

ORDINANCE NO. _____

Ordinance amending Chapter 13.38.100 entitled "Construction Site Erosion and Sediment Control – Enforcement" of the Davenport Municipal Code to allow City Council to set the schedule of fines by Resolution.

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF DAVENPORT, IOWA:

That Chapter 13.38.100 entitled "Construction Site Erosion and Sediment Control – Enforcement" is hereby amended to read as follows:

13.38.100 Enforcement

- A. Violation of any provision of this chapter may be enforced by civil action including an action for injunctive relief. In any civil enforcement action, administrative or judicial, the City shall be entitled to recover its attorneys' fees and costs from a person who is determined by a court of competent jurisdiction to have violated this chapter.
- B. Violation of any provision of this chapter may also be enforced as a municipal infraction within Chapter 1.30, pursuant to the City's municipal infraction ordinance. Fees for these fines shall be set from time to time by City Council resolution.

1. Schedule of violations

Type 1

- First offense
- Second offense
- Third offense
- Fourth and subsequent

Type 2

- First offense
- Second and subsequent

2. Definition of offenses

Type 1

- a. Failure to control off-site tracking of silt, sediment, or mud.
- b. Failure to implement stormwater pollution prevention controls as designated in SWPPP or grading, erosion and sediment control plan.
- c. Failure to maintain stormwater pollution prevention controls.
- d. Failure to document any stormwater discharge that is a violation of water quality standards, or in a manner inconsistent with the permittee's SWPPP, General Permit #2 and/or COSESCO permit.

Type 2

- a. Operating without a COSECO permit.
- b. Discharging silt/sediment to the City of Davenport's storm or sanitary sewers.
- c. Failure to comply with a written directive issued by the City Engineer, Public Works Director or the enforcement officer designated by the City.

SEVERABILITY CLAUSE. If any of the provisions of this ordinance are for any reason illegal or void, then the lawful provisions of this ordinance, which are separable from said unlawful provisions shall be and remain in full force and effect, the same as if the ordinance contained not illegal or void provisions.

REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

EFFECTIVE DATE. This ordinance shall be in full force and effective after its final passage and publication as by law provided.

First Consideration _____

Second Consideration _____

Approved _____

Published in the *Quad City Times* _____

Approved:

Attest:

Mike Matson
Mayor

Brian Krup
Deputy City Clerk