

ARTICLE XII - ENFORCEMENT AND PENALTIES

Section 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, Wayne Township 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 Wayne Township 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 1202. Enforcement

- A. The governing body of Wayne Township 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. Wayne Township 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 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 1204. Suspension and Revocation

- A. Any approval or permit issued by Wayne Township 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 Wayne Township when:
 - 1. Wayne Township or their designee has inspected and approved the corrections to the violation(s) that caused the suspension.
 - 2. Wayne Township is satisfied that the violation(s) has been corrected.
- C. An approval that has been revoked by Wayne Township cannot be reinstated. The Applicant may apply for a new approval under the provisions of this Ordinance.

Section 1205. Penalties

- A. Anyone violating the provisions of this Ordinance shall be guilty of a summary offense and upon conviction, shall be subject to a fine of not more than \$ 300 for each violation, recoverable with costs. Each day that the violation continues shall be a separate offense and penalties shall be cumulative.
- B. In addition, Wayne Township, 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 1206. Appeals

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