

# Stormwater Management Ordinance Training Session 7 - Enforcement

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## STRUCTURE OF THIS PRESENTATION

- Enforcement Mechanisms
  - Fines
  - Stop Work Order
  - Suspension of Access to Storm Drain System
  - Corrective Action
- Appeal Process



## ENFORCEMENT MECHANISMS – FINES AND PENALTIES

- Maximum fine of \$1,000 – \$5,000 for a first offense plus costs, damages, and expenses.
- Maximum of \$1,000 - \$10,000 for a subsequent offense, plus costs, damages, and expenses
- Each day such violation occurs or continues shall be deemed a separate offense with a fine for each day
- Subsequent offense means a violation of Ordinance by the same person within 12 months of a previous violation



## ENFORCEMENT MECHANISMS – STOP WORK ORDER

- Stop Work Order is in addition to the Fines and Penalties on the previous slide
- Land disturbances conducted in violation with the Ordinance will be served a Stop Work Order
- Disregard of a Stop Work Order is an infraction punishable by
  - Fines and/or imprisonment
  - Plus costs as may be imposed at the discretion of the court
  - A Permit Reinstatement Fee may be assessed



## ENFORCEMENT MECHANISMS – SUSPENSION OF ACCESS

- **Discharge access to the Storm Drain System can be suspended or terminated.**
  - This authority would be invoked to stop an actual or threatened discharge which presents danger to the environment, the health or welfare of persons, or the storm drain system or to correct an illicit discharge.
- **Discharge access to the Storm Drain System can be terminated**
  - This authority would be invoked to correct an illicit discharge
  - Violator will be notified of the proposed termination of access
  - Violator may petition for a reconsideration and hearing



## ENFORCEMENT MECHANISMS – CORRECTIVE ACTION

- An MS4 has the right to take corrective action necessary to prevent or remedy any violation if the violator is unwilling or unable
- Costs for corrective action taken by the MS4 will be charged to the person responsible
- Costs could include
  - repairs to the storm drain system made necessary by the violation
  - penalties levied on the county by the EPA or IDEM for the violation (**up to \$27,500 per violation per day**)
  - attorney fees
  - other costs and expenses.



## APPEAL PROCESS

- Provisions of the Ordinance may be appealed in writing, not later than 7 – 30 days after the action or decision being appealed
  - Noblesville, Hamilton County, Cicero, Arcadia = 7 days
  - Westfield and Carmel = 10 days
  - Fishers = 30 days
- Appeal must be to the Board of Commissioners, Board of Public Works and Safety, Town Council, or similar board as specified by local ordinances.
- Boards can affirm, reject or modify the action being appealed, or grant a variance

