

**ORDINANCE NO. 26-2004**

**AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE  
AMENDING CHAPTER 15.12  
OF THE ELK GROVE MUNICIPAL CODE  
RELATING TO STORM WATER DRAINAGE SERVICES**

The City Council of the City of Elk Grove does ordain as follows:

**SECTION 1. PURPOSE.**

The purpose of this ordinance is to amend Chapter 15.12 of the City of Elk Grove Municipal Code in order to comply with federal stormwater regulations and NPDES Municipal Stormwater Permit No. CAS082597, and to provide the County of Sacramento, Environmental Management Division with the necessary authority to conduct inspections and enforcement activities pursuant to the Agreement between the City and the County dated March 17, 2004.

**SECTION 2. FINDINGS.**

1. One of the requirements of the Municipal Stormwater Permit (NPDES No. CAS0082597) to which the City is a co-permittee is to track, inspect, and ensure compliance with the Stormwater Ordinances at certain commercial and industrial facilities.
2. The Sacramento County Environmental Management Department ("EMD"), as both the state-designated Certified Unified Program Agency ("CUPA") and the environmental health agency for Sacramento County, is currently tracking and inspecting the majority of commercial and industrial facilities subject to the provisions of the Municipal Stormwater Permit.
3. On March 17, 2004, the City Council authorized the City Manager to enter into an Agreement with EMD for fulfilling the NPDES Permit inspection requirements with respect to certain commercial and industrial facilities.
4. Under the Agreement, the City is required to amend the Stormwater Ordinance as necessary to authorize the County EMD to implement the stormwater compliance program for commercial and industrial facilities. The City must make any necessary amendments to the Stormwater Ordinance to the extent necessary to authorize EMD to:
  - a. Conduct all necessary inspections or re-inspections of regulated facilities within the incorporated City area;

- b. **Take any necessary enforcement actions as authorized by the Municipal Code and consistent with a City-approved enforcement plan;**
  - c. **Investigate and follow-up referred complaints at eligible facilities;**
  - d. **Establish and collect fees necessary to recover program implementation costs.**
5. **The term of the Agreement is July 1, 2004 through June 30, 2010, unless sooner terminated, or extended by the City and County.**
6. **The purpose of this ordinance is to fulfill the requirements of the Agreement between the City and Sacramento County, authorized by the City Council on March 17, 2004, whereby the County shall assume responsibility for providing tracking, inspection, and enforcement of the City's Stormwater Ordinance with respect to commercial and industrial facilities within the incorporated City area as required by the Municipal Stormwater Permit.**
7. **Although the NPDES Permit and the Agreement between the City and County do not require inspections to commence on July 1, 2004, County EMD has threatened to forego inspections on certain industrial facilities within the City's jurisdiction, if those facilities had been scheduled to be inspected after July 1, 2004, and until such time as the City adopts these revisions to the Stormwater Ordinance. Although the County is required to conduct such inspections at least once prior to June 30, 2007, the County has steadfastly maintained that it will be unable to reschedule any such inspections missed, unless the City adopts this urgency ordinance.**
8. **On June 28, 2004, the Central Valley Regional Water Quality Control Board issued a Notice of Violation to the City of Elk Grove. In the Notice, the Regional Board alleged that the City had failed to effectively implement its stormwater management program, and ordered the City to take several steps to bring the program into compliance with the NPDES Permit. The Notice of Violation alleged that the City's Stormwater Ordinance does not provide the proper authority necessary under the NPDES Permit, and ordered the City to undertake a review of the Ordinance with respect to the NPDES Permit, and make any revisions necessary. Although the Regional Board has since acknowledged that the City's Stormwater Ordinance enforcement provisions are sufficient under the NPDES Permit, City staff has reviewed the Ordinance, and identified certain revisions to other portions of the Stormwater Ordinance which are necessary under the NPDES Permit. In particular, the necessary revisions include a requirement that covered individuals and entities maintain best management practices, and conduct various reporting activities.**

9. The provisions of the Elk Grove Municipal Code relating to reduction of pollutants in stormwater and inspection and monitoring must be revised in order for the City to comply with the terms of the Municipal Stormwater Permit, with federal stormwater regulations, and to allow the County EMD to conduct inspections and enforcement activities against certain commercial and industrial facilities within the City's jurisdiction pursuant to the March 17, 2004 Agreement between the City and County.

SECTION 3. AMENDMENT. Chapter 15.12 "Stormwater Management and Discharge Control," of the Elk Grove Municipal Code, is amended to read as follows:

### **Chapter 15.12**

#### **STORMWATER MANAGEMENT AND DISCHARGE CONTROL**

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**Article 1  
General Provisions**

**15.12.010 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 City stormwater conveyance system and then ultimately to the waters of the United States.

c. The City is a co-permittee under the Waste Discharge Requirements for County of Sacramento, cities of Sacramento, Folsom, Citrus Heights, Elk Grove, Rancho Cordova, and Galt Area-Wide Storm Water Discharges From Municipal Separate Storm Sewer Systems, which also serves as a National Pollutant Discharge Elimination System Permit under the Federal Clean Water Act (NPDES No. CA0082597). As a co-permittee, the City is required to possess the necessary legal

authority, and to implement appropriate procedures, to regulate the entry of pollutants and non-stormwater discharges into the City stormwater conveyance system.

d. The Municipal Storm Water Permit requires the City effectively to prohibit non-stormwater discharges into the City stormwater conveyance system except as otherwise permitted by Federal law.

e. The City Council finds in this regard that the provisions of this Chapter are necessary to provide the City with the legal authority necessary to implement and otherwise comply with the requirements of its Municipal Storm Water Permit.

**15.12.020 Purpose and Intent.**

a. This Chapter is adopted pursuant to Article XI, Section 7 of the California Constitution which authorizes the City to exercise its police power to protect and promote the public health, safety and general welfare. While stormwater runoff is one step in the natural cycle of water, human activities, including, but not limited to, agriculture, construction, manufacturing and the operation of an urban infrastructure, may result in undesirable discharges of pollutants and certain sediments. Such discharges may accumulate in local drainage channels and waterways and eventually may be deposited in the waters of the United States. The purpose of this Chapter is to protect and enhance the water quality of watercourses, water bodies and wetlands within the unincorporated area of the City in a manner consistent with the Federal Clean Water Act, the Porter-Cologne Water Quality Control Act and Municipal Discharge Permit #CA0082597 by controlling the contribution of urban pollutants to stormwater runoff which enters the City stormwater conveyance system.

b. It is the intent of the City Council in adopting this Chapter to provide the City with the legal authority to accomplish the following goals:

1. To reduce the discharge of pollutants in stormwater to the maximum extent practicable;
2. To effectively prohibit non-stormwater discharges into the City stormwater conveyance system;
3. To comply with the requirements of the Federal Clean Water Act, the Porter-Cologne Water Quality Control Act and NPDES Municipal Storm Water Discharge Permit #CA0082597 as they apply to the discharge of pollutants into and from the City stormwater conveyance system;
4. To fully implement the Comprehensive Stormwater Management Program as approved by the Regional Board;
5. To protect the physical integrity and function of the City stormwater conveyance system from the effects of pollutants and materials other than stormwater;

6. To prevent the contamination of groundwater as a result of pollution migration from the City stormwater conveyance system;

7. To promote cost effective management and beneficial use of sediments in the City stormwater conveyance system;

8. To protect the health and safety of maintenance personnel and the public who may be exposed to pollutants in the City stormwater conveyance system;

9. To provide for the recovery of regulatory costs incurred by the City in the implementation of its stormwater drainage program, including, but not limited to, enforcement activities, inspections, investigations, sampling and monitoring; and

10. To establish appropriate enforcement procedures and penalties for violations of the provisions of this Chapter.

#### **15.12.030 Definitions.**

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 United States Environmental Protection Agency, as amended, and which are not specifically defined in this Chapter shall, when used in this Chapter, have the same meaning as set forth in said Act or regulation.

As used in this Chapter, the following words and phrases shall have the meanings set forth below unless the context clearly indicates otherwise.

a. "Administrator" means the Administrator of the City's Department of Public Works and his or her designees.

b. "Best Management Practices (BMP)" means schedules of activities, prohibition of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce to the maximum extent practicable the discharge of pollutants directly or indirectly to waters of the United States. BMPs shall also be defined to include structural controls, treatment controls, training requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, and drainage from raw materials storage.

c. "City" means the City of Elk Grove.

d. "City Council" means the City Council of the City of Elk Grove.

e. "County" means the County of Sacramento.

f. "City Stormwater Conveyance System" means those public and natural facilities within the City which are owned, operated, maintained or controlled by the City by which stormwater may be conveyed to waters of the United States, including, but not

limited to, any roads with drainage systems, municipal streets, catch basins, water quality basins, detention basins, constructed wetlands, natural and artificial channels, aqueducts, canyons, stream beds, gullies, curbs, gutters, ditches, sumps, pumping stations, and storm drains. The City stormwater conveyance system includes natural creeks and small streams which are also defined as receiving waters by the Municipal Storm Water Permit, but does not include the Sacramento River, American River, Cosumnes River, Mokelumne River, or navigable waterways of the Delta.

g. "Discharge" mean the release or placement of any material into the City stormwater conveyance system, including, but not limited to, stormwater, wastewater, solid materials, liquids, hazardous waste, raw materials, debris, litter or any other substance.

h. "Illicit connection" means any physical connection to the City stormwater conveyance system which is not expressly authorized by the City.

i. "Implementing Agency" means the agency or department designated by the Administrator to enforce the provisions of this Chapter with respect to a particular site, facility or industry category.

j. "Industry or industrial activity" means any service, business, enterprise, or any other activity conducted by any person for the purpose of monetary or other compensation.

k. "Material" means any substance, including, but not limited to, raw materials, finished products, garbage and debris, lawn clippings, leaves and other vegetation, biological and fecal waste, sediment and sludge, oil and grease, gasoline, paints, solvents, cleaners and any fluid or solid containing chemicals.

l. "Municipal Storm Water Permit" means NPDES Permit # CA0082597, including any amendments thereto or successor permit, issued by the Regional Board to the County and the cities of Folsom, Galt, Sacramento, Citrus Heights, Elk Grove and Rancho Cordova.

m. "National Pollution Discharge Elimination System Permit or NPDES Permit" means a permit issued by either the Regional Board or the State Water Resources Control Board pursuant to Chapter 5.5 (commencing with Section 13370) of Division 7 of the Water Code to control discharges from point sources to waters of the United States.

n. "Non-stormwater discharge" means any discharge to the City stormwater conveyance system or directly to the Sacramento River, the Cosumnes River, the Mokelumne River, the navigable waters of the Delta, or the American River which is not composed exclusively of stormwater.

o. "Person" means any natural person as well as any corporation, partnership, public agency, trust, estate, cooperative association, joint venture, business

entity or other similar entity, or the agent, employee or representative of any of the above.

p. "Pollutant" means any contaminant or other substance which, as determined by the Administrator, is discharged or has a reasonable potential to be discharged in sufficient quantities or concentrations to cause exceedance of receiving water limitations defined in Section C. 1. of the Municipal Storm Water Permit, or any successor section, or otherwise cause a violation of the Municipal Storm Water Permit. Pollutant may include, but is not limited to, solid waste, sewage, garbage, medical waste, wrecked or discarded equipment, radioactive material, dredged soil, rock, sand, industrial waste, feces, fecal coliform, fecal streptococcus, enterococcus, volatile organic carbon, surfactants, oil and grease, petroleum hydrocarbon, organic solvents, metals, phenols, pesticides, nutrients, suspended or settleable solids, materials causing an increase in biochemical or chemical oxygen or total organic carbon, substances which alter pH, and those pollutants defined in Section 1362(6) of the Federal Clean Water Act.

q. "Potential user" means any person who by nature of the enterprise, activity or industry in which such person is engaged, or by the use, possession or ownership of specified types of equipment, is determined by the Administrator to generate or have the capacity to generate wastes or wastewater which have significant potential to be discharged to the City stormwater conveyance system.

r. "Premises" means any building, lot, parcel or land, or portion thereof, whether improved or unimproved.

s. "Prohibited discharge" means any non-stormwater discharge to the City stormwater conveyance system or directly to the Sacramento River, the Cosumnes River, the Mokelumne River, navigable waters of the Delta, or the American River, which is not otherwise specifically authorized by this Chapter, the Regional Board, State or Federal law, or an NPDES permit.

t. "Receiving water limitations" means those restrictions defined and listed in Section C.1. of the Municipal Storm Water Permit or any successor section.

u. "Receiving waters" means surface bodies of water, as defined by the Municipal Storm Water Permit, including, but not limited to, creeks and rivers, which serve as discharge points for the City stormwater conveyance system.

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

w. State General Construction Activity Permit shall mean the State Water Resources Control Board's Water Quality Order No. 99-08-DWQ, National Pollution Discharge Elimination System (NPDES) General Permit No. CAS000002 Waste Discharge Requirements (WDRS) for Discharges of Storm Water Runoff Associated With Construction Activity, and any successor documents.



x. State General Industrial Activity Permit shall mean the State Water Resources Control Board's Water Quality Order No. 97-03-DWQ, National Pollution Discharge Elimination System General Permit No. CAS000001, Waste Discharge Requirements for Discharges of Storm Water Associated With Industrial Activities Excluding Construction Activities, and any successor document.

y. "Stormwater" means surface runoff and drainage resulting from storm events and snow melt.

z. "Subject Activity" means any industrial activity which is determined by the Administrator to discharge or have the potential to discharge pollutants into stormwater or non-stormwater in quantities or concentrations which may cause exceedance of receiving water limitations, or for which a requirement has been imposed by the state or federal government on the City to conduct stormwater regulatory activities focused on the activity.

aa. "Threatened prohibited discharge" means any condition or activity which does not currently result in a prohibited discharge but is nevertheless determined by the Administrator to be a condition which results in a substantial likelihood of a future prohibited discharge.

bb. "User" means any person who discharges, or causes to discharge, either directly or indirectly, stormwater or any other material into the City stormwater conveyance system.

cc. "Waters of the United States" has the same meaning as set forth in Part 122.2 of Title 40 of the Code of Federal Regulations or any successor provision.

#### **15.12.035 Construction.**

The provisions of this Chapter shall be construed to assure consistency with the requirements of the Federal Clean Water Act and any acts amendatory thereof or supplementary thereto, applicable implementing regulations, and NPDES Permit # CA 0082597 and any amendment, revision or reissuance thereof. In the event of a conflict between this Chapter and any Federal or State law, regulation, order or permit, the requirement which establishes the higher standard for public health and safety shall govern.

#### **15.12.040 Applicability.**

The provisions of this Chapter shall be applicable to all users and potential users located within the City and all users that discharge either directly or indirectly into the City stormwater conveyance system. This Chapter shall not be applicable to persons located outside the boundaries of the City if their stormwater or non-stormwater discharge enters a stormwater conveyance facility owned or operated by another public agency which is subject to a valid NPDES Permit for discharges from a municipal separate storm sewer system prior to entering the City stormwater conveyance system.

This Chapter shall not apply to facilities subject to and in compliance with the State General Construction Activity Stormwater Permit and/or the City of Elk Grove Erosion and Sediment Control Ordinance. Non-stormwater discharges at construction sites between one and five acres in size, and which the Administrator determines are in accordance with the non-stormwater discharge standards of the State General Permit for Construction Activity, are considered to be in compliance with this Chapter. This Chapter shall not apply to facilities operated by the State of California or by agencies of the Federal Government.

**15.12.050 Regulatory Consistency.**

The provisions of this Chapter shall take precedence over and are controlling with respect to any conflicting or inconsistent provisions in this Code.

**15.12.060 Compliance Disclaimer.**

Compliance by any person with the provisions of this Chapter shall not preclude the need to comply with other local, state or federal statutory or regulatory requirements relating to the control of pollutant discharges or protection of stormwater quality, or both.

**15.12.070 Severability.**

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Chapter is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this Chapter. The City Council hereby declares that it would have adopted this Chapter and each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof without regard to whether any other section, subsection, subdivision, paragraph, sentence, clause or phrase of this Chapter would subsequently be declared to be invalid or unconstitutional.

**15.12.080 Administration.**

Except as otherwise provided herein, the Administrator shall be responsible for the administration, implementation and enforcement of the provisions of this Chapter. Any powers granted to or duties imposed upon the Administrator may be delegated by the Administrator to other City employees or, upon the approval of the City Council, to employees of other public agencies.

**15.12.090 Disclaimer of Liability.**

The degree of protection required by this Chapter is considered reasonable for regulatory purposes and is based on scientific, engineering and other relevant technical considerations. The standards set forth herein are minimum standards and this Chapter does not imply that compliance will ensure that there will be no unauthorized discharge of pollutants into the waters of the United States. This Chapter shall not create liability

on the part of the City or any officer or employee thereof for any damages that result from reliance on this Chapter or any administrative decision lawfully made thereunder.

## **Article 2 Prohibited Discharges**

### **15.12.100 Prohibited Discharge.**

Except as provided in Section 15.12.110, it shall be unlawful for any person to make or cause to be made any non-stormwater discharge into the City stormwater conveyance system or directly to the Sacramento River, American River, Cosumnes River, Mokelumne River, or navigable waters of the Delta.

### **15.12.110 Exceptions to Discharge Prohibition.**

The following discharges to the City stormwater conveyance system are exempt from the otherwise applicable discharge prohibition set forth in Section 15.12.100:

a. Any discharge regulated under a NPDES permit issued to the discharger, and administered by the State pursuant to Chapter 5.5 of Division 7 of the Water Code, provided that any such discharge is in compliance with all requirements of the NPDES permit and all other applicable laws and regulations.

b. Any discharge from any of the following activities provided that any such discharge does not cause or contribute to the violation of any Receiving Water Limitation as determined by the Administrator:

1. Water line flushing;
2. Landscape irrigation;
3. Diverted stream flows;
4. Rising ground waters;
5. Uncontaminated ground water infiltration [as defined in 40 CFR 35.2005(20)] to separate storm sewers;
6. Uncontaminated pumped ground water;
7. Discharges from potable water sources;
8. Foundation drains;
9. Air conditioning condensate;
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; or
18. Discharges or flows from emergency fire fighting activities.

c. Any discharges which the Administrator or the Regional Board determines in writing are necessary for the protection of public health or safety.

d. Additional categories of non-stormwater discharges which do not cause or contribute to the violation of any Receiving Water Limitation may be accepted from the otherwise applicable prohibition by the Administrator upon approval of the Executive Officer of the Regional Board, as provided in Sections A.3. and D.4.a.1.d. of the Municipal Storm Water Permit, or any successor sections.

#### **15.12.120 Exception to Otherwise Applicable Exemptions.**

Notwithstanding the exemptions provided for in Section 15.12.110 above, if the Regional Board or the Administrator determines that a discharge which is otherwise exempt from the prohibition on discharges causes or significantly contributes to the 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 Administrator 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 expiration of the thirty (30) day period commencing upon delivery of the notice. Upon expiration of such thirty (30) day period, any such discharge shall be unlawful. Upon finding that any continuance of the discharge poses an immediate significant threat to the environment or to public health and safety, the Administrator may waive the thirty day waiting period and require immediate cessation of the discharge.

#### **15.12.130 General Discharge Prohibition.**

It shall be unlawful for any person to discharge, or cause to be discharged, any material to the City stormwater conveyance system which results in, or contributes to, a violation of the Municipal Storm Water Permit.

**15.12.140 Threatened Prohibited Discharge.**

It shall be unlawful for any person to maintain, or cause to be maintained, a threatened prohibited discharge after having received notice of the Administrator's determination as to the existence of a threatened prohibited discharge.

**15.12.150 Illicit Connections Prohibited.**

a. It shall be unlawful for any person to establish, use or maintain, or cause to establish, use or maintain, any illicit connection. Illicit connections shall be subject to removal and abatement by the City pursuant to Chapter 16.02 of this Code.

b. The prohibition set forth in subsection (a) above shall apply to illicit connections in existence at the time that this Chapter becomes effective. Upon the effective date of this Chapter, any person who maintains an illicit connection shall have thirty (30) days from the effective date of this Chapter to disconnect and discontinue use of such connection. Notwithstanding the provisions of this section, any person who maintains an illicit connection, as defined in Section 15.12.030(g), may apply to the City for a permit to continue the connection subject to applicable City standards.

**15.12.160 Negligence or Intent Not Required.**

A violation of the provisions of this Article 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.

**Article 3  
Reduction of Pollutants in Stormwater**

**15.12.200 General Requirements.**

a. The Administrator may designate as Subject Activities any activities, including industrial activities, which are identified as potential sources of discharges of pollutants to the City Stormwater Conveyance System, or for which a requirement has been imposed by the state or federal government for the City to conduct stormwater regulatory activities focused on the Subject Activity in question.

b. Any person who the Administrator determines is conducting any Subject Activity shall prevent or reduce the discharge of pollutants from those activities, to the maximum extent practicable, through the implementation of BMPs in accordance with Section 15.12.220.

c. The Administrator shall conduct a notification and comment process for designations or determinations made pursuant to section (a) of this section.

d. Any determination made by the Administrator pursuant to subsection (b) of this section shall be subject to the provisions for the adoption of regulations set forth in Section 15.12.230.

**15.12.210 Containment and Notification of Spills.**

a. Any person owning or occupying premises, or conducting any activity, that has knowledge of any non-stormwater discharge or threatened prohibited discharge, from the premises or activity to the City stormwater conveyance system shall immediately take all reasonable action to contain and otherwise minimize any such discharge.

b. The Administrator may designate types of activities where the owner or operator of the activity shall be required to notify the Administrator or the Implementing Agency within twenty-four (24) hours of the discovery of an actual discharge into the City stormwater conveyance system.

c. For any discharge subject to the reporting requirements of the State of California Water Code Sections 13271 and 13272, notification in compliance therewith shall constitute sufficient notification for the purposes of this Section.

**15.12.220 Best Management Practices.**

a. The Administrator may adopt regulations for specified Subject Activities. Such regulations shall describe Best Management Practices ("BMPs") which, if implemented by persons conducting such Specified Activities, shall satisfy the requirements of Section 15.12.200.

b. Persons conducting Subject Activities may implement BMPs not contained in the adopted regulations to satisfy the requirement of Section 15.12.200(b) through either of the following mechanisms:

i. By submitting and receiving prior written approval for the alternative BMPs from the Administrator if he or she determines that the proposed alternative BMPs provide a level of protection from stormwater discharges equivalent to the BMPs contained in the regulations adopted pursuant to (a) above; or

ii. By implementing alternative BMPs which provide a level of protection from stormwater discharges equivalent to the BMPs contained in the regulations adopted pursuant to (a) above.

c. Any alternative BMPs implemented pursuant to subsection (b)(ii) above shall be subject to review and approval by the Administrator as part of the inspection procedures set forth in Article 4 of this Chapter. If a person conducting Subject Activities implements alternative BMPs without the prior written approval of the Administrator and subsequently receives written notice from the Administrator that the alternative BMPs do not provide the required equivalent level of protection from stormwater discharges, the continued implementation of such alternative BMPs shall be deemed to be a violation of the requirements of 15.12.200(b) as of the date of delivery of such notice unless it is ultimately determined pursuant to an administrative appeal

pursuant to Section 15.12.400 that the alternative BMPs provide the required equivalent level of protection from stormwater discharges.

d. Any facility that is in compliance with its State or Federal NPDES permit for stormwater discharges for that facility shall be deemed to have met the requirements of Section 15.12.200(b).

e. The Administrator shall develop regulations for determining when BMPs have been successfully implemented.

#### **15.12.230 Administrative Rules and Regulations.**

a. The Administrator shall have the authority to promulgate regulations for the implementation of this Chapter. Prior to the Administrator's initiation of any proposed regulations, the Administrator shall submit a public input plan to the City Council for its approval. The public input plan approved by the City Council shall be generally applicable to the promulgation of regulations by the Administrator.

b. All regulations promulgated by the Administrator shall be consistent with the provisions of this Chapter. Any such regulations, or amendments thereof, shall be filed with the Clerk of the City Council. The Clerk shall cause announcement of said rules or regulations to be published in a newspaper of general circulation within ten calendar days. Such announcements shall provide a reasonable summary of the content of the rule. In addition, the Administrator shall make a reasonable effort to identify, notify, and provide copies to any activities which are specifically designated by the Administrator as subject to a rule or regulation. However, neither the failure of the Administrator to provide such notice nor the failure to receive individual notice shall exempt an activity from that rule or regulation. No regulations promulgated by the Administrator, or amendments thereof, shall be enforced or become effective until thirty (30) calendar days following the date on which notification of the regulations are published.

c. Any person who asserts that he or she is aggrieved by the terms or application of a regulation issued pursuant to this section may appeal the issuance of such regulation by filing a written notice of appeal with the Clerk of the City Council. The notice of appeal shall specifically identify the regulation or regulations from which the appeal is taken and the reasons for the appeal. Upon receipt of such notice, the Clerk of the City Council shall schedule the appeal for a public hearing by the City Council. At the conclusion of the public hearing the City Council shall be vested with jurisdiction to deny the appeal or to rescind or modify the regulation. The City Council's determination in this regard shall be final.

d. Any regulation from which an appeal is filed prior to its effective date shall not become effective until the date of a determination by the City Council of the appeal. Any regulation from which an appeal is filed on or subsequent to the effective date thereof shall remain in full force and effect during the pendency of the appeal, and any decision which rescinds or modifies the regulation shall apply prospectively.

**15.12.235 BMP Maintenance Requirements.**

The Administrator may require a property owner to establish, document, and conduct a maintenance program, subject to approval, for any BMP. This requirement may apply to BMPs required by the City or BMPs that were voluntarily installed pursuant to Section 15.12.220. Such a maintenance program may be required when the Administrator determines that proper maintenance is necessary to protect public safety, health, infrastructure, or the environment, or to otherwise meet the purposes of this Chapter. Maintenance requirements established pursuant to this subsection must be appropriate for the site conditions and design of BMPs.

**Article 4  
Inspection, Monitoring and Reporting**

**15.12.300 Scope of Inspections.**

a. Prior to commencing any inspection authorized pursuant to this section, the Administrator shall obtain the consent of the owner or occupant of the premises, an administrative inspection warrant or a criminal search warrant. Routine or area inspections shall be based upon such reasonable selection processes as may be deemed necessary to carry out the objectives of this Chapter including, but not limited to, random sampling, sampling in areas with evidence of stormwater contamination, illicit connections, discharge of non-stormwater to the City stormwater conveyance system or similar factors.

b. The Administrator may enter upon private property to investigate the source of any discharge to any public street, inlet, gutter, storm drain or the City stormwater conveyance system.

c. The Administrator may enter upon private property for the purpose of verifying compliance with the provisions of this Chapter, including, but not limited to, the following:

1. Identifying products produced, processes conducted, chemicals used and materials stored on or contained within the property;

2. Identifying point(s) of discharge of all wastewater, process water system, pollutants and other discharges from the property;

3. Investigating the natural slope of the premises, including drainage patterns and artificial conveyance systems;

4. Establishing the location of all points of discharge from the property, whether by surface run-off or through a storm drain system;

5. Locating any illicit connection or the source of any prohibited discharge; and



## 6. Evaluating implementation of BMPs.

d. For purposes of verifying compliance with the provisions of this Chapter, the Administrator may inspect any vehicle, truck, trailer, tank truck or other mobile equipment, or any stationary equipment, which may reasonably be believed to be used by the business for business-related activities and to be associated with industrial sources of pollutants or with non-stormwater discharges.

e. The Administrator may inspect all records of the owner or occupant of any premises relating to chemicals or processes presently or previously occurring on-site, including materials and/or chemical inventories, facilities maps or schematics or diagrams, material safety data sheets, hazardous waste manifests, business plans, pollution prevention plans, State general permits, monitoring program plans or any other records relating to illicit connections, prohibited discharges or the potential discharge of pollutants to the City stormwater conveyance system. In addition, the Administrator may require the owner or occupant to furnish, within a reasonable time period, copies of all such records.

f. The Administrator may conduct any necessary surveillance, inspect, sample and test any area runoff, soils area (including any groundwater testing), process discharge, materials within any waste storage area (including any container contents), and/or treatment system discharge for the purpose of determining the potential for the contribution of pollutants to the City stormwater conveyance system. The Administrator may conduct surveillance and investigate the integrity and layout of all storm drain and sanitary sewer system or other pipelines on the premises using appropriate tests, including, but not limited to, smoke and dye tests or video surveys. The Administrator may conduct any necessary surveillance, take photographs or video tape, make measurements or drawings, and create any other record reasonably necessary to document conditions on the premises.

g. The Administrator may require regular reports from industrial facilities and construction sites discharging into the City stormwater conveyance system.

h. The Administrator may erect and maintain monitoring and sampling devices for the purpose of measuring any discharge or potential source of discharge to the City stormwater conveyance system.

### **15.12.330 Reporting Requirements.**

a. The Administrator may require any person to report information for purposes related to the goals of this Chapter. Required information may include but is not limited to the following: characterization of industrial activities; compliance with this Chapter, compliance with State General Permit requirements; compliance with Administrative Enforcement Orders or other enforcement actions; discharge monitoring; training; and BMP implementation, effectiveness, and maintenance.

b. The Administrator may require information to be submitted on an as needed basis.

c. The Administrator may require submitted information to be compiled, summarized, analyzed or organized in a reasonable manner that facilitates its interpretation or other use. As necessary to facilitate the use of information, the Administrator may also specify the medium and format of required submittals.

d. Failure to provide information in a timely manner as required by the Administrator, or knowingly or negligently providing false information shall be a violation of this Chapter.

**15.12.350 Fees.**

The Administrator shall collect such fees as may be authorized by the City Council to provide for the recovery of regulatory costs, including routine inspections and other regulatory functions associated with this Chapter. There shall be no fee assessed to appeal the determination that a person conducts any Subject Activity. Any such fees shall be established by resolution of the City Council.

**Article 5  
Enforcement**

**15.12.400 Notice of Non-Compliance.**

a. The Administrator may deliver to the owner or occupant of any premises, or to any person responsible for an illicit connection, prohibited discharge, maintenance of a threatened prohibited discharge, failure to implement BMPs in accordance with Section 15.12.200(b), or any other violation of this Chapter a Notice of Non-Compliance. The Notice of Non-Compliance shall be delivered in accordance with Section 15.12.430 hereof.

b. The Notice of Non-Compliance shall identify the provision of this Chapter which has been violated. The Notice of Non-Compliance shall state that continued noncompliance may result in additional enforcement actions, including the recovery of any costs incurred by the City.

c. The Notice of Non-Compliance shall identify a compliance date that must be met; provided, however, that the compliance date may not exceed ninety (90) days unless the Administrator extends the compliance deadline an additional period not exceeding ninety (90) days when good cause exists for the extension.

**15.12.410 Administrative Compliance Orders.**

a. The Administrator may issue an Administrative Compliance Order. The Administrative Compliance Order shall be delivered in accordance with Section

15.12.430 hereof. The Administrative Compliance Order may be issued to any of the following:

1. The owner or occupant of any premises requiring abatement of conditions on the premises that cause or may cause a prohibited discharge in violation of this Chapter.
2. A person who fails to implement BMPs in accordance with Section 15.12.200(b).
3. Any person responsible for a prohibited discharge or maintenance of a threatened prohibited discharge.

b. The Administrative Compliance Order may include the following terms and conditions:

1. Specific steps and time schedules for compliance as reasonably necessary to prevent threatened or future unauthorized discharges, including, but not limited to, the threat of any prohibited discharge from any pond, pit, well, surface impoundment, holding or storage area.
2. Specific requirements for containment, cleanup, removal, storage, or proper disposal of any material having the potential to contribute pollutants to stormwater runoff.
3. Specific requirements for the installation of overhead covering.
4. Any terms or conditions reasonably calculated to prevent continued or threatened violations of this Chapter.
5. Any other measures necessary or appropriate to fully implement BMPs in accordance with Section 15.12.200(b).

**15.12.420 Cease and Desist Orders.**

a. The Administrator may issue a Cease and Desist Order. A Cease and Desist Order shall be delivered in accordance with Section 15.12.430 hereof. A Cease and Desist Order may direct the owner or occupant of any premises, or any other person responsible for any violation of this Chapter, to take any of the following action:

1. Immediately discontinue any prohibited discharge to the City stormwater conveyance system.
2. Immediately discontinue any other violation of this Chapter.
3. Clean up the area affected by the violation.

b. The Administrator may direct by a Cease and Desist Order that any person immediately cease any activity which may lead to a violation of Receiving Water Limitations.

**15.12.430 Delivery of Notice.**

Any notice of non-compliance, administrative compliance order, cease or desist order or other enforcement order pursuant to the requirements of this Chapter shall be subject to the following requirements:

a. The notice shall state that the recipient has a right to appeal the matter as set forth in Section 15.12.440 of this Chapter.

b. The notice shall state that the recipient or the property owner, or both, may be liable for all enforcement costs incurred by the City in correcting the violation.

c. Delivery shall be deemed complete upon either personal delivery to the recipient or deposit in the U.S. mail postage pre-paid for first class delivery.

d. Where the recipient of the notice is the owner of the property, the address for notice shall be the address from the most recently issued equalized assessment roll for the property.

e. Where the owner or occupant of any premises cannot be located after reasonable efforts of the Administrator, the notice shall be deemed delivered after posting on the premises for a period of ten (10) business days.

**15.12.440 Administrative Appeals.**

a. Except as set forth in subsection (c) below, any person receiving a notice of non-compliance, a designation as a person who conducts Subject Activities, an administrative compliance order or who is otherwise subject to an adverse determination pursuant to this Chapter may appeal the matter by requesting an administrative hearing before a hearing officer appointed by the City Council.

b. Any person appealing a notice of non-compliance, administrative compliance order, designation as a person who conducts Subject Activities or other adverse determination shall file, within thirty (30) days of receipt of notice thereof, a written request for an administrative hearing, accompanied by an administrative hearing fee as established by resolution of the City Council, with the Administrator. A hearing on the matter shall thereafter be held before a hearing officer within forty-five (45) days of the filing of the written request unless, in the reasonable discretion of the hearing officer and pursuant to a request by the appealing party, a continuance of the hearing is granted.

c. An administrative hearing on the issuance of a cease and desist order or following an emergency abatement action shall be held within five (5) business days

following the issuance of the order or the action of abatement, unless the hearing or the time requirement for the hearing is waived in writing by the party subject to the cease and desist order or the emergency abatement. A request for an administrative hearing shall not be required from the person subject to the cease and desist order or the emergency abatement.

d. The Administrator shall appear in support of the notice, order, designation, determination or emergency abatement action and the appealing party shall appear in support of the withdrawal of the notice, order, designation, determination or in opposition to the emergency abatement action. The City shall have the burden of supporting any enforcement or other action by a preponderance of the evidence. Each party shall have the right to present testimony and other documentary evidence as necessary for the appropriate presentation of the case.

e. Except in the case of a proceeding to determine the validity of a cease and desist order or a hearing following an emergency abatement, the final decision of the hearing officer shall be issued within ten (10) business days of the conclusion of the hearing and shall be delivered by first-class mail, postage prepaid, to the appealing party. In the case of a proceeding to determine the validity of a cease and desist order or a hearing following an emergency abatement, the final decision of the hearing officer shall be issued within five (5) business days following the conclusion of the hearing. The final decision shall include notice that any legal challenge to the final decision shall be made pursuant to the provisions of Code of Civil Procedure Sections 1094.5 and 1094.6 and shall be commenced within ninety (90) days following the final decision. Any administrative hearing fee paid by a prevailing party shall be refunded.

**15.12.450 Nuisance and Abatement.**

a. Any condition in violation of the provisions of this Chapter, including, but not limited to, the maintenance or use of any illicit connection or the occurrence of any prohibited discharge, shall constitute a threat to the public health, safety and welfare and is declared and deemed to be a public nuisance.

b. At the request of the Administrator, the City may seek a court order to enjoin or abate the nuisance, or both. Prior to seeking any court order to enjoin or abate a nuisance or threatened nuisance, the Administrator shall provide notice of the proposed injunction or abatement to the owner and occupant, if any, of the premises where the nuisance or threatened nuisance is occurring.

c. At the request of the Administrator, the City may seek an abatement warrant or other appropriate judicial authorization to enter the premises where any nuisance or threatened nuisance is occurring and to abate the condition and restore the area.

d. In the event the nuisance constitutes an imminent danger to public safety or the environment, the Administrator may enter the premises from which the nuisance emanates, abate the nuisance and restore any property affected by the nuisance

without prior notice to or consent from the owner or occupant thereof and without judicial warrant.

1. An imminent danger shall include, but is not limited to, exigent circumstances created by the dispersal of pollutants, where such pollutants presents a significant and immediate threat to the public safety or the environment.

2. Notwithstanding the authority of the City to conduct an emergency abatement action, an administrative hearing pursuant to Section 15.12.440 shall follow the emergency abatement action.

**15.12.460 Civil Penalties.**

a. In addition to any other remedies provided by this Chapter, there is hereby imposed an administrative civil penalty of up to \$5,000 for each violation of this Chapter. Notice of any administrative civil penalty shall be served and proof of service shall be made in the same manner as provided in Section 15.12.430 hereof. The notice shall provide that any administrative civil penalty imposed shall be administratively reviewed by a hearing officer before it is enforced. When violation of this Chapter pertains to a continuing violation that does not create an immediate danger to health or safety, as determined by the Administrator, the violator shall be provided with a reasonable time to correct or otherwise remedy the violation prior to imposition of the penalty. The Administrator shall determine and notify the violator of the time within which the violator must correct or remedy the violation. The notice shall provide that an administrative civil penalty will be imposed if the continuing violation is not remedied or corrected within the time stated.

b. Enforcement of the administrative civil penalty imposed by the Administrator shall be by written order issued by the hearing officer following notice and an opportunity for hearing. Procedures concerning notice, conduct of the hearing, and service shall be as provided in Section 15.12.440 hereof. The order of the hearing officer concerning the administrative civil penalty shall be in writing resolving the essential issues raised and confirming, amending or rejecting the administrative civil penalty imposed by the Administrator. In reaching a decision concerning any administrative civil penalty, the hearing officer shall be guided by factors including, but not limited to the following: the danger to public health, safety and welfare represented by the violation, recidivism, and any economic benefit associated with non-compliance.

c. The manner of contesting the final order of the hearing officer concerning any administrative civil penalty is governed by Government Code Section 53069.4, or any successor provision thereto. Service of the notice of appeal authorized by Government Code Section 53069.4 on the City shall be served upon the Clerk of the City Council.

**15.12.470 Criminal Penalties.**

a. Any person who negligently or knowingly violates any provision of this Chapter, undertakes to conceal any violation of this Chapter, continues any violation of this Chapter after notice thereof, or fails to implement BMPs in accordance with Section 15.12.200(b) shall be guilty of a misdemeanor and upon conviction thereof be fined not more than \$1,000 or imprisoned for not more than six (6) months in the City Jail, or both.

b. Each day in which a violation occurs and each separate failure to comply with either a separate provision of this Chapter, an administrative compliance order, a cease and desist order, or failure to implement BMPs in accordance with Section 15.12.200(b) shall constitute a separate violation of this Chapter punishable by fines or sentences in accordance herewith.

c. The Administrator may authorize specifically designated City employees to issue citations for misdemeanor violations of this Chapter pursuant to Penal Code Section 836.5.

**15.12.480 Miscellaneous Enforcement Provisions.**

a. Each and every remedy available for the enforcement of this Chapter shall be non-exclusive and it is within the discretion of the Administrator to seek cumulative remedies.

b. The Administrator may request the City to file a civil action in a court of competent jurisdiction seeking an injunction against any threatened or continuing noncompliance with the provisions of this Chapter. Any temporary, preliminary or permanent injunction issued pursuant to this subsection may include an order for reimbursement to the City of all costs incurred in enforcing this Chapter, including, but not limited to, costs of inspection, investigation and monitoring, the costs of abatement undertaken at the expense of the City, costs relating to the restoration of the environment and any other costs or expenses authorized by law.

c. The Administrator may request the City to file an action for civil damages in a court of competent jurisdiction seeking recovery of any of the following:

1. All costs incurred in the enforcement of this Chapter, including, but not limited to, costs relating to investigation, sampling, monitoring, inspection, administrative expenses, all other expenses authorized by law and consequential damages.

2. All costs incurred in mitigating harm to the environment or reducing the threat to human health.

3. Damages for irreparable harm to the environment.

d. The City is authorized to file actions for civil damages resulting from any trespass or nuisance occurring on public property or to the City stormwater conveyance system from any violation of this Chapter where such violation has caused damage, contamination or harm to the environment, public property or the City stormwater conveyance system.

e. The remedies available to the City pursuant to the provisions of this Chapter shall not limit the right of the City or any law enforcement agency to seek any other legal or equitable remedy that may be available to it.

f. Each day in which a violation occurs and each separate failure to implement BMPs in accordance with Section 15.12.200(b) or to comply with either a separate provision of this Chapter, an administrative compliance order, or a cease and desist order shall constitute a separate violation of this Chapter punishable by administrative penalties in accordance with this Chapter.

## **Article 6 Recovery of Cost of Abatement**

### **15.12.500 Costs of Abatement – Confirmation.**

a. When proceedings under this Chapter result in the correction of a violation of this Chapter or in a final determination that a violation exists subsequent to the date specified in any notice issued pursuant to the provisions of this Chapter, the costs of such proceedings incurred by the City may be assessed against the property. Such costs may include, but are not limited to, those incurred in inspecting property, publication, mailing and posting of notices, conducting hearings, processing appeals and pursuing any judicial action. It is the purpose of this section to allow the assessment against property of costs of proceedings if a violation is corrected in any manner.

b. The Administrator shall keep an account of the administrative and other costs of abatement, and shall submit to the City Council for confirmation an itemized written report showing such costs and their proposed assessment to the respective properties. The report shall be filed with the Clerk of the City Council not later than fifteen (15) calendar days in advance of the confirmation hearing required below.

c. Upon receipt of the report, the Clerk of the City Council shall schedule a public hearing to receive protests and confirm the report. A statement of the proposed assessment and notice of the time, date and place of the hearing, together with reference to the report on file with the Clerk, shall be mailed to the owner or owners of each parcel of property proposed to be assessed shown on the last equalized assessment roll available on the date of mailing of the notice or any other address or addresses ascertained to be more accurate. Such notice shall be mailed not later than fifteen (15) calendar days in advance of the hearing. Notice of the time, date and place of the public hearing by the City Council shall be published once in a newspaper of general circulation published with the City. With respect to each property proposed to be assessed for which the name or the owner or owners is not shown on the last equalized



assessment roll or no address for an owner is shown on the last equalized assessment roll, the notice shall show the name or names of the owner or owners, if such name or names are shown on the last equalized assessment roll, the assessor's parcel number, the street address of the property, if the property has an address and the address is known to the Administrator, the name of the street or road upon which such property abuts, if the property abuts upon a street or road, the amount of the proposed assessment and reference to the report on file with the Clerk. Such publication shall be made not later than fifteen (15) calendar days in advance of the hearing.

d. At the time fixed for receiving and considering the report, the City Council shall conduct a public hearing and shall receive and consider any objections from members of the general public or property owners liable to be assessed for the abatement. Written protests or objections shall specify the date, hour and description of the subject property under hearing. The City Council may continue the hearing and delegate to the City Manager or his designee the responsibility of hearing individual protests and submitting a recommendation with respect thereto; provided that the City Council provides an opportunity for individual consideration of each project upon receipt of the recommendation by the City Manager or his designee. The City Council may modify the report if it is deemed necessary. The City Council shall then confirm the report by motion or resolution.

#### **15.12.510 Costs – Assessments.**

a. If the costs as confirmed are not paid within thirty (30) days of the date of mailing of the notice or date of publication pursuant to Section 15.12.500 above, such costs shall be assessed against the parcel of land pursuant to Section 25845 of the Government Code, and shall be transmitted to the Tax Collector for collection and shall be subject to the same penalties and the same procedures and sale in case of delinquency as provided for ad valorem taxes.

b. If subsequent to the mailing of the notice of non-compliance and prior to transmittal of the notice of unpaid costs to the Tax Collector for collection as set forth in subsection (a) of this section, the property subject to the notice of non-compliance is sold, or title otherwise transferred to a bona fide purchaser, said costs shall be the responsibility of the owner of record as of the date said notice of non-compliance was placed in the United States postal system or posted on the property.

c. In addition to assessing the unpaid costs as provided in subsection (a) herein, the Tax Collector or his designated representative may pursue any remedy provided by law for collection of the unpaid costs.

#### **15.12.520 Treble Costs.**

Pursuant to Government Code Section 25845.5, upon entry of a second or subsequent civil or criminal judgment within a two (2) year period finding that an owner is responsible for a condition in violation of this Chapter that may be abated pursuant to

Government Code Section 25845, a court may order the owner to pay treble the costs of abatement.

**15.12.530 Hearing of Protests.**

Upon the day and hour fixed for the hearing, the City Council shall hear and pass upon the report of the Administrator together with any such protests or objections. The City Council may make such revision, correction or modification of the report or the charge as it may deem just; and in the event the City Council is satisfied with correctness of the charge, the report of the Administrator (as submitted or as revised, corrected or modified) together with the charge, shall be confirmed or rejected. The decision of the City Council on the report and the charge and on all objections or protests shall be final and conclusive.

**15.12.540 Assessment for Summary Abatement.**

Where the charge to be made is the result of summary abatement pursuant to Section 15.12.460(c), the City Council may determine whether or not the action to abate was proper, and may confirm the charge or not as it may deem proper.

**15.12.550 Time for Contest of Assessment.**

The validity of any assessment made under the provisions of this Chapter shall not be contested in any action or proceeding unless the same is commenced within thirty (30) days after the assessment is ordered to be placed upon the assessment roll as provided herein.

**15.12.560 Filing Copy of Report with County Auditor.**

A certified copy of the assessment shall be filed with the County Auditor on or before August 1. The descriptions of the parcels reported shall be those used for the same parcels on the map books of the County Assessor for the current year.

**Article 7  
Commercial and Industrial Facilities**

**15.12.600 Findings.**

- a. One of the requirements of the municipal stormwater permit (NPDES No. CAS0082597) to which the City is a co-permittee, is to track, inspect, and ensure compliance with stormwater ordinances at certain commercial and industrial facilities.
- b. The Sacramento County Environmental Management Department (EMD), as both the State-designated Certified Unified Program Agency (CUPA) and the Environmental Health Agency for Sacramento County, is currently tracking and inspecting the majority of commercial and industrial facilities subject to the provisions of the municipal stormwater permit.

c. Utilizing EMD to fulfill the commercial and industrial inspection program requirements under the municipal stormwater permit will result in greater program efficiency, reduced program costs, reduced impacts to the regulated business community, and is in the best interest of the City.

d. On March 17, 2004, the City Council authorized the City Manager to enter into an agreement with EMD for fulfilling the NPDES permit inspection requirements with respect to commercial and industrial facilities.

e. Under the Agreement, the City is required to amend the stormwater ordinance as necessary to authorize the County EMD to implement the stormwater compliance program for commercial and industrial facilities. The City must make any necessary amendments to the stormwater ordinance to the extent necessary to authorize EMD to:

1. Conduct all necessary inspections or re-inspections of regulated facilities within the incorporated City area;
2. Take any necessary enforcement actions as authorized by the Municipal Code and consistent with a City-approved enforcement plan;
3. Investigate and follow-up referred complaints at eligible facilities;
4. Establish and collect fees necessary to recover program implementation costs.

f. The term of the Agreement is July 1, 2004 through June 30, 2010, unless sooner terminated, or extended by the City and County.

**15.12.610 Purpose and Intent.**

a. The purpose of this Article is to fulfill the requirements of the Agreement between the City and Sacramento County, authorized by the City Council on March 17, 2004, whereby the County shall assume responsibility for providing tracking, inspection, and enforcement of the City's stormwater ordinance with respect to commercial and industrial facilities within the incorporated City area as required by the municipal stormwater permit.

b. It is the intent of the City Council in adopting this Article to provide the necessary amendments in order to authorize the County to accomplish the following goals:

1. Conduct all necessary inspections or re-inspections of regulated facilities within the incorporated City area;
2. Take any necessary enforcement actions as authorized by the Municipal Code and consistent with a City-approved enforcement plan;

3. Investigate and follow-up referred complaints at eligible facilities;
4. Establish and collect fees necessary to recover program implementation costs.

**15.12.620 Delegation of Authority to County EMD**

a. Pursuant to the Agreement authorized by the City Council on March 17, 2004, whereby the County shall assume responsibility for tracking, inspecting, and enforcing the City's stormwater ordinance at certain commercial and industrial facilities specified in the municipal stormwater permit, the term "Administrator," as used in this Chapter shall also mean the Director of the Sacramento County Environmental Management Department and his or her designees.

b. Any administrative or civil enforcement by the Director of the Sacramento County EMD or his or her designees of any provision of this Chapter under this Article shall be governed by and conducted pursuant to Chapter 15.12 of the Sacramento County Code.

c. Sacramento County may establish and collect from commercial and industrial facilities located within the City such fees as may be necessary to cover the actual costs incurred by Sacramento County to include these facilities in its commercial and industrial compliance program, provided that the fees are established and collected in accordance with the provisions of the Agreement and all applicable legal requirements.

d. The delegation of authority to Sacramento County under this Article is limited to only that required by the March 17, 2004 Agreement, as may be necessary to allow the Director of the County EMD to track, inspect, and ensure compliance with the City's stormwater ordinance at commercial and industrial facilities as required under the municipal stormwater permit.

**15.12.630 Expiration of This Article.**

The provisions of this Article 7 shall remain in effect only to the extent that the March 17, 2004 Agreement between the City and County EMD, or any successor agreement, remains in effect. Upon expiration of the Agreement, or any successor agreement, the provisions of this Article shall expire.

**SECTION 4. EFFECTIVE DATE.** This ordinance shall take effective immediately as an urgency ordinance. As of July 1, 2004, the Sacramento County Environmental Management Department is responsible for conducting inspections on certain commercial and industrial facilities within the City's jurisdiction. In order to conduct these inspections, and to allow the County to reschedule any inspections which may have been missed in the intervening time since July 1, 2004, this ordinance is necessary immediately. For these reasons, the City Council finds that the immediate passage of this ordinance is necessary for the immediate preservation of the public

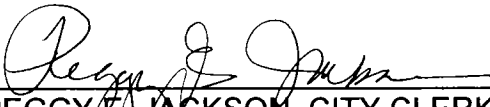
peace, health, and safety, the physical integrity of the City and orderly administration of municipal affairs within the City of Elk Grove.

SECTION 5. PUBLICATION. In lieu of publication of the full text of the ordinance within 15 days after its passage, a summary of the ordinance may be published at least five days prior to and fifteen (15) days after adoption by the City Council and a certified copy shall be posted in the office of the City Clerk, pursuant to GC 36933(c)(1).

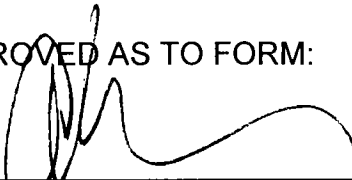
PASSED AND ADOPTED by the City Council of the City of Elk Grove on this 18<sup>th</sup> day of August 2004.

  
\_\_\_\_\_  
SOPHIA SCHERMAN, MAYOR  
CITY OF ELK GROVE

ATTEST:

  
\_\_\_\_\_  
PEGGY E. JACKSON, CITY CLERK

APPROVED AS TO FORM:

  
\_\_\_\_\_  
ANTHONY B. MANZANETTI  
CITY ATTORNEY

**Effective Date: August 18, 2004**

**AYES:** Scherman, Soares, Briggs, Cooper, Leary  
**NOES:** None  
**ABSTAIN:** None  
**ABSENT:** None