

Chapter 13.14
URBAN STORM WATER
QUALITY MANAGEMENT AND
DISCHARGE CONTROL

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13.14.010 Title and Purpose

This Article shall be known as the "Urban Storm Water Quality Management and Discharge Control Ordinance" of the City of Ripon and may be so cited. The purpose and intent of this Article is to ensure the health, safety, and general welfare of citizens, and protect and enhance the water quality of watercourses and water bodies in a manner pursuant to and consistent with the Federal Clean Water Act and the Porter-Cologne Act, by reducing pollutants in storm water discharges to the maximum extent practicable and by prohibiting non-storm water discharges to the storm drain system. (Ord. 692 § 1, 2004)

13.14.020 Definitions

For purposes of this Chapter the following terms have the following meanings:

- (a) "Accelerated Erosion" means erosion caused by development activities that exceeds the natural processes by which the surface of the land is worn away by water, wind, or chemical action.
- (b) "Best Management Practices" (BMPs) means activities, practices, and procedures to prevent or reduce the

discharge of pollutants directly or indirectly to the municipal storm drain system and waters of the United States.

- (c) “Building” means any structure, either temporary or permanent, having walls and a roof, designed for the shelter of any person, animal, or property, and occupying more than 100 square feet of area.
- (d) “Channel” means a natural or artificial watercourse with a definite bed and banks that conducts continuously or periodically flowing water.
- (e) “City” means the City of Ripon.
- (f) “Clean Water Act” means the federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.
- (g) “Construction Activity” includes any public or private projects involving roadwork, paving, utility installation, structural construction (new or redevelopment), demolition, grading, excavation, or landscaping that has soil disturbance or has pollutants exposed to storm water. It does not include routine maintenance to maintain original line and grade, hydraulic capacity, or original purposes of a facility, nor does it include emergency construction activities required to immediately protect public health, safety and welfare.
- (h) “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.
- (i) “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.

- (j) “Developer” means a person who undertakes land disturbance activities.
- (k) “Development” means any new construction, rehabilitation, redevelopment or reconstruction of any public or private residential project; industrial, commercial, retail and other nonresidential projects, including public agency projects; or grading for future construction.
- (l) “Discharge” means either of the following:
 - Any addition of any pollutant to navigable waters from any point source; or
 - Any addition of any pollutant to the waters of the contiguous zone or the ocean from any point source other than a vessel or other floating craft.
- (c) “Erosion and Sediment Control Plan” means a plan that is designed to minimize the accelerated erosion and sediment runoff at a site during construction activities.
- (d) “Hazardous Materials” means any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the

environment when improperly treated, stored, transported, disposed of, or otherwise managed. (California Health and Safety Code §25117.)

- (e) “Illicit Discharge” means any direct or indirect non-storm water discharge to the storm drain system, except as exempted in Section 13.14.070 of this Chapter.
- (f) “Illegal Connection” means any of the following: Any pipes, drains, open channels, or other conveyances, whether on the surface or subsurface, which have the potential to allow an illicit discharge to enter the Storm Water Conveyance System.
- (g) “Industrial Activity” means any activities subject to NPDES Industrial Permits as defined in 40 CFR, Section 122.26 (b)(14).
- (h) “Infiltration” means the process of percolating storm water into the subsoil.
- (i) “Infiltration Facility” means any structure or device designed to infiltrate retained water to the subsurface. These facilities may be above grade or below grade.
- (j) “Land Disturbance Activity” means any activity that changes the volume or peak flow discharge rate of rainfall runoff from the land surface. This may include, but is not limited to, the grading, digging, cutting, scraping, or excavating of soil, placement of fill materials, paving, construction, substantial removal of vegetation, or any activity which bares soil or rock or involves the diversion or piping of any natural or man-made watercourse.
- (k) “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.

- (l) “Noncommercial vehicle washing” means the washing and rinsing of passenger vehicles on private property in which no commercial enterprise or non-profit fundraising is being conducted in the washing of those vehicles.
- (m) “Non-point Source Pollution” means pollution from any source other than from any discernible, confined, and discrete conveyance, and shall include, but not be limited to, pollutants from agricultural, mining, construction, subsurface disposal and urban runoff sources.
- (n) “Non-Storm Water Discharge” means any discharge to the storm drain system that is not composed entirely of storm water.
- (o) “NPDES Permit” means a National Pollutant Discharge Elimination System (NPDES) Permit administered by the State of California Regional Water Quality Control Board.
- (p) “Person” means any natural person, corporation, association, partnership, or other entity.
- (q) “Pollution” means the human-made or human-induced alteration of the quality of waters by waste to a degree which unreasonably affects, or has the potential to unreasonably affect, either the waters for beneficial uses or the facilities which serve these beneficial uses (California Water Code §13050).

- (r) “Porter-Cologne Act” means the Porter-Cologne Water Quality Control Act and as amended (California Water Code §13000 et seq.).
- (s) “Redevelopment” means any land disturbing activity occurring on existing developed property.
- (t) “Regional board” means any California regional water quality control board for a region as specified in California Water Code §13200.
- (u) “Storm Water Management” means the use of structural or non-structural practices that are designed to reduce storm water runoff pollutant loads, discharge volumes, and/or peak flow discharge rates.
- (v) “SSJID Shared Facilities” means facilities owned by the South San Joaquin Irrigation District (SSJID) that are also used by the City of Ripon for storm drainage.
- (w) “State Board” means the California State Water Resources Control Board.
- (x) “Storm Water Conveyance System” means those artificial and natural facilities within City of Ripon, whether publicly or privately owned, by which storm water may be conveyed to the City’s storm water system watercourse or waters of the United States, including without limitation, any roads with drainage systems, streets, catch basins, natural and artificial channels, aqueducts, stream beds, gullies, curbs, gutters, ditches, open fields, parking lots, impervious surfaces used for parking, and natural and artificial channels or storm drains.”Storm Water Pollution Prevention Plan (SWPPP)” means a document that describes the best management practices to be implemented by the owner or operator of a business, commercial development, residential development, or construction project, to eliminate non-storm water discharges and/or to reduce, to the maximum extent practicable (as defined by the State of California Regional Water Quality Control Board), pollutant discharges to the Storm Water Conveyance System.
- (y) “Storm Water Runoff” means flow on the surface of the ground, resulting from precipitation.
- (z) “Watercourse” means a permanent or intermittent stream or other body of water, either natural or man-made, which gathers or carries surface water.
- (aa) City Engineer shall refer to the City’s designated City Engineer or his/her designee. (Ord. 827, 2015)

13.14.030 Applicability

This Article shall apply to all water entering the storm drain system generated on any developed and undeveloped lands lying within the City of Ripon including any amendments or revisions thereto. This Chapter shall be construed to assure consistency with the requirements of the federal Clean Water Act and the Porter-Cologne Act and acts amendatory thereof or supplementary thereto, applicable implementing regulations, and NPDES General Permit No. CAS000004 and any amendment, revision or reissuance thereof. (Ord. 692 § 1, 2004)

13.14.040 Responsibility for Administration

The City Engineer shall administer, implement, and enforce the provisions of this Ordinance. Any powers granted or duties imposed upon the City Engineer may be delegated in writing by the City Engineer to persons or entities acting in the beneficial interest of, or in the employ of, the City. (Ord. 692 § 1, 2004)

13.14.050 Severability

The provisions of this Article are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this Article, or the application thereof, to any person, establishment, or circumstance shall be held invalid, such invalidity shall not affect the other provisions or application of this Article. (Ord. 692 § 1, 2004)

13.14.060 Ultimate Responsibility of Discharger

The standards set forth herein and promulgated pursuant to this Article are minimum standards. This Article does not intend, nor imply, that compliance by any person will ensure that there will be no contamination, pollution, or unauthorized discharge of pollutants into waters of the United States caused by said person. This Article shall not create liability on the part of the City, or any agent or employee thereof, for any damages that result from any discharger's reliance on this Article or any administrative decision lawfully made thereunder. (Ord. 692 § 1, 2004)

13.14.070 Prohibition of Illicit Discharges

(a) No person shall discharge, permit to be discharged or cause to be discharged into the Storm Water Conveyance System or watercourses any materials, including but not limited to, pollutants or waters containing any pollutants that

cause or contribute to a violation of applicable water quality standards. The commencement, conduct or continuance of any illicit discharge to the Storm Water Conveyance System is prohibited except as described herein.

(b) Discharges from the following activities will not be considered a source of pollutants to the Storm Water Conveyance System or to waters of the United States when properly managed to ensure that no potential pollutants are present and the following activities shall not be considered illicit discharges unless determined to cause a violation of the provisions of the Porter-Cologne Act, Clean Water Act, or this ordinance:

- (1) water line flushing
- (2) Incidental runoff from landscaped areas defined as unintended amounts (volume) of runoff, such as unintended, minimal over-spray from sprinklers that escapes the area of intended use, which runs for a duration of 5 minutes or extends 150 feet from the property line
- (3) diverted stream flows
- (4) rising groundwater
- (5) uncontaminated groundwater infiltration (as defined at 40 CFR 35.2005(20)) to the storm drain system
- (6) uncontaminated pumped groundwater
- (7) discharges from potable water sources
- (8) foundation drains
- (9) air conditioning condensation

- (10) springs
- (11) water from crawl space pumps
- (12) footing drains
- (13) non-Commercial Vehicle Washing
- (14) flows from riparian habitats and wetlands
- (15) de-chlorinated swimming pool discharges
- (16) discharges or flows from fire fighting activities
- (17) any discharge that the City Engineer determines, in writing, is necessary for the protection of the public health, safety, welfare or environment
- (18) any discharge caused by flooding or other natural disaster, which could not have been reasonably foreseen or mitigated for in advance by the discharger, as determined by the City Engineer

(a) The prohibition described herein shall not apply to any non-storm water discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered by the State of California under the authority of the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted by the City for any discharge to the storm drain system.

(b) The prohibition described herein shall not apply to irrigation and drainage waters under the control of the SSJID that are being transported by SSJID shared facilities.

(c) With written concurrence of the Regional Board, the City may exempt in writing other non-storm water discharges which are not a

source of pollutants to the storm drain system or waters of the United States. (Ord. 692 § 1, 2004)

13.14.080 Prohibition of Illegal Connections

(a) The construction, use, maintenance or continued existence of illegal connections to the storm drain system is prohibited. This prohibition includes, but is not limited to non-storm water connections to the storm drain system from organized car washes, mobile cleaning and pressure wash operations, indoor drains, sewage, process wastewater, and wash water and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by a government agency; or any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by the City.

(b) This prohibition expressly includes, without limitation, illegal connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection. (Ord. 692 § 1, 2004)

13.14.090 Waste Disposal Prohibitions

No person shall discard, deposit, leave, maintain, keep, or permit to be discarded, deposited, left, maintained or kept, in or upon any public or private property, driveway, parking area, street, alley, sidewalk, component of the storm drain system, or water of the United States, any refuse, rubbish, garbage, litter, or other discarded or abandoned objects, articles or

accumulations, so that the same may cause or contribute to pollution. Waste deposited in City streets in proper waste receptacles for the purposes of collection, or as part of a City sponsored clean-up event, are exempt from this prohibition. (Ord. 692 § 1, 2004)

13.14.100 Discharges Requiring an Industrial or Construction Activity NPDES Storm Water Discharge Permit

(a) Any person subject to an Industrial NPDES storm water discharge permit from the Regional Water Quality Control Board shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the City Engineer upon inspection of the facility, during any enforcement proceeding or action, or for any other reasonable cause.

(b) Any person subject to a Construction Activity NPDES storm water discharge permit from the Regional Water Quality Control Board shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the City Engineer prior to, or as a condition of, a subdivision map, site plan, building permit, or development or improvement plan, upon inspection of the facility, during any enforcement proceeding or action, or for any other reasonable cause. Prior to issuance of an Encroachment Permit, approval of the proposed Improvement Plans, Building Permit, Demolition Permit or Grading Permit show proof of permit coverage and the Storm Water Pollution Prevention Plan (SWPPP) shall be submitted to the City. (Ord. 692 § 1, 2004)

13.14.110 Requirement to Prevent, Control, and Reduce Storm Water Pollutants

Authorization to Adopt and Impose Best

Management Practices (BMP). Every person or entity, undertaking any activity or use of premises that may cause or contribute to storm water pollution or contamination or illicit discharges shall comply with best management practice (BMPs) consistent with the California Storm Water Quality Association (CASQA) Best Management Practice Handbooks or equivalent guidelines.

(a) Business-related Best Management Practices:

1. Storm water Pollution Prevention Plan. The City Engineer may require any business within Ripon city limits engaged in activities that may result in pollutant discharges to develop and implement a storm water pollution prevention plan, in accordance with the CASQA Best Management Practice Handbook or equivalent guidelines, which shall include an employee training program. An employee training program is a documented employee training program that may be required to be implemented by a business pursuant to a storm water pollution prevention plan, for the purpose of educating its employees on methods of reducing discharge of pollutants to the storm water conveyance system. These business activities include, but are not limited to, maintenance, storage, manufacturing, assembly, equipment operations, vehicle loading or fueling, or cleanup procedures carried out partially or wholly out of doors.

(b) Construction Activities:

1. Erosion and Sediment Control Plan.
For any Construction Activity with less than an acre of soil disturbance or not subject to the Construction General Permit, an Erosion and Sediment Control Plan (ESCP) and the ESCP Worksheet shall be submitted to the City Engineer for approval prior to the issuance of an Encroachment Permit, Building Permit, or approval of improvement plans.
2. The ESCP shall comply with all applicable Federal, State and local laws, ordinances or regulations to prevent pollutants from entering the Storm Water Conveyance System, including but not limited to, the current California NPDES General Permit for storm water discharges associated with Construction Activity and the City's Urban Storm Water Quality Management and Discharge Control Ordinance. The ESCP, at a minimum, provide details of proposed BMPs for erosion and sediment controls, soil stabilization, dewatering, source controls, pollution prevention measures and prohibiting illicit discharges.
3. Any person subject to preparing an Erosion and Sediment Control Plan shall comply with all provisions of such permit. As required by its Phase II MS4 NPDES Permit, the City will conduct storm water compliance inspections at applicable construction sites that have areas of soil disturbance exposed to storm water.

The inspection will be conducted by the City Engineer or agent working for the City who is a Qualified SWPPP Practitioner (QSP) or is supervised by a QSP. The inspection will evaluate the construction site's compliance to the City's Urban Storm Water Quality Management and Discharge Control Ordinance, SWPPP, or ESCP. The following is the risk rating system and inspection frequency the City will use, which is analogous to the risk rating used by the California Construction General Permit.

- Projects not subject to the Construction General Permit or that have an Erosivity Waiver will have a pre-soil disturbance inspection and a project completion inspection.
- Projects that are Risk 1 / Linear Underground Project (LUP) Type 1 or Risk 2 / LUP Type 2 will have a pre-soil disturbance inspection, monthly inspections, and a project completion inspection.
- Projects that are Risk 3 / LUP Type 3 will have a pre-soil disturbance inspection, bi-monthly (twice per month) inspections, and a project completion inspection.

If a project has been issued two consecutive notices of violation or does not correct a previously issued notice of violation by the due date

set by the inspector, the project's "threat to water quality" will be elevated by the City to the next highest category. This elevation of risk will not affect the risk rating for the Construction General Permit.

- (d) New Development and Redevelopment.
1. The City Engineer may require controls as appropriate to minimize the long-term, post-construction activity discharge of storm water pollutants from new Development(s) or modifications to existing Development(s). Controls may include source control measures to prevent pollution of storm water, treatment controls designed to remove pollutants from storm water, low impact development measures, and/or hydromodification measures to offset the difference between the pre and post-construction peak flow runoff rates and volumes. Proponents of all applicable Development projects will be required to meet the requirements and design standards specified in the current State of California Phase II MS4 NPDES Permit and as described in further detail in the City's Storm Water Development Standards.
 2. Project proponents shall be responsible to assume responsibility for the Operation & Maintenance of the post-construction storm water treatment system(s) and hydromodification control(s) (if any) in an effective and good operational condition. The project proponent shall sign a Statement of

Responsibility for the ongoing maintenance of the post-construction treatment measures. The Statement of Responsibility will be recorded against the property. The project proponent shall include in project deeds and covenants that any future owner or association assumes this responsibility once the project is legally transferred. This shall include written a operation and maintenance plan, which shall be submitted to and approved by the City Engineer and agreement to perform annual self-certifications as required by the City. The annual self-certifications shall be submitted by the current property owner on January 1st of each year after the installed treatment control measures have been installed. If the annual self-certification is not submitted within 30 days, the Ripon Engineering department will perform an inspection of the installed Treatment Control Measures. The owner or responsible party will be charged for the inspection in accordance with section 13.14.220 of this code. If the installed Treatment Control Measures are not performing as described in the O&M plan a notice of violation will be sent to the owner. (Ord. 827, 2015)

13.14.120 Landscaping and Stabilization Requirements

(a) Any area of land, not covered by an impervious surface, from which the natural vegetative cover has been either partially or wholly cleared or removed by development activities shall be landscaped within ten (10) days from the substantial completion of such clearing and construction.

(b) Residential single-family dwellings are exempt in back yards where storm water is contained on the property.

(c) Impervious material, such as plastic, placed under decorative rock, bark, or other landscape covers is prohibited unless it is a low impact development infiltration device or other similar device that is equipped with an underdrain to allow the draining of excess water to a storm water conveyance. (Ord. 692 § 1, 2004)

13.14.130 Requirement to Monitor and Analyze

The City Engineer may require, by written notice, that any person engaged in any activity and/or owning or operating any facility which may cause or contribute to storm water pollution, illicit discharges, and/or non-storm water discharges to the storm drain system or waters of the United States, to undertake at said person's expense, such monitoring and analysis and to furnish such reports to the City as deemed necessary to determine compliance with this Chapter. (Ord. 692 § 1, 2004)

13.14.140 Spill Prevention and Response Plan

Any person subject to an Industrial NPDES storm water discharge permit shall maintain a spill prevention and response plan as part of their Storm Water Pollution Prevention Plan (SWPPP).

The methods, procedures, mechanisms and facilities established and utilized for the purpose of preventing accidental discharges or spills of materials with pollution potential shall be provided and maintained at the owners or users own cost and expense. The SWPPP shall outline the user's spill prevention and response procedure, describe the nature and location of any chemicals stored on the user's premises, and shall contain procedures for immediately notifying the City and preventing adverse impacts of any discharge of chemicals, substances, or materials. (Ord. 692 § 1, 2004)

13.14.150 Notification of Spills

(a) Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation, has information of any known or suspected release of materials which are resulting in, or may result in, illicit discharges or pollutants discharging into storm water, the storm drain system, or water of the United States from said facility, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release.

(b) In the event of a release of a hazardous material, said person shall immediately notify the Office of Emergency Services of the discharge in accordance with the spill reporting provision of the State toxic disaster contingency plan, as long as notification can be provided without substantially impeding cleanup or other emergency measures. The State Board or appropriate Regional Board shall also be notified of the discharge.

(c) In the event of a release of non-hazardous material, said person shall notify the

City's Engineering Department in person, by phone, or by facsimile no later than 5:00 p.m. of the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the City's Engineering Department within three business days of the notice in person or by phone. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three (3) years. (Ord. 692 § 1, 2004)

13.14.160 Prohibition of Spills

No person shall allow a spill to discharge into the municipal storm drain system or any watercourse. (Ord. 692 § 1, 2004)

13.14.170 Authority to Inspect

Whenever necessary to make an inspection to enforce any provision of this Chapter, or whenever the City Engineer has reasonable cause to believe that there exists, or potentially exists, in or upon any premises, any condition which constitutes a violation of this Chapter, the City Engineer may enter such premises at all reasonable times to inspect the same and shall be given access to inspect and copy records related to storm water compliance. In the event the owner or occupant refuses to permit the City to enter and inspect after a request to enter and inspect has been made, the City may institute legal proceedings to, in addition to any other legal or equitable rights or remedies, obtain an injunction to permit entry and inspection, with the expense thereof charged to the violator pursuant to Section 13.14.220 below. (Ord. 692 § 1, 2004)

13.14.180 Authority to Sample, Establish Sampling Devices, Test, and Photograph

During any inspection as provided herein, the City Engineer may take any samples, perform any testing deemed necessary, and take photographs to aid in the pursuit of the inquiry or to record site activities. (Ord. 692 § 1, 2004)

13.14.190 Notice of Violation

Whenever the City Engineer finds that a person has violated a prohibition or failed to meet a requirement of this Chapter, the City Engineer may order compliance by providing a written notice of violation to the responsible person(s). Such notice may require, without limitation,:

- (a) The performance of monitoring, analyses, and reporting;
- (b) The elimination of illegal connections or illicit discharges;
- (c) That violating discharges, practices, or operations cease and desist;
- (d) The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property;
- (e) Payment of a fine as described below:
 - If the violation is not corrected within the first specified timeframe to the satisfaction of the City, a \$250 fine will be levied and a plan for corrective action will be imposed.
 - If the violation is not corrected within the second specified timeframe to the satisfaction of the City, a \$1,000 fine will be levied to

the violator and a plan for corrective action will be imposed.

- If the violation is not corrected within the third specified timeframe to the satisfaction of the City, a \$10,000 fine will be levied to the violator, a plan for corrective action will be imposed, and the responsible person(s) will be referred to the State Board.
- Thereafter, each day the violation continues will constitute a separate violation subject to a \$10,000 fine each day.

(a) Payment of any remediation costs; and

(b) The implementation of source control or treatment BMPs.

If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remedy or restore within the established deadline, the City can institute legal proceedings to, in addition to any other legal or equitable rights or remedies, obtain an injunction to have the work completed by the City or a contractor designated by the City Engineer, with the expense thereof charged to the violator pursuant to Section 13.14.220 below. (Ord. 692 § 1, 2004)

13.14.200 Appeal

Notwithstanding the provisions of Section 13.14.210 below, any person receiving a Notice of Violation under Section 13.14.190 above may appeal the determination of the City Engineer to the City Administrator. The notice of appeal must be received by the City Administrator within 15 (fifteen) days from the date of the

Notice of Violation. Hearing on the appeal before the City Administrator or his/her designee shall take place within 15 (fifteen) days from the date of City's receipt of the notice of appeal. The decision of the City Administrator or designee shall be final. (Ord. 692 § 1, 2004)

13.14.210 Abatement by City

If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, or, in the event of an appeal under Section 13.14.200, within ten (10) days of the decision of the City Administrator upholding the decision of the City Engineer, the City can institute legal proceedings to obtain an injunction to have the work done by the City or a contractor designated by the City Engineer. The City, or a contractor designed by the City Engineer, has a right of access to enter upon the subject private property and is authorized to take any and all measures necessary to abate the violation and/or restore the property. (Ord. 692 § 1, 2004)

13.14.220 Charging Cost of Abatement/Inspections/Liens

(a) Within thirty (30) days after any abatement action by the City or a contractor designated by the City Engineer of any violation, the City Engineer shall notify the property owner(s) and/or other responsible party(ies) of the cost of abatement, including administrative costs. The property owner(s) and/or other responsible party(ies) may file a written protest objecting to the amount of the assessment with the City Clerk within fifteen

(15) days. The City Clerk shall set the matter for public hearing before the City Council. The decision of the City Council shall be set forth by resolution and shall be final.

(b) If the amount due is not paid within thirty (30) days of the decision of the City Council, or by such other date as the City Council shall designate for payment, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment. A copy of the resolution shall be turned over to the County Auditor so that the auditor may enter the amount of the assessment against the parcel as it appears on the current assessment roll, and the tax collector shall include the amount of the assessment on the bill for taxes levied against the parcel of land. (Ord. 692 § 1, 2004)

13.14.230 Urgency Abatement

(a) The City Engineer may order the immediate abatement of any discharge from any source to the storm water conveyance system when, in the opinion of the City Engineer, the discharge causes or threatens to cause a condition that presents an imminent danger to the public health, safety, welfare or environment, or a violation of a NPDES permit. Abatement and cleanup of spills, illicit discharges, or dumping to the storm drainage system must occur within 72 hours of notification; or sooner for high risk spills or discharges. For areas of uncontrolled pollutant sources, abatement must be performed within 30 days of notification.

(b) In emergency situations, where the property owner and/or other responsible party is unavailable and time constraints are such that service of a notice and order to abate cannot be effected without presenting an immediate danger

to the public health, safety, welfare or environment, or a violation of a NPDES permit, the City may perform or cause to be performed such work as shall be necessary to abate the threat or danger, or permit violation.

(c) The costs of any such abatement shall be borne by the property owner and/or other responsible party, and shall be collectable in accordance with the provisions of Section 13.14.220.

(d) The City Engineer may order the immediate cessation of any activities that cause an illicit discharge or cause or potentially cause uncontrolled pollutants to enter the storm water conveyance system when, in the opinion of the City Engineer, the activities present an imminent danger to the public health, safety, welfare or environment, or a violation of a NPDES permit. Activities may not resume until the City Engineer has verified that the threat to the environment and the City's MS4 has been abated. (Ord. 827, 2015)

13.14.240 Reserved
(Ord. 827, 2015)

13.14.250 Compensatory Action

In lieu of, or in addition to, the enforcement proceedings, penalties, and remedies authorized by this Chapter, the City Engineer may impose upon a violator alternative compensatory action, including, but not limited to, storm drain stenciling, attendance at compliance workshops, and creek cleanup. (Ord. 692 § 1, 2004)

13.14.260 Violations Deemed a Public Nuisance

Any condition caused or permitted to exist in violation of any of the provisions of this Chapter is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, which may be summarily abated or restored by the City at the violator's expense and the City may institute a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance. (Ord. 692 § 1, 2004)

13.14.270 Acts Potentially Resulting in a Violation of the Federal Clean Water Act and/or California Porter-Cologne Act

Any person who violates any provision of this Chapter or any provision of any requirement issued pursuant to this Chapter, may also be in violation of the Clean Water Act and/or the Porter-Cologne Act and may be subject to the sanctions outlined therein, including civil and criminal penalties. (Ord. 692 § 1, 2004)