



Escalation Process for Drainage Ordinance Violations during the Construction Phase

Mayor Tim Keller

The City Ordinance includes several specific means of enforcing the City's regulations including but not limited to § 14-5-2-11(C)(3).

The city will utilize sanctions and penalties to enforce upon violations of permit requirements.

Progressive enforcement escalation procedures will be used and strictly enforced for recalcitrant or repeat offenders.

The four levels of escalation apply to each specific violation type (e.g. sediment in the street, BMP maintenance, waste, washout, self-inspection reports, posting, expired permit, stabilization, etc...). Each recalcitrant or repeat offence for a particular violation type results in escalation to the next level.

1st Level - Optional Informal Warning w/o Fine (not required by Ordinance) w

- E-mail with explanation of violation(s) with a corrective action date. Standard mitigation time is seven days. Additional time may be given at the City's discretion.
- This step is skipped if land disturbance began without City approval and/or without BMPs, the

2nd Level - Formal Warning w/o Fine – (1st) Notice of Violation (NOV) Letter

- A NOV letter will be sent to the property owner with an explanation of violation(s), the required mitigation, and an allowance of 7 days (min.) to mitigate. The NOV letter will state that the property owner is subject to a \$500 fine/day if the violations are not mitigated within the specified time frame (escalation to 3rd Level). Additional time to mitigate may be given at the discretion of the City.
- Level 2 applies to the second time a particular violation type is noted during a City inspection (first repeat violation).
- Level 2 also applies to the first time for either of the following two egregious violation types: either starting land disturbance without approval from the City or starting land disturbance without BMPs.

3rd Level – Formal Notice of Violation w/ Fine for 1 day - (2nd & up) NOV Letter

- A NOV letter will be sent to the property owner with an explanation of violation(s), the required mitigation, and an allowance of 7 days (min.) to mitigate. A fine will be issued to the property owner(s) per the Penalty provisions of §§ 14-5-2-1 et seq. typically \$500 for the first day of violation. Failure to pay the fine may result in additional sanctions. The NOV letter will state that the property owner is subject to a \$500 fine/day if the violations are not mitigated within the specified time frame (escalation to 4th Level). Additional time may be given at the discretion of the City.

4th Level – Formal Notice of Violation w/ Fine for each new day of violation since the last day of fine.

- A NOV letter will be sent to the property owner with an explanation of violation(s), the required mitigation, and an allowance of 7 days (min.) to mitigate. A fine will be issued to the property owner(s) per the Penalty provisions of §§ 14-5-2-1 et seq. typically \$500/day of violation since the last day of fine. The NOV letter will state that the property owner is subject to a \$500 fine/day and additional sanctions if the violations are not mitigated and the fine paid within the specified time frame.
- The EPA is typically notified when NOV's with fines are sent.
- Additional time is typically not granted unless the owner is cooperative and makes significant progress mitigating the violations within the specified time frame (3 out of 4 violations mitigated).

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