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[CITY OF NAPA MUNICIPAL CODE](#)[Title 8 HEALTH AND SAFETY](#)

Chapter 8.36 STORM WATER QUALITY CONTROL

8.36.010 Title.

This chapter shall be known as the “Storm Water Quality Control Ordinance,” and may be cited as such, and is referred to herein as “this chapter.” (O2014-15, 11/18/14)

8.36.020 Purpose and intent.

This chapter documents the city’s legal authority to implement the requirements of Section 402(p)(3) of the Clean Water Act, 33 U.S.C. Section 1342, and the Porter-Cologne Water Quality Control Act, Water Code Section 13000 et seq., as embodied in the city’s current NPDES permit.

The purposes of this chapter are to protect the public health, safety and general welfare; to protect water resources and to improve storm water quality within the MS4 and receiving waters; to cause the use of management practices by the city (and its residents, businesses, and property owners) that will reduce the adverse effects of polluted runoff discharges on waters of the state; to secure benefits from the use of storm water as a resource; and to ensure the city is compliant with applicable state and federal law. This chapter seeks to promote these purposes by:

- A. Prohibiting illicit discharges and connections to the MS4;
- B. Establishing authority to adopt minimum requirements for storm water management, including source control requirements, to prevent and reduce pollution;
- C. Establishing authority to adopt requirements for development project site design, to reduce storm water pollution and erosion both during construction and after a project is complete; and
- D. Establishing authority to adopt requirements for the management of storm water flows from development projects, both to prevent erosion and to protect and enhance existing water-dependent habitats. (O2014-15, 11/18/14)

8.36.030 Definitions.

The following words, when used in this chapter, shall have the following meanings:

“Areas of special biological significance” means a subset of nonterrestrial marine or estuarine areas designated to protect marine species or biological communities from an undesirable alteration in natural storm water quality. Areas of special biological significance are designated by the State Board pursuant to the California Ocean Plan adopted and reviewed pursuant to Article 4 (commencing with Section 13160) of Chapter 3 of Division 7 of the Water Code and pursuant to the Water Quality Control Plan for Control of Temperature in the Coastal and Interstate Waters and Enclosed Bays and Estuaries of California.

“Best management practices (BMPs)” means schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to storm water, receiving waters, or MS4. BMPs also include treatment practices, operating procedures, and

practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

“CASQA” means the California Stormwater Quality Association.

“City” has the meaning set forth in Section 1.04.030 of this code.

“Clean Water Act” means the Federal Water Pollution Control Act of 1972, codified at Chapter 26 of Title 33 of the United States Code.

“Construction activity” means any soil disturbing activity that requires a building or grading permit from the city, including, but not limited to, demolition, clearing, grading, paving, stockpiling, and excavating.

“Construction General Permit” means the General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities issued by the State Board, NPDES No. CAS000002, as it currently exists or may be amended and reissued from time to time. The Construction General Permit covers, in part, construction activity that results in a land disturbance of equal to or greater than one acre. The Construction General Permit is available from the State Board and may be reviewed on the internet at: http://www.swrcb.ca.gov/water_issues/programs/stormwater/construction.shtml.

“Construction site” means the premises where any project that involves any construction activity is located, including projects requiring coverage under the Construction General Project.

“Development” means any land disturbing activity that falls under the city’s planning or permitting authority, including any construction activity, construction or installation of a building or structure, creation of impervious surfaces; or land subdivision. Development does not include trenching, excavation and resurfacing associated with linear underground/overhead projects; pavement grinding and resurfacing of existing roadways; construction of new sidewalks, pedestrian ramps, or bike lanes on existing roadways; or routine replacement of damaged pavement such as pothole repair or replacement of short, non-contiguous sections of roadway.

“Director” means the city Public Works Director, or designee of the Public Works Director or City Manager.

“Discharge” means the release, addition or deposit of any fluid, liquid, solid, flowing substance, or any other material or substance to the MS4.

“Enforcement official” means the Director or any “enforcement officer” designated pursuant to Section 1.24.010 of this code.

“EPA” means the United States Environmental Protection Agency.

“Hazardous substance” has that meaning set forth in Section 13050 of the California Water Code.

“Illicit connection” means a pipe, drain, open channel, or other conveyance facility, or device, whether on the surface or subsurface, which allows an illicit discharge to enter the MS4 regardless of whether said drain or connection had been previously allowed, permitted, or approved by a government agency. Illicit connections are further specified in Section 8.36.060 of this chapter.

“Illicit discharge” means any discharge that is either: (1) non-storm water discharge that violates an NPDES permit; or (2) any discharge that causes or contributes or threatens to cause or contribute to a violation of any plan standard. Illicit discharges are further specified in Section 8.36.050 of this chapter.

“Incidental runoff” means an unintended, unanticipated, and infrequent amount (volume) of water discharge from landscape irrigation, such as unintended, minimal over-spray from sprinklers that escapes the area of intended use. Water leaving an intended use area is not considered incidental if it is part of the facility design, if it is due to excessive application, or if it is due to intentional or grossly negligent overflow or application.

“Industrial or commercial facility” has the meaning set forth for “industrial activity” in Section 122.2(b) (14)(i)-(xi) of Title 40 of the Code of Federal Regulations.

“Larger common plan of development or sale” means a contiguous area where multiple separate and distinct construction activities may be taking place at different times on different schedules under one plan.

“Linear underground/overhead projects” include, but are not limited to, any conveyance, pipe, or pipeline for the transportation of any gaseous, liquid (including water and wastewater for domestic municipal services), liquescent, or slurry substance; any cable line or wire for the transmission of electrical energy; any cable line or wire for communications (e.g., telephone, telegraph, radio, or television messages); and associated ancillary facilities.

“MS4” or “municipal separate storm sewer system” means a conveyance or system of conveyances, including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains, that discharges into waters of the United States and which is owned or operated by the city and designed or used for collecting or conveying storm water.

“National Pollutant Discharge Elimination System permit” or “NPDES permit” means a permit issued by the U.S. EPA, State Water Resources Control Board, or the California Regional Water Quality Control Board pursuant to the Clean Water Act that authorizes discharges to waters of the United States and requires the reduction of pollutants in the discharge. The city’s NPDES permit is the State Board’s Water Quality Order No. 2013-0001-DWQ, NPDES General Permit No. CAS000004, as it currently exists or may be amended and reissued from time to time.

“Non-storm water discharge” means any discharge to the MS4, or to a watercourse, that is not entirely composed of storm water.

“Person” has the meaning set forth in Section 1.04.030 of this code.

“Plan standard” means any and/or all applicable requirements of the Water Quality Control Plan for Basin 2, adopted by the Regional Water Quality Control Board, San Francisco Bay Region in 1995, and all subsequent amendments.

“Pollutant” means any “pollutant” defined in Section 502(6) of the Clean Water Act or incorporated into the California Water Code Section 13373. Pollutants may include, but are not limited to, the following:

1. Residential, commercial and industrial waste (such as trash, litter, fuels, solvents, detergents, plastic pellets, hazardous substances, fertilizers, pesticides, slag, ash, and sludge);
2. Metals such as cadmium, lead, zinc, silver, nickel, chromium, copper and non-metals such as phosphorous and arsenic;
3. Petroleum hydrocarbons (such as fuels, lubricants, surfactants, waste oils, solvents, coolants, and grease);
4. Excessive eroded soil, sediment, and particulate materials in amounts that may adversely affect the beneficial use of the receiving waters, flora or fauna of the state;
5. Animal wastes (such as discharge from confinement facilities, kennels, pens, recreational facilities, stables, and show facilities); and
6. Substances having characteristics such as pH less than 6 or greater than 9, or unusual coloration or turbidity, or excessive levels of fecal coliform, or fecal streptococcus, or enterococcus.

“Porter-Cologne Water Quality Control Act” means that act codified at Chapter 1 of Division 7 of the California Water Code.

“Premises” mean any building, lot, parcel, land or portion of land whether improved or unimproved.

“Receiving waters” mean surface water that receives regulated and unregulated discharges from activities on land, including, but not limited to, creeks, streams, rivers, lakes, estuaries, groundwater formations, or other bodies of water into which surface water, treated waste, or untreated waste are discharged.

“Regional Board” means the San Francisco Bay Regional Water Quality Control Board.

“Runoff” means water and substances carried in it that drains from the surface of an area of land, premises, a building or structure.

“State Board” means the State Water Resources Control Board.

“Storm water” and “stormwater” mean surface runoff and drainage associated with storm events, which is free of pollutants.

“Storm water pollution prevention plan” or “SWPPP” means a document which describes the best management practices to be implemented by the owner or operator of a premises, business, or construction site to eliminate illicit discharges and/or reduce to the maximum extent practicable pollutant discharges to the MS4.

“Structural control measures” means any structural facility designed and constructed to mitigate the adverse impacts of storm water and runoff.

“Watercourse” means any natural stream, whether flowing continuously or not, that is fed from permanent or natural sources, and includes, without limitation rivers, creeks, runs, and rivulets. (O2014-15, 11/18/14)

8.36.040 Conflicts with other laws.

This chapter shall be construed to assure consistency with the requirements of the Clean Water Act, the regulations implementing the NPDES, the Porter-Cologne Water Quality Control Act, and any permit or order issued pursuant to such laws. (O2014-15, 11/18/14)

8.36.050 Discharge prohibitions.

A. No person shall:

1. Cause, allow or facilitate any non-storm water discharge except in compliance with the requirements of this chapter and in compliance with any separate individual or general NPDES permit;
2. Cause, allow or facilitate any illicit discharge;
3. Discharge any material into the MS4, or any watercourse within the city’s jurisdiction that may cause, or threaten to cause a condition of pollution, contamination, or nuisance within the meaning of California Water Code Section 13050 or that may cause or contribute to a violation of the city’s NPDES permit, the Clean Water Act or the Porter-Cologne Water Quality Control Act;
4. Discharge to areas of special biological significance except in compliance with all applicable NPDES permits, waivers, orders and other regulatory controls; or
5. Discharge any water from a premises that is not storm water and that is not incidental runoff.

B. The following discharges shall be conditionally exempt from the definition of prohibited discharges (under subsection A), unless the Director determines that the discharge is otherwise prohibited under the requirements of subsection C:

1. Water line flushing;

2. Diverted streamflows;
 3. Rising groundwater, where groundwater seepage is not otherwise regulated by a separate NPDES permit;
 4. Uncontaminated groundwater infiltration to the MS4;
 5. Uncontaminated pumped groundwater, provided such discharges are compliant with all applicable permit requirements, including enrollment in any applicable NPDES permit or waste discharge requirement;
 6. Discharges from potable water sources;
 7. Gravity flow from foundation drains, footing drains and crawl space pumps, when groundwater seepage is not otherwise regulated by a separate NPDES permit or waste discharge requirements, provided such discharges are compliant with all applicable permit requirements;
 8. Air conditioning condensation, when not otherwise regulated by a separate NPDES permit;
 9. Natural springs;
 10. Flows from riparian habitats and wetlands;
 11. Discharges composed entirely of storm water;
 12. Discharges subject to regulation under current EPA, State Board, or Regional Board issued NPDES permits, or other waivers, permits or approvals granted by an appropriate government agency;
 13. Discharges from emergency firefighting activities, unless identified as a significant source of pollutants to waters of the United States;
 14. Discharges of dechlorinated water from swimming pools, when not otherwise regulated by a separate NPDES permit; and
 15. Individual residential car washing.
- C. Notwithstanding the conditional exemptions provided in subsection B, if the Director, independently or at the direction of the Regional Board, determines that a conditionally exempt discharge is a significant source of pollutants, threatens water quality standards, causes or significantly contributes to a violation of any receiving water limitation, results in the conveyance of significant quantities of pollutants to surface waters, or is otherwise a danger to public health or safety, the Director may determine that the discharge is a violation of this section and subject to any enforcement option available under this chapter. (O2014-15, 11/18/14)

8.36.060 Prohibited connections.

- A. No person shall:
1. Construct, maintain, operate or utilize any illicit connection to the MS4.
 2. Act, cause, permit or suffer any agent, employee, or independent contractor, to construct, maintain, operate or utilize any illicit connection.
- B. This prohibition includes connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of the connection. (O2014-15, 11/18/14)

8.36.070 Incidental runoff.

- A. Every person responsible for any premises within the city shall control incidental runoff from the premises by taking the following actions:
1. Promptly detect and correct leaks, no later than 72 hours of learning of the leak;
 2. Properly design and aim sprinkler heads;
 3. Cease watering during precipitation events;
 4. Properly manage ponds containing recycled water such that no discharge occurs in violation of any applicable permit, state or local law or regulation; and
 5. Take any action necessary to prevent the discharge of non-storm water to the MS4 or to the waters of the state or United States. (O2014-15, 11/18/14)

8.36.080 Notification of discharge.

- A. Notwithstanding any other requirement of law, the person in charge of a premises or responsible for a premises' emergency response must immediately report any known or suspected release of materials, pollutants, or waste, which may result in pollutants or non-storm water discharges entering storm water, the MS4, or waters of the state or United States, in the following manner:
1. The release of a hazardous substance shall be immediately reported to emergency services by emergency dispatch services (911).
 2. The release of a non-hazardous substance shall be reported as follows:
 - a. To the Director and to the 24-hour storm water hotline by phone no later than 5:00 p.m. on the same business day.
 - b. If the release occurs after 5:00 p.m. on a weekday, on a weekend or holiday, to the storm water pollution line on the same day and to the Director by telephone on the next business day.
 - c. A written notification of the release shall also be made to the Director within five business days of the release. A copy of the written notice shall be retained at the premises for at least three years.
- B. In addition to the above requirements, release of any hazardous substances, sewage, oil, or petroleum to any waters of the state, or discharged or deposited where it is or probably will be discharged in or on any waters of the state, shall be reported to the State Office of Emergency Services, as required by Sections 13271 and 13272 of California Water Code. (O2014-15, 11/18/14)

8.36.090 Best management practices required.

Each person responsible for any premises, site, activity, operation, or facility that may discharge any pollutant to the MS4 shall implement those BMPs approved by the Director in accordance with this chapter, or with any local, state, or federal law, rule, regulation, or permit. (O2014-15, 11/18/14)

8.36.100 Watercourse protection.

Every person responsible for any premises through which a watercourse passes, shall keep and maintain that part of the bed, bank, and channel of the watercourse within the premises free of pollutants. The responsible person for any such premises shall not remove healthy bank vegetation beyond that actually necessary for maintenance, nor perform vegetation management in such a manner as to increase the vulnerability of the watercourse to erosion.

The person responsible for any premises through which a watercourse passes must maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse. Maintenance must be conducted in a manner that does not adversely impact waterway species.

To the extent that this chapter imposes prohibitions or requirements regarding non-storm water discharges to the MS4, those same prohibitions and requirements are imposed on non-storm water discharges to watercourses.

The person responsible for any premises through which a watercourse passes must comply with all laws, rules, and regulations of State, Federal agencies who may have jurisdiction over the watercourse. (O2014-15, 11/18/14)

8.36.110 Waste disposal.

Except when deposited into containers or in lawfully established dumping areas, no person shall throw, deposit, leave, maintain, keep or permit to be thrown, deposited, placed, left or maintained any refuse, rubbish, garbage or other discarded or abandoned objects, articles and accumulations, including but not limited to dirt, green waste and animal waste, in or upon any street, alley, sidewalk, storm drain, inlet, catch basin, conduit, or other drainage structures, business place or upon any public or private lot of land in the city, so that the same may cause or contribute to pollution or an illicit discharge or cause or contribute to a violation of the requirements of any applicable water quality control plan.

Each person with maintenance responsibilities over any paved surface must maintain said surface free of dirt or litter. Sweepings from a paved surface shall not be swept or otherwise made or allowed to go into the gutter or roadway, but shall be disposed of in receptacles maintained on such premises as required for garbage disposal.

Each person responsible for a pet shall promptly pick up animal waste deposited in public areas and properly dispose of it in a trash receptacle. (O2014-15, 11/18/14)

8.36.120 Construction activities.

- A. **Plan Review.** The applicant for any development permit and the owner of any premises which is the subject of such an application must comply with the terms, conditions, and requirements imposed by the city to ensure compliance with this chapter and any applicable permit. Such terms, conditions, and requirements may include, but are not limited to, requirements consistent with CASQA's Construction Best Management Practice Manual, in the version adopted by resolution of the City Council, and requirements for erosion and sediment controls, soil stabilization, dewatering, source controls, pollution prevention measures and illicit discharges. If the project will be approved without application for a grading permit or building permit, the owner of any premises subject to a discretionary land use approval or subdivision map must comply with all terms, conditions and requirements imposed by the city to ensure compliance with this chapter or any applicable permit.
- B. **Compliance with Construction General Permit.** Every development project that disturbs one acre or more of soil or disturbs less than one acre but is part of a larger common plan of development or sale of one or more acres of disturbed surface land is subject to the Construction General Permit and shall comply with all provisions of such permit. Proof of compliance with the Construction General Permit satisfactory to the Director must be submitted prior to obtaining a grading or building permit.
- C. **Erosion and Sediment Control Plan.** The person who possesses the title of the real property or the leasehold interest of the premises on which a construction activity will occur within the city shall prepare

and submit an erosion and sediment control plan prior to and as a condition of issuing a grading or building permit. The erosion and sediment control plan shall contain, at a minimum, appropriate site-specific construction site BMPs, the rational used for selecting or rejecting BMPs, a quantification of expected soil loss from the BMPs, a list of applicable permits, and evidence that permits have been obtained. No construction activity shall commence before the Director issues written approval of the erosion and sediment control plan. A SWPPP developed pursuant to the Construction General Permit may substitute for the erosion and sediment control plan for projects where a SWPPP is developed. In such cases, the SWPPP must comply with this chapter and must be submitted to the city for review and approval.

D. Permit Coverage. Prior to and as a condition of receiving a grading or building permit, the person who possesses the title of the real property or the leasehold interest of the premises on which a construction activity will occur within the city, shall demonstrate existing coverage under applicable permits, including but not limited to, the State Water Board's Construction General Permit, State Water Board 401 Water Quality Certification, United States Army Corps 404 permit, and California Department of Fish and Game 1600 agreement. The city may require documentation demonstrating coverage by and compliance with any applicable permit, including copies of any notice of intent, storm water pollution prevention plans, inspection reports, monitoring results, and other information deemed necessary to assess compliance with this chapter or any permit.

E. BMPs. The Director may require, as a condition of issuing a grading or building permit, the implementation of BMPs to ensure that the discharge of pollutants from a construction site will be effectively prohibited and will not cause or contribute to a condition of pollution or to an exceedance of water quality standards. The person who possesses the title of the real property or the leasehold interest of the premises on which a construction activity will occur within the city shall implement such BMPs approved by the Director to ensure that discharges of pollutants are effectively prohibited and will not cause or contribute to an exceedance of water quality standards. All construction and grading activities shall comply with applicable laws, including all applicable city ordinances and the city's NPDES permit regulating discharges into and from the MS4.

F. Cost Recovery. The applicant for a development project subject to the requirements of this chapter shall pay all costs and expenses incurred by the city in the review of project plans and inspection of construction sites for compliance with this chapter. The city may elect to require a deposit of estimated costs and expenses, and the actual costs and expenses shall be deducted from the deposit, and the balance, if any, refunded to the project applicant. (O2014-15, 11/18/14)

8.36.130 Industrial and commercial facilities.

No person shall operate or cause to be operated any industrial or commercial facility without first obtaining and complying with any required NPDES permit or waste discharge requirements. The city may require documentation demonstrating coverage by and compliance with any applicable permit, including copies of any notice of intent, storm water pollution prevention plans, inspection reports, monitoring results, and other information deemed necessary to assess compliance with this chapter or any permit.

On receipt of written notice from the city, the owner or operator of any industrial or commercial facility or source of storm water shall select, install, and after approval from the Director, implement and maintain BMPs consistent with the CASQA Industrial/Commercial BMP Handbook, 2003 version, or an updated version adopted by Council resolution. BMPs must be designed to implement the requirements of this chapter and any applicable permit.

The Director may require the person responsible for any industrial or commercial facility to enter into an agreement for the operation and maintenance of any structural control measures and to record such agreement

with the County Recorder's office. The signature of the owner of the real property shall be sufficient for the recording of these terms, conditions and requirements and a signature on behalf of the city shall not be required for recordation. (O2014-15, 11/18/14)

8.36.140 Development activities.

All development projects must be planned, designed and constructed consistent with the post construction standards in the city's NPDES permit and in accordance with the post construction storm water management requirements established by the city, including but not limited to, the current version of the Bay Area Stormwater Management Agencies Association Post-Construction Manual or an updated version of that manual or other post-construction storm water management standards as adopted by Council resolution..

As a condition of approval of any development project, the owner of the real property that is the subject of the development project must provide a written document, deed, agreement or similar writing acceptable to the Director, obligating the project proponent, their successors in control of the project and successors in fee title to the underlying real property (or premises), to assume responsibility for the operation and maintenance of all installed treatment systems and hydromodification controls, if any, for the project.

The owner or operator of any installed treatment system or hydromodification control shall provide the Director with information and physical access necessary to assess compliance with this chapter, with the city's NPDES permit, and with any writing establishing operation and maintenance responsibilities and shall pay the city an annual fee for inspection and maintenance services in accordance with the latest Master Fee Schedule adopted by the City Council. (O2014-15, 11/18/14)

8.36.150 Right to sample, investigate, review records and collect information.

- A. Right to Enter and Inspect. Enforcement Officials are authorized to enter upon and inspect any property or premises within the city in order to enforce any of the provisions of this chapter in accordance with the provisions set forth in Section 1.24.030.
- B. Sampling Authority. The Director may inspect, sample and test any facilities, equipment, practices, or operations, area runoff, soils area (including groundwater testing), process discharge, materials within any waste storage area (including any contained contents) and/or treatment system discharge for the purpose of determining the potential for the discharge of pollutants to the MS4. The Director may investigate the integrity of all storm drain and sanitary sewer systems, any connection or other pipelines on the private property using appropriate tests, including, but not limited to, smoke and dye tests or video surveys. The Director may take photographs or videotapes, make measurements or drawings and create any other record reasonably necessary to document conditions on the premises.
- C. Records Review. The Director may inspect records of the owner or person in charge of the day to day activities of private property relating to chemicals or processes presently or previously occurring on-site, including, but not limited to material and/or chemical inventories, facilities maps or schematics and diagrams, material safety data sheets, hazardous waste manifests, business plans, pollution prevention plans, state general permits, stormwater pollution prevention plans, monitoring program plans and any other record(s) relating to illicit connections, illicit discharges, a connection or any other source of discharge or potential discharge of pollutants to the MS4. Such records must be kept on-site and remain available for inspection. Failure to keep records on site and available for inspection shall constitute a violation of this chapter.
- D. Monitoring, Analysis and Reporting Authority. The Enforcement Official may erect and maintain or require any person discharging to the MS4 to erect and maintain monitoring devices for the purpose of measuring any discharge or potential source of discharge to the MS4. Upon service of written notice by

the Enforcement Official, the burden, including cost, of these activities, analyses and reports, incurred in complying with the requirement shall, to the extent permitted by law, be borne by the premises owner, occupant or operator of the facility, activity, or premises for which testing and monitoring has been requested.

E. Cost Recovery. If an inspection pursuant to this section results in an enforcement action, the city may recover costs in accordance with the provisions of Chapter 1.16 of this code. (O2014-15, 11/18/14)

8.36.160 Enforcement authority.

A. The Enforcement Official is authorized to enforce the provisions of this chapter and to exercise any enforcement powers in accordance with the provisions of Chapter 1.16.

B. Response Plans. The Enforcement Official may develop and implement an Enforcement Response Plan setting forth enforcement procedures and actions to address repeat and continuing violations of this chapter, a Spill Response Plan setting forth the procedures, roles and responsibilities for investigating, cleaning up and reporting spills, and an Illicit Discharge Response Plan setting forth the procedures and responsibilities for investigating and abating illicit discharges. The Enforcement Official shall have the authority to establish elements of a Stormwater Pollution Prevention Plan, and to require any business or person to adopt and implement such a plan, as may be reasonably necessary to fulfill the purposes of this chapter. Any plans developed under this subsection shall be issued as compliance orders in accordance with the provisions of Section 1.24.040.

C. Best Management Practices. The Enforcement Official may establish and require any best management practices reasonably necessary to fulfill the purposes of this chapter for any premises within the city.

D. Seasonal and Recurrent Nuisance. If any violation of this chapter constitutes a seasonal and recurrent nuisance, the Enforcement Official may so declare in accordance with the provisions set forth in Chapter 8.16. (O2014-15, 11/18/14)

8.36.170 Remedies.

Without limitation on the enforcement authority set forth elsewhere in this chapter, the Enforcement Official is authorized to exercise any and all of the remedies identified in Chapters 1.16 and 1.24. (O2014-15, 11/18/14)

8.36.180 Civil remedies.

A. Nuisance. Any violation of the prohibitions of this chapter, including, but not limited to, the maintenance or use of any illicit connection or the occurrence of any illicit discharge, shall constitute a threat to the public health, safety and welfare, and is declared and deemed a nuisance pursuant to Government Code Section 38771. Any such nuisance may be abated and/or restored by the Enforcement Official pursuant to Chapter 8.16 of this code.

1. Emergency Abatement. The City or Enforcement Official may order the abatement of any discharge from any source to the MS4 when, in the opinion of the Enforcement Official, the discharge causes or threatens to cause a condition which presents an imminent danger to the public health, safety, or welfare, or the environment. Any such emergency abatement shall be performed in accordance with the provisions of Section 8.16.090.

2. Reimbursement of Costs. All costs incurred by the city in responding to any nuisance, all administrative expenses and all other expenses recoverable under state law, shall be recoverable from the person(s) creating, causing, committing, permitting or maintaining the nuisance in accordance with Section 1.16.050.

B. Monetary Penalty. In addition to any and all other costs and expenses, any person who or entity that violates any provision of this chapter shall be liable and responsible for, and shall pay to the city, a civil penalty of \$1,000.00 for each violation. (O2014-15, 11/18/14)

8.36.190 Criminal remedies.

Any violation of this chapter may be punished in accordance with the provisions of Chapter 1.16. (O2014-15, 11/18/14)

8.36.200 Appeal.

Any person subject to an administrative enforcement action, who is required to perform monitoring, analyses, reporting and/or corrective activities by an authorized Enforcement Official, or who is otherwise aggrieved by any decision of the Enforcement Official, may appeal the decision in accordance with the administrative hearing procedures set forth in Sections 1.24.070 through 1.24.100. (O2014-15, 11/18/14)

8.36.210 Payment of fees and penalties—Costs and expenses of enforcement.

The city shall be entitled to recover its costs related to enforcing compliance with this chapter, in addition to any applicable fines or penalties. Unless otherwise specified in this code, a responsible person upon whom a fee and/or fine is imposed pursuant to this code shall make payment to the city within 30 days after written notice from the city. Any such enforcement shall be governed by Chapter 1.16 of this code, and more specifically, by Section 1.16.050. (O2014-15, 11/18/14)

8.36.220 Concealment and abetting.

Causing, permitting, aiding, abetting or concealing a violation of any provision of this chapter shall constitute a violation of this chapter. (O2014-15, 11/18/14)

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