

ORDINANCE NO. 4822

ORDINANCE OF THE COUNCIL OF THE CITY OF ROSEVILLE AMENDING CHAPTER
14.20 OF TITLE 14 OF THE ROSEVILLE MUNICIPAL CODE REGARDING
STORMWATER

THE CITY OF ROSEVILLE ORDAINS:

SECTION 1. Chapter 14.20 of Title 14 of the Roseville Municipal Code is hereby amended to read as follows:

Chapter 14.20

URBAN STORMWATER QUALITY MANAGEMENT AND DISCHARGE CONTROL

Article I. General Provisions

14.20.010 Title.

This chapter shall be known as the "Urban Stormwater Quality Management and Discharge Control Ordinance" of the City of Roseville and may be so cited.

14.20.020 Findings.

The city council adopts this chapter based upon the following findings:

A. The Federal Clean Water Act provides for the regulation and reduction of pollutants discharged into the waters of the United States by extending National Pollutant Discharge Elimination System requirements to stormwater and urban runoff discharge into the city stormwater conveyance system.

B. Stormwater flows from individual properties to the municipal storm drain system and then ultimately to the waters of the United States.

C. The city holds a permit under the Waste Discharge Requirements for Small Municipal Separate Storm Sewer Systems (Order No. 2003-0005-DWQ), which also serves as a National Pollutant Discharge Elimination System Permit (No. CAS000004) under the Federal Clean Water Act. Under the provisions of this permit, the city is required to possess the necessary legal authority and implement appropriate procedures to regulate the entry of pollutants and non-stormwater discharges into the city stormwater conveyance system.

14.20.030 Purpose and intent.

The purpose and intent of this chapter is to ensure the health, safety, and general welfare of citizens, and protect and enhance the water quality of watercourses and water bodies in a manner pursuant to and consistent with the Federal Clean Water Act by reducing pollutants in stormwater discharges to the maximum extent practicable and by prohibiting non-stormwater discharges to the stormwater conveyance system.

14.20.040 Definitions.

For the purposes of this chapter, the following definitions shall apply:

- A. "Best management practice (BMP)" 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 stormwater; operating and maintenance procedures; facility management practices to control urban runoff, spillage or leaks of non-stormwater, 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 of Roseville *BMP Guidance Series* as discussed further in Section 14.20.290 herein, for specific requirements.
- B. "Board of appeals" means the board established pursuant to chapter 2.26.
- C. "CFR" means the Code of Federal Regulations.
- D. "City" means the City of Roseville.
- E. "City Engineer" means the Public Works Director/City Engineer of the City of Roseville or the City Engineer's authorized representative.
- F. "Clean Water Act" means the Federal Water Pollution Control Act (33 U.S.C. Section 1251 et seq.), and any amendments thereto.
- G. "Commercial" means use types that include the distribution, sale and rental of goods, and the provision of services.
- H. "Construction activity" means activities subject to NPDES construction permits. These include construction projects resulting in land disturbance of one acre or more or as may otherwise be required by the State Water Resources Control Board. Such activities include but are not limited to clearing and grubbing, grading, excavating, demolition and utility work.

I. "Director" means the Environmental Utilities Director of the City of Roseville or the Director's authorized representative.

J. "Enforcement officer" means any city employee or agent of the city with the authority to enforce any provision of this chapter and the authority to make any decision on behalf of the Director or City Engineer required or called for by this chapter.

K. "Garbage" means solid waste from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage and sale of produce.

L. "Hazardous materials" means any material that, because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the environment. "Hazardous materials" include, but are not limited to, hazardous substances, hazardous waste, and any material which a handler or the administering agency has a reasonable basis for believing that it would be injurious to the health and safety of persons or harmful to the environment if released into the environment.

M. "Illegal discharge" means any direct or indirect non-stormwater discharge to the storm drain system, except as exempted in Section 14.20.130 of this chapter.

N. "Illicit connections" is defined as 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-stormwater discharge including sewage, process wastewater, and wash water to enter the storm drain system and any collections to the storm drain system from indoor drains and sinks, regardless of whether said drain 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 been documented in plans, maps, or equivalent records and approved by the city.

O. "Industrial activity" means activities subject to NPDES industrial permits as defined in 40 CFR Section 122.26 (b)(14).

P. "Industrial stormwater NPDES permit" means a National Pollution Discharge Elimination System permit to a commercial industry or group of industries which regulates the pollution levels associated with industrial stormwater discharges or specifies on-site pollution control strategies.

Q. "Industrial wastes" means the liquid wastes from industrial manufacturing processes, trade, or business.

R. "Jurisdictional wetland" means an area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support vegetation typically adapted for life in saturated soil conditions, commonly know as hydrophytic vegetation, and regulated by either the United States Army Corps of Engineers or the California Regional Water Quality Control Board.

S. "Landowner" means the legal or beneficial owner of land or any other person holding proprietary right to land.

T. "Local health officer" means the Placer County health officer.

U. "National Pollutant Discharge Elimination System (NPDES) stormwater discharge permits" means general, group, and individual stormwater discharge permits which regulate facilities defined in federal NPDES regulations pursuant to the Clean Water Act. The California Regional Water Quality Control Board, Central Valley Region and the State Water Resources Control Board have adopted general stormwater discharge permits, including, but not limited to, the general construction activity and general industrial activity permits.

V. "Natural outlet" means any outlet into a watercourse, pond, ditch, lake or other body of surface or groundwater.

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

X. "Person" means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns.

Y. "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; wastes and residues that result from constructing a building or structure (including, but not limited to, sediments, slurries, concrete rinsates, lime, and asphalt); and noxious or offensive matter of any kind.

Z. "Pollution" means any water or other liquids containing wastes or other materials in concentrations sufficient to create a nuisance condition by directly or indirectly altering the water's chemical, physical, or biological integrity. Pollution includes, but is not limited to, any discolored or otherwise aesthetically undesirable waters; waters that are harmful to human life; and wastes that interfere with the beneficial uses of local water courses (agricultural supply; municipal supply; recreation; aesthetic enjoyment; groundwater recharge; preservation and enhancement of fish, wildlife, and other aquatic resources).

AA. "Porter-Cologne Act" means the California Porter-Cologne Water Quality Control Act and as amended (California Water Code Section 13000 et seq.).

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

CC. "Receiving water limitation" means site specific interpretations of water quality standards from applicable water quality control plans.

DD. "Redevelopment" means any significant construction, alteration or improvement to any portion of real property in excess of one acre or as otherwise defined in the city's most current NPDES permit. This includes, but is not limited to: expansion of a building footprint; replacement of a structure; replacement of an impervious surface that is not part of routine maintenance activity; land-disturbing activities related to structural or impervious surfaces; and significant construction, alteration or improvement to multiple adjacent parcels owned by the same person.

EE. "Regional Board" means the California Regional Water Quality Control Board, Central Valley Region.

FF. "Rubbish" means any and all solid waste materials, including, but not limited to, paper, rags, bottles, cans, glass, boxes, packing material, trimmings from lawns, trees and gardens, magazines, books, ashes, and construction debris.

GG. "Sewage" means a combination of the municipal wastewater from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and stormwaters as may be present.

HH. "Spill" means any leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, unless permitted or authorized by a regulatory agency.

II. "Storm drain system" means publicly-owned facilities operated by the city by which stormwater 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 and are not part of a publicly owned treatment works as defined at 40 CFR Section 122.2 or privately owned facilities outletting to waters of the United States or connected to the city storm drain system.

JJ. "Stormwater" means surface flow, urban runoff, and drainage consisting entirely of water from precipitation events such as rain, snow, sleet, or hail.

KK. "Stormwater control maintenance agreement" means a legally recorded document and property deed restriction which stipulates the long term maintenance obligations for stormwater control measures.

LL. “Stormwater control measures” means post-construction source control measures, structural control measures and treatment control measures as defined in the Stormwater Quality Design Manual.

MM. “Stormwater Quality Design Manual” means the most recent version of the design manual for the Sacramento and South Placer regions which sets forth the design criteria and operation and maintenance requirements for stormwater control measures. A copy of the Stormwater Quality Design Manual is available to view or purchase in the city’s Public Works Department and can be found on the city’s web site.

NN. “Urban runoff” means runoff generated on or by urbanized areas including precipitation and dry weather flows from a drainage area that reaches a receiving water body or subsurface. Dry weather flows include incidental nuisance flows such as excess irrigation water and washing activities.

OO. “Watercourse” means a channel or depression in which a flow of water occurs, either continuously or intermittently.

PP. “Waters of the United States” means surface watercourses and water bodies as defined within 40 CFR 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 stormwater at and during all times and seasons.

Any term(s) defined in the Federal Clean Water Act, as amended, and/or defined in the regulations for the stormwater discharge permitting program issued by the Environmental Protection Agency, as amended, and which are not specifically defined in this section shall, when used in this chapter, have the same meaning as set forth in said act or regulation.

14.20.050 Applicability.

This chapter shall apply to all water entering the storm drain system generated on any developed and undeveloped lands lying within the City of Roseville, unless an exemption or waiver is granted by the city or the Regional Board.

14.20.060 Responsibility for administration.

The Director and the City Engineer shall administer, implement, and enforce the provisions of this chapter. Any powers granted or duties of the Director and the City Engineer may be delegated by them to persons or entities acting in the beneficial interest of or in the employ of the city.

14.20.070 Severability.

The provisions of this chapter are hereby declared to be severable. If any provision, clause, word, sentence, or paragraph of this chapter or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this chapter.

14.20.080 Regulatory consistency.

This chapter shall be construed to assure consistency with the requirements of the Clean Water Act and Porter-Cologne Act and acts amendatory thereof or supplementary thereto, or any applicable implementing regulations.

14.20.090 Conflicts.

In the event of any conflict between this chapter and any federal or state law, regulation, order, or permit, that requirement which establishes the higher standard for public health or safety shall govern. To the extent permitted by law, nothing in this chapter shall preclude enforcement of any other applicable law, regulation, order or permit.

14.20.100 Disclaimer of liability.

The standards set forth herein and promulgated pursuant to this chapter are minimum standards; therefore this chapter does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants into waters of the United States caused by said person. This chapter shall not create liability on the part of the City of Roseville 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.

14.20.110 Indemnification.

Any discharge which would result in or contribute to a violation of the city's NPDES permit(s) or any amendment, revision, or reissuance thereof, either separately, considered or when combined with other discharges, is prohibited. Liability for any such discharge shall be the responsibility of the person(s) causing or responsible for the discharge, and such person(s) shall defend, indemnify, and hold harmless the city against any claim, expense, liability, or payment for injury or damage to any person or property and shall defend, indemnify, and hold harmless the city in any administrative or judicial enforcement or any legal action resulting from such discharge.

Article II. Discharge Prohibitions

14.20.120 Prohibition of illegal discharges.

It is unlawful to discharge, permit to be discharged or cause to be discharged any sewage, industrial waste, pollutant, garbage or rubbish into any municipal storm drain system, watercourse, natural outlet, creek, or channel except where treatment has been provided in accordance with the provisions of chapter 14.12.

14.20.130 Exemptions.

The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited except as described as follows:

A. Discharges from the following activities will not be considered a significant source of pollutants to the municipal storm drain system and to waters of the United States when properly managed to ensure that no potential pollutants are present, and therefore they shall not be considered illegal discharges unless determined to cause a violation of the provisions of the Porter-Cologne Act, Clean Water Act, or this chapter:

1. Water line flushing;
2. Landscape irrigation;
3. Diverted stream flows;
4. Rising groundwater;
5. Uncontaminated groundwater infiltration (as defined at 40 CFR Section 35.2005 (20)) to separate storm sewers;
6. Uncontaminated pumped groundwater;
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; and
18. Discharges or flows from fire fighting activities.

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

C. Any discharge, which the Director, enforcement officer, the local health officer, or the Regional Board determines in writing is necessary for the protection of public health and safety.

D. With concurrence of the Regional Board, the City of Roseville may exempt in writing other non-stormwater discharges which are not a source of pollutants to the storm drain system nor waters of the United States.

14.20.140 Exceptions to otherwise applicable exemptions.

Notwithstanding the exemptions provided for in the previous section above, if the Regional Board or the Director determines that a discharge which is otherwise exempt from the prohibition on discharges causes or significantly contributes to a violation of any receiving water limitation or 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 give written notice to the owner or operator of the facility that the discharge exception shall not apply to the discharge at issue following a 30-day period commencing upon delivery of the notice. Upon expiration of such 30-day period, any such discharge from the noticed facility shall be unlawful.

14.20.150 Solid 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, parking area, street,

alley, sidewalk, component of the storm drain system, or waters of the United States, 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 properly deposited in streets in proper waste receptacles or pursuant to a city sponsored program for the purposes of collection are exempted from this prohibition.

14.20.160 Discharges in violation of industrial or construction activity NPDES stormwater discharge permit.

It is unlawful for any person subject to an industrial stormwater NPDES permit or construction activity NPDES stormwater discharge permit to violate any conditions of such permit. Proof of compliance with said permits may be required in a form acceptable to the Director for all industrial stormwater NPDES permit holders, and the City Engineer for all construction activity NPDES permit holders, prior to or as a condition of a subdivision map, site plan, building permit, or development or improvement plan; upon inspection of the facility; during any enforcement proceeding or action; or for any other reasonable cause.

Article III. Stormwater Quality Management for Development

14.20.170 Stormwater management plans.

Site development construction plans must be accompanied by a stormwater management plan as required by the Stormwater Quality Design Manual. Prior to the issuance of a permit to construct, the stormwater management plan shall have been approved by the City Engineer. The stormwater management plan shall detail how stormwater generated from a site will be controlled, managed and treated. The stormwater management plan shall evaluate the environmental characteristics of the project site and the potential impacts of all proposed development plans for the site on the water resources, and shall demonstrate the effectiveness of the type of stormwater control measures proposed for managing stormwater generated from the site. The stormwater management plan together with the site development construction plans shall indicate the size and location of all stormwater control measures.

14.20.180 Stormwater maintenance plans.

A stormwater maintenance plan shall be developed for all stormwater control measures and shall include a schedule for when and how often maintenance of the stormwater control measures will occur, a list of any special equipment or skills required for proper maintenance, the estimated cost of maintenance, and a schedule for periodic inspections to ensure proper performance between maintenance events.

14.20.190 Stormwater control maintenance agreement required.

As a condition of issuance of the annual stormwater management permit, a stormwater control maintenance agreement shall be entered into by and between the City and the landowner of all privately owned stormwater control measures. The stormwater control maintenance agreement shall be in a form approved by the city attorney. For new development and redevelopment, the stormwater control maintenance agreement shall run with the land and be recorded in the office of the Placer County Recorder. The stormwater control maintenance agreement shall be irrevocable and shall obligate all current and future landowners to bear all costs for the annual maintenance, replacement, record keeping, and annual permitting of all stormwater control measures.

14.20.200 Stormwater management permit required.

No landowner shall own or operate one or more stormwater control measures without obtaining an annual stormwater management permit as provided in this chapter. Each stormwater management permit shall be valid for one year and must thereafter be annually renewed.

14.20.210 Prerequisites for permit issuance.

Applications for annual stormwater management permits shall be filed with the city's Public Works Department. The initial stormwater management permit application must be accompanied by a stormwater management plan (for new construction only), a stormwater maintenance plan and a stormwater control maintenance agreement as detailed in Sections 14.20.170, 14.20.180 and 14.20.190. Prior to the issuance of a certificate of completion or a certificate to occupy, satisfactory stormwater management and stormwater maintenance plans and a stormwater control maintenance agreement shall have been approved and issued by the City Engineer.

14.20.220 Fees.

If applicable, every application for an annual stormwater management permit or renewal shall be accompanied by a nonrefundable fee, as established by resolution adopted by the city council from time to time.

14.20.230 Stormwater quality design requirements and waivers.

A. All stormwater control measures shall be constructed and designed in accordance with the Stormwater Quality Design Manual.

B. A waiver from the requirements of the Stormwater Quality Design Manual may be requested if impracticability for a specific property can be established. A waiver for impracticability shall be granted only when all other stormwater control measures have been considered and rejected as infeasible. The City Engineer may grant a waiver for the following situations of impracticability:

1. If there are extreme limitations of space for treatment on a redevelopment project.

2. If there are unfavorable or unstable soil conditions at a site to attempt infiltration.

3. If there is a risk of ground water contamination because a known unconfined aquifer lies beneath the land surface or an existing or potential underground source of drinking water is less than ten (10) feet from the soil surface.

Any waivers to stormwater quality design requirements for situations of impracticability not specified in this section must be granted by the Regional Board.

C. All requests to waive the stormwater quality design requirements, or any portions thereof, shall be submitted in writing to the City Engineer for review. All requests shall be accompanied by a proposed stormwater management plan, including site plans and design documentation, which demonstrates the impracticability. The City Engineer will review all requests and determine if a separate petition must be submitted to the Regional Board for consideration.

D. When a waiver is granted pursuant to this section, the landowner may be required to pay a stormwater control measure mitigation fee as established by resolution adopted by the city council from time to time.

14.20.240 Self certification reports and inspections.

A. All stormwater management permittees shall annually submit to the City Engineer a self certification report demonstrating compliance with the approved stormwater maintenance plan. The self certification report shall verify that the operating condition of the stormwater control measures are in good working order and that the stormwater maintenance plan has been executed to ensure that stormwater control measures continue to perform adequately. The City Engineer may conduct inspections of the stormwater control measures to confirm the information filed in the self certification report. It shall be unlawful to make any false statement or representation in a self certification report submitted to the City Engineer.

B. If a stormwater management permittee fails to submit the required self certification report, the City Engineer or enforcement officer may conduct an inspection of the stormwater control measures to verify compliance with the approved stormwater maintenance plan. If the City Engineer or enforcement officer determines the stormwater management permittee is not in compliance with the stormwater maintenance plan, or the stormwater control measures are not in good working order, the City Engineer or enforcement officer may issue a compliance order pursuant to Section 14.20.430 setting forth a schedule for compliance. The City Engineer or enforcement officer shall perform a follow-up reinspection at the conclusion of the schedule for compliance. Each time a reinspection is required beyond the initial follow-up reinspection for the compliance order, a reinspection fee will be charged to the permittee, until such time that the permittee comes into compliance. The amount of the reinspection fee shall be established by city council resolution. Any unpaid costs owed by the permittee may be charged as a lien against the property.

14.20.250 Replacement of stormwater control measures.

Once a stormwater control measure reaches the end of its life cycle or has been damaged and can no longer operate as designed, the stormwater control measure shall be replaced by the landowner at the landowner's expense. Replacement stormwater control measures replaced in kind or with different technologies shall, at a minimum, meet the requirements of the then current Stormwater Quality Design Manual and the requirements prescribed in this chapter.

14.20.260 Records of installation and maintenance.

Persons responsible for the operation and maintenance of stormwater control measures shall retain records of the initial installation of the stormwater control measures and records of all maintenance and repairs. All such records shall be retained for at least five (5) years. These records shall be made available to the city during inspection of the stormwater control measures and at other reasonable times upon request.

14.20.270 Unlawful to tamper with stormwater control measures.

It shall be unlawful to tamper with or knowingly render inoperable any stormwater control measure.

14.20.280 Time limit for filing application for permit.

All landowners with existing stormwater control measures as of the date of adoption of this chapter must apply for and obtain an annual stormwater management permit and enter into a stormwater control maintenance agreement pursuant to Section 14.20.220, within twelve (12) months of the effective date of the ordinance codified in this chapter. Continued operation of stormwater control measures without an annual stormwater management permit more than twelve (12) months after the effective date of the ordinance codified in this chapter shall constitute a violation of this chapter.

Article IV. Regulations and Requirements

14.20.290 Requirement to prevent, control, and reduce stormwater pollutants.

A. The city will establish guidance documents identifying best management practices for any activity, operation, or facility which may cause or contribute to pollution or contamination of stormwater, the storm drain system, or waters of the United States as a separate *BMP Guidance Series*. Where best management practices 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 waters of the United States, every person undertaking such activity or operation, or owning or operating such facility shall comply with such requirements. Best management practices developed under this program will be included in the city's *BMP Guidance Series*. The *BMP Guidance Series* includes suggested structural and/or operational best management practices for various activities, operations and facilities and may be obtained from the city's Environmental Utilities Department and/or the city's Public Works Department.

Ed 4822

B. Notwithstanding the presence or absence of requirements promulgated pursuant to subsection A , any person engaged in activities or operations, or owning facilities or property which will or may result in pollutants entering stormwater, the municipal storm drain system, or waters of the United States shall implement best management practices to the extent they are technologically achievable and economically feasible to prevent and reduce such pollutants. The owner or operator of a commercial or industrial establishment shall provide reasonable protection from discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses. Facilities to prevent discharge of prohibited materials or other wastes shall be provided and maintained at the owner's or operator's expense.

C. Any landowner or person responsible for construction activities that is required by the State of California Water Resources Control Board to prepare a stormwater pollution prevention plan (SWPPP) must at a minimum adhere to the approved SWPPP. If the approved SWPPP, or any element thereof, is not fully implemented or is not functioning as needed to protect the waters of the United States or jurisdictional wetlands, the responsible party will be required to immediately correct insufficiencies or will be subject to the enforcement procedures set forth in this chapter. The city has made available a Stormwater Quality Best Management Practices (BMP) Guidance Manual for Construction Activities, which addresses proper best management practice installation and stormwater quality site management. This manual is part of the city's *BMP Guidance Series* and is available at the city's Public Works Department.

D. As required by Section 14.20.230, any landowner or person responsible for new development or redevelopment projects shall implement city requirements which address the volume, rate and potential pollutant load of stormwater runoff from said projects. The city has established the Stormwater Quality Design Manual which addresses appropriate design considerations. This manual is part of the city's *BMP Guidance Series* and is available at the city's Public Works Department.

14.20.300 Requirement to eliminate illegal discharges.

Notwithstanding the requirements of this chapter, the Director or City Engineer may require by written notice that a person responsible for an illegal discharge immediately or by a specified date discontinue the discharge and, if necessary, take measures to eliminate the source of the discharge to prevent the occurrence of future illegal discharges.

14.20.310 Prohibition of illicit connections.

A. The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited. This prohibition expressly includes, without limitation, illicit connections made in the past regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

B. At the time of final adoption of this chapter, any user who maintains an illicit connection shall, within 120 days from the effective date of the ordinance codified in this chapter, disconnect and discontinue use of said connection.

14.20.320 Requirement to eliminate or secure approval for illicit connections.

A. The Director or City Engineer may require by written notice that a person responsible for an illicit 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 or not 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.

14.20.330 Watercourse protection.

Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property reasonably free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall 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. The owner or lessee shall not remove healthy bank vegetation beyond that actually necessary for utility and bikeway construction and/or maintenance, flood control, or fire protection, nor remove said vegetation in such a manner as to increase the vulnerability of the watercourse to unnaturally high rates of erosion.

14.20.340 Prohibition of spills.

It shall be unlawful for any person to allow a spill to discharge into the municipal storm drain system or any watercourse.

14.20.350 Notification of spills.

A. Notwithstanding other requirements of law, any person responsible for a spill into stormwater, the municipal storm drain system, any watercourse, or waters of the United States 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 services (911).

B. 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 stormwater, the municipal storm drain system, any watercourse, or waters of the United States 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 services (911). In the event of a release of non-hazardous materials, said person shall notify the city's Environmental Utilities Department Stormwater Management Program, the city's stormwater discharge hotline (916-746-1000), or non-emergency dispatch services (916-774-5000). 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 clean-up records and best management practices taken to prevent its recurrence. Such records shall be retained for at least three (3) years.

14.20.360 Hazardous materials response.

Any person engaged in activities which may result in pollutants entering the municipal storm drain system shall, to the maximum extent practicable, undertake the measures set forth below to reduce the risk of non-stormwater discharge and/or pollutant discharge.

A. Any business requiring a hazardous materials release response and inventory plan under chapter 6.95 (commencing with Section 25500) of Division 20 of the California Health and Safety Code, shall include in that plan provisions for compliance with this chapter, including the provisions prohibiting non-stormwater discharges and illegal discharges or connections, and requiring the release of pollutants to be reduced to the maximum extent practicable.

B. Any business requiring a hazardous waste generator contingency plan and emergency procedures pursuant to California Code of Regulations, Title 22, Sections 66265.51 to 66265.56, shall include in that plan provisions for compliance with this chapter, including the provisions prohibiting non-stormwater discharges and illegal discharges, and requiring the release of pollutants to be reduced to the maximum extent practicable.

Article V. Inspection and Monitoring

14.20.370 Authority to inspect.

Whenever necessary to make an inspection to enforce any provision of this chapter, or whenever the Director or City Engineer 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 city may enter such premises at all reasonable times to inspect the same and to inspect and copy records related to stormwater compliance. In the event the owner or occupant refuses entry after a request to enter and inspect has been made, the city is hereby empowered to seek assistance from any court of competent jurisdiction in obtaining such entry.

14.20.380 Authority to sample, establish sampling devices, and test.

During any inspection as provided herein, a city representative may take samples, perform any testing deemed necessary, and take photographs to aid in the pursuit of the inquiry or to record site activities. This authority may include the installation of sampling and metering devices on private property, or requiring the person owning or occupying the premises to supply samples. The enforcement officer may require monitoring, analysis and reporting of discharges from any premises to the municipal storm drain system. Upon service of written notice by the enforcement officer, 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 landowner or occupant of the facility or activity for which testing and monitoring has been requested.

14.20.390 Requirement to monitor and analyze.

The Director or City Engineer may require by written notice a requirement that any person engaged in any activity and/or owning or operating any facility which may cause or contribute to stormwater pollution, illegal discharges, and/or non-stormwater discharges to the storm drain system or waters of the United States, 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.

14.20.400 Requirement to remediate.

Whenever the Director or City Engineer finds that a discharge of pollutants is taking place or has occurred which will result in or has resulted in pollution of stormwater, the storm drain system, or waters of the United States, the Director or City Engineer may require by written notice to the owner of the property and/or the responsible person that the pollution be

remediated and the affected property restored at their expense within a specified time pursuant to the provisions of this chapter.

Article VI. Enforcement

14.20.410 Violations.

It is unlawful for any person to violate any provision or fail to comply with any of the requirements of this chapter. Causing, permitting, aiding, abetting or concealing a violation of any provision of this chapter shall constitute a violation of this chapter. A violation of the provisions of this chapter shall occur irrespective of the negligence or intent of the violator to construct, maintain, operate or utilize an illicit connection or to cause, allow or facilitate any prohibited discharge. A violation of or failure to comply with any of the requirements of this chapter may be charged as either an infraction or a misdemeanor in the discretion of the city attorney.

14.20.420 Acts potentially resulting in a violation of the Clean Water Act and/or 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 of 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.

14.20.430 Enforcement authority.

A. Whenever the Director, City Engineer or enforcement officer determines that a person has violated a prohibition or failed to meet a requirement of this chapter, an administrative citation pursuant to Chapter 2.50 or a written compliance order pursuant to Chapter 2.52 may be issued to any person responsible for the violation.

B. Any compliance order issued may require without limitation any or all of the following:

1. The performance of monitoring, analyses, and reporting;
2. The elimination of illicit connections or illegal discharges;
3. That violating discharges, practices, or operations shall cease and desist;

4. The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property; and

5. The implementation, maintenance and documentation of source control, treatment, or operational best management practices.

6. Compliance with a stormwater maintenance plan, stormwater pollution prevention plan (SWPPP) or city-approved action plan.

7. The maintenance, repair or replacement of stormwater control measures.

The compliance order shall set forth a deadline within which the requirements of the compliance order must be completed. Said compliance order shall further advise that, should the violator fail to comply with the compliance order within the established deadline, a hearing on the compliance order shall be set.

14.20.440 Hearing.

If full compliance is not achieved within the time specified in the compliance order, a hearing on the compliance order shall be set pursuant to Chapter 2.52. All penalties and remedies authorized by Chapter 2.52 shall apply to violations of this chapter.

14.20.450 Appeal.

Notwithstanding the provisions of Section 14.20.440, any person receiving a compliance order under Section 14.20.430 may appeal the determination of the Director, City Engineer or enforcement officer to a hearing panel drawn from the membership of the board of appeals. The notice of appeal must be received by the city within ten (10) days from the date of the compliance order. Notice of hearing and hearing on the appeal will be conducted pursuant to the requirements of Chapter 2.52.

14.20.460 Abatement by city.

A. If correction of the violation has not occurred within the time period specified by the hearing panel after a hearing conducted pursuant to Section 14.20.440 or Section 14.20.450, the continuing violation shall be deemed a public nuisance and, following consent or the issuance of a warrant by a court of competent jurisdiction, the city or a contracting agent hired by the city may enter upon the private property on which the violation exists for the purpose of abating the violation. It shall be unlawful for any person, owner, agent or person in possession of

any premises to refuse to allow the city or its contracting agents to enter upon the premises for the purpose of abating the violation.

B. The cost of any such abatement by city authorized herein shall be borne by the property owner, which cost shall include administrative costs as well as the actual cost of abatement. The cost shall be invoiced to the property owner. If the invoice is not paid within sixty (60) days, the city shall have the authority to place a lien upon and against the property.

C. The cost of abatement, including administrative costs, may be enforced as a personal obligation against the property owner.

14.20.470 Administrative costs.

If the city prevails in any administrative, civil, or criminal proceeding initiated under this chapter, the city shall be entitled to seek reimbursement for all costs incurred in connection with said proceeding. Such reimbursable expenses may include, but are not limited to, costs of investigations and inspections, staffing costs, administrative overhead, out-of-pocket expenses, costs of administrative hearings, and costs of suit. If any such costs are granted to the city, said costs shall be recoverable pursuant to Section 14.20.460(B) and (C).

14.20.480 Stop work orders.

Whenever any work is being done contrary to the provisions of this chapter, the City Engineer or enforcement officer may order the work stopped by notice in writing served on any persons engaged in the doing or causing such work to be done, and any such persons shall forthwith stop such work until authorized by the City Engineer or enforcement officer to proceed with the work.

14.20.490 Urgency abatement on private property.

The Director or City Engineer is authorized to require immediate abatement of any violation of this chapter that constitutes an immediate threat to the health, safety or well-being of the public or the environment, or is a violation of a NPDES permit. If any such violation is not abated immediately as directed by the Director or City Engineer, the city or the city's designated agent is authorized to enter onto private property and to take any and all measures required to abate the violation. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the city or its contracting agents to enter upon the premises for the purpose of abating the violation. The cost of any such abatement by city authorized herein shall be borne by the property owner and/or responsible party, which cost shall include administrative costs as well as the actual cost of abatement. The cost shall be invoiced to the

landowner and/or responsible party. If the invoice is not paid within sixty (60) days, the city shall have the authority to place a lien upon and against the property. Any relief under this section shall not prevent the city from seeking other and further relief authorized under this chapter.

14.20.500 Urgency abatement of municipal storm drain system.

The city is authorized to immediately abate or require the abatement of any illegal discharge or spill into the municipal storm drain system when in the opinion of the enforcement officer it constitutes or threatens to constitute an immediate threat to the public health, safety or well-being, or to the environment, or is a violation of a NPDES permit. The cost of any such abatement by city authorized herein shall be borne by the property owner and/or responsible party, which cost shall include administrative costs as well as the actual cost of abatement. The cost shall be invoiced to the landowner and/or responsible party. If the invoice is not paid within sixty (60) days, the city shall have the authority to place a lien upon and against the property. Any relief under this section shall not prevent the city from seeking other and further relief authorized under this chapter.

14.20.510 Compensatory actions.

In lieu of or in addition to enforcement proceedings, penalties, and remedies authorized by this chapter and Chapters 2.50 and 2.52, the Director or City Engineer may impose upon a violator alternative compensatory actions including, but not limited to, storm drain stenciling, attendance at compliance workshops, creek cleanup, and staff training sessions. Any alternative compensatory actions shall be imposed on the violator in writing by the Director or City Engineer. Failure to comply with the terms of the compensatory actions may result in the enforcement proceedings, penalties, and remedies authorized by this chapter and Chapters 2.50 and 2.52.

14.20.520 Separate offense for each day.

Any person that violates any provision of this chapter shall be guilty of a separate offense for each and every day during any portion of which any such person commits, continues, permits, or causes a violation thereof, and shall be punished accordingly.

14.20.530 Public nuisance.

In addition to the enforcement processes and penalties hereinbefore provided, any condition caused or permitted to exist in violation of any of the provisions of this chapter is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, 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.

14.20.540 Remedies not exclusive.

Remedies under this chapter are in addition to and do not supersede or limit any and all other remedies, civil or criminal. The remedies provided for herein shall be cumulative and not exclusive.

14.20.550 Judicial review.

Any decision of the hearing panel shall be final. Any person aggrieved by an order of the hearing panel may obtain review of the order in the superior court by filing with the court a petition for writ of mandate within ninety (90) days pursuant to California Code of Civil Procedure Section 1094.6.

SECTION 2. This ordinance shall be effective at the expiration of thirty (30) days from the date of adoption.

SECTION 3. The City Clerk is hereby directed to cause this ordinance to be published in full at least once within fourteen (14) days after it is adopted in a newspaper of general circulation in the City, or shall within fourteen (14) days after its adoption cause this ordinance to be posted in full in at least three (3) public places in the City and enter in the Ordinance Book a certificate stating the time and place of said publication by posting.

PASSED AND ADOPTED by the Council of the City of Roseville this 5th day of May, 2010, by the following vote on roll call:

AYES COUNCILMEMBERS: Allard, Gray, Garcia, Roccucci, Garbolino

NOES COUNCILMEMBERS: None

ABSENT COUNCILMEMBERS: None



MAYOR

ATTEST:


City Clerk