

## **ARTICLE IX. ENFORCEMENT AND PENALTIES**

### **Section 901. Right-of-Entry**

- A. Upon presentation of proper credentials, duly authorized representatives of the municipality may enter at reasonable times upon any property within the municipality to inspect the implementation, condition, or operation and maintenance of the stormwater facilities or Best Management Practices (BMPs) in regard to any aspect governed by this Ordinance.
- B. Landowners with stormwater facilities and BMPs on their property shall allow persons working on behalf of the municipality ready access to all parts of the premises for the purposes of determining compliance with this Ordinance.
- C. Persons working on behalf of the municipality shall have the right to temporarily locate on any stormwater facility or BMP in the Municipality such devices as are necessary to conduct monitoring and/or sampling of the discharges from such stormwater facilities or BMP.

### **Section 902. Inspection**

Stormwater Management (SWM) Best Management Practices (BMPs) should be inspected for proper operation by the landowner, or the owner's designee (including the Municipality for dedicated and owned facilities), according to the following list of minimum frequencies:

- 1. Annually for the first 5 years,
- 2. Once every 3 years thereafter,
- 3. During or immediately after the cessation of a 10-year or greater storm, and/or
- 4. As specified in the Operations and Maintenance (O&M) agreement.

### **Section 903. Enforcement**

All inspections regarding compliance with the Stormwater Management (SWM) Site Plan and this Ordinance shall be the responsibility of the Municipality.

- A. Whenever the Municipality finds that a person has violated a prohibition or failed to meet a requirement of this Ordinance, the Municipality may order compliance by written notice to the responsible person. Such notice may, without limitation, require the following remedies:
  - 1. Performance of monitoring, analyses, and reporting;
  - 2. Elimination of prohibited connections or discharges;

3. Cessation of any violating discharges, practices, or operations;
  4. Abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;
  5. Payment of a fine to cover administrative and remediation costs;
  6. Implementation of stormwater facilities and Best Management Practices (BMPs); and
  7. Operation and Maintenance (O&M) of stormwater facilities and BMPs.
- B. Such notification shall set forth the nature of the violation(s) and establish a time limit for correction of these violations(s). Said notice may further advise that, if applicable, should the violator fail to take the required action within the established deadline, the work will be done by the Municipality and the expense may be charged to the violator.
- C. Failure to comply within the time specified may subject a violator to the penalty provisions of this Ordinance. All such penalties shall be deemed cumulative and shall not prevent the Municipality from pursuing any and all other remedies available in law or equity.

#### **Section 904. Suspension and Revocation of Permits and Approvals**

- A. Any building, land development, or other permit or approval issued by the municipality may be suspended or revoked, in whole or in part, by the Municipality for:
1. Noncompliance with or failure to implement any provision of the permit;
  2. A violation of any provision of this ordinance; or
  3. The creation of any condition or the commission of any act during construction or development which constitutes or creates a hazard or nuisance, pollution or which endangers the life, health, or property of others.
- B. A suspended permit may be reinstated by the Municipality when:
1. The Municipality has inspected and approved the corrections to the stormwater facilities and BMPs or the elimination of the hazard or nuisance, and;
  2. The Municipality is satisfied that all applicable violations in this Ordinance have been corrected.
- C. Any permit or approval that has been revoked by the Municipality cannot be reinstated. The Applicant may apply for a new permit under the procedures outlined of this Ordinance.

**Section 905. Penalties**

- A. Any person violating the provisions of this Ordinance shall be subject to penalties that may range from liens against the property to fines for each violation, recoverable with costs. Each day that the violation continues shall constitute a separate offense and the applicable fines are cumulative.
- B. In addition, the Municipality may institute injunctive, mandamus or any other appropriate action or proceeding at law or in equity for the enforcement of this ordinance. Any court of competent jurisdiction shall have the right to issue restraining orders, temporary or permanent injunctions, mandamus, or other appropriate forms of remedy or relief.

**Section 906. Appeals**

- A. As per the Pennsylvania Municipalities Planning Code (MPC), Section 909.1(9), any person aggrieved by any action pursuant to this Ordinance may appeal to the Wrightstown Township Zoning Hearing Board within thirty (30) days of that action.
- B. Any person aggrieved by any decision of Wrightstown Township, relevant to the provisions of this Ordinance may appeal to the County Court of Common Pleas in the County where the activity has taken place within thirty (30) days of the municipal decision.