

## **ARTICLE 13.0 PENALTIES AND PROSECUTION**

### **A. CIVIL**

In the event the alleged violator fails to take the remedial measures set forth in the notice of violation or otherwise fails to cure the violations described therein within ten days, or such greater period as the local permitting authority shall deem appropriate, after the permitting authority has taken one or more of the actions described above, the local permitting authority may seek any legal or equitable remedy available under the law. The authorized enforcement agency may recover all attorney's fees, court costs, and other expenses associated with enforcement of this ordinance, including sampling and monitoring expenses. Additionally, failure to comply with MDEQ Stormwater Regulations may result in actions being taken by state and federal agencies in accordance with the Mississippi air and water pollution control law (Section 49-17-1 ET SEQ.) and the federal Clean Water Act.

### **B. CRIMINAL**

Violations of this ordinance shall be deemed a misdemeanor. The local permitting authority may issue a citation to the alleged violator requiring such person to appear before the appropriate court to answer charges for such violation. Upon conviction, such person shall be punished by a fine not to exceed \$1,000 per offense or imprisonment in the County jail not to exceed 6 months, or both. Each violation and each day upon which any violation shall continue, will constitute a separate offense.

### **C. CRIMINAL PROSECUTION**

Any person that has violated or continues to violate this ordinance shall be guilty of a misdemeanor and subject to criminal prosecution to the fullest extent of the law.

### **D. INJUNCTION**

If a person has violated or continues to violate the provisions of this ordinance, the authorized enforcement agency may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

### **E. ALTERNATIVE ACTION**

In addition to any other remedy, the authorized enforcement agency may impose upon a violator alternative compensatory action, such as storm drain stenciling, attendance at compliance workshops, creek cleanup, etc.

## **13.1 REMEDIES NOT EXCLUSIVE**

The remedies listed in this ordinance are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the authorized enforcement agency to seek cumulative remedies. The local enforcement authority may recover attorney's fees, court costs, and other expenses associated with enforcement of this ordinance, including sampling and monitoring expenses.

## **13.2 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 Ordinance is a threat to public health, safety, and welfare, and environment, is declared and deemed a nuisance, and may be

summarily abated by injunctive or other equitable relief as provided by law, or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

### **13.3                   SUSPENSION OF ACCESS TO STORM DRAINAGE SYSTEM(S)**

#### **A. Suspension due to Illicit Discharges in Emergency Situations**

Lamar County Board may, without prior notice, suspend discharge access to a person when such suspension is necessary to stop an actual or threatened discharge, which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or Waters of the United States. If the violator fails to comply with a suspension order issued in an emergency, the authorized enforcement agency may take such steps as deemed necessary to prevent or minimize damage to the Waters of the United States, or to minimize danger to persons.

#### **B. Suspension due to the Detection of Illicit Discharge**

1. Any person discharging to the County drainage system in violation of this ordinance may have their access terminated if such termination would abate or reduce an illicit discharge. The authorized enforcement agency will notify a violator of the proposed termination of its county drainage system access. The violator may petition the authorized enforcement agency for a reconsideration and hearing.
2. A person commits an offense if the person reinstates access to premises terminated pursuant to this Section, without the prior approval of the authorized enforcement agency.