

ARTICLE II. - ILLICIT DISCHARGE AND ILLEGAL CONNECTION

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Sec. 100-21. - General provisions.

- (a) *Title.* This article shall be known as the "Illicit Discharge and Illegal Connection Ordinance".
- (b) *Authority.* The authority for this article is based on home rule provisions of the Georgia Constitution, Article IX, Section 2, Paragraph 3(a)(6).
- (c) *Findings.* It is hereby determined that:
- (1) The county separate storm sewer system was designed and installed to manage stormwater so as to prevent localized flooding, damage to property and risk to public safety;
 - (2) The county separate storm sewer system was not designed or installed as a receiving system for non-stormwater discharges;
 - (3) Discharges to the county separate storm sewer system that are not composed entirely of stormwater contribute to increased nonpoint source pollution and degradation of receiving waters;
 - (4) These non-stormwater discharges occur due to spills, dumping and improper connections to the county separate storm sewer system from residential, industrial, commercial or institutional establishments;
 - (5) These non-stormwater discharges not only impact local waterways individually, but geographically dispersed, small volume non-stormwater discharges can have cumulative impacts on receiving waters;
 - (6) The impacts of these non-stormwater discharges adversely affect public health and safety, drinking water supplies, recreation, fish and other aquatic life, property values and other uses of lands and waters;
 - (7) These impacts can be minimized through the regulation of spills, dumping and discharges into the county separate storm sewer system;
 - (8) Localities in the State of Georgia are required to comply with a number of state and federal laws, regulations and permits which require a locality to address the impacts of non-point source

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pollution caused by non-stormwater discharges to the county separate storm sewer system;

(9) The Clean Water Act requires the management and maintenance of the county separate storm sewer system and the management of discharges to that system;

(10) Therefore, in order to prohibit such non-stormwater discharges to the county separate storm sewer system, it is determined that the regulation of spills, improper dumping and discharges to the county separate storm sewer system is in the public interest and will prevent threats to public health and safety, and the environment.

(d) *Purpose and intent.* The purpose of this article is to protect the public health, safety, environment and general welfare through the regulation of non-stormwater discharges to the county separate storm sewer system to the maximum extent practicable as required by federal law. This article establishes methods for controlling the introduction of non-stormwater discharges into the county separate storm sewer system in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process. The objectives of this article are to:

(1) Comply with all Georgia Department of Natural Resources (DNR) and Federal Environmental Protection Agency (EPA) stormwater regulations developed pursuant to the Clean Water Act; and

(2) Prohibit illicit discharges and illegal connections to the county separate storm sewer system; and

(3) Prevent non-stormwater discharges, generated as a result of spills, inappropriate dumping or disposal, to the county separate storm sewer system; and,

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

(e) *Applicability.* The provisions of this article shall apply throughout the unincorporated area of the county. The county may enter into agreements with cities within the county, or other municipalities, to carry out the purpose of this article. These agreements may include, but are not limited to, enforcement of provisions, resolution of disputes, and cooperative monitoring and management of the separate storm sewer system and management programs.

(f) *Compatibility with other regulations.* This article is not intended to modify or repeal any other ordinance, rule, regulation, or other provision of law. The requirements of this article constitute a minimum standard, should not be deemed to limit or repeal any other local requirements, and are in addition to the requirements of any other ordinance, rule, regulation, or other provision of law, and where any provision of this article 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.

(g) *Severability.* If the provisions of any section, subsection, paragraph, subdivision or clause of this article shall be adjudged invalid by a court of competent jurisdiction, such judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision or clause of this article.

(h) *Responsibility for administration.*

(1) The department shall have the power to administer, implement, and enforce the provisions of this article and any procedures, standards and guidelines established under authority of this article. Such power shall include the right to maintain an action or procedure in any court of

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competent jurisdiction to compel compliance with or restrain any violation of this article.

(2) The department shall be responsible for the conservation, management, maintenance (where applicable), extension and improvement of the county separate storm sewer system, including activities necessary to control stormwater and activities necessary to administer and implement the stormwater management programs incorporated by reference into the county's NPDES stormwater permit.

(3) The department may develop, and update periodically, a stormwater management design manual for the guidance of persons preparing stormwater management plans, designing or operating stormwater management systems, and designing or operating facilities that may contribute non-stormwater discharges to the county's separate storm sewer system.

(4) The department may:

- a. Establish or oversee the establishment of standards and guidelines for controlling stormwater; and
- b. Determine the manner in which conveyances should be operated; and
- c. Inspect private systems which discharge to the county separate storm sewer system; and
- d. Advise other departments on issues related to stormwater; and
- e. Protect facilities and premises controlled by the county and prescribe how they are to be used by others; and
- f. Require facilities or activities that create new, increased, or significantly changed stormwater contributions to the county's separate storm sewer system to comply with the terms of this article; and
- g. Develop programs or procedures to control the discharge of pollutants into the county separate storm sewer system.

(5) Stormwater systems and facilities installation standards and specifications.

a. *Short title, authority and applicability.* This subsection shall be known and may be cited as the Gwinnett County Stormwater Systems and Facilities Installation Standards and Specifications Ordinance.

b. *Authority to adopt.* Gwinnett County has the authority to adopt this subsection pursuant to Article 9, Section 2, Paragraph III (a)(6) and Article 9, Section 2, Paragraph III (c), (d) of the Constitution of the State of Georgia, and Sections 61 (4) (C) (ii) and 62 (a) (2) of Chapter 82 of Title 36 of the Official Code of Georgia Annotated.

c. *Findings.* The board of commissioners makes the following findings:

1. The county has adopted an ordinance, codified in this Code, Appendix D, Section 5-2012, which authorized the department of water resources to adopt standards and specifications for the construction of the county's sewer system;

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2. The board of commissioners finds that delegating similar authority to the director of the department of water resources to adopt standards and specifications for the installation of stormwater systems and facilities will make administration of the county's stormwater program more efficient and more cost-effective; and

3. In the exercise of its legislative power, the board of commissioners hereby establishes general policy guidance and performance standards for the exercise of the discretion delegated to the director of the department of water resources as set forth in this subsection.

d. *General policy.* All extensions of or additions to the stormwater system shall be designed and built in accordance with standards of the department of water resources. The standards shall be those stated in the latest edition of "Stormwater Systems and Facilities Installation Standards and Specifications for Gwinnett County", which shall be developed, published in a document and made available to the public at the department of water resources. No installation of pipe or other materials used for construction of extensions of or additions to the stormwater system shall be allowed until the required information is received and the design is approved by the department of water resources. Inspection and acceptance procedures shall be specified in these standards.

e. *Performance standards.* The department of water resources shall require that all materials specified for construction of extensions of or additions to the stormwater system shall have equal performance, i.e., approximately equal economic life.

f. *Compliance with other regulations.* Design and construction of extensions of or additions to the stormwater system shall comply with all local, state, and federal rules and regulations pertaining to stormwater facility installation, including but not limited to rules and regulations for safety, erosion and sediment control, stream buffer protection, wetlands, and water quality standards.

g. *Authority to issue standards and specifications.* The director of the department of water resources is hereby authorized to issue and from time to time amend, update and revise the "Stormwater Systems and Facilities Installation Standards and Specifications for Gwinnett County." All such rules, procedures and policies shall be consistent with the provisions of this subsection and shall be effective 30 days after being signed by the director and placed in the central files of the department of water resources.

h. *Effective date of standards and specifications.* The department of water resources shall have 90 days from the date of the adoption of this resolution to issue the "Stormwater Systems and Facilities Installation Standards and Specifications for Gwinnett County."

(Ord. No. IDA2003-001, § 1, 1-27-04; Ord. of 4-18-06; Res. of 5-2-06)

Sec. 100-22. - Definitions.

(a) For the purposes of this article, unless specifically defined below, words or phrases shall be interpreted so as to give them the meaning they have in common usage and to give this article its most effective application. Words in the singular shall include the plural, and words in the plural shall include the singular. Words used in the present tense shall include the future tense; the word "shall" connotes "mandatory" and not "discretionary"; the word "may" is permissive.

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(b) Unless otherwise specified, or it is apparent from the context, definitions herein will be the same as those in other county codes.

(c) For the purposes of this article, the following terms, phrases and words, and their derivatives, shall have the meaning given herein:

Accidental discharge means a discharge prohibited by this article that occurs by chance and without planning or thought prior to occurrence.

Clean Water Act means the Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

Construction activity means activities subject to the Georgia Erosion and Sedimentation Control Act or NPDES General Construction Permits. These include construction projects resulting in land disturbance. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

Conveyance shall mean an aboveground or underground natural or man made drainage feature, that provides for the collection and movement of stormwater, and shall include but not be limited to concrete or metal pipes, ditches, depressions, swales, roads with drainage systems, highways, county streets, curbs, gutters, inlets, catch basins, piped storm drains, pumping facilities, structural stormwater controls, drainage channels, reservoirs, rights of way, storm drains, culverts, street gutters, oil/water separators, modular pavements and other similar drainage structures.

County shall mean Gwinnett County and such of its departments, employees and agents as may have duties and responsibilities for administering and enforcing all stormwater management activities and implementation of the provisions of this article.

County separate storm sewer system means any conveyance of system of conveyances which is:

- (1) Owned or operated by the county;
- (2) Not a combined sewer; and
- (3) Not part of a publicly owned treatment works.

Department shall mean, unless otherwise specified, the county department responsible for stormwater management activities and implementation of the provisions of this article.

Director shall mean either the director of the county department responsible for stormwater management activities and implementation of the provisions of this article or any of that person's duly authorized representatives.

Discharge shall mean the direct or indirect release of water, fluid, materials or other matter to a conveyance or surface that drains to a conveyance.

Illicit discharge means any direct or indirect non-stormwater discharge to the county separate storm sewer system.

Illegal connection shall mean any of the following:

- (1) Any pipe, open channel, drain or other conduit, whether natural or man made, which is used

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exclusively to drain a non-stormwater discharge to the county's separate storm sewer system; or

(2) Any pipe, open channel, drain or other conduit, whether natural or man made, that was designed, installed or redirected for the purpose of draining a non-stormwater discharge into the county's separate storm sewer system; or

(3) Any pipe, open channel, drain or other conduit, whether natural or man made, which is connected to the county separate storm sewer system and which has not been documented in plans, maps, or equivalent records and approved by the county regardless of whether such pipe, open channel, drain or other conduit, whether natural or man made, was permissible under law or practices applicable or prevailing at the time the connection was made, or has been previously allowed, permitted, or approved by the county or any other authorized enforcement agency. "Illegal connection" expressly includes, without limitation, those connections made in the past.

Industrial activity means activities subject to NPDES Industrial Permits as defined in 40 CFR, Section 122.26 (b)(14).

National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge Permit means a permit issued by the Georgia EPD 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-stormwater means any surface flow, runoff, drainage, or discharge that is not composed entirely of stormwater and which may include pollutants, but that excludes:

(1) Water from those sources described in subsections 100-23(a)(2)a. and (a)(2)b. of this article; and/or

(2) Any discharge permitted under NPDES permit or order issued to the discharger and administered under the authority of the state and the Federal Environmental Protection Agency, provided that the discharger 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 county separate storm sewer system.

Person means, except to the extent exempted from this article, any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, city, county or other political subdivision of the state, any interstate body or any other legal entity.

Pollutant means anything that causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; petroleum hydrocarbons; automotive fluids; cooking grease; detergents (biodegradable or otherwise); degreasers; cleaning chemicals; 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; liquid and solid wastes; process waste water and wash water; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; concrete and cement; and noxious or offensive matter of any kind.

Pollution shall mean the man-made or man-induced alteration of the chemical, physical, biological, thermal and radiological integrity of water.

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

Procedure shall mean a procedure adopted by the department, by and through the director, to implement a regulation or regulations adopted under this article, or to carry out other responsibilities as may be required by this Code or other codes, ordinances or resolutions of the county or other agencies.

State waters means any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells, and other bodies of surface and subsurface water, natural or artificial, lying within or forming a part of the boundaries of the state which are not entirely confined and retained completely upon the property of a single person.

Stormwater means any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation, but which also includes:

- (1) Water from those sources described in subsections 100-23(a)(2)a. and b. of this article; and/or
- (2) Any discharge permitted under NPDES permit or order issued to the discharger and administered under the authority of the state and the Federal Environmental Protection Agency, provided that the discharger 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 county separate storm sewer system.

Stormwater management design manual shall mean the most recent version of the stormwater design manual.

Structural stormwater control means a structural stormwater management facility or device that controls stormwater runoff and changes the characteristics of that runoff including, but not limited to, the quantity and quality, the period of release or the velocity of flow.

Variance shall mean the modification of the minimum stormwater requirements for specific circumstances where strict adherence of the requirements would result in unnecessary hardship and not fulfill the intent of this article.

(Ord. No. IDA2003-001, § 2, 1-27-04; Res. No. IDA2005-001, 3-22-05)

Sec. 100-23. - Prohibitions.

(a) *Prohibition of illicit discharges.*

- (1) It shall be a violation of this article for any person to throw, drain, or otherwise discharge, cause, or allow others under its control to throw, drain, or otherwise discharge into the county separate storm sewer system anything other than stormwater.
- (2) Discharges from the following sources are exempt from the prohibition provision in subsection (1) above:
 - a. Water line flushing performed by a government agency, other potable water sources, dechlorinated and unpolluted swimming pool discharges, landscape irrigation or lawn watering, diverted stream flows, rising ground water, ground water infiltration to storm drains, uncontaminated pumped ground water, foundation or footing drains (not including active

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groundwater dewatering systems), crawl space pumps, air conditioning condensation, springs, natural riparian habitat or wetland flows, and any other water source not containing pollutants;

b. Discharges or flows from fire fighting, and other discharges specified in writing by the county as being necessary to protect public health and safety.

(b) *Prohibition of illegal connections.*

(1) It shall be a violation of this article for any person to construct, connect, use, maintain, or suffer or allow the continued existence of any illegal connection to the county separate storm sewer system.

(2) Illegal connections must be disconnected. The department may require that illegal connections be disconnected and redirected if necessary, to an approved on-site sewage management system or the sanitary sewer system. Such redirected connections must be approved by the agency responsible for administering and operating those systems.

(3) The department may require any underground or above ground pipe, drain or other conduit, that has not been documented in plans, maps or equivalent, and which may be connected to the county's separate storm sewer system, to be located by the owner or occupant of that property upon receipt of written notice from the department. Such notice will specify a reasonable time period within which the location of the drain or conveyance is to be completed, 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 department. Failure to comply with the terms of the written notice mentioned within this subsection shall constitute a violation of this article.

(Ord. No. IDA2003-001, § 3, 1-27-04; Res. No. IDA2005-001, 3-22-05)

Sec. 100-24. - Industrial or construction activity discharges.

Any person subject to an industrial or construction activity NPDES stormwater 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 county prior to allowing discharges to the county separate storm sewer system.

(Ord. No. IDA2003-001, § 4, 1-27-04)

Sec. 100-25. - Access and inspection of properties and facilities.

(a) *Access and inspection.* The director or his designee shall be permitted to enter and inspect premises, properties and facilities at reasonable times as often as may be necessary to determine compliance with this article.

(1) If a property or facility has security measures in force, which require proper identification and clearance before entry into its premises, the owner or operator shall make the necessary arrangements to allow access to the director or his designee.

(2) The owner or operator shall allow the director or his designee ready access to all parts of the premises for the purposes of inspection, investigation, observation, monitoring, measurement, recording, enforcement, sampling and testing, photography and videotaping for the purpose of

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ensuring compliance with the provisions of this article. The owner or operator shall allow the director or his designee to examine and copy any records that are required under the conditions of an NPDES permit. The director or his designee shall duly notify the owner of said property or the representative on site, except in the case of an emergency.

(3) The director or his designee shall have the right to set up on any premises, property or facility such devices as are necessary in the opinion of the department to conduct monitoring and/or sampling of discharges.

(4) The director or his designee may require the owner or operator to install monitoring equipment and perform monitoring as necessary, and make the monitoring data available to the department. This sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the owner or operator at his/her own expense. All devices used to measure flow and quality shall be calibrated to ensure their accuracy. Measurements, tests and analyses performed shall be completed in accordance with 40 CFR Part 136, unless the director approves another method.

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

(6) Unreasonable delays in allowing the director or his designee access to a facility, property or premises shall constitute a violation of this article.

(7) If the director or his designee has been refused access to any part of a premises, property or facility from which stormwater is or would likely be discharged, and the director or his designee is able to demonstrate probable cause to believe that there may be a violation of this article, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this article or any order issued hereunder, or to protect the overall public health, safety, environment and welfare of the community, then the department may seek issuance of a search warrant from any court of competent jurisdiction.

(b) *Schedule.* The director or his designee may determine inspection schedules necessary to enforce the provisions of this article.

(Ord. No. IDA2003-001, § 5, 1-27-04)

Sec. 100-26. - Notification of accidental discharges and spills.

(a) Notwithstanding other requirements of law, as soon as any person responsible for a facility, activity or operation, or responsible for emergency response for a facility, activity or operation has information of any known or suspected release of non-stormwater from that facility or operation which is resulting or may result in a discharge of that non-stormwater into the county separate storm sewer system, state waters, or waters of the United States, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release so as to minimize the effects of the discharge.

(b) Said person shall notify the department by phone, facsimile or in person within 24 hours of discovering the discharge. Such notification shall detail the nature, quantity and time of occurrence of the discharge. Notifications in person or by phone shall be confirmed by written notice addressed and

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mailed to the department within three business days of the phone or in person notice. If the discharge 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 three years. Said person shall also take immediate steps to ensure no recurrence of the discharge or spill.

(c) In the event of such a release of hazardous materials, emergency response agencies and/or other appropriate agencies shall be immediately notified.

(d) Failure to provide notification of a release or discharge as provided above is a violation of this article.

(Ord. No. IDA2003-001, § 6, 1-27-04)

Sec. 100-27. - Violations, enforcement and penalties.

(a) *Violations.* It shall be a violation of this article for any person to violate any provision or fail to comply with any of the requirements of this article. Any person, who has violated or continues to violate the provisions of this article, may be subject to the enforcement actions outlined in this section. Each day of noncompliance is considered a separate offense. The department may institute appropriate action or proceedings at law or equity for the enforcement of this article. Any court of competent jurisdiction may have the right to issue restraining orders, temporary or permanent injunctions, and other appropriate forms of remedy or relief. Nothing herein contained shall prevent the department from taking such other lawful action as is necessary to prevent or remedy any violation, including application for injunctive relief. In the event the violation constitutes an immediate danger to public health or public safety, the department has the right but not the duty, to enter upon the subject private property or premises, without giving prior notice, and take any and all measures necessary to abate the violation and/or restore the property. The department is authorized to seek costs of the abatement as outlined in subsection (e) below.

(b) *Notice of violation.* Whenever the department finds that a violation of this article has occurred, the department may order compliance by written notice of violation.

(1) The notice of violation shall contain:

- a. The name and address of the alleged violator; and
- b. The address when available or a description of the building, structure, premises or land upon which the violation is occurring, or has occurred; and
- c. A statement specifying the nature of the violation; and
- d. A description of the remedial measures necessary to restore compliance with this article and a time schedule for the completion of such remedial action; and
- 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; and
- f. A statement that the determination of violation may be appealed to the department by filing a written notice of appeal within 30 days of service of notice of violation.

(2) Such notice of violation may require without limitation:

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- a. The performance of monitoring, analysis, and reporting;
- b. The elimination of illicit discharges and illegal connections;
- c. That violations of this article shall cease and desist;
- d. The abatement of non-stormwater discharges, the remediation of land or the effects of pollution, and the restoration of any affected property to its unaffected condition;
- e. Payment of costs to cover administrative and abatement costs;
- f. The implementation of pollution prevention practices;
- g. The development and provision to the department of written remediation or action plan's;
- h. The development and provision to the department of documents showing the location and discharge points of conveyances, pipes, channels, or drains; and
- i. Any other actions that will lead to the remedy of a condition of violation of this article.

(c) *Appeal of notice of violation.* Any person receiving a notice of violation may appeal the determination of the director or his designee. The notice of appeal must be received by the department within 30 days from the date of the notice of violation. Hearing on the appeal before the director shall take place within 15 days from the date of receipt of the notice of appeal. The decision of the director shall be final.

(d) *Enforcement measures.* 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 three days of the decision of the director upholding the decision of the director or his designee, then, in addition to any other remedies that may be available, representatives of the department or its contractors may enter upon the subject private premises, property or facility, where they are then authorized to take any and all actions or measures necessary to abate the violation and/or restore the property. Such measures or actions shall include but not be limited to repairs, maintenance, containment, cleanup and remediation. It shall be a violation of this article for any person, owner, agent or person in possession of any premises, property or facility to refuse to allow the department or designated contractor to enter upon the premises for the purposes set forth above.

(e) *Costs of abatement of the violation.* Within ten working days after abatement of the violation by the department or its contractors, 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 assessment or to the amount of the assessment within ten working days of such notice. If the amount due is not paid within 30 days after receipt of the notice, or if an appeal is taken, within 30 days after a decision on said 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 county by reason of such violation.

(f) *Criminal penalties.* For violations of this article, the department may issue a citation to the alleged violator requiring such person to appear in a court of competent jurisdiction to answer charges for such violation. Upon conviction, such person shall be punished by a fine not to exceed \$1,000.00 or imprisonment for 60 days or both. Each act of violation and each day upon which any violation shall occur shall constitute a separate offense.

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(g) *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 article is a threat to public health, safety, welfare, and environment and is declared and deemed a nuisance, and may be abated by injunctive or other equitable relief as provided by law.

(h) *Remedies not exclusive.* The remedies listed in this article are not exclusive of any other remedies available under any applicable federal, state or local law and the department may seek cumulative remedies. The department may recover attorney's fees, court costs, and other expenses associated with enforcement of this article, including sampling and monitoring expenses. If the amount due is not paid within 30 days after receipt of a notice requiring payment of such costs, or if an appeal is taken, within 30 days after a decision on said 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.

(Ord. No. IDA2003-001, § 7, 1-27-04)

Sec. 100-28. - Reserved.

Editor's note— Former § 100-28, entitled "Variances" was repealed in its entirety by the Illicit Dishcharge and Illegal Connections Ordinance Amendments of 2009, § 1, adopted by the Board of Commissioners on Oct. 6, 2009.