

ORDINANCE NO. 2016-02

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AMERICAN CANYON TO AMEND AMERICAN CANYON MUNICIPAL CODE CHAPTER 14.28 – “STORM WATER AND POLLUTION DISCHARGE CONTROL PROGRAM”

WHEREAS, the City of American Canyon (“City”) is required by the Federal Clean Water Act to obtain a permit through the National Pollutant Discharge Elimination System (NPDES) in order to discharge stormwater runoff from storm drains and watercourses that it owns and/or operates; and

WHEREAS, on February 5, 2013, the State Water Resources Control Board issued a *General Permit for Waste Discharge Requirements for Small Municipal Separate Storm Sewer Systems – Order No. 2013-0001-DWQ* (MS4 Permit); and

WHEREAS, on July 1, 2013, the MS4 Permit became effective; and

WHEREAS, the City is now covered by MS4 Permit for discharges from stormwater runoff from storm drains and watercourses; and

WHEREAS, the MS4 Permit requires the City to establish adequate legal authority to prevent and reduce pollutants in stormwater and protect the natural function of the watercourse; and

WHEREAS, the City now wishes to amend Chapter 14.28 Stormwater Management and Discharge Control Program in order to demonstrate such legal authority.

NOW, THEREFORE THE CITY COUNCIL OF THE CITY OF AMERICAN CANYON DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: The ordinance is exempt from the California Environmental Quality Act (“CEQA”) as an action by a regulatory agency as authorized by state law, local ordinance or resolution for the protection of natural resources under State CEQA Guidelines Section 15307 and the environment under State CEQA Guidelines Section 15308. The amendments to the Municipal Code will protect natural resources and the environment through the implementation of discharge procedures, water runoff controls, monitoring and reporting requirements, and enforcement provisions. Through these provisions, and others implemented by the amendments to the Municipal Code, the City will assure the maintenance, restoration, enhancement or protection of a natural resource and the environment. The amendments to the Municipal Code are also not subject to the exceptions provided by State CEQA Guidelines Sections 15300.2 because the amendments include enforcement and inspection provisions, among other restrictive provisions, that protect the environment and do not otherwise involve unusual circumstances or cumulative effects.

SECTION 2: American Canyon Municipal Code Section 14.28.020 is amended as follows:

“14.28.020 Purpose and intent. - The purpose of this chapter is to ensure the future health, safety, and general welfare of the city of American Canyon citizens: to secure benefits from the use of stormwater as a resource; and to protect and enhance watercourses, fish, and wildlife habitat by:

A. Minimizing discharges other than stormwater to storm drains or watercourses;

- B. Responding to the discharge of spills, preventing and controlling the discharge of spills, and prohibiting the dumping or disposal of materials other than stormwater to storm drains or watercourses;
- C. Reducing pollutants in stormwater discharges to the maximum extent practicable.
- D. Requiring operators of construction sites, new or redeveloped land, and industrial and commercial facilities to install, implement, or maintain appropriate best management practices (BMPs); and
- E. Requiring development projects to maintain or reduce the volume, velocity, peak flow rate, and duration of runoff as compared to pre-development runoff, and preventing stormwater pollution whenever possible, through stormwater management controls and ensuring that these management controls are properly maintained.

The intent of this chapter is to protect and enhance the water quality of the state's and the nation's watercourses, water bodies and wetlands in a manner pursuant to and consistent with the Clean Water Act (33 U.S.C. Section 1951 et seq.), the Porter-Cologne Water Quality Control Act (California Water Code Section 13000 et seq.), and the Phase II Small Municipal Separate Storm Sewer System (MS4) National Pollutant Discharge Elimination System (NPDES) Permit, Water Quality Order No. 2013-0001—DWQ, General Permit No. CAS000004 (Phase II Stormwater Permit), and subsequent revisions and amendments thereto."

SECTION 3: American Canyon Municipal Code Section 14.28.030 is amended as follows:

"14.28.030 Definitions and Acronyms. - For the purposes of this chapter, unless otherwise apparent from the context, words and phrases set forth in this section shall have the following meanings:

"Authorized enforcement official" means the public works director or his or her designee.

"BASMAA Post Construction Manual" means the most recent version of the Bay Area Stormwater Management Agencies (BASMAA) Post Construction Manual.

"Best management practices (BMPs)" means schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention practices, maintenance procedures and other management practices to prevent or reduce the discharge of pollutants directly or indirectly into the waters of the United States. BMPs also include treatment requirements, operating procedures and practices to control plant site runoff, spillage or leaks, sludge or waste recycling or disposal, or drainage from raw material storage.

"City" means the city of American Canyon, a municipal corporation, situated in Napa County, California.

"Construction activity" means any activity that involves soil disturbing activities including, but not limited to, clearing, paving, grading, disturbances to ground such as stockpiling, and excavation.

"Development runoff requirements" mean the provisions in the Phase II Stormwater Permit that contain design standards or performance criteria to address both construction and post-construction phase impacts of new and redeveloped projects on stormwater quality and quantity.

"Discharge of a Pollutant" means: (a) the addition of any pollutant or combination of pollutants to receiving waters from any point source; or (b) addition of any pollutant or combination of pollutants to the waters of the contiguous zone or the ocean from any point source other than a vessel or other floating craft which is being used as a means of transportation. The term includes additions of pollutants to receiving waters from: surface runoff which is collected or channeled by man; discharges through pipes, sewers, or other conveyances owned by a State, municipality, or other person which do not lead to a treatment works; and discharges through pipes, sewers, or other conveyances, leading into privately owned treatment works.

“Erosion and Sediment Control Plan” means a plan prepared to control erosion and sediment discharges from a construction site that meets those criteria identified in the most recent version of the Napa Countywide Erosion and Sediment Control Plan Model Template and any issued Technical Bulletins.

“Illicit connection” means any device or method that conveys non-stormwater discharge to a storm drain or receiving water.

“Illicit discharge” means any discharge to storm drain or receiving water that is prohibited under local, state, or federal statutes, ordinances, codes, or regulations. The term illicit discharge does not include discharges that are regulated by an NPDES permit (other than the Phase II Stormwater Permit) and discharges that are identified under the Exceptions to Discharge Prohibition section of this chapter.

“Incidental irrigation runoff” means unintended amounts (volume) of runoff, such as unintended, minimal over-spray from sprinklers that escapes the landscaped 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, if it is due to intentional overflow or application, or if it is due to negligence.

“Low Impact Development (LID)” means a sustainable practice that benefits water supply and contributes to water quality protection. LID uses site design and stormwater management to maintain the site’s pre-development runoff rates and volumes. The goal of LID is to mimic a site’s predevelopment hydrology by using design techniques that infiltrate, filter, store, evaporate, and detain runoff close to the source of rainfall.

“National Pollutant Discharge Elimination System (NPDES) Permit” means a permit issued by the U.S. Environmental Protection Agency, State Water Resources Control Board, or the California Regional Water Quality Control Board pursuant to the Clean Water Act, 33 U.S.C. Section 1251 et seq., (CWA) that authorizes discharges to waters of the United States and requires the reduction of pollutants in the discharge.

“NCSPPP” is the Napa Countywide Stormwater Pollution Prevention Program

“Non-stormwater discharge” means any discharge to a storm drain or receiving water that is not entirely composed of stormwater.

“Phase II Stormwater Permit” means the NPDES general stormwater permit applicable to the City of American Canyon, Water Quality Order No. 2013-0001—DWQ, General Permit No. CAS000004, and any subsequent amendment, reissuance or successor to this permit.

“Pollutant” means dredged soil, solid waste, incinerator residue, filter backwash, sewage, pet wastes, manure, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, wrecked or discarded equipment, sediment, rock, sand, cellar dirt, and industrial, municipal and agricultural waste discharged into a storm drain or receiving water.

“Post Construction Measures Requirements” means the provisions in section E.12 of the Phase II Stormwater Permit that contain design standards or performance criteria to address the post-construction phase impacts of new projects and redeveloped projects on stormwater quality and quantity.

“Premises” means any building, lot parcel, real estate, or land or portion of land whether improved or unimproved, including adjacent sidewalks and parking strips.

“Receiving waters” means all waters that are “Waters of the United States” within the scope of the Federal Clean Water Act or “Waters of the State” within the scope of the California Water Code, including but not limited to natural streams, creeks, rivers, reservoirs, lakes, ponds, water in vernal pools, lagoons, estuaries, bays, the Pacific Ocean, and groundwater.

“Storm drains” includes, but is not limited to, those stormwater drainage conveyance facilities within the city, both public and private, by which stormwater may be conveyed to the receiving waters, including any roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels or storm drains, which are not part of a publicly owned treated works (POTW) as defined at 40 Code of Federal Regulations (C.F.R.) 122.2, or successor regulation.

"Stormwater" means stormwater runoff, snow melt runoff, and surface runoff and drainage.

"Stormwater Control Plan (SCP)" means a plan that meets those criteria contained in the most recent version of the BASMAA Post Construction Manual and any issued Technical Bulletins.

"Stormwater Facilities Operation and Maintenance Plan" means a plan identifying the locations and characteristics of stormwater management facilities on a newly developed or redeveloped site and describing maintenance activities, schedules, and responsibilities to ensure the ongoing proper operation of those facilities.

"Stormwater management facility" means any device designated to detain, retain, filter, or infiltrate stormwater.

"Stormwater Pollution Prevention Plan (SWPPP)" means a document which describes the best management practices to be implemented by the owner or operator of a business or construction site to eliminate illicit discharges and/or reduce pollutant discharges to the stormwater conveyance system.

"Technical Bulletin" means a document issued by and under the authority of the Director of Public Works to revise, amend, augment guidance manuals, documents, and templates including but not limited to the BASMAA Post Construction Manual and the Napa Countywide Erosion and Sediment Control Plan Model Template.

"Urban runoff" means stormwater from an urbanized area including streets and adjacent domestic and commercial properties that carries pollutants of various types into the storm drainage system and receiving waters.

"Watercourse" means a stream of water usually flowing in a definite channel having a bed and sides, or banks, and discharging itself into some other stream or body of water. It is unnecessary for a watercourse be exclusively the work of nature.

All other terms used in this chapter shall have the same meaning as defined in the Federal Clean Water Act (33 U.S.C. 1251 et seq.), as amended, the regulations for the stormwater discharge program issued by the Environmental Protection Agency on November 16, 1991, as amended, and the Phase II Stormwater Permit"

SECTION 4: American Canyon Municipal Code Section 14.28.040.(B) is rescinded and replaced with the following:

"14.28.040.(B) - Exception to Discharge of Pollutants. The following discharges are exempt from the prohibition set forth in subsection (A) of this section:

- 1. Discharges regulated under an NPDES permit (other than the Phase II Permit) issued to the discharger and administered by the State of California under authority of the United States Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit and other applicable laws or regulations.*
- 2. Discharges or flows from fire-fighting activities unless they are identified as significant sources of pollutants to waters of the United States.*
- 3. Discharges from the following activities, provided any pollutants in the discharges are identified and appropriate control measures to minimize the impacts of such discharges are developed and implemented:*
 - a. Water line flushing and other discharges from potable water sources;*
 - b. Diverted stream flows;*
 - c. Rising groundwater;*
 - d. Uncontaminated infiltration to storm drains;*
 - e. Uncontaminated ground water infiltration (as defined at 40 C.F.R. §35.2005(20)) to separate storm sewers;*

- f. Uncontaminated pumped groundwater;
- g. Foundation and footing drains;
- h. Water from crawl space pumps;
- i. Air conditioning condensation;
- j. Springs;
- k. Individual residential car washing;
- l. Footing drains;
- m. Flows from riparian habitats and wetlands;
- n. Dechlorinated swimming pool discharges; and
- o. Incidental irrigation runoff from landscaped areas provided the conditions in item 4 of this section are met.

4. Incidental irrigation runoff is the unintended amounts of runoff that leave the area of application such as minimal overspray. Water leaving the intended area of application is not incidental if it is due to the design, excessive application, or intentional overflow or application. Irrigation systems must be designed to conserve water and prevent water leaving the area of application. Persons responsible for controlling irrigation systems shall prevent excessive irrigation runoff by:

- a. Detecting and correcting leaks within 72 hours of discovering the leak.
- b. Properly designing and aiming sprinkler heads to only irrigate the planned application area.
- c. Not irrigating during precipitation events.
- d. Where recycled water is used for irrigation, designing and managing holding ponds to such that no discharge occurs unless it is the result of the 25 year-24 hour storm event. Any releases from holding ponds must be reported to the Regional Water Board and the City within 24 hours of the discharge.

SECTION 5: American Canyon Municipal Code Section 14.28.050 is amended as follows:

A) No person shall cause a discharge that would result in, or contribute to, a violation of Phase II Stormwater either separately considered or when combined with other discharges. Liability for any such discharge shall be the responsibility of the person(s) so causing or responsible for the discharge, and such person(s) or entities shall defend, indemnify and hold harmless the City in any administrative or judicial enforcement action relating to such discharge.

B) The establishment, use, maintenance, or continuance of illicit connections to a City storm drain or watercourse, and/or commencement or continuance of any illicit discharges to a City storm drain or watercourse is prohibited. This prohibition is expressly retroactive and applies to connections made in the past, regardless of whether made under a permit or other authorization or whether permissible under the law or practices applicable or prevailing at the time of the connection.

- 1. Any person responsible for a discharge, spill, or pollutant release shall promptly cease and desist discharging and/or cleanup and abate such a discharge as directed by the authorized enforcement official.
- 2. Any person responsible for an illicit connection shall promptly remove the connection as directed by the authorized enforcement official.

The City may perform clean-up and abatement work and recover its costs from the responsible person as provided in Section 14.28.170."

SECTION 6: American Canyon Municipal Code Section 14.28.060 is amended as follows:

“14.28.060 Reduction of Pollutants in Urban Runoff.

A. Any person engaged in activities which will, or may result in, pollutants entering the storm drains, shall undertake all practicable measures to cease such activities, and/or eliminate or reduce such pollutants through the implementation of BMPs, consistent with the California Stormwater Quality Association BMPs.

B. Littering. Except for pollutants lawfully disposed of by way of containers or at lawfully established dumping grounds, 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, in or upon any street, alley, sidewalk, storm drain, business place, or upon any public or private lot of land in the City, such that, in the opinion of the authorized enforcement official, the same might be or become a pollutant discharged to the receiving waters.

The occupant or tenant, or in the absence of occupant or tenant, the owner, lessee, or proprietor of any real property in the City in front of which there is a paved sidewalk shall maintain said sidewalk free of dirt and/or litter to the maximum extent practicable. Sweepings from said sidewalk 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 said real property as required for the recycling or disposal of garbage.”

SECTION 7: American Canyon Municipal Code Sections 14.28.081 and 14.28.082 are added as follows:

“14.28.081 Best Management Practices for Ground Disturbing Activities.- Any person performing construction activities in the City shall implement appropriate BMPs to prevent the discharge of sediment, construction wastes or contaminants from construction materials, tools and equipment from entering a City storm drain or watercourse.

- A. Construction-phase BMPs include erosion and sediment controls and pollution prevention practices. Erosion control BMPs may include, but are not limited to, scheduling and timing of grading activities, timely revegetation of graded areas, the use of hydroseed and hydraulic mulches, and installation of erosion control blankets. Sediment control may include properly sized detention basins, dams, or filters to reduce entry of suspended sediment into the storm drain system and watercourses, and installation of construction entrances to prevent tracking of sediment onto adjacent streets. Pollution prevention practices may include designated washout areas or facilities, control of trash and recycled materials, tarping of materials stored on-site, and proper location of and maintenance of temporary sanitary facilities. The combination of BMPs used, and their execution in the field, must be customized to the site using up-to-date standards and practices. The City will provide references to current guidance manuals and BMP information on request.*
- B. Financial security may be required to insure that temporary measures to control stormwater pollution are implemented and maintained during construction and after construction for a period determined by the City. Financial security shall consist of an irrevocable letter of credit, cash deposit, or performance bond as determined by the City.*
- C. When any work is being done contrary to the provisions of this article, the authorized enforcement official may order the work stopped by notice in writing served on any persons engaged in doing or causing the work to be done. Such work shall stop until the authorized enforcement official authorizes the work to proceed. This remedy is in addition to and do not supersede or limit any and all other remedies, both civil and criminal provided in the City Municipal Code.*

- D. *The City has the authority to review designs and proposals for construction activities and new development and redevelopment sites to determine whether adequate BMPs will be installed, implemented, and maintained during construction and after final stabilization (post-construction).*
- E. *All construction plans and applications for construction activity submitted to the City shall consider the potential for erosion and sedimentation at the construction site, and shall include appropriate erosion and sedimentation controls.*
- F. *An Erosion and Sediment Control Plan (ESCP) shall be required for*
 - 1. *Any project subject to a grading permit under Appendix J of the California Building Code;*
 - 2. *Any project subject to building permit that has the potential for significant erosion and/or significant non-stormwater discharges of sediment and/or construction site waste including:*
 - a. *Projects within 50 feet of the storm drain system, or*
 - b. *Project disturbing 10,000 square feet (sf) of soil or more, or*
 - c. *Projects installing new storm drains that discharge to the City's storm drainage system or watercourse, or*
 - d. *Projects on slopes of 5% or more;*
 - 3. *Any other project as required by the authorized enforcement official considering factors such as whether the project involves hillside soil disturbance, rainy season construction, construction near a watercourse, or any other condition or construction site activity that could lead to a non-stormwater discharge to a storm drain if not managed by effective implementation of an ESCP.*
- G. *The ESCP shall be submitted for review and approval by the authorized enforcement official. The project applicant shall follow the most recent version of the Napa Countywide Erosion and Sediment Control Plan Model Template and any issued Technical Bulletins to prepare the ESCP. At a minimum, the ESCP shall include:*
 - 1. *Description of the proposed project and soil disturbing activity.*
 - 2. *Site specific construction-phase BMPs.*
 - 3. *Rationale for selecting the BMPs, including if needed, soil loss calculations.*
 - 4. *List of applicable permits associated with the soil disturbing activity, including but not limited to: Construction General Permit (CGP); Clean Water Act Section 404 Permit; Clean Water Act Section 401 Water Quality Certification; Streambed/Lake Alteration Agreement (1600 Agreements).*
 - 5. *Proof that the applicant has obtained the applicable permits associated with the soil disturbing activity must be submitted prior to approval of the ESCP.*
 - 6. *Project information as required by the ESCP applicant checklist provided in the Napa Countywide Erosion and Sediment Control Plan Model Template and any issued Technical Bulletins;*
 - 7. *For projects subject to the State's General Construction Activity Stormwater Permit (CGP), project applicants may submit a Stormwater Pollution Prevention Plan (SWPPP) developed pursuant to the CGP in lieu of submitting an ESCP.*
 - 8. *Implementation of an approved ESCP shall be a condition of the issuance of a building permit, a grading permit, or other permit issued by the City for a project subject to this section. The ESCP shall be implemented year round and must be updated to reflect changing conditions on the project site. Any modifications to the ESCP shall be submitted to the City for review and approval.*

14.28.082 Best Management Practices for New Development and Redevelopment.

- A. *Prior to and/or during construction, the authorized enforcement official may establish volume*

and rate of stormwater controls from new developments and redevelopment as may be appropriate to minimize peak flows or total runoff volume, and to mimic the pre-development site hydrology. These controls may include limits on impervious area or provisions for detention and retention of runoff on-site.

B. The authorized enforcement official may require, as a condition of approval, permanent structural controls designed for the removal of sediment and other pollutants and for volume and rate of stormwater controls from the project's added or replaced impervious surfaces. The selection and design of such controls shall be in accordance with criteria established or recommended by federal, state, local agencies, and where required, the BASMAA Post Construction Manual and any issued Technical Bulletins.

C. Stormwater Control Plan Requirements

- 1. For each new development and redevelopment project subject to post construction measures requirements, or where required by the nature and extent of a proposed project and where deemed appropriate by the City, applicants shall submit a Stormwater Control Plan (SCP) that meets the criteria in the most recent version of the BASMAA Post Construction Manual.*
- 2. Applicants shall implement the controls identified in the SCP and required by Conditions of Approval that reduce stormwater pollutant discharges through the construction, operation and maintenance of source control measures, low impact development design, site design measures, stormwater treatment measures and hydromodification management measures. Increases in runoff shall be managed in accordance with the post construction requirements.*
- 3. The SCP is separate and distinct from the ESCP requirements described in Section 14.28.080.*
- 4. Where projects are required to have a SCP, project applicants shall follow the appropriate SCP template, based on the project type, in the BASMAA Post Construction Manual and any issued Technical Bulletins.*
- 5. Implementation of an approved SCP and submittal of an approved Stormwater Facilities Operation and Maintenance Plan by the applicant shall be a condition precedent to the issuance of a building permit for a project subject to this section.*
- 6. When any work is being done contrary to the provisions of this article, the authorized enforcement official may order the work stopped by notice in writing served on any persons engaged in doing or causing the work to be done. Such work shall stop until the authorized enforcement official authorizes the work to proceed. This remedy is in addition to and do not supersede or limit any and all other remedies, both civil and criminal provided in the City Municipal Code.*
- 7. Financial security may be required to ensure that stormwater management facilities operate and are maintained following construction for a period which may be determined by the City. Financial security shall consist of an irrevocable letter of credit, cash deposit, or performance bond as determined by the City.*
- 8. All stormwater management facilities shall be designed in a manner to minimize the need for maintenance and reduce the chances of failure. Design guidelines are outlined in the BASMAA Post Construction Manual and any issued Technical Bulletins.*
- 9. All stormwater management facilities shall be maintained according to the approved Stormwater Facilities Operation and Maintenance Plan. The person(s) or organization(s) responsible for maintenance shall be designated in the plan. Unless a different time period is provided for in the plan, those responsible for maintenance shall inspect the stormwater management facilities at least annually. The Stormwater Facilities Operation and*

Maintenance Plan shall describe how the maintenance costs will be funded. If the responsible person fails to maintain the stormwater management facilities in accordance with this chapter or the plan, the City may perform the maintenance and recover its costs from the responsible person as provided in Section 14.28.170.

10. *For each new development and redevelopment project subject to the post construction measures requirements, or where deemed appropriate by the City, access by the City to stormwater management facilities for inspections, as provided in Section 14.28.120, and through such means as may be appropriate, including, but not limited to, legal agreements, recorded covenants or easements, shall be provided by the property owner.*
11. *All project proponents and their successors, or successors in fee title, in control of a new development and redevelopment project subject to the post construction measures requirements, shall submit one of the following as a condition prior to final inspection and approval of building permit closure:*
 - a. *The project proponent's signed statement accepting responsibility for the operations and maintenance of stormwater management facilities until such responsibility is legally transferred to another entity;*
 - b. *Written conditions in the sales or lease agreements or deed for the project that requires the buyer or lessee to assume responsibility for the operations and maintenance of the stormwater management facilities until such responsibility is legally transferred to another entity;*
 - c. *Written text in project deeds, or conditions, covenants and restrictions for multi-unit residential projects that require the homeowners association or, if there is no association, each individual owner to assume responsibility for the operation and maintenance of the stormwater management facilities until such responsibility is legally transferred to another entity; or*
 - d. *Any other legally enforceable agreement or mechanism, such as recordation in the property deed, that assigns the operation and maintenance of the stormwater management facilities to the project owner(s)."*

SECTION 8: American Canyon Municipal Code Section 14.28.100 is amended as follows

..... shall comply with such guidelines or requirements as may be identified by the authorized enforcement official."

SECTION 9: American Canyon Municipal Code Section 14.28.120 is amended as follows:

The authorized enforcement official has the duty and the responsibility to inspect any and all locations for any violation of the provisions of this chapter. The authorized enforcement official may, within the limitations of applicable state and federal laws, enter any building or premises (including, but not limited to, facilities, equipment, practices, or operations) at reasonable times to inspect the same for any or all of the following situations, as determined by the authorized enforcement official:

- A. *Routine inspections to ensure implementation of BMPs and other requirements of this chapter;*
- B. *Active or potential stormwater discharges;*
- C. *Whenever there is reasonable cause to believe that there exists any condition which constitutes a violation of the provisions of this chapter or the Phase II Stormwater Permit;*
- D. *Actual violations of this chapter or the Phase II Stormwater Permit;*
- E. *Whenever necessary to enforce any of the provisions of this chapter or the Phase II Stormwater Permit; or*

F. *To perform any duty imposed upon the official by this chapter.*

The authorized enforcement official may demand the production of such records as is necessary to determine compliance with the provisions of this chapter and for the purpose of examination and copying.

The authorized enforcement official must present proper credentials to, and obtain consent from the owner or occupant to enter. If such building or premises is unoccupied, the authorized enforcement official shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. In the event the owner and/or occupant refuses entry, the authorized enforcement official shall request assistance of the City attorney to obtain an administrative warrant for the premises, pursuant to state law."

SECTION 10: American Canyon Municipal Code Section 14.28.170 is amended to include the following:

"Damages recovered under this subsection shall be paid to the city and shall be exclusively for costs of sampling and monitoring, of establishing stormwater discharge pollution control systems, of implementing and/or enforcing the provisions of this chapter, and restoration of aquatic or riparian habitat.

SECTION 11: American Canyon Municipal Code Section 14.28.180 is amended to include the following:

"At the discretion of the authorized enforcement official and in accordance with the City's Enforcement Response Plan, orders to cease and desist may take the following form:

- A. *Verbal Warnings, as may be issued during inspections*
- B. *Warning Letters and Orders to Abate Pollution*
- C. *Warning Letters with requirements to submit written reports*
- D. *Notices of Violation*

Formal violations and legal action as described in this chapter and as authorized by the City Municipal Code"

SECTION 12: If any section, subsection, sentence, clause or phrase of this ordinance is for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one (1) or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

SECTION 13. The ordinance shall take effect 30 days after its adoption.

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of American Canyon, State of California, held on the 19th day of January, 2016, by the following vote:

AYES: Councilmembers Joseph, Leary, Ramos, Vice Mayor Bennett and Mayor Garcia
NOES: None
ABSTAIN: None
ABSENT: None

The foregoing Ordinance was adopted at a regular meeting of the City Council of the City of American Canyon, State of California, held on the 2nd day of February, 2016, by the following vote:

AYES: Council Members Joseph, Leary, Ramos, Vice Mayor Bennett and Mayor Garcia
NOES: None
ABSTAIN: None
ABSENT: None



Leon Garcia, Mayor

ATTEST:



Cherri Walton, CMC, Deputy City Clerk

APPROVED AS TO FORM:



William D. Ross, City Attorney