

CHAPTER 13.50

Watershed Protection District

13.50.010 Watershed protection district established.

There is hereby established the Town of Georgetown Watershed Protection District for the purpose of protecting the sources, supply, quantity, quality, delivery, storage, treatment and distribution of water serving the Town, its citizens and water-using customers. (Ord. 517 §1, 2000)

13.50.020 Jurisdiction and intent of district regulations.

This Chapter has been adopted in accordance with Section 31-15-707, C.R.S., and is designed and intended to extend and enforce the Town's legal jurisdiction and authority to the maximum extent allowed by law for the purpose of protecting the Town's water resources and water delivery system from interference, pollution and other degradation over an area comprised of all territory within five (5) miles above or around any point or points from which the Town diverts or otherwise draws water for domestic use. The Town's authority and jurisdiction shall extend, by way of example and not limitation, to all reservoirs, streams, trenches, ditches, pipes, drains and other waterworks. All ordinances and regulations adopted under the authority of this Chapter shall be liberally construed and enforced in order to satisfy and further the purposes and intent as set forth above. (Ord. 517 §1, 2000)

13.50.030 Adoption of protection district boundaries and map.

The Town does hereby approve and adopt the official Town of Georgetown Watershed Protection Area Map dated July 2000, prepared by McLaughlin Water Engineers, Ltd., defining and illustrating the geographical boundaries of the watershed protection district. At least one (1) copy of the map shall at all times be maintained in the office of the Town Clerk for public inspection during regular business hours. Copies of the map may be ordered for purchase at such cost as deemed necessary and reasonable by the Town Clerk. (Ord. 517 §1, 2000)

13.50.040 Definitions.

As used in this Chapter, the following words and phrases shall mean as follows unless the context plainly requires otherwise:

Absorption system means a wastewater disposal system or leaching field utilizing and/or inclusive of adjacent soils for the treatment of sewage by means of absorption into the ground.

Absorption trench means a trench in which sewage effluent is transported or directed for percolation into the soil.

Best management practice means the most effective means of preventing, reducing or mitigating the harmful impacts of development activities consistent with the standards set forth in this Chapter.

Development or development activity means any construction or activity which alters or changes the natural or preexisting character and/or uses of the land on which the construction or activity occurs, excepting residential gardening or landscaping.

Dispersal system means a system for the disposal of effluent after final treatment in an ISDS by a method which does not depend upon or utilize the treatment capability of the soil.

Effluent means the liquid waste discharge from an ISDS.

Excavating means any act by which ten (10) cubic yards or more of soil or rock is cut into, quarried, uncovered, removed, displaced or relocated, and includes the conditions resulting therefrom.

Filling means the deposition of ten (10) cubic yards or more of material brought from another location by other than natural means.

Foreseeable risk means the reasonable anticipation that harm or injury may result from an act or omission.

Grading means the alteration of the natural surface of any land by leveling, stripping, filling or excavating and involving ten (10) or more cubic yards of soil or other surface material; or the alteration of any natural or preexisting drainage pattern or channel through the alteration, movement or addition of surface materials; or the installation of any road or other surface utilized for the movement of vehicles.

Individual sewer disposal system (ISDS) means an on-site sewage system of any size or flow designed to collect and treat, neutralize, stabilize and dispose of sewage that is not part of or connected to a permitted municipal sewage treatment works. Examples include, without limitation, conventional septic tanks and leach fields, absorption trenches and pits, constructed wetland treatment systems, evapotranspiration systems and mound systems.

Hydric soil means soil that, in its undrained condition, is saturated, flooded or ponded long enough during a growing season to develop an anaerobic condition that supports the growth or regeneration of hydroponic vegetation.

Maximum extent feasible means that no feasible and prudent alternative exists and all possible efforts to comply with a regulation, or minimize potential harm or adverse impacts, have been undertaken.

Person means any individual, partnership, corporation, trust, association, company or other public, governmental or corporate entity, or instrumentality thereof.

Pollute or pollution means the contamination or befouling of the natural biological, chemical, physical or radiological composition or integrity of water or soil through human or human-induced conduct or activities.

Sewage means a combination of liquid wastes that may include chemicals, house wastes, human or animal excreta, or animal or vegetable matter in suspension or solution, and/or other solids in suspension or solution, and that is discharged from, without limitation, a building, vehicle, tank or other structure or facility.

Sewage disposal system means a septic tank, leach field or other facility regardless of size or flow designed and constructed for the purpose of receiving, treating or disposing of sewage.

Sewage treatment works means any system or facility for treating, neutralizing, stabilizing or disposing of sewage and which has a designed or operational capacity to receive more than two thousand (2,000) gallons of sewage per day.

Significant degradation means to lessen in grade, quality or desirability so as to create or cause unsafe or harmful impacts.

Stream (primary) means a visible waterway expected to run flowing water for more than one (1) month per year.

Stream (secondary intermittent) means a visible waterway, normally dry and not expected to run flowing water for more than one (1) month per year.

Substantial means material and/or considerable in importance, value, degree, amount or extent.

Surfacing means the compaction, hardening or covering of the natural land surface with asphalt, concrete, gravel or similar materials in an area greater than three hundred (300) square feet.

Watershed means the area encompassed by the Georgetown Watershed Protection District.

Watershed permit or *permit* means the written approval issued by the Town under this Chapter for a land use activity or development within the Georgetown Watershed Protection District.

Waterwork means any and all man-made or designed component of a domestic water collection and treatment system, including, but not limited to, transmission, storage and filtration facilities, and all reservoirs, streams, intermittent streams, trenches, gullies, pipes and drains used in and necessary for the collection and transport of water and the maintenance and operation of the Town's water supply system.

Wetland means land that has a predominance of hydric soils and that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal conditions does support, a prevalence of hydroponic vegetation typically adapted for life in saturated soil conditions. (Ord. 517 §1, 2000)

13.50.050 Prohibited activity.

Unless exempted as provided for in this Chapter, it shall be prohibited and unlawful for any person to engage in or cause any of the following activities or conduct within the Georgetown Watershed Protection District unless such person has first obtained a watershed permit:

- (1) The construction, installation, expansion or removal of any ISDS or sewage disposal system, excepting a system connected to a municipal sewage treatment works.
- (2) Excavating, grading, filling, blasting or surfacing, including road building.

- (3) Timber harvesting, excluding the removal of dead or diseased trees for firewood or for noncommercial domestic purposes.
- (4) Drilling operations of any kind.
- (5) Altering or obstructing natural or historic water drainage courses.
- (6) Surface and subsurface mining operations.
- (7) The out-of-doors spraying or using of fertilizers, herbicides or pesticides, excepting noncommercial applications for domestic household or gardening purposes.
- (8) Using, handling, storing or transporting toxic or hazardous substances, including, but not limited to, radioactive materials, except for noncommercial domestic household purposes as permitted by law.
- (9) Using, handling, storing or transporting flammable or explosive materials, except for noncommercial domestic household purposes as permitted by law, or within vehicular fuel storage tanks.
- (10) Moving, tampering, adjusting, impairing, obstructing or trespassing upon any Town waterwork.
- (11) Increasing or decreasing any rate of stream flow or natural or existing drainage pattern or course, except as permitted pursuant to an adjudicated water right; increasing sediment deposition in any stream; causing or increasing erosion on any slope or stream bank; or disturbing any wetland within the watershed.
- (12) Any activity reasonably giving rise to a foreseeable risk of injury or pollution to the Town's sources of water supply or water supply system or waterworks. (Ord. 517 §1, 2000)

13.50.060 Permit required.

No person shall engage in or cause any development, development activity or prohibited activity or conduct identified in this Chapter without first applying for and obtaining a duly authorized watershed permit from the Town. Permits may be limited and/or subjected to expiration and renewal requirements. (Ord. 517 §1, 2000)

13.50.070 Permit application and review procedures; fee.

(a) All applications for a watershed permit shall be initiated in writing and shall include, at a minimum, the information set forth in this Section. No application shall be accepted, processed or approved unless and until it is complete and all fees associated therewith have been paid. The application shall be accompanied by not less than three (3) copies. The Town Administrator may waive certain application information requirements if he or she deems the same to be unnecessary or overly burdensome with respect to a specific proposed activity. All costs incurred by the Town in processing an application, inclusive of the costs for outside professional services or consultants necessary to evaluate an application, shall be paid by the applicant, inclusive of testing, engineering, inspection and legal fees.

- (1) The name, mailing address and telephone number of the applicant.

(2) The name, mailing address and telephone number of the owner of the land upon which the development or activity subject to the permit is to occur if different from the applicant, and written authorization from the landowner for the submission of the application.

(3) A legal description of the lot, tract, parcel or other land upon which the development is to occur.

(4) A written narrative describing the development activity for which the permit is being sought, including a general identification of the environmental characteristics of the subject land and surrounding area.

(5) A vicinity map showing the land on which the proposed development is to occur and all lots, tracts, parcels or other lands adjacent thereto, and illustrating any wetlands, lakes, ponds, water courses or other bodies of water.

(6) A boundary and improvements map or sketch of the land subject to the application containing sufficient detail and drawn at a scale to accurately illustrate, review and assess the location of all proposed development activity and existing structures, and illustrating the existing directions of slope (contours) and directions of surface runoff. A professionally prepared boundary and improvements survey may be required if the Town Administrator/Public Works Director deems the same necessary in order to adequately assess an application.

(7) A listing and copy of all federal, state or local permits or approvals required or obtained for implementation of the development activity.

(8) A detailed description of the impacts or potential impacts the development activity may have on any surface or subsurface water sources or courses, inclusive of wetlands.

(9) A detailed description of the impacts or potential impacts the development activity may have on existing vegetation, trees and groundcover.

(10) A detailed description of the impacts or potential impacts the development activity may have on soils, inclusive of a description of the nature and condition of existing soils and any planned grading, excavation, filling or surfacing.

(11) A detailed description of the impacts or potential impacts the development activity may have on existing drainage patterns and land contours, inclusive of comparative run-off and absorption calculations for the subject land and any impacted adjacent land, both pre- and post-development.

(12) A detailed description of any proposed wastewater or sewage disposal system to be installed and a copy of the design/engineered plans, including soils and percolation test results for same.

(13) A detailed description of any proposed water supply/delivery system to be installed, inclusive of water source and anticipated consumptive use, and a copy of the design/engineered plans for same.

(14) A detailed description and copy of any and all mitigation plans or measures addressing impacts resulting from the development activity to surface and subsurface water sources, wetlands, vegetation and trees, soils, drainage and slopes.

(15) The identification of any activity to be undertaken by the applicant as part of the development that presents, or may present, a foreseeable risk of pollution or injury to the Town's water sources, supply or waterworks, along with a specific description of the best management practices designed to eliminate or minimize such risks to the maximum extent feasible.

(16) Such additional information as the applicant or Town may deem necessary to fully evaluate the proposed development and/or demonstrate or explain why a watershed permit should be issued.

(b) All applications for a watershed permit shall be filed with the Town Clerk, who shall promptly forward copies of same to the Town Administrator and Public Works Director. The application and all supporting material shall be reviewed and evaluated to determine whether the application is complete and satisfies the requirements of this Chapter. Where appropriate, and weather permitting, the Town Administrator/Public Works Director may schedule a site visit to inspect the land on which the proposed development activity is to occur. Advance notice of the time and date of such site visit shall be provided to the applicant.

(c) Within thirty (30) days following receipt of a complete application, and weather permitting for any necessary site visits or inspections, the Town Administrator shall determine whether the permit application should be granted or denied. The issuance of a permit may be conditioned upon the applicant's compliance with such mitigation measures, financial security, performance standards or time deadlines, or such other terms and conditions as the Town Administrator may deem necessary to ensure protection of the Town's water supply sources, watershed and/or waterworks from pollution, disruption or damage. A failure by an applicant to accept or timely adhere to such terms and conditions shall constitute cause to deny or revoke a permit.

(d) Any applicant dissatisfied with a decision or order made by the Town Administrator or Public Works Director under this Chapter may pursue an appeal of the same to the Board of Selectmen by filing a written notice of appeal and appropriate fee with the Town Administrator within ten (10) days from the date of the decision or order appealed from. Upon receipt of a timely notice, the Town Administrator shall agendaize the appeal for a hearing before the Board of Selectmen to be conducted not more than forty-five (45) days from the date the notice of appeal was received. The hearing shall be conducted *de novo* and written notice of the date, time and place for the hearing shall be sent by regular mail or personally delivered to the applicant not less than ten (10) days in advance thereof. A failure by the applicant to appear at the hearing without good cause shall constitute a waiver of the applicant's appeal rights and the decision or order subject to the appeal may be automatically affirmed. The applicant shall carry the burden of persuasion with regard to all issues on appeal. Decisions of the Board of Selectmen on appeal shall be entered within thirty (30) days from the conclusion of the hearing thereon and shall be reduced to writing, a copy of which shall be mailed to the applicant. The Board of Selectmen may on appeal prescribe such conditions on the issuance of a permit as it may deem necessary to protect or implement the intent and purposes of this Chapter. (Ord. 517 §1, 2000; Ord. 2 §1, 2003)

13.50.080 Permit issuance standards.

The following standards shall be applied in determining whether a watershed permit should issue under this Chapter:

- (1) The compliance of the application with all application requirements set forth in this Chapter.
- (2) The proximity of the proposed development activity to the Town's water supply sources and/or waterworks. No ISDS component shall be located within a one-hundred-year flood plain. No ISDS treatment or disposal component shall be located within one hundred (100) feet from any water supply source or primary stream. No ISDS absorption component shall be located within two hundred (200) feet of any water supply source or primary stream, or fifty (50) feet from a secondary intermittent stream, and no building shall be located within one hundred (100) feet from a water supply source, waterwork or primary stream, except if connected to a municipal sewage treatment system.
- (3) The environmental suitability of the proposed development activity and proposed site therefor, taking into consideration surface and subsurface water courses, soils, slopes, drainage patterns, geologic formations, existing vegetation and tree stands, wetlands, erosion, and the intensity and impact of the proposed development activity.
- (4) The likelihood or threat of pollution or injury to the Town's water supply sources, watershed or waterworks presented by the proposed development activity.
- (5) The effectiveness of all protective or mitigation measures proposed by the applicant to eliminate or minimize pollution or injury to the Town's water supply sources, watershed and waterworks, and the availability of alternative protective and/or mitigation measures.
- (6) The overall anticipated impact of the proposed development activity on the Town's water supply sources, watershed and waterworks. (Ord. 517 §1, 2000)

13.50.090 Certificates of compliance.

(a) At or immediately prior to the completion of any development or activity performed under a watershed permit, and in all events prior to the burying or covering up of any work or facility authorized under a permit, the permittee shall make written application to the Town Administrator or Public Works Director for inspection and the issuance of a certificate of compliance in order to establish and confirm the permittee's adherence with the provisions of this Chapter and with all terms and conditions as may have been imposed as part of the permit. As soon as reasonably practicable, and not more than fifteen (15) days after receipt of the request, weather permitting, the Town Administrator or Public Works Director, or their designee, shall inspect the subject development or activity to ascertain if there is conformance with the permit application, plan and specifications submitted to the Town and any conditions imposed as part of the permit. Alternatively, the Town Administrator may elect to allow the permittee or a qualified third-party professional to submit a written inspection report certifying that the permittee has fully complied with all permit requirements, inclusive of all plans, specifications and conditions.

(b) All costs incurred by the Town in conducting inspections shall be paid by the permittee, inclusive of any costs for outside consultants. If the inspection determines that the development conforms to the provisions of this Chapter and to all applications, plans, specifications and

conditions of the watershed permit, a certificate of compliance shall be issued. However, if the inspection determines that the development or activity fails in any manner to comply as set forth above, a certificate of compliance shall not be issued. In such case, the permittee shall be informed in writing of the reasons why the certificate of compliance can not be issued and the requirements to be met before issuance of the certificate may be obtained. All follow-up inspections shall be conducted in accordance with this Section.

(c) It shall be a violation of this Section for any person who is required to obtain a watershed permit to use any land within the Georgetown Watershed Protection District without first having obtained a certificate of compliance. (Ord. 517 §1, 2000; Ord. 2 §1, 2003)

13.50.100 Wastewater and sewage disposal facilities.

(a) Notwithstanding any other provision or requirement contained within this Chapter, all wastewater and/or sewage disposal facilities or systems within the watershed protection district shall be designed by a licensed engineer and constructed, operated and maintained so as to eliminate and/or minimize to the maximum extent feasible any pollution or injury, or threat of pollution or injury, to the Town's water supply sources, watershed and waterworks. A watershed permit shall be required for the installation of any new wastewater or sewage disposal facility. Additionally, no existing wastewater or sewage disposal facility shall be expanded, repaired, replaced or abandoned without a watershed permit having first been obtained.

(b) The Town Administrator, or his or her designated agent, may investigate and inspect any wastewater and sewage disposal facility located within a watershed protection district to determine whether such facility is being properly constructed, operated or maintained. All owners and/or operators of a wastewater or sewage disposal facility shall maintain written service records on the site of said facility illustrating the age of the facility and the dates and service provider for all inspections, installations, repairs, cleanings or other maintenance performed on the facility. In order to ensure that a sewage disposal facility is constructed, performing or being maintained properly, the Town Administrator may order the owner or operator of such facility to install a monitoring well or other monitoring device as a condition for issuance of a watershed permit, or as deemed reasonably necessary to determine the operational integrity of an existing facility. In the event any owner or operator refuses access to any wastewater or sewage disposal facility, or refuses to make available service records as required under this Section, the Town shall take such steps as necessary to secure the appropriate warrants or court orders to undertake such inspections or obtain the records, and seek to recover the costs therefor, including attorney fees, against the nonconsenting owner and/or operator.

(c) Without limiting the circumstances under which a failure of a ISDS shall be found to have occurred, the occurrence or presence of the following factors shall be deemed sufficient to establish a failure in a ISDS:

- (1) Ponding in a leach field or dispersal trench.
- (2) Obstructed leaching pipes.
- (3) The presence of unacceptable levels of nutrients, dissolved organics or fecal coliform in soil or groundwater.

(d) All wastewater and sewage disposal systems shall, at a minimum, be designed, constructed and maintained in conformity with all applicable federal, state and local laws,

standards and permits in addition to complying with the terms and conditions of this Chapter. In the event of a conflict between competing laws, standards or regulations, the most restrictive and/or protective of the Town's water supply and waterworks shall prevail.

(e) Minimum separation distances between ISDS components and protected structures or physical features as required by this Chapter shall be maintained at all times unless soil, geological or other conditions warrant greater distance separation. ISDS components that are not watertight should not extend into areas occupied by the root systems of nearby trees. Where repair or upgrading of an existing ISDS is involved, and the size of the lot or parcel precludes adherence to the distance separation standards prescribed in this Chapter, the repairs or repaired system components shall not be closer to protected structures or features than first existing.

(f) All owners or operators of substandard wastewater and sewage disposal systems existing within the watershed protection district on or before the effective date of this Chapter shall be provided notice and a reasonable period of time in which to correct any deficiency or noncompliance with respect to their systems and the requirements of this Chapter. (Ord. 517 §1, 2000; Ord. 2 §1, 2003)

13.50.110 Water quality monitoring plans.

Notwithstanding any other provision or requirement contained within this Chapter, the Public Works Director may require the preparation and implementation by an applicant of a water quality monitoring plan and program as a condition for the issuance of the watershed permit. Such plan may include the installation of monitoring devices, the regular collection of soil and water samples and the establishment of reporting requirements. The costs for the design, implementation and inspection of any water quality monitoring plan shall be borne by the applicant. (Ord. 517 §1, 2000)

13.50.120 Delegation of authority.

The Town Administrator may from time to time devise, adopt and enforce supplemental administrative, procedural or technical/ engineering rules and regulations as he or she may deem necessary and advantageous to the successful implementation and enforcement of the provisions of this Chapter, inclusive of the preparation of standardized forms and fees associated with the evaluation and issuance of permits. All rules and regulations must be consistent with the terms of this Chapter. The Board of Selectmen may review, amend or vacate such rules and regulations upon written complaint or appeal. (Ord. 517 §1, 2000; Ord. 2 §1, 2003)

13.50.130 Certain activities excepted; de minimis exemptions.

(a) The Town Administrator may determine upon written request that an activity or proposed schedule of activities to be undertaken within the watershed protection district presents a de minimis risk of pollution to or disruption of the Town's water supply, watershed and/or waterworks and may, thus, exempt or except such activity or activities from some or all of the application and/or permit requirements as contained in this Chapter. The burden will be upon the applicant seeking an exemption to supply sufficient information to demonstrate that the activity in question will present no more than a de minimis threat or risk to the Town's water supply and/or water supply system. In no event shall the installation or repair of an ISDS be deemed an exempt activity, and in all events an applicant must provide the Town Administrator written notice of when and where any exempted activity is to occur.

(b) All exceptions or exemptions must be reduced to writing, specifically identify the activities excepted hereunder and any conditions with regard thereto, and specify in detail the basis for such exception or exemption. In the event an excepted or exempted activity is not fully implemented or concluded in the manner as represented and authorized under this Section, the Town Administrator or Public Works Director shall order the cessation or correction of such activity in accordance with the enforcement provisions contained in this Chapter. (Ord. 517 §1, 2000; Ord. 2 §1, 2003)

13.50.140 Enforcement.

(a) Right of entry. When it is necessary to make an inspection to enforce the provisions of this Chapter or the terms and conditions of any permit, or where reasonable grounds exist to believe that a condition, activity or facility on any premises presents a threat of pollution or injury to any of the Town's water sources, supplies or waterworks, the Town Administrator, or his or her designee, may enter onto such premises at reasonable times to inspect and/or perform such investigation and duties as called for under this Chapter; provided that if the premises are occupied, proper identification shall be shown to the person on the premises and a request for access be made. If the premises are unoccupied, reasonable efforts shall be made to locate and/or provide notice to the owner or operator of the land or facility in question of the desired access. If access is refused, a warrant to enter onto the premises shall be obtained *ex parte* from the Municipal Court.

(b) Stop work and cease and desist orders. Whenever any development or activity is being performed or continued in violation of the provisions of this Chapter or the terms and conditions of a permit, or where it is determined that a permit was issued in error or as the result of incorrect, inaccurate or misleading information, the Town Administrator or Public Works Director may execute and issue a written stop work and/or cease and desist order commanding that the subject development or activity immediately cease and/or be corrected. A stop work and/or cease and desist order shall set forth in plain language the nature of any violation and shall be served on the permittee or person engaged in the prohibited development or activity by personal service or by regular mail. A copy of the order shall also be posted at some conspicuous place on the subject premises. Appeals or challenges to a stop work or cease and desist order shall be heard by the Board of Selectmen upon written request filed with the Town Clerk not less than five (5) working days after service of the order on the permittee or person contesting same. The failure of a person to timely file an appeal or challenge, or to appear at the hearing thereon, shall constitute a waiver of his or her right to contest the order. Hearings shall be conducted by the Board of Selectmen within thirty (30) days from the date on which the written notice of appeal or challenge was filed with the Town Clerk. Written notice of the hearing shall be sent by regular mail or personally served on the appellant not less than ten (10) days in advance thereof. The continuation of any development or activity subject to a stop work or cease and desist order shall constitute a violation of this Chapter.

(c) Permit revocation.

(1) All watershed permits shall be subject to revocation by the Town Administrator for violations of this Chapter or the rules and regulations adopted pursuant thereto, inclusive of stop work and cease and desist orders. Written notice of a proposed revocation shall be mailed to the permittee not less than fifteen (15) days prior to the effective date of the revocation and shall set forth in plain language the grounds justifying the revocation. A hearing on the revocation shall be conducted by the Board of Selectmen upon the written request of the permittee filed with the Town Clerk prior to the effective date of the revocation.

All hearings shall be promptly scheduled before the Selectmen by the Town Clerk and written notice thereof mailed to the permittee at least five (5) business days in advance thereof. The effectiveness of any order of revocation shall be stayed pending the decision of the Selectmen on appeal, except where the Town Administrator certifies in writing that a delay in revoking the permit will present a clear and immediate danger to public health, safety, welfare or property. All decisions on appeal shall be reduced to writing and a copy thereof provided to the permittee.

(2) Upon the revocation of a permit, the Town may require the permittee to restore any land, facility or site to such condition as deemed necessary to prevent pollution or injury to the watershed or any water source, supply or waterwork. Upon the failure of the permittee to timely perform such restoration, the Town may, at its option, perform or have performed the restoration and assess the costs thereof against the permittee, inclusive of the imposition of a lien against the permittee's property on which such restoration work took place. (Ord. 517 §1, 2000; Ord. 2 §1, 2003)

13.50.150 Violations and penalties.

(a) It shall be unlawful for any person to engage in or cause a violation of any provision of this Chapter or of any term or condition of any watershed permit, and such person shall be fined upon conviction thereof in an amount up to one thousand dollars (\$1,000.00), and/or imprisoned up to one (1) year in jail.

(b) Any development, activity, facility or structure which is continued, operated or maintained in violation of this Chapter or the terms and conditions of any watershed permit shall be subject to injunction, abatement and/or other appropriate legal remedy as may be sought and obtained by the Town, in which event the Town shall be entitled to recover its reasonable costs and attorney fees from the offending party or parties.

(c) All penalties and remedies for violations of this Chapter shall be nonexclusive and cumulative, and the Town's pursuit and/or exercise of one (1) remedy or penalty shall not foreclose or prohibit the pursuit and exercise of alternative or other remedies. (Ord. 517 §1, 2000)