



2.4 Enforcement

2.4.1 Notice of Violation

In the event that the Director determines that a violation of any provision of this chapter has occurred, or that work does not have a required plan or permit, or that work does not comply with an approved plan or permit, the Director may issue a Notice of Violation to the permittee or property owner and/or any other person or entity having responsibility for construction work performed at a site development. Issuance of a Notice of Violation of the provisions of the Knox County Stormwater Management Ordinance or of the policies required by this manual shall be cause for the issuance of a stop work order, withholding of a permit approval or certificate of occupancy, and/or civil penalties and/or damage assessments.

2.4.2 Civil Penalties and Damage Assessments

Pursuant to Tennessee Code Annotated § 68-221-11, Knox County has the authority to impose a civil penalty of not less than fifty dollars (\$50.00) or more than five thousand dollars (\$5,000) per day for each day of a violation. Damage assessments are determined based on any reasonable expenses incurred in investigating and enforcing violations of this part, or any other actual damages caused by the violation. The Knox County Stormwater Management Ordinance states detailed requirements and authority with regards to civil penalties and damage assessments.

2.4.3 Corrective Measures

The Director may order corrective actions to erosion prevention and sediment control measures, stormwater management facilities, and/or the stormwater system as are necessary to properly maintain the stormwater systems within Knox County for the purposes of flood prevention, channel protection, water quality treatment and/or public safety. If property owner(s) fails to perform corrective action(s) ordered by the Director, the Director shall have the authority to perform the corrective action utilizing County resources or others. In such cases where a Performance and Indemnity Agreement exists, Knox County shall utilize the performance bond to pay for the costs associated with the corrective action(s). In such cases where a Performance and Indemnity Agreement does not exist, the property owner shall reimburse Knox County for double its direct and related expenses. If the property owner fails to reimburse Knox County, the County is authorized to file a lien for said costs against the property and to enforce the lien by judicial foreclosure proceedings.

An order for corrective action that has been imposed by the Director does not authorize access to private property. Arrangements concerning corrective actions that may impact private property must be settled by the person(s) ordered to perform the actions with the adjoining landowner.