

## CHAPTER 102

# SANITARY SEWER SYSTEM – PENALTIES FOR NONCOMPLIANCE

102.01 Violations Constitute a Public Nuisance  
102.02 Surcharges  
102.03 Civil Judicial Relief

102.04 Cumulative Remedies  
102.05 Criminal Penalties

**102.01 VIOLATIONS CONSTITUTE A PUBLIC NUISANCE.** Violations of these Sanitary Sewer chapters, a permit, or a final order are hereby declared to constitute a public nuisance.

**102.02 SURCHARGES.** In addition to prosecution and the imposition of penalties for violations, a user violating these Sanitary Sewer chapters, a permit, or a final order shall be subject to one or more surcharges in accordance these Sanitary Sewer chapters.

**102.03 CIVIL JUDICIAL RELIEF.** The Director of Public Works is hereby empowered, with the City Attorney, to institute legal proceedings in a court of competent jurisdiction of the abatement of any nuisance, and to seek relief for violations of these Sanitary Sewer chapters, a use permit, or a final order. The Director of Public Works may seek temporary or permanent injunctive relief, damages, civil penalties not to exceed \$1,000.00 per day per violation, costs and such other relief as a Court may order. The Director of Public Works may also seek collection of unpaid surcharges and penalties from the user.

**102.04 CUMULATIVE REMEDIES.** The imposition of a single penalty, order, damage or surcharge upon a user for a violation of these Sanitary Sewer chapters, a permit or a final order shall not preclude the imposition by a court of competent jurisdiction of a combination of any or all of the sanctions and remedies or additional sanction and remedies with respect to the same violation, consistent with applicable statutory limitations. A criminal citation and prosecution of a criminal action against a user shall not be dependent upon or held in abeyance during any civil, judicial or city administrative proceeding, conference or hearing regarding the user.

**102.05 CRIMINAL PENALTIES.** Any user who is found to have violated an order of the City Council or who willfully or negligently failed to comply with any provision of these Sanitary Sewer chapters and the orders, rules, regulations and permits issued hereunder, shall be in violation of the Code of Ordinances. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition, the City may recover reasonable attorneys' fees, court costs, court reporters' fees, and other expenses of litigation by appropriate suit at law against the person found to have violated these Sanitary Sewer chapters or the orders, rules, regulations and agreements issued hereunder.