

CHAPTER 9-04

STORM WATER MANAGEMENT

SECTIONS:

- 9-0401. General Provisions.
 - 9-0402. Storm Water Management Plan.
 - 9-0403. Suspension, Revocation and Stop Work Orders.
 - 9-0404. Violations and Enforcement.
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9-0401. GENERAL PROVISIONS.

- A. Purpose. This chapter sets forth uniform requirements for storm water management systems within the City of Kindred. In the event of any conflict between the provisions of this chapter or other regulations adopted by the City of Kindred, State or Federal authorities, the more restrictive standard prevails. The objectives of this chapter are as follows:
1. To promote, preserve, and enhance the natural resources within the City of Kindred from adverse or undesirable impacts occasioned by development or other activities;
 2. To protect and promote the health, safety, and welfare of the people and property through effective storm water quantity and quality management practices.
 3. To regulate land development activity, land disturbing activity, or other activities that may have an adverse and/or potentially irreversible impact on storm water quantity, water quality and/or environmentally sensitive lands and to encourage compatibility between such uses;
 4. To establish detailed review standards and procedures for land development activities throughout the City of Kindred, thereby achieving a balance between urban growth and development and the protection of water quality; and
 5. To provide for adequate storm water system analysis and design as necessary to protect public and private property, water quality and existing natural resources.

This Chapter applies in the City of Kindred, North Dakota, and to persons outside the City who are, by contract or agreement with the City, users of the City storm water management system. Except as otherwise provided herein, the City Public Works Director, or his/her designee, shall administer, implement, and enforce the provisions of this Chapter.

- B. Definitions. For the purpose of this chapter and the Storm Water Management Policy, the following terms, phrases, and words, and their derivatives, will have the meaning as stated in this section. When inconsistent with the context, words used in the present tense include the future tense. Words in plural number include the singular number, and words in the singular number include the plural number. The word “shall” is always mandatory and the word “may” is always permissive.
1. “Applicant” means any person or group that applies for a building permit, subdivision approval, zoning change, approach, excavation or special use permit, storm water plan approval, storm water management permit or any other permit which allows land disturbing activities. Applicant also means that person's agents, employees, and others acting under this person's or group's direction. The term “applicant” also refers to the permit holder or holders and the permit holder's agents, employees, and others acting under this person's or group's direction.
 2. “Base Flood,” “Regional Flood,” or “100 Year Flood” means the flood having a one percent chance or probability of being equaled or exceeded in any given year (i.e., 100-year flood) - also referred to as the regional flood or 100-year flood.
 3. “City” means the City of Kindred or the City Council of the City of Kindred.
 4. “City Public Works Director” means the City Public Works Director of the City of Kindred or authorized agent.
 5. “Control Measure” means a practice or combination of practices to control erosion and attendant pollution, see also Best Management Practices.
 6. “Design Events” means the critical rainfall events used to measure the storm water impacts of the proposed land or site development.
 7. “Detention Facility” means a natural or manmade structure, including wetlands used for the temporary storage of runoff and which may contain a permanent pool of water, or may be dry during times of no runoff.
 8. “Development” means any land disturbance activity that changes the site's runoff characteristics in conjunction with residential, commercial, industrial or institutional construction or alteration.
 9. “Developer” means a person, firm, corporation, sole proprietorship, partnership, federal or state agency, or political subdivision thereof engaged in a land disturbance and/or land development activity.
 10. “Discharge” means the release, conveyance, channeling, runoff, or drainage, of storm water, including snow melt.

11. “Erosion” means removing the surface of the land by the action of water, wind, ice, or gravity. Erosion can be accelerated by the activities of man and nature.
12. “Impervious Area” means a constructed hard surface that either prevents or retards the entry of water into the soil and causes water to run off the surface in greater quantities and at an increased rate of flow than existed prior to development. Examples include rooftops, sidewalks, patios, driveways, parking lots, storage areas; and concrete, asphalt, or gravel parking lots and roads.
13. “Land Development Activity” means the act of subdivision or platting properties for personal use, adding value or for the purposes of resale. This includes the construction and/or demolition of buildings, structures, roads, parking lots, paved storage areas, and similar facilities.
14. “Land Disturbing Activity” means any land change that may result in soil erosion from water or wind and the movement of sediments into or upon waters or lands within the City’s jurisdiction, including construction, clearing & grubbing, grading, excavating, transporting and filling of land. Within the context of this ordinance, land disturbance activity does not mean:
 - (a) Minor land disturbance activities such as home gardens and an individual’s home landscaping, repairs, and maintenance work, which will not result in sediments entering the storm water system.
 - (b) Additions or modifications to existing single family structures that result in creating under five thousand (5,000) square feet of exposed soil or impervious surface and will not result in sediments entering the storm water system.
 - (c) Construction, installation, and maintenance of trees, fences, signs, posts, poles, and electric, telephone, cable television, utility lines or individual service connections to these utilities, which result in creating under five thousand (5,000) square feet of exposed soil or impervious surface and will not result in sediments entering the storm water system.
 - (d) Tilling, planting, or harvesting of agricultural, horticultural, or silvicultural (forestry) crops.
 - (e) Emergency work to protect life, limb, or property and emergency repairs, unless the land disturbing activity would have otherwise required an approved erosion and sediment control plan, except for the emergency. If such a plan would have been required, then the disturbed land area shall be shaped and stabilized in accordance with the City’s requirements as soon as possible.

15. “Landowner” means any person holding title to or having a divided or undivided interest in land.
16. “Natural Water” means a river, stream, pond, channel or ditch.
17. “Noncompliance Fee” means the administrative penalty, or fee, which may be assessed to a Landowner, Developer, or their Contractor(s) for noncompliance with the provisions and/or conditions of an approved storm water plan and/or permit or the violation of any other provisions contained in this storm water ordinance.
18. “Owner or Occupant” means any person owning or using a lot, parcel of land, or premises connected to and discharging Storm Water into the storm water system of the City, and who pays for and is legally responsible for the payment of storm water rates or charges made against the lot, parcel of land, building or premises, if connected to the Storm Water system or who would pay or be legally responsible for such payment.
19. “Person” means any developer, individual, firm, corporation, partnership, franchise, association, owner, occupant of property, or agency, either public or private.
20. “Prohibited Discharge” means a non-storm water discharge into the storm water system or a natural water, including but not limited to:
 - (a) Debris or other materials such as grass clippings, vegetative materials, tree branches, earth fill, rocks, concrete chunks, metal, other demolition or construction materials, or structures.
 - (b) The disposal or misuse of chemicals or any other materials that would degrade the quality of waters within the system, including, but not limited to chemicals (fertilizers, herbicides, pesticides, etc.) or petroleum-based products (gasoline, oil, fuels, solvents, paints, etc.).
 - (c) Erosion and sediment originating from a property and deposited onto City streets, private properties or into the storm water conveyance system, including those areas not specifically covered under an approved Storm Water Management Plan or Storm Water Permit.
 - (d) Failure to remove sediments transported or tracked onto City streets by vehicles or construction traffic immediately after it is deposited on the street.

(e) For the purposes of this ordinance, Prohibited Discharges do not include the following, unless information is available to indicate otherwise:

- Water line flushing
- Landscape irrigation
- Diverted stream flows
- Rising ground water
- Uncontaminated ground water infiltration
- Uncontaminated pumped ground water
- Discharges from potable water sources
- Foundation drains
- Air conditioning condensate
- Irrigation water
- Springs
- Water from crawl space pumps
- Footing drains
- Lawn watering
- Individual residential car washing
- Flows from riparian habitats and wetlands
- De-chlorinated swimming pool discharges
- Street wash water

21. “Regional Flood” a.k.a. Base Flood or 100-year flood.
22. “Runoff” means the rainfall, snowmelt, dewatering, or irrigation water flowing over the ground surface and into open channels, underground storm sewers, and detention or retention ponds.
23. “Sediment” means solid material or organic material that, in suspension, is being transported or has been moved by air, water, gravity, or ice, and deposited at another location.
24. “Sediment Control” means the methods employed to prevent sediment from leaving the development site. Examples of sediment control practices include, but are not limited to silt fences, sediment traps, earth dikes, drainage swales, check dams, subsurface drains, pipe slope drains, storm drain inlet protection, and temporary or permanent sedimentation basins.
25. “Site” means the entire area included in the legal description of the parcel or other land division on which the land development or land disturbing activity is proposed in the storm water plan or permit application.
26. “Stabilize” means to make the site steadfast or firm, minimizing soil movement by mulching and seeding, sodding, landscaping, placing concrete, gravel, or other measures.

27. “Storm Sewer” means a pipe or conduit for carrying storm waters, surface runoff, and drainage, excluding sewage and industrial wastes.
28. “Storm Water” means precipitation runoff, storm water runoff, snow melt runoff, and any other surface runoff and drainage. Storm water does not include construction site dewatering.
29. “Storm Water Detention” means temporary storage of storm water runoff in ponds, parking lots, depressed grassy areas, rooftops, buried underground tanks, etc., for future or controlled release. Used to delay and attenuate flow.
30. “Storm Water Management” means the planned set of public policies and activities undertaken to regulate runoff and reduce erosion and maintain or improve water quality under various specified conditions within various portions of the drainage system. It may establish criteria for controlling peak flows and/or runoff volumes, for runoff detention and retention, or for pollution control, and may specify criteria for the relative elevations among various elements of the drainage system. Storm water management is primarily concerned with limiting future flood damages and environmental impacts due to development, whereas flood control aims at reducing the extent of flooding that occurs under current conditions.
31. “Storm Water Management Policy” means specific guidance to carry out drainage and storm water management policies.
32. “Storm Water Management Plan” means a document containing the requirements identified by the City, that when implemented will provide solutions to storm water management problems that may occur as a result of the proposed development or land disturbing activity. A Storm Water Management Permit is not required as part of but may be included in a Storm Water Management Plan. The plan that a designer formulates to manage urban storm water runoff for a particular project or drainage area. It typically addresses such subjects as characterization of the existing and future site development, land use, and grading plan, peak rates of runoff, flow duration, runoff volumes for various return frequencies, locations, criteria and sizes of detention or retention ponds and conveyances; runoff control features; land parcels, easement locations, opinions of probable costs, measures to enhance runoff quality, salient regulations, and how the plan addresses them, and consistency with secondary objectives such as public recreation, aesthetics, public safety, and groundwater recharge. It may be submitted to regulatory officials for their review for adoption.
33. “Storm Water Management System” means physical facilities that collect, store, convey, and treat storm water runoff in urban areas. These facilities normally include detention and retention facilities, streets, storm sewers, inlets, open channels, and special structures, such as inlets, manholes, and energy dissipaters.

34. “Storm Water Retention” means storage designed to eliminate or reduce the frequency of subsequent surface discharge. Wet ponds are the most common type of retention storage (though wet ponds may also be used for detention storage).
35. “Structure” means anything manufactured, constructed, or erected which is normally attached to or positioned on land, including portable structures, earthen structures, roads, parking lots, and paved storage areas.
36. “Subdivision” means any tract of land divided into building lots for private, public, commercial, industrial, etc. development for the purpose of sale, rent, or lease, including planned unit development.
37. “Temporary Protection” means a short-term method employed to prevent erosion. Examples of such protection are straw, mulch, erosion control blankets, wood chips, and erosion netting.
38. “Undeveloped Land” means land that in its current state has not been impacted by significant land disturbance activities, annexed into the City or subdivided into multiple ownership lots and is typically zoned agricultural.
39. “Violation” means the willful or negligent act of noncompliance with the conditions attached to an approved storm water plan and/or permit, or any other provisions contained in this ordinance, subject to enforcement and penalty or noncompliance fees.
40. “Watercourse” means the natural path for the flow of water where there is sufficient natural and accustomed runoff to form and maintain a distinct and defined channel or an open channel facility that has been constructed for such purpose. This shall include any easements obtained for the purposes of runoff conveyance.

9-0402. **STORM WATER MANAGEMENT PLAN.** A written Storm Water Management Plan Application shall be filed with the City Public Works Director, or his/her designee, as required by this Chapter and by the City’s Storm Water Management Policy.

- A. Application Fee. A fee, as adopted by the City Council and set forth in the Storm Water Management Policy, must accompany all applications for Storm Water Management Plan approval.
- B. Operation, Maintenance and Inspection. All Storm Water Management Systems shall be designed to minimize the need for maintenance, to provide easy vehicle and personnel access for maintenance purposes, and to be structurally sound (per the Standards). All Storm Water Management Systems shall have a plan of operation and maintenance that assures continued effective removal of pollutants carried in Storm Water Runoff. The City Public Works Director, or his/her designee, may inspect all public and private Storm Water Management Systems at

any time. The City Public Works Director, or his/her designee, shall retain enforcement powers for assuring adequate operation and maintenance activities through plan conditions, penalties, noncompliance orders and fees.

The Public Works Director may inspect all public and private storm water management systems at any time. Inspection records will be kept on file at the Public Works office. It shall be the responsibility of the applicant to obtain any necessary easements or other property interests to allow access to the storm water management system for inspection and maintenance purposes for the City. The applicant shall promptly allow the City and their authorized representatives, upon presentation of credentials to:

- a. Enter upon the permitted site for the purpose of obtaining information, examination of records, conducting investigations, inspections, or surveys.
- b. Bring such equipment upon the permitted site as is necessary to conduct such inspections, surveys and investigations.
- c. Examine and copy any books, papers, records, or memoranda pertaining to activities or records required to be kept under the terms and conditions of this permitted site.
- d. Inspect the storm water pollution control measures.
- e. Sample and monitor any items or activities pertaining to storm water pollution control measures.

Any temporary or permanent obstruction to the safe and easy access of such an inspection shall be promptly removed upon the inspector's request. The cost of providing such access shall be the responsibility of the applicant.

- C. Easements. Easements may be required as conditions to the issuance of a Storm Water Management Plan approval. If a Storm Water Management Plan involves directing some or all of the site's runoff to a drainage easement, the applicant or his designated representative shall obtain from the property owners any necessary easements or other property interests concerning the flowing of such water.
- D. Plan Applicability. A Storm Water Management Plan approval issued under this chapter runs with the land and is a condition of plat or development approval. Any Landowner or subsequent Landowner of any parcel within the plat or development area must comply with the plan or any approval, condition, revision, or modification of the Plan. Failure to comply with this Plan shall constitute a violation and subject the Developer, and/or Landowner to the enforcement provisions, penalties, and noncompliance fees.
- E. Plan Amendment. Storm Water Management Plans may be amended only by a written request submitted to the City Public Works Director, or his/her designee,.

This request shall contain the reason for the change and documentation related to any additional change in projected impacts, which may result from amendment approval. Amendment requests submitted prior to final approval of a plan application shall be considered part of the original submittal. Amendment requests filed after Plan approval shall be considered following the same procedures as if it were a new application and subject to all applicable fees and review periods. Provided, the City Public Works Director, or his/her designee, may waive all or part of the fees if the amendment is minor.

9-0403. SUSPENSIONS, REVOCATIONS AND STOP WORK ORDERS.

- A. Storm Water Violations and Reporting. The City Public Works Director, or his/her designee, shall document the reporting of a violation in writing. Such violations may be obtained via a site inspection, or a public complaint followed by a site inspection. At a minimum the complaint file shall contain the name and address of the owner, date, time and nature of the violation as well as other information as deemed necessary to document site conditions, including photos and personal conversation records. In the case of a public complaint the file shall also, if voluntarily provided, contain the name address and phone number of the individual filing the complaint. In addition, the complaint file shall contain records documenting subsequent site inspections, compliance actions and a memo outlining the determination of the City Public Works Director, or his/her designee, and any enforcement action taken and/or any noncompliance fees levied.
- B. Emergency Suspension. The City Public Works Director, or his/her designee, may for cause order the suspension of a Storm Water Management Plan when the City Public Works Director, or his/her designee, determines that an actual or threatened discharge presents or may present an imminent or substantial danger to the health or welfare of persons downstream, or substantial danger to the environment. If any person is notified of such suspension and then fails to comply voluntarily with the suspension order, the City shall commence whatever steps are necessary to obtain compliance. The City Public Works Director, or his/her designee, may reinstate the Storm Water Management Plan upon proof of compliance with all plan conditions. The City Public Works Director, or his/her designee, may also order the immediate suspension of all work if a person or entity is conducting an activity for which a permit is needed without first obtaining the appropriate permit. The suspension shall remain in effect until the required permit(s) are obtained.
- C. Non-Emergency Revocation. A Storm Water Management Plan may be revoked following notice. An opportunity for a hearing will be provided. The City Public Works Director, or his/her designee, may revoke a plan for cause, including but not limited to:
1. Violation of any terms or conditions of the applicable plan;
 2. False statements on any required reports or applications;

3. Obtaining a plan by misrepresentation or failure to disclose fully all relevant facts; or
4. Any other violation of this chapter or related ordinance.

The City Public Works Director, or his/her designee, may revoke a Storm Water Management Plan and order a temporary work stoppage to bring a project into compliance. Notice of such an order shall be given and a hearing opportunity provided. Under a revoked plan no additional permit approvals (i.e., building, excavation, etc.) shall be issued for any properties within the area included within the plan boundaries until approved by the City Public Works Director, or his/her designee,. In addition, the City may deny new permits (i.e., storm water, building, excavation, etc.) to the Permittee or Landowner in violation for projects in other locations until current permits are brought into compliance

- D. Notification. Whenever the City Public Works Director, or his/her designee, finds that any person has violated or is violating this chapter, Storm Water Management Plan and/or its conditions, or any prohibition, limitation or requirement contained herein, the City Public Works Director, or his/her designee, shall serve upon such person a written notice stating the nature of the violation. Within seven (7) days of the date of the notice, unless a shorter time frame is set by the City Public Works Director, or his/her designee, due to the nature of the violation, a plan satisfactory to the Public Works Director for correction thereof must be submitted to the City Public Works Director, or his/her designee,. If a satisfactory plan is not submitted in a timely manner, or the terms of such plan are not followed, the City Public Works Director, or his/her designee, may order all work in the affected area to cease until submittal of such a plan and compliance with the plan is happening. If a person disagrees with the determination of the City Public Works Director, or his/her designee,, that person may, within 15 days of the order of the City Public Works Director, or his/her designee,, request a hearing.
- E. Hearing. If a person requests a hearing to contest the order of the City Public Works Director, or his/her designee,, a notice of hearing must be served on the person appealing the order, specifying the time and place of the hearing to be held regarding the order of the City Public Works Director, or his/her designee,, and directing the person appealing to show cause why the order of the City Public Works Director, or his/her designee, should not be upheld. Unless the Public Works Director has suspended the plan and ordered work to stop due to emergency, any order stopping all work shall be stayed until after the hearing. The notice must be served personally or by registered or certified mail at least five (5) days before the hearing. The evidence submitted at the hearing shall be considered by the City Auditor, or his/her designee, who shall then shall either, uphold, modify, or rescind the order of the City Public Works Director, or his/her designee,. An appeal of the decision may be taken to the District Court according to law. Provided, that if the City Auditor or his/her designee upholds an order stopping work, such work suspension shall not be stayed because of the appeal to the District Court.

- F. Legal Action. The discharge of deposited or eroded materials onto public rights-of-way or public storm sewer systems within the City of Kindred shall be considered an offense and may result in an order to remove such materials. Removal of such materials shall be at the Landowner's expense based on the properties from which they originated. The Landowner shall have twelve (12) hours after receiving the notice to remove these materials. If such materials are not removed, others may remove them under the City Public Works Director's, or his/her designee's, direction and any associated costs shall be the responsibility of the Landowner and, if unpaid within 90 days, may be recommended for assessment action by the City Council against property of the violator.

If any person commences any land disturbing activities which result in increased Storm Water quantity or Storm Water quality degradation into the City's Storm Water Management System contrary to the provisions of this chapter, federal or state requirements or any order of the City Public Works Director, or his/her designee,, the City Attorney may, commence action for appropriate legal and/or equitable relief including administrative or criminal penalties.

9-0404. **VIOLATIONS AND ENFORCEMENT.**

- A. Responsibility for Enforcement. The Public Works Director is authorized to enforce this chapter.
- B. Violations. All violations of this chapter and of law will be subject to the remedies and penalties provided in this chapter, the Kindred Municipal Code and state law, where applicable. The city includes the extraterritorial zoning jurisdiction of the city.
- C. Enforcement Procedures. The following enforcement procedures shall apply to violations of this chapter:
1. Non-Emergency matters – In the case of violations of this chapter that do not constitute an emergency, the Public Works Director may:
 - a. Issue a notice of violation
 - b. Issue an administrative order; or
 - c. Issue an administrative order with fine.

All notices and orders shall be issued to the property owner and to any other person who is alleged to be in violation of this chapter or of the terms of any permit or condition granted and to any applicant for any relevant permit.

2. Emergency matters – In the case of violations of this chapter that do constitute an emergency situation, the city shall use all remedies, penalties and enforcement powers available under this chapter without prior notice, but the Public Works Director must send notice simultaneously with beginning enforcement action to the property owner, to any other person who is party to the agreement and to applicants for any relevant permit and

must advise persons affected by the action taken that a hearing will be held within seven days from the date of such action. At the hearing, the City Council will determine whether there were appropriate grounds for the action taken, and whether the action taken should continue.

3. Administrative compliance orders - procedure - Persons receiving an administrative order or an administrative order with fee shall have 12 hours, or such longer period as the Public Works Director allows, to correct the violation. If the violation is not corrected within the required time frame, the Public Works Director and city attorney shall use all penalties, remedies, and enforcement powers available under this chapter.
4. Administrative compliance order with fee/administrative complaint or citation - procedure – The Public Works Director shall include in the administrative complaint the amount of administrative fee to be paid by the person against whom the citation or complaint is issued. The authorized city employee or representative issuing the administrative citation need not issue an administrative order before issuing an administrative complaint.
5. Order to show cause – hearing – In the event the Public Works Director has issued an administrative order or an administrative order with fee, if the violation is not corrected by timely compliance, the Public Works Director may order any person who causes or allows an unauthorized discharge to show cause before the City Council why sewer service should not be shut off. A notice shall be served on the offending party, specifying the time and place of a hearing to be held by the City Council regarding the violation, and directing the offending party to show cause before said board why an order should not be made directing the shut off service. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least 10 days before the hearing.

D. Remedies and Enforcement Powers. The city shall have the following remedies and enforcement powers:

1. Withhold permits – The city may deny or withhold all permits, certificates, or other forms of authorization as to any applicant for a permit. Instead of withholding or denying an authorization, the city may grant such authorization subject to the condition that the violation be corrected. This enforcement provision applies regardless of whether the current owner or applicant is responsible for the violation in question. The city may deny or withhold all permits, certificates or other forms of authorization on any land or structure or improvements owned by a person who owns, developed or otherwise caused an uncorrected violation of a provision of this chapter or of a condition or qualification of a permit, certificate, approval or other authorization previously granted by a decision-making body. This provision applies regardless of whether the property for which the permit or other approval is sought is the property in violation.

2. Revoke permits – A permit may be revoked when the Public Works Director determines that:
 - a. There is departure from the plans, specifications, or conditions as required under terms of a permit or approved plan;
 - b. The plans, specifications, or conditions were obtained by false representation or was issued by mistake; or
 - c. Any of the provisions of this chapter are being violated as to the project under the permit.
3. Revoke plan or other approval – When a violation of this chapter involves a failure to comply with approved plans or conditions to which the approval of such plans was made subject, the Public Works Director or City Council charged with enforcement of the provisions of this chapter may, upon notice to the applicant and other known parties in interest (including any holders of building or other permits affected) and after a public hearing, revoke the plan or other approval or condition its continuance on strict compliance, the provision of security or such other conditions as the Public Works Director or City Council may reasonably impose.
4. Injunctive relief – The city may seek an injunction or other equitable relief in court to stop any violation of this chapter.
5. Abatement – The city may seek a court order in the nature of mandamus, abatement, injunction or other action or proceeding to abate or remove a violation or to otherwise restore the premises in question to the condition in which they existed prior to the violation.
6. Restitution – The city may seek an order requiring restitution as a condition to be met by a person before any plan is restored, before the person is allowed to lawfully discharge into the sewer system, or before other action may be taken by the person as determined by an appropriate order.
7. Costs of damage – Any person violating any of the provisions of this chapter or who initiates an activity causes a deposit, obstruction, or damage or other impairment to the city’s storm water management system is liable to the city for any expense, loss, or damage caused by the violation or the discharge. The city may bill the person violating this chapter the costs of any cleaning, repair or replacement work caused by the violation of storm water discharge, and if unpaid within ninety (90) days may result in assessment of such costs against the violator’s property.
8. City attorney’s fees and costs – In addition to the fees and penalties provided herein, the city may recover reasonable attorney’s fees, court costs, court reporter’s fees, and other expenses of litigation by appropriate action

against the person found to have violated this chapter or the orders, rules, regulations and permits issued hereunder.

9. Other remedies – The city shall have such other remedies as are and as may be from time to time provided by North Dakota law and municipal codes for the violation of this chapter or related provisions.
 10. Remedies cumulative – The remedies and enforcement powers established in this chapter are cumulative. The City Council may hold a single hearing to consider evidence and render decisions on appeals from administrative citations or complaints, orders to show cause or other administrative proceedings involving one or more alleged violators stemming from the same occurrence or series of occurrences.
- E. Enforcement – non-compliance and re-inspection fees. Any person who is found to have violated an order of the Public Works Director made in accordance with this chapter, or who has failed to comply with any provision of this chapter and the orders, rules, regulations, plans, and permits issued hereunder, is guilty of an offense. Each day on which a violation occurs or continues to exist shall be deemed a separate and distinct offense. A schedule for noncompliance and re-inspection fees, which may be imposed for violation of this chapter, may be approved by the city council.
- F. Other Powers. In addition to the enforcement powers specified in this chapter, the city may exercise any and all enforcement powers granted to them by North Dakota law.
- G. Continuation. Nothing in this chapter shall prohibit the continuation of previous enforcement actions undertaken by the city pursuant to previous and valid ordinances and laws.
- H. Power and Authority of Inspectors – Right of Entry. Where it is necessary to make an inspection to enforce the provisions of this code, or where the engineers or inspections officer has reasonable cause to believe that there exists in a structure or upon a premises a condition which is contrary to or in violation of this code which makes the structure or premises unsafe, dangerous or hazardous, the engineer or inspections officer is authorized to enter the structure or premises at reasonable times to inspect or to perform the duties imposed by this code, provided that if such structure or premises be occupied that credentials be presented to the occupant and entry requested. If such structure or premises is unoccupied, the engineer or inspections officer shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the engineer shall have recourse to the remedies provided by law to secure entry.
- I. Savings Clause – conflict. In the event that any provision, paragraph, word, section or article of this ordinance is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections and articles shall not be affected

and shall continue in full force and effect; all ordinances and parts of ordinances inconsistent or conflicting with any part of this ordinance are hereby repealed to the extent of such inconsistency or conflict.