

ARTICLE XII - ENFORCEMENT AND PENALTIES

Section 70-1201. Notification

- A. In the event that a person fails to comply with the requirements of this Ordinance, an approved SWM Site Plan, or fails to conform to the requirements of any permit or approval issued hereunder, the Municipality shall provide written notification of the violation. Such notification shall set forth the nature of the violation(s) and establish a time limit for correction of these violation(s).
- B. Failure to comply within the time specified shall subject such person to the Penalties Provisions of this Ordinance. All such penalties shall be deemed cumulative and shall not prevent the Municipality from pursuing any and all other remedies. It shall be the responsibility of the owner of the real property on which any Regulated Activity is proposed to occur, is occurring, or has occurred, to comply with the terms and conditions of this Ordinance.

Section 70-1202. Enforcement

- A. The Borough Council is hereby authorized and directed to enforce all of the provisions of this Ordinance. The approved SWM Site Plan shall be on file at the project site throughout the duration of the construction activity. The Municipality or their designee may make periodic inspections during construction.
- B. Adherence to Approved SWM Site Plan
 1. It shall be unlawful for any person, firm, or corporation to undertake any Regulated Activity on any property except as provided for by an approved SWM Site Plan and pursuant to the requirements of this Ordinance.
 2. It shall be unlawful to alter or remove any control structure required by the SWM Site Plan pursuant to this Ordinance.
 3. It shall be unlawful to allow a property to remain in a condition that does not conform to an approved SWM Site Plan.

Section 70-1203. Public Nuisance

- A. A violation of any provision of this Ordinance is hereby deemed a Public Nuisance.
- B. Each day that a violation continues shall constitute a separate violation.

Section 70-1204. Suspension and Revocation

- A. Any approval or permit issued by the Municipality may be suspended or revoked for:
 1. Non-compliance with or failure to implement any provision of the approved SWM Site Plan or Operation & Maintenance (O&M) Agreement.
 2. A violation of any provision of this Ordinance or any other applicable law, Ordinance, rule or regulation relating to the Regulated Activity.

3. The creation of any condition or the commission of any act, during the Regulated Activity which constitutes or creates a hazard or nuisance, pollution, or which endangers the life or property of others.
- B. A suspended approval or permit may be reinstated by the Municipality when:
1. The Municipality or their designee has inspected and approved the corrections to the violation(s) that caused the suspension.
 2. The Municipality is satisfied that the violation(s) has been corrected.
- C. An approval that has been revoked by the Municipality cannot be reinstated. The Applicant may apply for a new approval under the provisions of this Ordinance.

Section 70-1205. Penalties

- A. Any person who shall violate any provision of this Ordinance, or who is the owner of a property on which a condition exists which constitutes a violation under this Ordinance, or who resists or interferes with any employee, officer, or agent of the Municipality in the performance of his or her duties under this Ordinance, shall be guilty of a summary offense. The Municipal solicitor may assume charge of the prosecution without the consent of the District Attorney as required under Pa.R.Crim.P. No. 83(c) (relating to trial in summary cases). Upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, such person shall be sentenced to pay a fine of not less than Five Hundred Dollars (\$500) and not more than One Thousand Dollars (\$1,000) per violation, plus court costs and attorney fees. A separate offense shall arise for each day or portion thereof in which a violation is found to exist or for each section of the ordinance which is found to have been violated and penalties shall be cumulative.
- B. In addition, the Municipality, through its solicitor, 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 70-1206. Appeals

- A. Any person aggrieved by any action of the Municipality or its designee, relevant to the provisions of this Ordinance, may appeal to the Borough Council within thirty (30) days of that action.
- B. Any person aggrieved by any decision of Borough Council relevant to the provisions of this Ordinance, may appeal to the Butler County Court of Common Pleas within thirty (30) days of Council's decision.