



CITY OF URBANA, ILLINOIS
DEPARTMENT OF PUBLIC WORKS
ENGINEERING DIVISION

MEMORANDUM

TO: Bruce K. Walden, Chief Administrative Officer
FROM: William R. Gray, Public Works Director
Bradley M. Bennett, Civil Engineer
DATE: April 19, 2006
RE: Illegal Discharge and Connection Ordinance

Introduction

The Engineering Division recommends adoption of the attached illegal discharge and connection ordinance (see attached) to fulfill the City's Storm Water Discharge Permit requirements.

Background and Facts

For many years, urban storm water runoff has been a source of great concern because of its potential to carry harmful pollutants into nearby watercourses. Some pollutants in urban storm water can damage lakes and streams, harm aquatic life and disrupt sensitive wetland habitats. As a result of these concerns, the 1987 amendments to the Clean Water Act required the United States Environmental Protection Agency (U.S. EPA) to address storm water runoff. Phase II of the National Pollution Discharge Elimination System (NPDES) Storm Water Program began on March 10, 2003 and applied to small Municipal Separate Storm Sewer Systems (MS4s). The Illinois Environmental Protection Agency (Illinois EPA) is responsible for implementing the NPDES Storm Water Program.

Urbana is as a small MS4 and was required to comply with Phase II of the NPDES Storm Water Program by submitting a Notice of Intent (NOI) to the Illinois EPA. The NOI was approved by the City Council at their February 17, 2003 meeting. The NOI served as the application for the NPDES Phase II Permit that covered all storm water discharge from sewers under City jurisdiction. The NOI outlined a plan to implement six minimum control measures that target the improvement of storm water quality. The six minimum measures outlined in the NOI included the following items:

- 1) Public Education and Outreach
- 2) Public Participation and Involvement
- 3) Illicit Discharge Detection and Elimination
- 4) Construction Site Runoff Control
- 5) Post-Construction Runoff Control
- 6) Pollution Prevention and Good Housekeeping

The City of Urbana has been addressing the six minimum measures by implementing Best Management Practices (BMPs) that were identified in the NOI. As part of the NOI, the City defined each BMP, outlined measurable goals for each BMP, documented procedures and is recording all compliance efforts. Full implementation of the six minimum measures is required at the end of a five-year permit cycle in 2008.

A new illegal discharge and connection ordinance was a BMP scheduled to be implemented in year three of the permit cycle. The Engineering Division developed a draft illegal discharge and connection ordinance based on a review of model ordinances provided by the U.S. EPA. The draft ordinance was reviewed by the Legal and Community Development Departments. Their revisions and comments were incorporated into the ordinance to develop the final version of the ordinance attached for your review and approval. This ordinance replaces Section 24-43 in the Code of Ordinances.

The City of Champaign and Village of Savoy are also considering adopting similar illegal discharge and connection ordinances.

The proposed illegal discharge and connection ordinance prohibits the discharge of sanitary wastewater and other pollutants to the City's storm sewer system. The ordinance will establish legal authority to carry out all inspection, surveillance, monitoring, and enforcement procedures necessary to ensure that sanitary wastewater and other pollutants are not discharged to the City's storm water system.

Fiscal Impact

The proposed ordinance is not anticipated to have any fiscal impact on the City's Budget. Property owners would be responsible for the costs to eliminate any illegal discharges or connections to the City's Storm Sewer System. The Engineering Division typically identifies between three to seven illegal connections in a calendar year.

Recommendations

It is recommended that the proposed illegal discharge and connection ordinance be adopted.

ORDINANCE NO. 2006-04-041

ILLEGAL DISCHARGE AND CONNECTION ORDINANCE
(Adding Division 4 to Chapter 24 "Utilities")

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, as follows:

Section 1. That Section 24-43, entitled "Discharge into storm sewer prohibited" is hereby repealed.

Section 2. That the following is enacted as Division 4 of Article II of Chapter 24 of the Urbana Code of Ordinances:

DIVISION 4. ILLEGAL DISCHARGE AND CONNECTION

Sec. 24-44. In General.

(a) **Purpose/Intent.** The purpose of this ordinance is to provide for the health, safety, and general welfare of the citizens of Urbana through the regulation of non-storm water discharges to the storm drainage system to the maximum extent practicable as required by federal and state law. This ordinance establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (hereinafter sometimes referred to as "MS4") in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process. The objectives of this ordinance are:

(1) To regulate the contribution of pollutants to the MS4 by storm water discharges by any user.

(2) To prohibit illegal connections and discharges to the MS4.

(3) To establish legal authority to carry out all inspection, surveillance, monitoring, and enforcement procedures necessary to ensure compliance with this ordinance.

(b) **Definitions.** For the purposes of this ordinance, the following shall mean:

Best Management Practices (BMPs). Schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and education practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to storm water, receiving waters or storm water conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

City of Urbana: City of Urbana, Illinois, a municipal corporation.

Clean Water Act. The federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.) and any subsequent amendments thereto.

Construction Activity. The excavation of earth to provide for a foundation, basement, or cellar; and/or the addition or removal from a lot or tract of land for the construction of a structure; and/or the act of placing or affixing a component of a structure upon the ground or upon another such component; and/or the placing of construction materials in a permanent manner; and/or the demolition, elimination, and/or removal of an existing structure in connection with such construction.

Hazardous Materials. Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Illegal Discharge. Any direct non-storm water discharge to the storm drain system, except as exempted in Section 8 of this ordinance.

Illegal Connections. An illegal connection is defined as either of the following:

(1) Any drain or conveyance, whether on the surface or subsurface that allows an illegal discharge to enter the storm drain system including but not limited to any conveyances that allow any non-storm water discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by the City of Urbana or,

(2) Any drain or conveyance connected from a commercial or industrial land use to the storm drain system that has not been documented in plans, maps, or equivalent records and approved by the City of Urbana...

Industrial Activity. Activities subject to NPDES Industrial Storm Water Permits as defined in 40 CFR, Section 122.26 (b) (14).

Municipal Separate Storm Sewer System (MS4). The system of conveyances (including sidewalks, roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) owned and operated by the City of Urbana and designed or used for collecting or conveying storm water, and that is not used for collecting or conveying wastewater.

National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permit means a permit issued by EPA (or by a State under authority delegated pursuant to 33 USC § 1342 (b)) 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.

Non-Storm Water Discharge. Any discharge to the storm drain system that is not composed entirely of storm water.

Person. Any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.

Pollutant. Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coli form and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

Premises. Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

Storm Drainage System. Publicly-owned facilities by which storm water is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

Storm Water. Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

Storm Water Management Plan. A document which describes the Best Management Practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to Storm Water, Storm Water

Conveyance Systems, and/or Receiving Waters to the Maximum Extent Practicable.

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

(c) **Applicability.** This ordinance shall apply to all water entering the storm drain system which was generated on any developed and undeveloped lands unless explicitly exempted by the City of Urbana.

(d) **Responsibility for Administration.** The **Public Works Director, or his designee,** shall administer, implement, and enforce the provisions of this ordinance. Any powers granted herein or duties imposed herein may be delegated in writing by the Director of the Public Works, or his designee, to persons or entities acting on behalf of or in the employ of the City.

(e) **Compatibility with Other Regulations.** This ordinance is not intended to modify or repeal any other ordinance, rule, regulation, or other provision of law including the Urbana Subdivision and Land Development Code. The requirements of this ordinance are in addition to the requirements of any other ordinance, rule, regulation, or other provision of law, and where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule, regulation, or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human health or the environment shall control.

(f) **Severability.** The provisions of this ordinance are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this ordinance or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this ordinance.

(g) **Ultimate Responsibility.** The standards set forth herein and the base management practices promulgated pursuant to this ordinance are minimum standards. Compliance with this ordinance does not insure that there will

be no contamination, pollution or unauthorized discharge of pollutants, and it remains the responsibility of the person(s) discharging pollutants to insure that no pollutants enter the municipal separate storm sewer system, except as permitted by this ordinance.

Sec. 24-45. Discharge Prohibitions.

(a) **Prohibition of Illegal Discharges.** No person shall throw, drain, or otherwise discharge, cause, or allow others under their control to throw, drain, or otherwise discharge into the MS4 any pollutants or waters containing any pollutants, other than storm water. The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited except as described as follows:

(1) The following discharges are exempt from discharge prohibitions established by this ordinance: water line flushing, landscape irrigation, diverted stream flows, rising ground waters, uncontaminated ground water infiltration, uncontaminated pumped ground water, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering, individual residential car washing, flows from riparian habitats and wetlands, dechlorinated swimming pool discharges, and street wash water.

(2) Discharges or flow from firefighting, and other discharges specified in writing by the Public Works Director, or his designee, as being necessary to protect public health and safety.

(3) Discharges associated with dye testing; however, this activity requires a verbal notification to the Public Works Director, or his designee, prior to the time of the test.

(4) The prohibition shall not apply to any non-storm water discharge permitted under an NPDES permit, waiver, or waste discharge

order issued to the facility operator and administered under the authority of the United States Environmental Protection Agency (EPA), provided that the facility operator is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.

(b) Prohibition of Illegal Connections.

(1) The construction, use, maintenance or continued existence of illegal connections to the storm drain system is prohibited.

(2) This prohibition expressly includes, without limitation, illegal connections made in the past which are prohibited under this ordinance regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of such connection.

(3) It is a violation of this ordinance for a person to connect a line conveying sewage to the MS4, or allow such a connection to continue.

(4) Improper connections shall be disconnected or redirected to a sanitary sewer within fourteen (14) calendar days from receipt of notification of the violation from the Public Works Director, or his designee. Flows from improper connections can be redirected to the sanitary sewer system only upon approval by the Public Works Director, or his designee.

(5) Any drain or conveyance that has not been documented in plans, maps or equivalent, and which may be connected to the storm sewer system, shall be located by the owner or occupant of that property upon receipt of written notice of violation from the Public Works Director, or his designee, requiring that such locating be completed. Such notice will specify a reasonable time period within

which the location of the drain or conveyance is to be determined, that the drain or conveyance be identified as storm sewer, sanitary sewer or other, and that the outfall location or point of connection to the storm sewer system, sanitary sewer system or other discharge point be identified. Results of these investigations are to be documented and provided to the Public Works Director, or his designee.

(c) **Watercourse Protection.** Every person owning property through which a watercourse passes, or the lessee of such property, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

(d) **Industrial Activity Discharges.**

Submission of Notice of Intent (NOI) to the Public Works Director, or his designee.

(1) Any person subject to an industrial activity NPDES storm water discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the Public Works Director, or his designee, prior to the allowing of discharges to the MS4.

(2) The operator of a facility is required to have an NPDES permit to discharge storm water associated with industrial activity and shall submit a copy of the NOI to the Public Works Director, or his designee, at the same time the operator submits the original NOI to the IEPA as applicable.

(3) The copy of the NOI may be delivered to the City of Urbana either in person or by mailing it to:

Notice of Intent to Discharge Storm Water

City of Urbana
Attn: Public Works Director, or his designee
706 South Glover Avenue
Urbana, IL 61802

(4) A person commits an offense if the person operates a facility that is discharging storm water associated with industrial activity without having submitted a copy of the NOI to do so to the City of Urbana.

Sec. 24-46. Compliance Monitoring.

(a) The Public Works Director, or his designee, shall be permitted to enter and inspect facilities subject to regulation under this ordinance as often as may be necessary to determine compliance with this ordinance.

(b) If a facility operator has security measures in force which require proper identification and clearance before entry into its premises, the facility operator shall make the necessary arrangements to allow access to representatives of the Public Works Director.

(c) Facility operators shall allow the Public Works Director, or his designee, ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an NPDES permit to discharge storm water, and the performance of any additional duties as defined by state and federal law.

(d) The Public Works Director, or his designee, shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the Public Works Director, or his designee, to conduct monitoring and/or sampling of the facility's storm water discharge.

(e) The Public Works Director, or his designee, has the right to require the facility operator to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the facility operator at

its own expense. All devices used to measure storm water flow and quality shall be calibrated to ensure their accuracy.

(f) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the Public Works Director, or his designee, and shall not be replaced. The costs of clearing such access shall be borne by the operator.

(g) Denial of access to a permitted facility within two hours of a request from the Public Works Director, or his designee, to inspect the facility for illegal connections is a violation of a storm water discharge permit and of this ordinance.

Sec. 24-47. Regulations to Prevent, Control, and Reduce Storm Water Pollutants by the Use of Best Management Practices.

The City of Urbana will adopt regulations identifying Best Management Practices for any activity, operation, or facility which may cause or contribute to pollution or contamination of storm water, the storm drain system, or waters of the United States. The owner or operator of such activity, operation, or facility shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses through the use of these structural and non-structural BMPs. Further, any person responsible for a property or premise that is, or may be, the source of an illegal discharge, may be required to implement, at said person's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the MS4. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of storm water associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section. These BMPs shall be part of

a storm water management plan (SWMP) as necessary for compliance with requirements of the NPDES permit.

Sec. 24-48. Enforcement.

(a) Notification of Spills.

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into storm water, the storm drain system, or waters of the United States, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the Public Works Director, or his designee, in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the Public Works Director, or his designee, within 2 business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least 5 years. Failure to provide notification of a release as provided above is a violation of this ordinance.

(b) Violations, Enforcement, and Penalties.

(1) **Violations.** It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this ordinance. Any person who has violated or continues to violate the

provisions of this ordinance, is subject to the enforcement actions outlined in this section or may be restrained by injunction or otherwise abated in a manner provided by law.

In the event the violation constitutes an immediate danger to public health or public safety, the Public Works Director, or his designee, is authorized to enter upon the subject private property, without giving prior notice, to take any and all measures necessary to abate the violation and/or restore the property. The Public Works Director, or his designee, is authorized to seek costs of the abatement as outlined in Section 17 and seek costs of the abatement as outlined in Section 17.

(2) **Warning Notice.** When the Public Works Director, or his designee, finds that any person has violated, or continues to violate, any provision of this ordinance, or any order issued hereunder, the Public Works Director, or his designee, may serve upon that person a written Warning Notice, specifying the particular violation believed to have occurred and requesting the facility operator to immediately investigate the matter and to seek a resolution whereby any offending discharge will cease. Investigation and/or resolution of the matter in response to the Warning Notice does not relieve the alleged violator of liability for any violations occurring before or after receipt of the Warning Notice. Nothing in this subsection shall limit the authority of the Public Works Director, or his designee, to take any action, including emergency action or any other enforcement action, without first issuing a Warning Notice.

(3) **Notice of Violation.** Whenever the Public Works Director, or his designee, finds that a person has violated a prohibition or failed to meet a requirement of this ordinance, the Public Works

Director, or his designee, may order compliance by written notice of violation to the responsible person.

The Notice of Violation shall contain:

- a. The name and address of the alleged violator;
- b. The address when available or a description of the building, structure or land upon which the violation is occurring, or has occurred;
- c. A statement specifying the nature of the violation;
- d. A description of the remedial measures necessary to restore compliance with this ordinance and a time schedule for the completion of such remedial action;
- e. A statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed;
- f. A statement that the determination of violation may be appealed to the Public Works Director, or his designee, by filing a written notice of appeal within 5 days of service of notice of violation; and
- g. A statement specifying that, should the violator fail to restore compliance within the established time schedule, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator.

Such notice may require without limitation:

- a. The performance of monitoring, analyses, and reporting;
- b. The elimination of illegal connections or discharges;

c. That 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 of a fine to cover administrative and remediation costs; and

f. The implementation of source control or treatment BMPs.

(c) **Compensatory Action.** In lieu of enforcement proceedings, penalties, and remedies authorized by this ordinance, the Public Works Director, or his designee, may impose upon a violator alternative compensatory actions, such as storm drain stenciling, attendance at compliance workshops, creek cleanup, etc.

(d) **Suspension of MS4 Access.** Any person discharging to the MS4 in violation of this ordinance may have their MS4 access terminated if such termination would abate or reduce an illegal discharge. The Public Works Director, or his designee, will notify a violator of the proposed termination of its MS4 access. The violator may petition the Public Works Director, or his designee, for a reconsideration and hearing.

A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this Section, without the prior approval of the Public Works Director, or his designee.

(e) **Emergency Cease and Desist Orders.** When the Public Works Director, or his designee, finds that any person has violated, or continues to violate, any provision of this ordinance, or any order issued hereunder, or that the person's past violations are likely to recur, and that the person's violation(s) has (have) caused or contributed to an actual or threatened discharge to the MS4 of waters of the United States which reasonably appears

to present an imminent or substantial endangerment to the health or welfare of persons or to the environment, the Public Works Director, or his designee, may issue an order to the violator directing it immediately to cease and desist all such violations and directing the violator to:

(1) Immediately comply with all ordinance requirements; and

(2) Take such appropriate preventive action as may be needed to properly address a continuing or threatened violation, including immediately halting operations and/or terminating the discharge.

Any person notified of an emergency order directed to it under this Subsection shall immediately comply and stop or eliminate its endangering discharge. In the event of a facility operator's failure to immediately comply voluntarily with the emergency order, the Public Works Director, or his designee, may take such steps as deemed necessary to prevent or minimize harm to the MS4 or waters of the United States, and/or endangerment to persons or to the environment, including immediate termination of a facility's water supply, sewer connection, or other municipal utility services. The Public Works Director, or his designee, may allow the person to recommence its discharge when it has demonstrated to the satisfaction of the Public Works Director, or his designee, that the period of endangerment has passed, unless further termination proceedings are initiated against the facility operator under this ordinance. A person that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful discharge and the measures taken to prevent any future occurrence, to the Public Works Director, or his designee, within 5 days of receipt of the emergency order. Issuance of an emergency cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the violator.

(f) **Suspension Due to Illegal Discharges in Emergency Situations.**

The Public Works Director, or his designee, may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or waters of the United States. If the violator fails to comply with a suspension order issued in an emergency, the Public Works Director, or his designee, may take such steps as deemed necessary to prevent or minimize damage to the MS4 or waters of the United States, or to minimize danger to persons.

(g) **Suspension Due to the Detection of Illegal Discharge.** Any person discharging to the MS4 in violation of this ordinance may have their MS4 access terminated if such termination would abate or reduce an illegal discharge. The Public Works Director, or his designee, will notify a violator of the proposed termination of its MS4 access. The violator may petition the Public Works Director, or his designee, for a reconsideration and hearing.

A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this Section, without the prior approval of the Public Works Director, or his designee.

(h) **Civil Penalties.** In the event the alleged violator fails to take the remedial measure set forth in the notice of violation or otherwise fails to cure the violations described therein within 2 days, or such greater period as the Public Works Director, or his designee, shall deem appropriate, after the Public Works Director, or his designee, has taken one or more of the actions described above, the Public Works Director, or his designee, may impose a penalty not to exceed \$5,000 dollars (depending on the severity of the violation) for

each calendar day the violation remains unremedied after receipt of the notice of violation.

(i) **Prosecution.** Any person that has violated or continues to violate this ordinance, upon conviction thereof, shall be fined \$1,000 dollars per violation per day. Each act of violation and each calendar day upon which any of the violations occur shall constitute a separate offense.

(j) **Appeal of Notice of Violation.** Any person receiving a Notice of Violation may appeal the determination of the Public Works Director, or his designee, that the alleged violation has occurred and/or the amount of the civil penalty. The notice of appeal must be received within 5 days from the date of the Notice of Violation. Hearing on the appeal before the City's Chief Administrative Officer (CAO) shall take place within 15 days from the date of receipt of the notice of appeal. The decision of the City's Chief Administrative Officer (CAO) shall be final.

(k) **Enforcement Measures After Appeal.** If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, or, in the event of an appeal, within 3 days of the decision of the City's Chief Administrative Officer (CAO) upholding the decision of the Public Works Director, or his designee, then representatives of the Public Works Director, or his designee, shall enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the government agency or designated contractor to enter upon the premises for the purposes set forth above.

(l) **Cost of Abatement of the Violation.** Within 15 days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs. The property owner may file a written protest objecting to the amount of the assessment within 5 days. If the amount due is not paid within a timely manner as determined by the decision of the municipal authority or by the expiration of the time in which to file an appeal, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment.

Any person violating any of the provisions of this article shall become liable to the City of Urbana by reason of such violation. The liability shall be paid in not more than 4 equal payments. Interest at the rate of 8 percent per annum shall be assessed on the balance beginning on the 30th day following discovery of the violation.

(m) **Violations Deemed a Public Nuisance.** In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this ordinance is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

(n) **Remedies Not Exclusive.** The remedies listed in this ordinance are not exclusive of any other remedies available under any applicable federal, state or local law, and it is within the discretion of the Public Works Director, or his designee, to seek cumulative remedies.

The City of Urbana may recover all attorney's fees, court costs and other expenses associated with enforcement of this ordinance, including sampling and monitoring expenses.

Section 3. Effective Date. This ordinance shall be in full force and effect ten (10) days after its final passage and adoption. All prior ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

Section 4. The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities, and this Ordinance shall be in full force and effect from and after its passage and publication in accordance with Section 1-2-4 of the Illinois Municipal Code.

This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called, of a majority of the members of the Council of the City of Urbana, Illinois, at a regular meeting of said Council.

PASSED by the City Council this ____ day of _____, 2006.

AYES:

NAYS:

PRESENT:

Phyllis D. Clark, City Clerk

APPROVED by the Mayor this ____ day of _____, 2006.

Laurel Lunt Prussing, Mayor

CERTIFICATE OF PUBLICATION IN PAMPHLET FORM

I, Phyllis D. Clark, certify that I am the duly elected and acting Municipal Clerk of the City of Urbana, Champaign County, Illinois.

I certify that on the ____ day of _____, 20____, the corporate authorities of the City of Urbana passed and approved Ordinance No. _____, entitled "ILLEGAL DISCHARGE AND CONNECTION ORDINANCE ", which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. _____ was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the ____ day of _____, 20____, and continuing for at least ten (10) days thereafter. Copies of such Ordinance were also available for public inspection upon request at the Office of the City Clerk.

DATED at Urbana, Illinois, this ____ day of _____, 20____.

(SEAL)

CITY CLERK