

Title 13

PUBLIC SERVICES

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Chapter 13.04

GARBAGE COLLECTION

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13.04.01 Definitions. For the purpose of this chapter and whenever the same are used in this chapter, the following words, terms and phrases shall have the meaning ascribed to them as hereinafter set forth, except where the context clearly indicates a different meaning:

A. "Garbage" means all putrefactive or easily decomposable animal or vegetable matter which is likely to attract flies or rodents and which has no property value, including dead animals of less than ten pounds in weight, the term "garbage" likewise includes all useless material normally produced in the preparation, cooking and consumption of food, as well as tin cans and other food containers used in conjunction with such preparation.

B. "Garbage collector," as used in this chapter, means an agent or an employee of the city or any person with whom the city has duly contracted under the terms set out in this chapter to collect and transport garbage and rubbish through, in and from the city.

C. "Person" means every natural person, firm, co-partnership, association or corporation.

D. "Premises" means any dwelling place or residence, rooming house, hotel, club, restaurant, boardinghouse, eating place, shop and place of business, or any other building, grounds or location, where garbage or rubbish is or may be produced or accumulated, including all sidewalk, curb, gutter and street and alley areas adjacent thereto.

E. "Refuse" means and includes all types of waste material defined in this section under the headings of "garbage," "swill" and "rubbish. "

F. "Rubbish" is defined as all other discarded, abandoned, obsolete or unused materials which are permitted to accumulate so as to become a menace to health, a fire hazard, or offensive to the senses or visible from any public or private property, including, but not limited to waste of any nature, items of machinery, furniture, household appliances, building materials, vegetation clippings or, cuttings, weeds, wastepaper, straw, glass and crockery.

G. "Swill" means all putrefactive or easily decomposable animal or vegetable matter which is likely to attract flies or rodents and which has a property value.

H. "Swill collector" as used in this chapter, means an agent or an employee of the city or any person with whom the city has contracted under the terms set out in this chapter to collect and transport swill through, in and from the city. (Ord. 84-17 §1, 1984; Ord. 62-34

§1, 1962)

13.04.020 All occupied premises to have refuse service. All occupied premises in the city shall have refuse service as provided in this chapter. (Ord. 62-34 §8, 1962)

13.04.030 Keeping of garbage and swill prohibited. It is unlawful for any person to place, deposit, keep or bury garbage or swill in, on or under any premises, except in containers as provided in this chapter. It is unlawful for any person to deposit any garbage or swill in any sewer or plumbing fixtures or pipe connected thereto, except through an approved mechanical device which shreds and grinds garbage and swill. (Ord. 62-34 §2, 1962)

13.04.040 Accumulation of refuse. It is unlawful for the owner, occupant or person in charge of any premises to allow the accumulation of any refuse in, on or under premises, at any time, which is or may become a menace to health and sanitation or a fire hazard.

It is unlawful for the owner, occupant or person in charge of any premises to ever at any time suffer, permit or allow any refuse of any kind to remain in, on or under such premises for a period in excess of seven days. All refuse accumulating from or upon any premises shall be kept in covered galvanized iron or other metal receptacles, as provided in this chapter, except that brush and garden trimmings may be kept in small neat piles as provided in this chapter. (Ord. 62-34 §3, 1962)

13.04.050 Placing, depositing or scattering of refuse unlawful--Exceptions. It is unlawful for any person to throw, place, scatter, or deposit, or cause to be thrown, placed, scattered, or deposited, upon any street, sidewalk, alley or public place in the city, any handbills, posters, dodgers, advertising paper, papers, sweepings, feathers, hay, straw, grass, weeds, tree and shrub trimmings, glass, crockery, tin, fruit, vegetables, manure, offal, dead animals, debris, swill or any garbage, rubbish or refuse as the terms "garbage," "rubbish" and "refuse" are defined in this chapter.

This section shall not apply to grass, weeds, leaves, tree and shrub trimmings not over six feet long and six inches in diameter and yard sweepings when placed in suitable receptacles in front of any residence or dwelling by the owner or occupant thereof.

Provided further, that it shall be unlawful for any person to ever at any time place or deposit more than such aforementioned receptacles of rubbish in front of any premises without having first procured prior written approval from the city council. Whenever such approval is given, the person placing or depositing such rubbish upon said city streets shall strictly comply with all requirements of the city clerk in reference thereto. (Ord. 62-34 §4, 1962)

13.04.060 City reserves right to collect, transport, haul or dispose of refuse. The city, in order to effectually promote and protect the public health and safety and reduce the

danger and hazards of fire and conflagrations, reserves unto itself the exclusive right to collect, transport, haul and dispose of, or cause to be collected, transported, hauled and disposed of, all refuse produced or found within the corporate limits of the city. It is declared to be unlawful for any person, firm or corporation to collect, transport, haul or dispose of any refuse within or from the city, except as in this chapter expressly provided. (Ord. 62-34 §5, 1962)

13.04.070 Metal receptacles to be provided for garbage and rubbish. It shall be the duty of every owner, tenant, lessee, or occupant of any private dwelling house, or the proprietor, manager, owner or lessee of any hotel, restaurant, café, boardinghouse, eating place, rooming house, or other place of business in the city, to provide a galvanized iron or other metal garbage and rubbish receptacle with cover for the same, for receiving and holding all the garbage and rubbish produced, created and accumulated upon said premises between the times for the collection of garbage and rubbish, as hereinafter provided, and shall deposit all such garbage and rubbish therein, except that certain rubbish of the kind hereinbefore specified may be placed at the street curb in the manner hereinbefore provided. All such receptacles shall be at all times kept in a sanitary condition and shall be located in such place on the premises as to be readily accessible for removing and emptying the same, but shall not be placed within the limits of any street, or other public place, in the city or in such a place or manner as to constitute a nuisance. (Ord. 62-34 §6, 1962)

13.04.080 Metal receptacles to be provided for swill. It shall be the duty of every proprietor, manager, owner or lessee of any hotel, restaurant, café, boardinghouse, eating place, rooming house or other place of business or establishment, in the city where swill is produced or accumulated, to provide a galvanized iron or other metal swill receptacle, with cover for the same, for receiving and holding all the swill produced or accumulated upon said premises between the times for the collection of swill as provided in this chapter, and shall deposit all swill therein. It shall be unlawful for any person to place or deposit any glass, metal or any matter or material not suitable for hog feed in any such receptacle provided for swill. (Ord. 62-34 §7, 1962)

13.04.090 Performance of collection, removal and disposal of garbage, rubbish and swill. The collection, removal and disposal of garbage, rubbish and swill may be performed by the city under the direction of the city council, or by any person or persons with whom the city has entered, or may enter into a contract or contracts with, for the collection, removal or disposal thereof. It is declared unlawful for any other person than those stated above to remove, convey or cause to be removed or conveyed, any refuse as defined in this chapter upon or along any street or alley or any other public place in the city without a special written permit as provided in this chapter, except as otherwise expressly provided in this chapter. (Ord. 62-34 §9, 1962)

13.04.100 Inspection of premises to determine compliance--Remedies. The city clerk or other duly authorized representative of the city council designated by the city council, shall visit all premises within the corporate limits of the city from time to time and examine

the sanitary condition of said premises to determine whether the provisions of this chapter are complied with. Upon notification by the city, all persons, including the garbage collector and the swill collector, shall comply with all the provisions of this chapter or be deemed guilty of a misdemeanor. In all cases of disputes or complaints arising from or concerning the place where receptacles for any kind of refuse shall be placed awaiting removal of their contents, the quantities to be removed, the number of times of removal, and the rates charged, the city clerk shall designate the place, the estimated quantities, the times and manner of removal, and the rates and the clerk's decision shall be final. (Ord. 62-34 §10, 1962)

13.04.110 Interference with collection unlawful. It is unlawful for any person, in any manner to interfere with the collection, removal or disposal of refuse by the authorized garbage and swill collectors. (Ord. 62-34 §11, 1962)

13.04.120 Burning of refuse prohibited. It is unlawful for any person to burn any refuse of any kind on any street, alley, park, or public place within the corporate limits of the city. (Ord. 62-34 §12, 1962)

13.04.130 Burning of refuse--Exceptions--Permit required. It is unlawful for any person to burn any refuse of any kind on any premises within the corporate limits of the city, except as hereinafter provided in this section. Rubbish may be burned on any premises between the hours of seven a.m. and seven p.m. of the same day, and no open fire may be rekindled or started after one p.m. Burning is allowed every day except Monday. No burning of any kind is allowed on Monday. A permit from the fire department must be obtained each time of burning for any open fire, and an annual permit must be obtained for an incinerator. (Ord. 62-34 §13, 1962)

13.04.140 Collection fees. A charge shall be collected, as provided by the provisions of this chapter from the occupants of all occupied premises within the corporate limits of the city for services rendered for the collection of garbage and rubbish. (Ord. 62-34 §14, 1962)

13.04.150 Marked receptacles for multiple dwellings. All persons occupying multiple dwellings must mark their receptacles so that the ownership thereof will be known. (Ord. 62-34 §15, 1962)

13.04.160 Number and manner of collections--Permitted hours. The city clerk may make a regulation concerning the number and manner of collections of refuse as the clerk may deem necessary to carry out the provisions of this chapter, but in no case shall collection service less often than once a week be permitted. No collection in any area of the city shall be made between the hours of eight p.m. and midnight and between the hours of midnight and six a.m. (Ord. 62-34 §16, 1962)

13.04.170 Garbage and rubbish collecting equipment. All garbage collected in the city shall be hauled in garbage collecting equipment approved by the city council. Open-bodied

trucks may be used for the collection of rubbish; provided, that all garbage or mixed garbage and rubbish shall be hauled only in covered trucks. (Ord. 62-34 §17, 1962)

13.04.180 Spillage or scattering of garbage, rubbish or swill. It is unlawful for any garbage or swill collector to ever at any time suffer, permit, or allow any garbage, rubbish, or swill to be spilled or scattered at any point between the place of collection and the dump to which the same is hauled. (Ord. 62-34 §18, 1962)

13.04.190 Maintenance of garbage hauling equipment. All trucks used for the hauling of garbage, rubbish or swill, shall be washed at least once a week and painted once each year and otherwise appear as neat as possible under the circumstances. Each such truck shall be equipped with a tarpaulin or other suitable covering which shall be drawn over the load when completed to full depth. All refuse in the truck shall be completely covered between points of collection and disposal. The name of the garbage collector shall appear on the side of the trucks in letters not smaller than six inches high, and there shall also be an identifying number on each truck. (Ord. 62-34 §19, 1962)

13.04.200 Designated dumps. The garbage collector shall dispose of all garbage and rubbish outside of the city at dumps to be designated by the city. (Ord. 62-34 §20, 1962)

13.04.210 Contracts or agreements for removal of garbage, rubbish or swill. The city council may let contracts or enter into agreements with any person, for the removal of garbage, rubbish or swill. Such contracts or agreements entered into may be revoked at any time by the city council for noncompliance with the terms of this chapter or for the violation of such contract. The garbage collector shall charge for the collection of garbage and rubbish at the rates specified in said contract and as provided to make any charge for the collection of garbage or rubbish in excess of the charges provided by this chapter. (Ord. 62-34 §21, 1962)

13.04.220 Contractors to comply with all laws, ordinances, rules and regulations applicable. Any person with whom the city contracts for the collection and disposal of garbage, rubbish or swill shall collect, haul and dispose of all such garbage, rubbish and swill in strict compliance with all federal, state, county and district, and city health laws, ordinances, rules and regulations and under the supervision and to the satisfaction of the city council. (Ord. 62-34 522, 1962)

13.04.230 Duties of collector. The garbage collector shall collect all garbage and rubbish from all of the homes, business establishments and premises in the city. All garbage shall be hauled by the garbage collector to the garbage dump or to such other location within fifteen miles from the city which may hereinafter be designated. (Ord. 62-34 §23, 1962)

13.04.240 Charges set by resolution. The city council is authorized to approve by resolution the charge for the collection of garbage and rubbish which is made by the city, or any other garbage collector entering into a contract with the city, for the collection and

disposal of garbage and rubbish. (Ord. 80-95, 1980; Ord. 62-34 §24, 1962)

13.04.250 Disposal by resident--Application--Permit--Exemption from fees. In the event any person may elect to dispose of such refuse as may accumulate on any specific property or location, the same may be done providing that such disposal complies with the sanitary provisions of this chapter and is approved in writing by the city council. In such event a written application shall be made to the city council and a proper permit issued in writing in which case the premises affected may be exempted from the ordinary charges otherwise specified in this chapter. The right shall be reserved to every citizen and resident of the city, without any permit being required therefore, to dump garbage and rubbish at the aforesaid dumps. (Ord. 62-34 §25, 1962)

13.04.260 Inspection of exempted premises. It shall be the duty of the city clerk to inspect, or cause to be inspected, from time to time such premises as may be exempted under the abovementioned provisions and revoke forthwith any permits that may have been issued in the event said disposal is found to be in violation of this chapter, in which case upon written notice the occupant of said premises shall be required to accept service at the rates and under the terms provided in this chapter. (Ord. 62-34 §26, 1962)

13.04.270 Use of city equipment. In the event the removal of rubbish is required in quantities in excess of the facilities provided by the garbage collector or in the event the city may elect to utilize the same for filling or other purposes, the right is reserved to make use of the city equipment for this purpose and the same will be provided at a reasonable cost to those who for the lack of facilities at hand otherwise are unable to secure the services of the garbage collector and are unable to comply with the terms of this chapter. (Ord. 62-34 §27, 1962)

13.04.280 Violation--Penalty. Any person violating any part of this chapter shall be guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not more than five hundred dollars, or by imprisonment for a term not exceeding six months, or both. (Ord. 62-34 §28, 1962)

Chapter 13.05

STORM WATER MANAGEMENT

Sections:

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13.05.010 Purpose and Intent. The purpose and intent of this chapter is to ensure the public health, safety and general welfare of the citizens of Sand City and the region and to protect and enhance the water quality of watercourses and water bodies in a manner consistent with the Federal Clean Water Act (33 U.S.C. Sections 1251 et seq.) By reducing pollutants in storm water discharges to the maximum extent practicable and by prohibiting non-storm water discharges to the storm drain system.

13.05.020 Definitions. The terms used in this chapter shall have the following meanings:

A. “Best Management Practices” 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. Best Management Practices include, but are not limited to: treatment facilities to remove pollutants from storm water, operating and maintenance procedures; facilities management practices to control runoff, spillage or leaks of non-storm water, waste disposal, and drainage from materials storage; erosion and sediment control practices; and the prohibition of specific activities, practices, and procedures and such other provisions as the City determines appropriate for the control of pollutants. Please refer to the City’s Best Management Guidance Series, as described further in

Section ___ herein, for specific requirements.

B. "City" means the City of Sand City.

C. "Clean Water Act" mean the Federal Water Pollution Control Act (33 U.S.C. Sections 1251 et seq.), and any subsequent amendments thereto.

D. "Construction Activity" means construction projects subject to NPDES construction permits. Such activities include but are not limited to clearing and grubbing, grading, excavating and demolition.

E. "Hazardous Materials" means any material, including any substance, waste or combination there of, 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.

F. "Illegal Discharge" means any direct or indirect non-storm water discharge to the storm drain system, except as exempted in Section ___ of this chapter.

G. "Illegal Connections" means either of the following:

1. Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system including but not limited to any conveyances which allow any non-storm drain system and any connections tot or connection had been previously allowed, permitted, or approved by a government agency; or

2. Any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not be documented in plans, maps or equivalent records and approved by the City.

H. "Industrial Activity" means activities subject to NPDES Industrial Permits as defined in Title 40, Code of Federal Regulations, Section 122.26(b)(14).

I. "NPDES Permit" means general, group or individual storm water discharge permits defined in the National Pollutant Discharge Elimination System regulations pursuant to the Clean Water Act. The California Regional Water Quality control Board and the State Water Resources Control Board have adopted general storm water discharge permits, including but not limited tot eh General Construction Activity and General Industrial Activity permits.

J. "Non-storm water discharge" means any discharge to the storm drain system that is not composed entirely of storm water.

K. "Pollutant" means anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, articles, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

L. "Pollution" means 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, wither the waters for beneficial uses or the facilities which serve these beneficial uses.

M. "Porter-Cologne Act" means the Porter-Cologne Water Quality Control Act and as amended, California Water Code Sections 13000 et seq.

N. "Premises" means any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

O. "Storm Drain System" means publicly-owned facilities operated by the City by which storm water is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures which are within the City Federal Regulations, Section 122.2.

P. "Storm Water" means any surface flow, runoff, and drainage consisting entirely of water from rain storm events.

Q. "Waters of the United States" means surface watercourses and water bodies as defined in Title 40, Code of Federal Regulations, Section 122.2, including all natural waterways and definite channels and depressions in the earth, that may carry water, even though such waterways may only carry water during rains and storms and may not carry storm water at and during all times and seasons.

13.05.030 Applicability. This Chapter shall apply to all water entering the storm drain system generated on any developed and undeveloped lands lying within the City. The provisions and requirements of this Chapter shall become effective upon adoption by the City Council, except that:

A. The provisions and requirements pertaining to Construction Sites, as described in Section ___ and in the BMP Guidance Series as described in Section ___, shall not become effective until September 8, 2007, and

B. The provisions and requirements pertaining to New Development and Redevelopment as described in Section ____, shall not become effective until September 8, 2008.

13.05.040 Responsibility for Administration. The Public Works Director of the City shall administer, implement and enforce the provisions for this Chapter. Any powers granted or duties imposed upon the Public Works Director may be delegated in writing by the Public Works Director to persons or entities in the beneficial interest of or in the employ of the City.

13.05.050 Responsibility of Discharger. The requirements of this chapter are minimum standards and are not intended to imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants into the waters of the U.S. caused by said person. This Chapter 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 Chapter or any administrative decision lawfully made thereunder. All persons conducting construction activities shall employ, to the maximum extent practicable, erosion prevention and construction site management practices that result in the following outcome: no discharges that cause or contribute to an exceedence of the water quality standards contained in a Statewide Water Quality Control Plan, the California Toxic Rule of the Central Coast Regional Water Quality Control Board Basin plan.

13.05.060 Prohibition of Illegal Discharges. No person shall discharge or cause to be discharged into the municipal storm drain system or water courses 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, other than storm water.

A. Illegal discharges from industrial and/or commercial activities include, but are not limited to, the following and are prohibited, unless the discharge is permitted under a separate NPDES permit or is allowed by BMP's published or approved by the Public Works Department.

1. Water from the cleaning of gas stations, vehicle services garages, or other types of vehicle service facilities.
2. Water, cleansers, or solvents from the cleaning of vehicles, machinery or equipment, and other commercial and industrial operations.
3. Water from the washing or rinsing of vehicles, containing soap, detergents, solvent, or other cleaners.
4. Water from the washing or rinsing of vehicles, with or without soap, from auto repair shops.

5. Water from the cleaning or rinsing of vehicle engine, undercarriage, or auto parts cleaning.

6. Vehicle fluids.

7. Mat wash and hood cleaning water from food service facilities.

8. Food and kitchen cleaning water from food service facilities.

9. Leakage from dumpsters or trash containers.

10. Water from the cleaning or rinsing of garbage dumpster areas and areas where garbage is stored or contained.

11. Water from pressure washing, steam cleaning, and hand scrubbing of sidewalks, gutters, plazas, alleyways, outdoor eating areas, steps, building exteriors, walls, driveways, and other outdoor surfaces.

12. Wastewater or cleaning fluids from carpet cleaning.

13. Swimming pool and spa water.

14. Wash out from concrete trucks.

15. Runoff from areas where hazardous substances, including diesel fuel, gasoline and motor oil are stored, except as allowed by Section ____ of this Chapter.

16. Super-chlorinated water normally associated with the disinfection of potable water systems.

B. The discharge of sewage or other forms for polluted water from recreational activities including boating and camping, and from recreational vehicles and boats, to the municipal storm drain system or watercourses is prohibited.

C. The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited except that discharges from the following activities will not be considered a source of pollutants to the storm drain system and to waters of the U.S. when properly managed to ensure that no potential pollutants are present, and therefore they shall not be considered illegal discharges unless determined because a violation of the Porter-Cologne Act, Clean Water Act or this Chapter.

1. Water line flushing.

2. Landscape irrigation.

3. Diverted stream flows.
4. Rising ground waters.
5. Uncontaminated ground water infiltration (as defined in Title 40, CFR, Section 35.2005 (20) to separate storm sewers.
6. Uncontaminated pumped ground water.
7. Discharges from potable water sources.
8. Foundation drains.
9. Air conditioning condensation.
10. Irrigation water.
11. Springs.
12. Water from crawl space pumps.
13. Footing drains.
14. Lawn watering.
15. Individual residential car washing.
16. Flows from riparian habitats and wetlands.
17. Dechlorinated swimming pool discharges.
18. Flows from fire fighting activities.

D. The prohibition 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 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.

E. 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 not waters of the U.S.

13.05.070 Prohibition of Illegal Connections. The construction, use, maintenance or continued existence of illegal connections to the storm drain system is prohibited. This prohibition expressly includes, without limitations, 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.

13.05.080 Waste Disposal Prohibitions. No person shall throw, deposit, leave, maintain, keep or permit to be thrown, deposited, left, or maintained, in or upon any public or private property, driveway area, street, alley, sidewalk, component of the storm drain system, or water of the U.S., any refuse, rubbish, garbage, litter, or other discarded or abandoned objects, articles, and accumulations, so that the same may cause or contribute to pollution. Wastes deposited in streets in proper waste receptacles for the purposes of collection are exempted from this prohibition.

13.05.090 Activities Subject to NPDES Permit. Any person subject to an industrial or construction activity NPDES storm water discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the Public Works Director 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 any other reasonable cause.

13.05.100 Requirement to Prevent, Control and Reduce Storm Water Pollutants.

A. Authorization to Adopt Best Management Practices. The City shall adopt requirements identifying Best Management Practices (BMPs) for activities, operations, or facilities which may cause or contribute to pollution or contamination of storm water, the storm drain system, or waters of the U.S. as a separate BMP Guidance Series. Where BMP requirements are promulgated by the City or any federal, State of California, or regional agency for any activity, operation, or facility which would otherwise cause the discharge of pollutants to the storm drain system or water for the U.S., every person undertaking such activity or operation, or owning or operating such facility shall comply with such requirements.

The Public Works Director will periodically report to the City Council on the status of implementation of BMPs and any new BMPs to be developed for inclusion in the BMP Guidance Series.

B. Responsibility to Implement Best Management Practices. Notwithstanding the presence or absence of requirements promulgated pursuant to Section 13.05.100(A), any person engaged in activities or operations or owning facilities or property which will or may result in pollutants entering storm water, the storm drain system, or waters of the U.S. shall implement Best Management Practices to the extent they are technologically achievable to prevent and reduce such pollutants. The owner or operator of a commercial or industrial establishment shall provide reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or water courses. Facilities

to prevent accidental discharge of prohibited materials or other wastes shall be provided and maintained at the owner or operator's expenses.

C. Construction Sites. The City's BMP Guidance Series will include appropriate BMPs to reduce pollutants in any storm water runoff from construction activities. The City shall incorporate such requirements in any land use entitlement and construction or building-related permit to be issued relative to such development or redevelopment. The owner and developer shall comply with terms, provisions, and conditions of such land use entitlements and building permits as required by this Chapter.

Construction activities subject to these requirements will also be required to continuously employ measures to control waste such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality.

D. New Development and Redevelopment. The City's BMP Guidance Series will include BMP's to control the volume, rate, and potential pollutant load of storm water runoff from new development and redevelopment projects as may be appropriate to minimize the generation, transport and discharge of pollutants. The City shall incorporate such requirements in any land use entitlements and building permits as required in this Chapter. These requirements may include a combination of structural and non-structural BMP's and may include requirements to ensure the proper long-term operation and maintenance of these BMPs.

Section 13.05.110. Requirement to Eliminate Illegal Discharges. The Public Works Director may require by written notice that a person responsible for an illegal discharge immediately, or by a specified date, discontinue the discharge to prevent the occurrence of future illegal discharges.

Section 13.05.120. Requirement to Eliminate or Secure Approval for Illegal Connections.

A. The Public Works Director may require by written notice that a person responsible for an illegal connection to the storm drain system comply with the requirements of this Chapter to eliminate or secure approval for the connection by a specified date, regardless of whether the connection or discharges to it had been established or approved prior to the effective date of this Chapter.

B. If, subsequent to eliminating a connection found to be in violation of this Chapter, the responsible person can demonstrate that an illegal discharge will no longer occur, said person may request City Approval to reconnect. The reconnection or reinstallation of the connection shall be at the responsible person's expense

Section 13.05.130. Requirement to Remediate. Whenever the Public Works Director

finds that a discharge of pollutants is taking place or has occurred which will result in or has resulted in pollution of storm water, the storm drain system, or water of the U.S., the Public Works Director may require by written notice to the property owner and/or the responsible person that the pollution be remediated and the affected property restored within a specified time.

Section 13.05.140. Requirement to Monitor and Analyze. The Public Works Director may require by written notice of requirement that any person engaged in any activity and/or owning or operating any facility which may cause or contribute to storm water pollution , illegal discharges, and/or non-storm water discharges to the storm drain system or waters of the U.S., to undertake at said person's expense such monitoring and analyses and furnish such reports to the City as deemed necessary to determine compliance with this Chapter.

Section 13.05.150. Notification of Spills. 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 or may result in illegal discharges or pollutants discharging into storm water, the storm drain system, or water of the U.S. from said facility, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release, In the event of such a release of a hazardous material said person shall immediately notify emergency response officials of the occurrence via emergency dispatch (911). In the event of a release of non-hazardous materials, said person shall notify the City's public works department in person or by phone or facsimile no later than 5:00 p.m. of the next business day. Notification in person or by phone shall be confirmed by written notice addresses and mailed to the City's public works department within three business days fo the phone notice. 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 years.

Section 13.05.160. Authority to Inspect. Whenever necessary to make an inspection to enforce any provision of this Chapter, or whenever the Public Works Director has cause to believe that there exists, or potentially exists, in or upon any premises any condition which constitutes a violation of this Chapter, the Director may enter such premises at all reasonable times to inspect the same and to inspect and copy records related to storm water compliance. In the event the owner or occupant refuses entry after a request to enter and inspection has been made, the City is hereby empowered to seek assistance from any court of competent jurisdiction in obtaining such entry.

Section 13.05.170. Authority to Sample and Test. During any inspection as provided herein, the Public Works Director may take any samples and perform any testing deemed necessary to aid in the injury or to record site activities.

Section 13.05.180. Intervention. The primary focus of this Chapter is to reduce and

control storm water impacts, and the City will use the amount of enforcement necessary to achieve compliance. Where possible, the City will rely on education rather than enforcement. The City Administrator may provide educational programs or other informational materials that will assist in meeting the desired erosion and sedimentation controls and other storm water management practices outcomes.

Section 13.05.190. Notice of Violation. Whenever the Public Works Director finds that a person has violated a prohibition or failed to meet a requirement of this Chapter, the Director may order compliance by written Notice of Violation to the responsible person. Such notice may require without limitation:

- A. The performance of monitoring, analyses, and reporting;
- B. The elimination of illicit connections or 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 to cover administrative and remediation costs; and
- F. 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 which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work may be done by the City or a contractor designated by the Public Works Director and the expense thereof shall be charged to the violator.

Section 13.05.200. Stop Work Order. Whenever any activity is being done contrary to and in violation of this Chapter, the Public Works Director may order the related activity stopped by issuing a written Stop Work Order on the responsible party. The responsible party shall forthwith stop such work in compliance with such Stop Work Order until authorized by the Public Works Director to proceed.

Section 13.05.210. Administrative Compliance Order. In addition to any other remedies available at law or in equity to the City for violations of this Chapter, the City may issue an Administrative Compliance Order for any violation. The order shall be in writing, specifying the violation(s) and require compliance measures.

Section 13.05.220 Service. All notices/orders shall be served by personal service or sent by certified mail and first class mail. Any notice/order served by mail shall be deemed received for purposes of any time computations herein, three (3) days after the date mailed, if to an address within this state and seven (7) days after the date mailed, if to an address outside this state.

Section 13.05.230 Appeal to City Administrator. Any person receiving a Notice of Violation, Stop Work Order or Administrative Compliance Order may appeal the

determination of the Public Works Director to the City Administrator. The notice of appeal must be received by the City Administrator fifteen (15) days from the date of the notice of violation or stop work order. The appeal shall state the name and address of the appellant, the nature of the determination being appealed, the reason the determination is incorrect, and what the correct determination of the appeal should be. Failure to file such a statement within the time or in the manner required waives the appellant's objections and the appeal shall be dismissed. Hearing on the appeal before the City Administrator or his/her designee shall take place within 30 days from the date of City's receipt of the notice of appeal. At least ten days prior to the hearing, the City shall mail notice of the time and place of the hearing to the appellant. The decision of the City Administrator or designee shall be final.

Section 13.05.240. Abatement by City. If the violation has not been corrected pursuant to the requirements established in the Notice of Violation, or in the event of an appeal, under Section 13.05.230, within ten (10) days of the decision of the City Administrator upholding the decision of the Public Works Director, then the City or a contractor designated by the Public Works Director, shall enter upon the subject property and is authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner agent or person in possession of any premises to refuse to allow the City or designated contractor to enter the premises for the purposes set forth above.

Section 13.05.250. Reimbursement for Cost of Abatement. Within thirty (30) days after abatement of the nuisance by the City, the Public Works Director shall notify the property owner of the cost of abatement including administrative costs. The property owner 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 by the City Council. The decision of the City Council shall be set forth by resolution and shall be final.

If the amount due to the City is not paid to the City within ten (10) days of the decision of the City Council or the expiration of the time in which to file an appeal under this Chapter, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment.

Section 13.05.260. Urgency Abatement. The Public Works Director is authorized to require immediate abatement of any violation of this Chapter that constitutes an immediate threat to the health, safety and general welfare of the public. If any such violation is not abated immediately as directed by the Public Works Director, the City is authorized to enter onto private property and to take any and all measures required to remediate the violation. Any expense related to such remediation undertaken by the City shall be fully reimbursed by the property owner and/or responsible party. All remedies for violation for the provisions of this Chapter are cumulative.

Section 13.05.280. 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 the general welfare, and is declared to be a public nuisance, and may be summarily abated or restored by the City at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken by the City.

Section 13.05.290. Acts Resulting in a Violation of the Federal Clean Water Act and/or the 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 for those acts including civil and criminal penalties. Any enforcement action authorized under this Chapter shall also include written notice to the violator of such potential liability.