Storm Water Discharge Commission may request that the Planning and Zoning Commission refrain from issuing any further building or grading permits until outstanding violations have been remedied.

(3) The City of Brookland code enforcement officer may initiate penalties as stipulated herein. Complete information concerning enforcement and penalties is described below.

E. *Action without prior notice.* Any person who violates a prohibition, or fails to meet a requirement of this article will be subject, without prior notice, to one or more of the enforcement actions, when attempts to contact the person have failed and the enforcement actions are necessary to stop an actual or threatened discharge which presents, or may present, imminent danger to the environment, or to the health or welfare of persons, or to the storm drainage system.

F. *Enforcement Actions.*

(1) *Recovery of Costs.* Within 30 days after abatement by city representatives, the Mayor shall notify the property owner of the costs of abatement, including administrative costs, and the deadline for payment. The property owner may protest the assessment before the city council. The written protest must be received by the Mayor's office within 15 days of the date of notification. A hearing on the matter will be scheduled before the city council. The decision of the city council shall be final. If the amount due is not paid within the protest period, or within 10 days of the decision of the city council, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment. A copy of the resolution shall be turned over to the county clerk so that the clerk may enter the amounts of the assessment against the parcel as it appears on the current assessment roll, and the treasurer shall include the amount of the assessment of the bill for taxes levied against the parcel of land.

(2) *Termination of utility services.* After lawful notice to the customer and property owner concerning the proposed disconnection, the Mayor shall have the authority to order the disconnection of city water, sanitary sewer and/or sanitation services, upon a finding by the Mayor that the disconnection of utility services will remove a violation of this article that poses a public health hazard or environmental hazard.

(3) *Performance Bonds.* Where necessary for the reasonable implementation of this article, the Mayor may, by written notice, order any owner of a construction site or subdivision development to file a satisfactory bond, payable to the city, in a sum not to exceed a value determined by the Mayor to be necessary to achieve consistent compliance with this article. The city may deny approval of any building permit, subdivision plat, site development plan, or any other city permit or approval necessary to commence or continue construction, or to assume occupancy, until such a performance bond has been filed. The owner may protest the amount of the performance bond before the city council. The written protest must be received by the Mayor's office within 15 days of the date of the notification. A hearing on the matter will be scheduled before the city council. The decision of the city council shall be final.

(4) *Criminal Prosecution.* Any person who violates, or continues to violate a prohibition or requirement of this article shall be liable to criminal

prosecution to the fullest extent of the law, and shall be subject to criminal penalties.

- G. *Criminal Penalties.* The violation of any provision of this article shall be deemed a municipal offense. When all other efforts have failed to correct non-compliance issues, persons violating this ordinance shall, upon an adjudication of guilt or a plea of no contest, be fined according to the schedule of fines referenced below. Each separate day on which a violation is committed, or continues, shall constitute a separate offense.

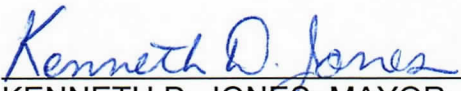
Schedule of Fines

Offense	Fine (Per Offense)
First	\$500.00
Second & Subsequent	\$1,000.00

- H. *Other legal action.* Notwithstanding any other remedies or procedures available to the city, if any person discharges into the storm drainage system in a manner that is contrary to the provisions of this article, the city attorney may commence an action for appropriate legal and equitable relief including damages and costs in any court of competent jurisdiction. The city attorney may seek a preliminary or permanent injunction, or both, which restrains or compels the activities on the part of the discharger.

SECTION 18. Emergency Clause. It is hereby found and declared by the City Council of the City of Brookland, Arkansas, that the quality of water impacted by storm water drainage and the prevention of the discharge of contaminated storm water runoff is important to the preservation of public peace, health and safety; therefore, an emergency is hereby declared to exist and this Ordinance shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED this 16th day of April, 2009.


KENNETH D. JONES, MAYOR

ATTEST:


JOHNA DAVIS, RECORDER

