

ARTICLE II. POST CONSTRUCTION STORM WATER RUNOFF CONTROL

Subchapter A. General Provisions

Sec. 27-1. Purpose.

The purpose of this ordinance is to establish minimum storm water management requirements and controls to protect and safeguard the general health, safety, and welfare of the public residing in watersheds within the city. This ordinance seeks to meet that purpose through the following objectives:

1. Minimize increases in storm water runoff from any land disturbing activity in order to reduce flooding, siltation, increases in stream temperature, and streambank erosion and maintain the integrity of stream channels;
2. Minimize increases in nonpoint source pollution caused by storm water runoff from land disturbing activity which would otherwise degrade local water quality;
3. Minimize the total annual volume of surface water runoff which flows from any specific site during and following land disturbing activity to not exceed the pre-land disturbing activity hydrologic regime to the maximum extent practicable; and
4. Reduce storm water runoff rates and volumes, soil erosion and nonpoint source pollution, wherever possible, through storm water management controls and to ensure that these management controls are properly maintained and pose no threat to public safety.

Sec. 27-2. Applicability.

This ordinance shall be applicable to all subdivisions, both residential and non-residential. The ordinance also applies to land disturbing activities that are smaller than the minimum applicability criteria if such activities are part of a larger common plan of development even though multiple separate and distinct land development activities may take place at different times on different schedules. In addition, all plans must be reviewed by the city engineer to ensure that established water quality standards will be maintained during and after land disturbing activity of the site and that post construction runoff levels are consistent with any local and regional watershed plans.

To prevent the adverse impacts of storm water runoff, the city has developed a set

of performance standards that must be met at new development sites. These standards apply to any construction activity disturbing one (1) acre or more of land, except when land is situated on a CBZ. Standards found in Subchapter D apply to all land which is situated on a CBZ. The following activities may be exempt from these storm water performance criteria except for when situation on a CBZ:

1. Additions or modifications to existing single family structures; and
2. Repairs to any storm water treatment practice deemed necessary by the city.

When a development plan is submitted that qualifies as a redevelopment project as defined in section 27-4 of this ordinance, decisions on permitting and on-site storm water requirements shall be governed by special storm water sizing criteria found in Chapter 9, “Stormwater Best Management Practices ,” of the Drainage Criteria and Design Manual in effect at the time of redevelopment. This criteria is dependent on the amount of impervious area created by the redevelopment and its impact on water quality. Final authorization of all redevelopment projects will be determined after a review by the city.

In determining if a project is one (1) acre or larger, the city will consider whether or not the land disturbing activity is a part of a common plan. A construction activity is a part of a common plan if it is completed in separate stage, phases or in combination with other construction activities. Common plans are often, but not solely identified by plats, blueprints, contracts, zoning requests and building permits. Additionally, common plans may exist and erosion and sedimentation control may be required when there is more than one operator operating in an area which is larger than one acre, even though no single individual project is larger than one acre individually.

Sec. 27-3. Compatibility with other permit and ordinance requirements

This ordinance is not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law. The requirements of this ordinance should be considered minimum requirements, and where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher protective standards for human health or the environment shall be considered to take precedence.

Sec. 27-4. Definitions. For the purposes of this ordinance the following shall mean:

Applicant means a property owner or agent of a property owner who has filed an storm water management plan.

Best Management Practices (BMP) are all generally accepted methods of reducing storm water pollutants and can be found in Subchapter C of this Article.

Channel means a natural or artificial watercourse with a definite bed and banks that conducts continuously or periodically flowing water.

Creek is a waterway having 64 acres or greater of contributing drainage areas.

Creek Buffer Zone (CBZ) is all property located on or adjacent to a natural, vegetated, earthen or grass lined creek, waterway, stream, or channel is hereby deemed to be within a CBZ and shall comply with the Drainage Criteria and Design Manual, Section 9 “Storm Water Best Management Practices.”

Crest of Slope includes waterway top of banks or highest point of natural waterway banks steeper than the ratio found in the Drainage Criteria and Design Manual, Section 9 “Storm Water Best Management Practices.”

Detention means the temporary storage of storm runoff in a storm water management practice with the goals of controlling peak discharge rates and providing gravity settling of pollutants.

Detention facility means a detention basin or alternative structure designed for the purpose of temporary storage of stream flow or surface runoff and gradual release of stored water at controlled rates.

Developer means a person who undertakes land disturbance activities.

Drainage Criteria and Design Manual (DCDM) is a manual containing all approved methods and design criteria for drainage and storm water control.

Drainage easement means a legal right granted by a landowner to a grantee allowing the use of private land for storm water management purposes.

Impervious cover means those surfaces that cannot effectively infiltrate rainfall (e.g., building rooftops, pavement, sidewalks, driveways, etc).

Infiltration means the process of percolating storm water into the subsoil.

Land disturbing activity means any activity, including but not limited to excavation, clearing, and grading, which disturbs the natural or improved vegetative ground cover so as to expose soil to the erosive forces of rain, storm water runoff or wind for residential and non-residential subdivisions and applicable city projects. Land

disturbing activity does not include any vegetative cutting and mulching. All installations and maintenance of franchise utilities such as telephone, gas, electric, etc., shall be considered land disturbing activities.

Landowner means the legal or beneficial owner of land, including those holding the right to purchase or lease the land, or any other person holding proprietary rights in the land.

Lowest point in waterway bed means the physical lowest grade elevation at a given cross section of waterway at the point of interest. (Licensed professional engineers may consider lowest point to be a projected line between grade control check points upstream and downstream of the point of interest. Grade control check points generally occur at small dams, concrete enclosed utility crossings, piped or boxed culverts or bridges with armored waterway beds.)

Maintenance agreement means a legally recorded document that acts as a property deed restriction, and which provides for long-term maintenance of storm water management practices.

Occupied Structures include but are not limited to, residences and places of business such as houses, apartments, businesses, schools, and churches.

Off-site facility means a storm water management measure located outside the subject property boundary.

On-site facility means a storm water management measure located within the subject property boundary.

Private Amenities include but are not limited to, fencing, landscaping, and irrigation systems.

Private Amenity Structures include but are not limited to, detached garages, sheds, swimming pools, retaining walls, decks and recreational courts or other similar structures.

Redevelopment means any construction, alteration or improvement exceeding one (1) acre in area where existing land use is high density commercial, industrial, institutional or multi-family and single family residential.

Stop work order means an order issued which requires that all construction activity on a site be stopped.

Storm water management means the use of structural or non-structural practices that are designed to reduce storm water runoff pollutant loads, discharge volumes, peak flow discharge rates and detrimental changes in stream temperature that affect water quality and habitat.

Storm water management facility is any facility that is built to control storm water runoff in order to comply with the Best Management Practices herein.

Storm water runoff means flow on the surface of the ground, resulting from precipitation.

Watercourse means a permanent or intermittent stream or other body of water, either natural or man-made, which gathers or carries surface water.

Waterway is any channel that directs surface runoff to a watercourse or to the public storm drain. This includes natural and manmade creeks, streams, swales and channels.

Subchapter B. Requirements for Storm Water Management Plan Approval

Sec. 27-5. Storm water management plan.

(a) A storm water management plan is required for all land disturbing activities which disturb one (1) acre or more of land, and any time land is situated on a CBZ.

(b) No application for a construction, building or other development permit will be approved unless it includes a storm water management plan ("SWMP") detailing how runoff and associated water quality impacts resulting from the land disturbing activity will be controlled or managed.

(c) This plan must meet the submittal requirements outlined in the submittal checklist found in section 27-6 (b) of this chapter, be sealed by a professional engineer and must indicate whether storm water will be managed on-site or off-site. If on-site, the plan must include the specific location and type of practices in order to receive consideration for BMP credit.

(d) The SWMP shall be developed and coordinated with the drainage plan and may be shown on the same sheet if applicable. It shall also be coordinated with the landscaping plan to prevent conflicts and assure compatible land use, if landscaping is a selected and approved BMP.

(e) No building, construction, or other development permit shall be issued until a

SWMP has undergone a review and been approved by the city after determining that the plan is consistent with the requirements of this ordinance.

Sec. 27-6. Storm water management plan requirements.

(a) A SWMP shall be required with construction and building permit applications and will include sufficient information to evaluate the environmental characteristics of the project site, the potential impacts of all proposed land disturbing activity of the site, both present and future, on the water resources, and the effectiveness and acceptability of the measures proposed for managing storm water generated at the project site. The intent of this is to determine the type of storm water management measures necessary for the proposed project, and ensure adequate planning for management of storm water runoff from future land disturbing activity.

(b) The following information, in addition to all requirements found within DCDM, Section 9, “Storm Water Best Practices,” shall be included in the SWMP:

1. Plan. A map (or maps) and a written description of the SWMP and justification of proposed changes in natural conditions may also be required.
2. Engineer Analysis. Sufficient engineering analysis to show that the proposed storm water management measures are capable of controlling runoff from the site in compliance with this ordinance and the specifications found within DCDM, Section 9, “Storm Water Best Practices.”
3. Inventory. A written or graphic inventory, as described in DCDM, Section 9, “Storm Water Best Practices” of the natural resources at the site and surrounding area as it exists prior to the commencement of the project and a description of the watershed and its relation to the project site.
4. Maintenance and Repair Plan. The design and planning of all storm water management facilities shall include detailed maintenance and repair procedures to ensure their continued function. These plans will identify the parts or components of a storm water management facility that need to be maintained and the equipment and skills or training necessary. Provisions for the periodic review and evaluation of the effectiveness of the maintenance program and the need for revisions or additional maintenance procedures, which meet all specification found in DCDM, Section 9, “Storm Water Best Practices,” shall be included in the plan.

5. Maintenance easements. Except for CBZs, the applicant must ensure access to all storm water BMPs at the site for the purpose of inspection and repair by securing all the maintenance easements needed on a permanent basis. These easements will be recorded with the plan and will remain in effect even with transfer of title to the property.
6. Maintenance agreement. The applicant must execute an easement and an inspection and maintenance agreement binding on all subsequent owners of land served by an on-site storm water management measure in accordance with the specifications of this ordinance.
7. Maintenance by city. At its sole discretion the city may agree to accept a development's storm water management facility as a public improvement and maintain it as such. This agreement may be reached in lieu of a maintenance agreement. This section in no way guarantees the city's acceptance of any BMP as a public improvement.

The city may also require a concept plan to consider the maximum development potential of a site under existing zoning, regardless of whether the applicant presently intends to develop the site to its maximum potential.

(c) For land disturbing activity occurring on a previously developed site, an applicant shall be required to include within the SWMP measures for controlling existing storm water runoff discharges from the site in accordance with the standards of this ordinance to the maximum extent practicable.

Subchapter C. Basic Storm Water Management Design Criteria.

Sec. 27-7. Potential pollutants from land disturbing activity.

Potential storm water pollutants from land disturbing activity may consist of but are not limited to the following:

1. Total suspended solids
2. Increased temperature
3. Oil and grease
4. Floatables (trash)
5. Nutrients (fertilizers)
6. Bacteria
7. Metals
8. Pesticides

9. Sediment (soil due to erosion)

Sec. 27-8. Best Management Practices (BMPs).

It is the responsibility of the engineer to design BMPs that address site-specific conditions using the appropriate design criteria found in this code as well as the DCDM, Section 9, “Storm Water Best Practices.”).

Sec. 27-9. Required permanent BMP. To preserve the existing natural resources in Temple and promote sustainable development, demonstration of compliance with the following permanent BMPs, where applicable, are required in the SWMP of all land disturbing activities.

1. Site Layout — Each SWMP is required to show the site layout as well as the placement of the selected BMPs.
2. Creek Buffer Zone – All property located on or adjacent to a natural, vegetated, earthen or grass lined creek, waterway, stream, or channel is hereby deemed to be within a CBZ. When a property is located within a CBZ developer, builder or owner must comply with the techniques found in the DCDM, Section 9, “Storm Water Best Practices.”.

Sec. 27-10. Additional BMP Credit Point Requirements.

In addition to the required BMPs, the following number of BMPs shall be provided based on the size of the project:

Table 1 Additional BMP Credit Point Requirements

<u>Non-Residential</u>	
	<i><u>Number of additional BMP Credits required</u></i>
1 acre ≤ Disturbed Area < 5 acres	1
5 acres ≤ Disturbed Area < 10 acres	2
10 acres ≤ Disturbed Area < 20 acres	3
≥ 20 acres	4

<u>Residential</u>	
	<i><u>Number of additional BMP Credits required</u></i>
1 acre ≤ Disturbed Area <5 acres	1
5 acres ≤ Disturbed Area <20 acres	2
≥ 20 acres	3

Sec. 27-11. Factors to be considered.

The following are example of factors that should be considered when evaluating and selecting BMPs for a land disturbing activity:

1. Effect of the land disturbing activity on runoff volumes and rates
2. Potential pollutants from the land disturbing activity
3. Percent of site treated by each BMP
4. Effectiveness of the BMP on potential pollutants from the land disturbing activity
5. Natural resources on the site
6. Configuration of site, including existing waterways

Sec. 27-12. Additional BMPs.

The following items are acceptable permanent BMPs to be utilized when meeting Table 1 additional BMP requirements based on the size of the land disturbing activity and complying the DCDM, Section 9, “Storm Water Best Practices:”

1. Vegetated swales.
2. Vegetated filter strips.
3. Permeable and semi-pervious pavement.
4. Discharge of roof drains to pervious surface.
5. Extended Detention Basins for Storm Water Quality Benefits.
6. Retention ponds.
7. Detention Pond Outlet for Erosion Protection and Storm Water Quantity Benefits.
8. Subsurface treatment devices.
9. Landscaping.
10. Cluster design.
11. Preservation of existing tree canopy.
12. Other BMPs. Other BMPs and innovative designs will be considered when submitted to the city engineer with supporting calculations and references.

Sec. 27-13. Maintenance agreements.

All privately owned storm water treatment practices shall have an enforceable operation and maintenance agreement to ensure the system functions as designed. This agreement shall be between the city and the Home Owners Association or the city and the individual land owner and will include any and all maintenance easements required to access and inspect the storm water treatment practices, and to perform routine maintenance as necessary to ensure proper functioning of the storm water treatment practice. In addition, a legally binding covenant specifying the parties responsible for the proper maintenance of all storm water treatment practices shall be secured prior to issuance of any permits for land disturbance activities. If the city, in its sole discretion chooses, to accept the storm water management facility as a public improvement no maintenance agreement will be necessary.

Subchapter D. Creek Buffer Zones.

Sec. 27-14. Establishment.

All property located on or adjacent to a natural, vegetated, earthen or grass lined creek, waterway, stream, or channel is hereby deemed to be within a CBZ and shall comply with the DCDM, Section 9, "Storm Water Best Practices."

Sec. 27-15. Design Standards.

CBZs must be designed and designated by the requirements and standards found in this chapter and the DCDM, Section 9, "Storm Water Best Practices."

Sec. 27-16. Designation Requirements.

- (a) Preliminary plats, final plats, plans, construction and building permit applications must clearly show the limits of CBZs based on criteria in this chapter.
- (b) The limits must be indicated by dashed lines and labeled "Creek Buffer Zone."
- (c) CBZ designation may be combined with other lines in cases where erosion hazard zone lines coincide with flood plain limits or other public utility easements, such as drainage easements.
- (d) Properties next to natural or constructed channels with a minimum of the ratio found in the DCDM, Section 9, "Storm Water Best Practices" or flatter side slopes are

not required to comply with these erosion hazard zone criteria unless, in the opinion of a licensed professional engineer, erosion hazard zone delineation is warranted. CBZs may not apply to waterways that have been engineered to convey a 1% chance storm (100-year frequency storm) and to withstand erosive forces or that have been adequately stabilized by manmade construction materials such as concrete rip-rap and concrete retaining walls. Wood timbers ties shall not be considered to adequately stabilize waterways due to their relatively short life span of service.

Sec. 27-17. Exception Process.

(a) It is the expressed intent of this chapter that all sections and parts should be complied with except in those instances when the provisions of this section are not applicable. It is further the intent of this chapter that the granting of an exception shall not be a substitute for the amending of this chapter.

(b) The city engineer may recommend to the city council an exception from these regulations be granted when, in its opinion, undue hardship will result from requiring strict compliance. In considering, recommending and granting an exception, either the city council shall prescribe such conditions that it deems necessary or desirable in the public interest.

In making the findings required in subsection (c) below, the city council would consider the nature of the proposed use of the land involved, existing uses of land in the vicinity, and the probable effect of such exception and upon the public health, safety, convenience and welfare in the vicinity.

(c) No exception shall be granted unless the city council finds:

1. That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this chapter would have a substantial adverse impact on the applicant's reasonable use of his land; and
2. That the granting of the exception will not be detrimental to the public health, safety or welfare, or injurious to other property in the area.

(d) Such findings of the city council, together with the specific facts upon which such findings are based, shall be incorporated into the official minutes of the meeting at which such exception is recommended and granted.

(e) Exceptions may be granted only when in harmony with the general purpose

and intent of this chapter so that the public health, safety and welfare may be secured and substantial justice served.

(f) The city engineer as well as the Development Standards Advisory Board may recommend to council changes to amend the DCDM, Section 9, “Storm Water Best Practices.”

Sec. 27-18. Licensed Professional Engineer’s Responsibilities.

(a) It is the developer or land owner’s licensed professional engineer’s responsibility to adhere to these criteria when preparing preliminary plats, plans or building permit applications.

(b) The licensed professional engineer shall recognize these criteria as the minimum standards such that unique or site specific geological, topographical, or other factors may require detailed study during design. Adjustments from these minimum standards are allowed based on the findings from engineering analysis and engineering judgment.

(c) It is the licensed professional engineer’s responsibility for determining and providing CBZs delineation on preliminary plats, final plats, plans, construction and building permit applications based on engineering judgment and best practices.

Subchapter E. Construction Inspection of Storm Water Facilities.

Sec. 27-19. Inspection.

Storm water facility inspections shall comply with all requirements found within DCDM, Section 9, “Storm Water Best Practices” and the following:

(a) The city engineer or designated agent may make inspections as hereinafter described and either shall approve that portion of the work completed or shall notify the landowner or agent wherein the work fails to comply with the SWMP as approved. To obtain inspections, the landowner applicant or developer shall notify the city engineer at least two working days before the following:

1. Start of construction;
2. Installation of post construction; and
3. Final acceptance of public infrastructure, or prior to issuance of certificate of occupancy dependent upon respective development stage.

- (b) For all privately owned and maintained storm water maintenance facilities the landowner or agent shall make regular inspections of all BMPs. The purpose of such inspections will be to determine the overall effectiveness of the SWMP and the need for additional control measures. All inspections shall be documented in written form and kept on file available for viewing upon request.
- (c) The city engineer or its designated agent may enter the property of the applicant as deemed necessary to make regular inspections to ensure the validity of the reports filed under section (b).

Subchapter F. Maintenance and repair of Storm Water Facilities.

Sec. 27-20. Maintenance easement.

Prior to the final plat or issuance of a building or construction permit, whichever comes first, the applicant, owner, or developer of the site must execute a maintenance easement that shall be binding on all subsequent owners of land served by the storm water management facility. The easement shall provide for access to the facility at reasonable times for periodic inspection by the city, or their contractor or agent, and for regular or special assessments of property owners to ensure that the facility is maintained in proper working condition to meet design standards and any other provisions established by this ordinance. The easement shall be recorded in the land records.

Sec. 27- 21. Maintenance covenants.

(a) Maintenance of all storm water management facilities shall be ensured through the creation of a formal maintenance covenant that must be approved by the city and recorded into the land record prior to final plat, or building or construction permit approval, whichever comes first. As part of the covenant, a schedule shall be developed for when and how often maintenance will occur to ensure proper function of the storm water management facility. The covenant shall also include plans for periodic inspections to ensure proper performance of the facility between scheduled cleanouts.

(b) The city, at its sole discretion, in lieu of a maintenance covenant, may accept dedication of any existing or future storm water management facility for maintenance, provided such facility meets all the requirements of this chapter and includes adequate and perpetual access and sufficient area, by easement or otherwise, for inspection and regular maintenance.

Sec. 27-22. Minimum inspection requirements for all storm water maintenance facilities.

All storm water management facilities must undergo, at a minimum, an annual inspection to document maintenance and repair needs and ensure compliance with the requirements of this ordinance. Repair and maintenance needs may include; removal of silt, litter and other debris from all catch basins, inlets and drainage pipes, grass cutting and vegetation removal, and necessary replacement of landscape vegetation. Any maintenance needs found must be addressed in a timely manner, as determined by the city, and the inspection and maintenance requirement may be increased as deemed necessary to ensure proper functioning of the storm water management facility.

Sec. 27-23. Inspection programs for storm water facilities.

Inspection programs may be established on any reasonable basis, including but not limited to: routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; inspection of drainage basins or areas identified as higher than typical sources of sediment or other contaminants or pollutants; inspections of businesses or industries of a type associated with higher than usual discharges of contaminants or pollutants or with discharges of a type which are more likely than the typical discharge to cause violations of state or federal water or sediment quality standards or the NPDES storm water permit; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to: reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in drainage control facilities; and evaluating the condition of drainage control facilities and other storm water treatment practices.

Sec. 27-24. Right-of-entry for inspection.

When any new drainage control facility is installed on private property, or when any new connection is made between private property and a public drainage control system, sanitary sewer or combined sewer, the property owner shall grant to the city the right to enter the property at reasonable times and in a reasonable manner for the purpose of inspection. This includes the right to enter a property when it has a reasonable basis to believe that a violation of this ordinance is occurring or has occurred, and to enter when necessary for abatement of a public nuisance or correction of a violation of this ordinance.

Sec. 27-25. Records of installation and maintenance activities.

Parties responsible for the operation and maintenance of a storm water management facility shall make records of the installation and of all maintenance and repairs, and shall retain the records for at least five (5) years. These records shall be made available to the city during inspection of the facility and at other reasonable times upon

request.

Subchapter G. Enforcement and Penalties.

Sec. 27-26. Failure to maintain storm water maintenance facilities.

If a responsible party fails or refuses to meet the requirements of the maintenance covenant, the city, after reasonable notice, may correct a violation of the design standards or maintenance needs by performing all necessary work to place the facility in proper working condition. In the event that the storm water management facility becomes a danger to public safety or public health, the city shall notify the party responsible for maintenance of the storm water management facility in writing. Upon receipt of that notice, the responsible person shall have 30 days to affect maintenance and repair of the facility in an approved manner. After proper notice, the city may assess the owner(s) of the facility for the cost of repair work and any penalties; and the cost of the work shall be a lien on the property.

Sec. 27-27. Violations.

Any land disturbing activity that is commenced or is conducted contrary to this ordinance, may be restrained by injunction or otherwise abated in a manner provided by law, including the City or its agent undertaking the necessary maintenance or apartment and assessing the cost of the work as a lien upon the property.

Sec. 27-28. Notice of violation.

When the city determines that an activity is not being carried out in accordance with the requirements of this ordinance, it shall issue a written notice of violation to the owner of the property. The notice of violation shall contain:

1. The name and address of the owner or applicant;
2. The address when available or a description of the building, structure or land upon which the violation is occurring;
3. A statement specifying the nature of the violation;
4. A description of the remedial measures necessary to bring the land disturbing activity into compliance with this ordinance and a time schedule for the completion of such remedial action;
5. A statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed; and
6. A statement that the determination of violation may be appealed to the municipality by filing a written notice of appeal within fifteen (15) days of service of notice of violation.

Sec. 27-29. Stop work orders.

In the event that any person holding an approved SWMP pursuant to this ordinance violates the terms of the permit or implements land disturbing activity in such a manner as to materially adversely affect the health, welfare, or safety of persons residing or working in the neighborhood or site so as to be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood, the city may suspend or revoke the building or construction (for public infrastructure) permit.

Sec. 27-30. Appeals.

In the event the developer or builder does not agree with a decision of the city engineer, they may appeal to the director of public works. Appeals from the director's decision shall be automatically referred to the city manager for final decision, with due regard for the city engineer and public works directors recommendations. The city manager's decision shall be rendered as soon as possible and shall be final.

Part 2: *Criminal penalty.* Any person or persons, firm or corporation which violates any of the provisions of this chapter may be deemed guilty of a misdemeanor and, upon conviction shall be fined not less than fifty (\$50.00) dollars nor more than two thousand (\$2000.00) dollars for each offense and each violation hereof shall be deemed a separate and distinct offense for each of said days and shall be punishable as such.

Severability. If the provisions of any article, section, subsection, paragraph, subdivision or clause of this ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision or clause of this ordinance.