

VILLAGE OF DOWNERS GROVE
Report for the Village
6/18/2019

SUBJECT:	SUBMITTED BY:
Revisions to Chapter 13 and Chapter 26 of the Village Code	Nan Newlon Director of Public Works

SYNOPSIS

A motion is requested to adopt changes to Chapter 13 and Chapter 26 of the Village Code.

STRATEGIC PLAN ALIGNMENT

The goals for 2017-2019 includes *Top Quality Infrastructure*.

FISCAL IMPACT

N/A

UPDATE & RECOMMENDATION

This item was discussed at the June 11, 2019 Village Council meeting. Staff recommends approval on the June 18, 2019 Active Agenda.

BACKGROUND

Code changes are proposed to both Chapters 13 (Health and Sanitation) and Chapter 26 (Stormwater and Flood Plain). These changes address enforcement of illicit discharges into our stormwater system in Chapter 13 and the adoption of new floodplain maps and rainfall data in Chapter 26.

Chapter 13 Changes

DuPage County has adopted an Illicit Discharge Detection and Elimination (IDDE) Ordinance. The purpose of this ordinance is to protect and enhance water quality. The ordinance establishes methods for controlling the discharges of substances other than rain or snow into the stormwater system in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) Phase II permit process. These changes are contained within Chapter 13 of the Ordinance.

Currently, Chapter 13 only prohibits sanitary and industrial wastewater from being discharged into the storm sewer. However, the IDDE ordinance adopted by the County prohibits all pollutants from being discharged into the stormwater system, with a few exceptions listed. The intention of the expanded

prohibited discharges is to protect the water quality of our creeks and rivers, and is more in line with the Environmental Protection Agency (EPA) regulations. For example, the revisions in the IDDE ordinance will prohibit homeowners from dumping household chemicals like paint thinner into the stormwater system, whereas the current code does not specifically prohibit this. To remain compliant with the DuPage County Stormwater Ordinance and our Full Waiver Status, the Village is required to adopt an IDDE ordinance similar to that of the County.

Chapter 26 Changes

In the late 1970s and early 1980s the Federal Emergency Management Agency (FEMA) issued Flood Insurance Rate Maps (FIRM) for DuPage County. FIRM maps have been revised across the country over time as a result of increased statistical rainfall data, improved modeling standards and technologies, changes to land use, and improved topographic information. DuPage County, in association with the Illinois State Water Survey, conducted new watershed studies that conform to current land use conditions and meet current standards and practices in stormwater modeling.

FEMA issued preliminary maps on June 3, 2015, to all communities in DuPage County. Revised Preliminary maps were issued on June 1, 2017. A public comment period was held for the both the preliminary maps and revised preliminary maps. On February 1, 2019, FEMA issued a Letter of Final Determination for the revised maps, setting an effective date of August 1, 2019. The DuPage County Stormwater Management Committee and DuPage County Board have approved the Ordinance Changes adopting the new FIRMs and Flood Insurance Studies (FIS). In order for the Village to remain in the National Flood Insurance Program and meet the Village's goals of continuing to provide effective stormwater management, the Village is required to adopt the new maps prior to August 1, 2019. These maps will be adopted by changes to Chapter 26 of the Stormwater Code (Section 26.202). The [Revised Preliminary maps](#) can be found on the Village's Flood Plain information page.

Letters were sent to all property owners whose primary structure was newly mapped into the 100-year floodplain. Mortgage companies may require flood insurance for these properties.

The Illinois State Water Survey recently completed an updated study of the rainfall data used for modeling. DuPage County updated their reference to this data. In order to remain compliant with County regulations, the Village must update as well.

Additional code changes include Ordinance clarifications and general clean up.

ATTACHMENTS

Chapter 13 and 26 revisions.

VILLAGE OF DOWNERS GROVE
COUNCIL ACTION SUMMARY

INITIATED: Village Attorney DATE: June 18, 2019
(Name)

RECOMMENDATION FROM: _____ FILE REF: _____
(Board or Department)

NATURE OF ACTION:

- Ordinance
- Resolution
- Motion
- Other

STEPS NEEDED TO IMPLEMENT ACTION:

Motion to Adopt "AN ORDINANCE REGULATING ILLICIT DISCHARGE DETECTION AND ELIMINATION", as presented.



SUMMARY OF ITEM:

Adoption of the attached ordinance shall regulate illicit discharge detection and elimination.

RECORD OF ACTION TAKEN:

Illicit Discharge

ORDINANCE NO. _____

**AN ORDINANCE REGULATING
ILLICIT DISCHARGE DETECTION AND ELIMINATION**

BE IT ORDAINED by the Village Council of the Village of Downers Grove in DuPage County, Illinois, as follows: (Additions are indicated by shading/underline; deletions by ~~strikeout~~):

Section 1. That Section 13.7. is hereby amended to read as follows:

13.7. Enumeration.

The following shall constitute nuisances:

(a) To permit any premises where any animal is kept to become offensive or detrimental to any adjoining or adjacent property or neighborhood. For the purposes of this subsection, the offensive or detrimental quality of such a premises shall be determined on the basis of the following factors:

- (1) The area of the premises in terms of square feet;
- (2) The number of animals on the premises;
- (3) The type or types of animal on the premises;
- (4) The location of the animal or animals on the premises and the proximity of such location to adjoining properties;
- (5) The type and adequacy of any shelter, if any, for such animal;
- (6) The noise created by the presence of the animal;
- (7) The odor created, directly or indirectly, by the presence of the animal;
- (8) The presence, or lack thereof of facilities for proper collection and removal of refuse or waste materials resulting, directly or indirectly, from the presence of the animal;
- (9) The presence of rats or other vermin as a result of the presence of the animal;
- (10) The zoning district in which the premises is located.

(b) To intentionally feed any wild animals within the Village such that as a natural and predictable result of the amount and type of food given a wild animal or animals, and/or the repetitive nature of the feedings made, the wild animal or animals does any of the following:

- (1) Creates a habitat on occupied property which becomes offensive or detrimental to the neighborhood;
- (2) Causes substantial damage to a neighboring or adjacent property owner's tangible personal property or real property; or
- (3) On more than one occasion, leaves feces on real or personal property.

For the purposes of this section, wild animals include, but are not limited to, raccoons, deer, skunks, coyotes, squirrels, possum and fox.

(c) To throw, deposit or allow the accumulation of any garbage, refuse, waste or similar material on any public or private property unless such material is contained in a receptacle of proper size and design so as to prevent the dissemination or release of such material to adjacent properties.

(d) To interfere with the natural flow of stormwater or surface water in any of the following ways:

- (1) By obstructing any floodway or floodplain, as defined in ~~Section 26-05 of this Code~~ Chapter 26 of the Downers Grove Municipal Code, so as to interfere with runoff or temporary storage of surface water through or upon the premises.
- (2) By causing, suffering or permitting any obstruction to the flow of storm or surface water within any drainageway.
- (3) By depositing, maintaining, suffering or permitting the deposit of any object or material within or adjacent to any drainageway so as to create a reasonable likelihood of an obstruction of the

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drainageway. The likelihood of an obstruction shall be determined on the basis of the following factors: the nature of the particular object or material, including without limitation, its size, density, and structure; the topography of the site; the distance from the drainageway and the measures taken to prevent dislocation of the object or material.

For purposes of this subsection, the term "drainageway" shall mean the entire width of any open channel, either natural or manmade, which collects and transports surface water and storm water runoff from dominant to servient lands.

(e) To keep or deposit, or to cause, suffer or permit to be kept or deposited, whether on public or private property, any inoperable automobile, watercraft, or other motor vehicle of the type which would be required under applicable state statute to be registered for operation on any public highway or waterway, or any part or parts intended for use in any such vehicle or watercraft or any inoperable accessory apparatus for use in connection with any such vehicle or watercraft, unless:

(1) Such vehicle or watercraft or part or parts therefor shall be wholly enclosed within a building; or

(2) Such vehicle or watercraft or part or parts therefor shall be located within the premises of any business for wrecking or junking vehicles maintained and operated in accordance with applicable provisions of this Code and other ordinances of the Village; or

(3) Such vehicle shall be an antique or historic vehicle registered or eligible for registration under Section 3-804 of the Illinois Motor Vehicle Code, as amended.

For the purposes of this subsection (e), the phrase "inoperable automobile, watercraft, or other motor vehicle" shall mean any motor vehicle or watercraft from which, for a period of at least ten consecutive days, the engine, wheels or other functional parts have been removed, altered, damaged or otherwise affected so that the vehicle or watercraft is incapable of being driven under its own motor power or otherwise used as intended.*

For the purposes of this subsection (e), the phrase "inoperable accessory apparatus" shall mean, but is not limited to, semi-trailers and trailers as defined in the Illinois Vehicle Code,** and other similar vehicle or watercraft accessories which are not roadworthy. An accessory apparatus is not roadworthy if any one or more of the following exists:

(1) Wheels or other functional parts which make the semi-trailer, trailer, or other similar vehicle accessory roadworthy have been removed, altered, damaged, or otherwise affected so that the semi-trailer, trailer, or other similar vehicle accessory is, for a period of at least ten (10) consecutive days, incapable of being drawn by a motor vehicle; or

(2) The semi-trailer, trailer, or other accessory apparatus, is not registered with the state as required by the Illinois Vehicle Code*** and has not been moved from the property for a period of at least ten (10) consecutive days.

(f) To discharge sump pumps and/or downspouts in any of the following manners or locations:

(1) Into parkways, drainage ditches or storm sewers on public property without permit approval from the Village; or onto adjacent property.

(2) In any manner and in any location that results in standing water for a period of more than seventy-two (72) hours; or formation of ice of any thickness; or the creation of any other hazardous or unsafe condition on public property, including, but not limited to, sidewalks or the paved portion of the roadway.

(g) To allow graffiti to remain on any property owned or controlled by such person for a period of three (3) days or more. It shall be the responsibility of the property owner(s) or person(s) in control of the premises to remove any graffiti on any structure or building within the Village of Downers Grove.

For the purpose of this paragraph, "graffiti" shall mean any unauthorized inscription, word, figure, or design or collection thereof, which is marked, etched, scratched, painted, drawn or printed on any structural component of any building, structure, fence, or other similar type of property.

(h) To permit any dumpster or other garbage container exceeding four (4) cubic yards in capacity to be placed on any residential property for more than ten (10) consecutive days; provided this section shall not

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prohibit the placement and use of such dumpsters and containers during the term of a valid building permit issued for the property on which the dumpster or container is located, nor prohibit dumpsters or containers placed in a Village street or parkway pursuant to a valid permit issued under Section 19-22. (R.O. 1925, § 266; Ord. No. 1840, § 1; Ord. No. 1847, § 1; Ord. No. 2798, § 1; Ord. No. 2802, § 1; Ord. No. 3264, § 1.)

*For state law authorizing village to require disposal of unenclosed inoperable vehicles, see Ill. Rev. Stat., ch. 24 § 11-40-3.

**Ill. Rev. Stat., Ch. 95-1/2, Secs. 1-187, 1-209.

***Ill. Rev. Stat., Ch. 95-1/2, Secs. 3-400 et al.

Section 2. That Section 13.8. is hereby amended to read as follows:

13.8. Nuisance--Notice to abate; abatement by Village; Community Maintenance Board.

When the owner or person in control of any property causes, permits or maintains any nuisance as enumerated in Section 13-7 in any building or upon any premises within the Village, notice to remove such nuisance shall be given in writing by the Community Development Officer by personal service or by certified mail, return receipt requested, to the person to whom was sent the tax bill for general taxes for the last preceding year on the property. In addition to any fine or penalty which may be imposed, if the owner fails to abate such nuisance within ten (10) days of receipt of such notice, the Community Development Officer may cause the removal of such nuisance and any reasonable expense incurred by the Village shall be as set forth in Administrative Regulation entitled "User-Fee, License and Fine Schedule" to abate the nuisance, including any administrative costs incurred in causing the removal and in billing the owner for the cost, shall be a charge against the owner which may be recovered in an appropriate action at law. ~~As an alternative to instituting proceedings to impose a fine or other penalty for a violation of any provision of Division 2, the Community Development Officer may refer the matter to the Community Maintenance Board established in Section 2-67 of this Code for their review.~~

For the purposes of enforcing this Article, the Community Development Officer may, at all reasonable times, enter in and upon any premises within his/her jurisdiction. (R.O. 1925, § 267; Ord. No. 1840, § 1; Ord. No. 2406, § 2.)

Section 3. That Section 13.49ART. is hereby amended to read as follows:

13.49ART. Article VII. Illicit Discharge Detection and Elimination (IDDE)

Section 4. That Section 13.50. is hereby amended to read as follows:

13.50. Definitions.

Storm drains and sewers; defined.

~~For the purposes of this article, a storm drain and sewer is defined as any conduit or sewer, whether surface or underground, which carries storm and surface waters and drainage.~~

For the purposes of this Ordinance, the following words and terms shall have the meanings set forth except where otherwise specifically indicated. Words and terms not defined shall have the meanings as defined in the Downers Grove Municipal Code or as indicated by common dictionary definition.

Illicit Discharge. Any direct or indirect non-storm water discharge to the Stormwater System, except as exempted in Section 13.50.1 (c) of this Ordinance.

Illicit Connections. An illicit connection is defined as either of the following:

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1. Any drain or conveyance, whether on the surface or subsurface that allows an illicit discharge to enter the Stormwater 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 Stormwater System and any connections to the Stormwater System from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by the Village or.
2. Any drain or conveyance connected from a commercial or industrial land use to the Stormwater System that has not been documented in plans, maps, or equivalent records and approved by the Village.

National Pollutant Discharge Elimination System (NPDES) Permit. A permit issued by Illinois Environmental Protection Agency (IEPA) 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-Stormwater Discharge. Any discharge to the Stormwater System that is not the direct result of precipitation and/or snow melt in the tributary drainage basin.

Pollutant. Anything that 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, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, wastewater, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; industrial waste water; and noxious or offensive matter of any kind.

Stormwater System. A conveyance or system of conveyances (including but not limited to sidewalks, roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, natural and man-made or altered channels and creeks, and storm sewers) designed or used for collecting or conveying stormwater, and that is not used for collecting or conveying sewage. Stormwater System includes both Major and Minor Stormwater Systems.

(Ord. No. 2386, § 1.)

Section 5. That Section 13.50.1. is hereby added to read as follows:

13.50.1. Prohibition of Illicit Discharges and Illicit Connections.

- (a) No person shall place, drain, or otherwise discharge, cause, or allow others under their control to place, drain, or otherwise discharge into the Stormwater System any pollutants or waters containing any pollutants, other than normal storm water unless specifically exempted in Section 13.50.1 (c) of this Ordinance.
- (b) The following discharges into the Stormwater System shall be prohibited:
 - (1) Discharges that are not a direct result of precipitation and/or snow melt within the drainage area of the Stormwater System.
 - (2) Discharges from an illicit connection.
- (c) The following discharges are exempt from discharge prohibitions established herein provided they do not cause an adverse effect on water quality as determined by the Director of Public Works:
 - (1) Discharges caused by governmental public works and stormwater management units as part of their standard operations in compliance with all applicable regulations.
 - (2) Discharges required by law or authorized by permit, including any non-stormwater

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discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered by the USEPA and/or IEPA.

- (3) Water line and fire hydrant flushing.
- (4) Discharges or flows from fire-fighting activities.
- (5) Landscape irrigation water.
- (6) Discharges from potable water sources.
- (7) Foundation drains, footing drains, sump pump discharge.
- (8) Air conditioning condensate.
- (9) Springs or other uncontaminated ground water.
- (10) Storm sewer cleaning water.
- (11) Water from any outdoor residential or charitable car wash.
- (12) Routine external building washdown which does not use detergents.
- (13) Flows from riparian habitats and wetlands.
- (14) Dechlorinated, pH neutral swimming pool or hot tub discharges or other dechlorinated water reservoir discharge.
- (15) Pavement/street washwaters where spills or leaks of toxic or hazardous materials have not occurred (unless all spilled material has been removed).
- (16) Discharges associated with dye testing of water line, sanitary sewers, storm sewers, private drains or septic systems; however, this activity shall not take place until the discharger, or tester, has provided notification to the Department at least two (2) full business days prior to the test date, unless an emergency situation does not allow time for such notification.
- (17) Other discharges approved by the Director of Public Works as being substantially like any of the discharge types enumerated in this Section.

Section 6. That Section 13.50.2. is hereby added to read as follows:

13.50.2. Prohibition of Illicit Connections.

- (a) The construction, use, maintenance, or continued existence of illicit connections to the Stormwater System is prohibited.
- (b) 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.
- (c) A person is considered to be in violation of this Ordinance if the person connects a line conveying sewage or other pollutants to the Stormwater System, or allows such a connection to continue.
- (d) Connections in violation of this Ordinance must be disconnected and redirected, if necessary, to an approved wastewater management system or the sanitary sewer system upon approval of the Village and the appropriate sanitary treatment facility.
- (e) Any drain or conveyance that has not been documented in plans, maps or equivalent, and which may be connected to the Stormwater System, shall be located by the owner or occupant of that property upon receipt of written Notice of Violation from the Village requiring that such locating be completed. Such notice shall 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 Stormwater System, sanitary sewer system, or other discharge point be identified. Results of these investigations are to be documented and provided to the Village.

Section 7. That Section 13.50.3. is hereby added to read as follows:

13.50.3. Notification of Spills.

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(a) Notwithstanding other requirements of law, as soon as any person owning, leasing or exercising control over a property, or responsible for emergency response for a property, has information of any known or suspected spill of materials which are resulting or may result in illicit discharges or pollutants discharging into the Stormwater System, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such spill.

(1) In the event of such a spill, said person shall immediately notify local emergency dispatch services and act in accordance with Illinois Emergency Management Agency (IEMA) and IEPA regulations.

(2) Said person shall notify the Village of Downers Grove Public Works Department of the spill in person or by phone, facsimile, or email no later than the next business day. Notifications in person or by phone shall be confirmed in writing to the Village of Downers Grove Public Works Department within three (3) business days of the initial notice.

(3) If the spill emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the spill and the actions taken to prevent its recurrence. Such records shall be retained for at least five (5) years.

(b) Proper notice, including containment and cleanup as outlined in this Section, shall exempt the notifying parties from applicable fines set forth in this Ordinance.

(c) Failure to provide notification of a spill as provided above is a violation of this Ordinance.

(d) Notwithstanding the language of paragraph (b) above, of this provision, a party causing a spill that contaminates or harms a Stormwater System shall not be relieved of liability for damages resulting from such act.

Section 8. That Section 13.50.4ART. is hereby added to read as follows:

13.50.4ART. Article VIII. Violations, Enforcement and Penalties

Section 9. That Section 13.51. is hereby amended to read as follows:

13.51. Enforcement; Violations.

~~Same—Discharge of sanitary and industrial wastewater prohibited.~~

~~It shall be unlawful for any person to discharge or permit or cause to be discharged sanitary or industrial waste water into any storm drain or sewer, as defined in Section 13-50 herein, within the corporate limits of the Village of Downers Grove.~~

1. The Director of Public Works shall have the primary responsibility for the enforcement of the provision of this Ordinance. The Village may enter into agreements with other governmental units for the purposes of implementing this Ordinance.

2. A person violates this Ordinance when that person:

- a. Performs any act expressly prohibited by any provision of this Ordinance; or
- b. Disobeys, neglects or fails to carry out or comply with any of the provisions of this Ordinance or of any order or notice issued by the Director of Public Works; or
- c. Allows any condition or act that violates any provision of this Ordinance to continue unabated on property owned, leased, managed or under the control of such person; or
- d. Directs, orders, permits or allows a second person to do any act expressly prohibited by any provision of this Ordinance or to maintain or continue unabated any condition or act that violates any provision of this Ordinance on property owned, leased, managed or under the control of the first person.

(Ord. No. 2386, § 1.)

Section 10. That Section 13.51.1. is hereby added to read as follows:

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13.51.1. Notice to Correct Violations, Director of Public Works May Take Action.

(1) The Director of Public Works may issue a Notice of Violation ordering a person to take action to achieve compliance with the provisions of this Ordinance and to cease and desist from any action conducted in violation of this Ordinance. Failure to comply with the terms and conditions of a Notice of Violation and/or order to cease and desist shall constitute a violation of this Ordinance.

a. The Director of Public Works shall set forth the form and content of any notices issued under this Ordinance.

b. The Director of Public Works may issue a Warning of Violation ordering a person to take action to achieve compliance with the provisions of this Ordinance. If a person fails to comply with the terms and conditions of a warning, the Director of Public Works, may, thereafter, issue a Notice of Violation

(2) If a person fails to comply with an order issued under this section, the Director of Public Works may direct the appropriate legal counsel to commence any legal proceedings authorized by this Ordinance, under the law or equity, necessary to enforce any provision of this Ordinance and/or to protect the public health and safety. Any legal action brought under this Ordinance shall be in the name of the Village of Downers Grove.

Section 11. That Section 13.51.2. is hereby added to read as follows:

13.51.2. Emergency Cease and Desist Orders.

(1) The Village may obtain an emergency order in the event of the following:

a. 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

b. That the person's violation has caused or contributed to an actual or threatened discharge to the Stormwater System and an imminent threat of violation is present.

(2) The Village may issue the emergency order to the violator directing that the violator:

a. Immediately cease and desist all such violations;

b. Immediately comply with all Ordinance requirements; and

c. Take such appropriate preventative action as may be needed to properly address a continued or threatened violation, including immediately halting operations and/or terminating the discharge.

(3) Any person notified of an emergency order under this subsection shall immediately comply and stop or eliminate its endangering discharge. In the event of a discharger's failure to immediately comply voluntarily with the emergency order, the Village may take such steps as deemed necessary to prevent or minimize harm to the Stormwater System, 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 Village may allow the person to recommence its discharge when it has demonstrated to the satisfaction of the Village that the period of endangerment has passed, unless further termination proceedings are initiated against the discharger 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 Village within fifteen (15) 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.

Section 12. That Section 13.51.3. is hereby added to read as follows:

13.51.3. Violations Deemed a Public Nuisance.

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Any condition caused or permitted to exist in violation of any provision of this Ordinance shall constitute a threat to public health and safety and is declared and deemed a public nuisance.

Section 13. That Section 13.51.4. is hereby added to read as follows:

13.51.4. Nuisance Abatement.

Whenever a nuisance shall be found to exist on any premise, the Director of Public Works may order such nuisance to be abated upon determination that the nuisance constitutes a threat to public health or safety.

1. In the event of an emergency situation, as determined by the Director of Public Works, involving an immediate threat to public health and safety, the Director of Public Works may direct legal counsel to immediately commence any legal or equitable proceeding necessary to restrain, abate and/or remedy said situation. The Director of Public Works may take such action without having to first issue a Notice of Violation to the person(s) having control of, or acting as agent for, such premise where the nuisance is located, or, waiting for such person(s) to abate or remove such nuisance as previously ordered by the Director of Public Works.

2. In all other cases, the Director of Public Works may notify, in writing, the persons(s) having control of or acting as agent for, such premise where the nuisance is located and directing such persons(s) to abate or remove such nuisance within such time as it stated on the notice. Upon the failure or refusal of such person(s) to comply with the notice, the Director of Public Works may direct that the appropriate proceeding commence to compel the abatement or removal of such nuisance in any manner allowed by law, equity or this Ordinance and/or authorize the Village to act to abate or remove such nuisance. The person(s) having control of such premise, in addition to the other remedies provided by this Ordinance, shall be liable to the Village for any costs incurred by the Village to effect such abatement or removal, including reasonable attorney's fees and other costs of enforcement. The Village shall have the right to file a lien against the property for the costs incurred in abating and/or removing the nuisance. Said lien shall be filed in the Office of the County Recorder within sixty (60) days after such removal or abatement.

Section 14. That Section 13.51.5. is hereby added to read as follows:

13.51.5. Fines.

Any person violating any provision of this Ordinance shall be guilty of a petty offense. Such violation shall be punishable by a fine of not more than one thousand dollars (\$1,000) each day, or any portion of a day, during which such violation is committed, continues or permitted shall constitute a separate offense and shall be punishable as such.

Section 15. That Section 13.51.6. is hereby added to read as follows:

13.51.6. Remedies Not Exclusive.

The remedies listed in this Ordinance are not exclusive of any other remedy available under this Ordinance or under any applicable federal, State or local law and do not supersede or limit any and all other penalties provided by law. The Village may seek cumulative remedies.

Section 16. That Section 13.52. is hereby amended to read as follows:

13.52. Drainage of pools and hot tubs.

Dechlorinated pH neutral wastewater from a temporary or permanent swimming pool or hot tub discharged in a natural drainage area or to the ground surface shall be discharged in accordance with this Ordinance in a location on the property which provides at least ~~fifteen~~ twenty (20) feet of pervious surface

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between the point of discharge and any property line and such that the discharge does not cause flooding or erosion. Such discharge shall also comply with any and all state and federal regulations concerning the discharge of wastewater from swimming pools and hot tubs.

Section 17. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 18. That this ordinance shall be in full force and effect from and after its passage and publication in the manner provided by law.

Mayor

Passed:

Published:

Attest: _____

Village Clerk