

BEFORE THE CITY COUNCIL OF THE CITY OF TURLOCK

IN THE MATTER OF ADDING TURLOCK }  
MUNICIPAL CODE TITLE 6, CHAPTER 8, }  
STORM WATER MANAGEMENT AND }  
URBAN RUNOFF POLLUTION CONTROL }  
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ORDINANCE NO. 1199-CS

WHEREAS, the US EPA and State Water Resources Control Board have determined that storm water discharges and urban runoff can be significant sources of water pollution that can threaten aquatic life and public health; and

WHEREAS, the State Water Resources Control Board and Central Valley Regional Water Quality Control Board regulate storm water discharges and urban runoff from municipal sources in California; and

WHEREAS, the State Water Resources Control Board adopted the Phase II Small Municipal Separate Storm Sewer System (Small MS4) General National Pollutant Discharge Elimination System (NPDES) Permit that requires small cities in California to comply with its requirements; and

WHEREAS, the proposed ordinance will provide adequate legal authority to control pollutant discharges into and from the MS4, meet the requirements of the Small MS4 General Permit, and protect the general health, safety, and welfare of our citizens.

BE IT ORDAINED by the City Council of the City of Turlock as follows:

SECTION 1. ADDITION: Title 6, Chapter 8 is hereby added to read as follows:

**Chapter 6-8**  
**STORM WATER MANAGEMENT AND URBAN RUNOFF POLLUTION CONTROL**

Sections:

Article 1. General Provisions

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- 6-8-104 Definitions.
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- 6-8-202 Exceptions to Discharge Prohibition.
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## Article 1. General Provisions

### 6-8-101 Title.

This chapter shall be known as the city "Storm Water Management and Urban Runoff Pollution Control Ordinance," and may be cited as such.

### 6-8-102 Purpose.

(a) Purpose. The purpose of this chapter is to protect and promote the health, safety, and general welfare of the citizens of the City through the effective prohibition and reasonable control of non-storm water discharges to the Municipal Separate Storm Sewer System (MS4) from spills, dumping or disposal of materials other than storm water, and by reducing pollutants in urban storm water discharges to the maximum extent practicable.

(b) Intent. The intent of this chapter is to assist in the protection and enhancement of the water quality of local watercourses, water bodies, and wetlands (receiving waters) in a manner pursuant to and consistent with the Federal Water Pollution Control Act (33 U.S.C. §§ 1251 *et seq.*), by reducing pollutants in storm water discharges and by limiting non-storm discharges into the MS4 to the maximum extent practicable.

(c) Scope. This chapter provides for the control and regulation of discharges to the MS4 and receiving waters, through a program of education and enforcement of general and specific prohibitions and requirements. This chapter applies to all dischargers and places of discharge located within the City of Turlock that discharge storm water or non-storm water into any MS4 or receiving waters.

(d) Objectives. Through a program employing watershed-based approaches that balance environmental and economic considerations, the City seeks to protect and promote the public health, safety, and general welfare of its citizens with the implementation of the following objectives:

- (1) To comply with all federal and state laws, lawful standards, and orders applicable to storm water and urban runoff pollution control;
- (2) To prohibit and reasonably control any discharge that may interfere with the operation of, or cause any damage to the MS4, or impair the beneficial uses of the receiving waters;
- (3) To prohibit illicit discharges to the MS4;
- (4) Reduce storm water runoff rates and volumes, soil erosion and non-point source pollution wherever feasible, through storm water management controls and to ensure that these management controls are properly maintained;

- (5) To reduce pollutants in storm water and urban runoff;
- (6) To reduce unauthorized non-storm water discharges to the MS4 to the maximum extent practicable;
- (7) To develop and implement effective educational outreach programs designed to educate the public on issues of storm water and urban runoff pollution;
- (8) To establish adequate legal authority to carry out all inspection, surveillance and monitoring, or other procedures necessary to ensure compliance with this chapter.

(e) Violations. Any person violating any of the provisions or failing to comply with the mandatory requirements of this chapter may be prosecuted in accordance with Turlock Municipal Code Section 1-2-01.

#### **6-8-103 Ultimate Responsibility of Discharger.**

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 there will be no contamination, pollution, nor unauthorized discharge of pollutants into waters of the United States caused by such person. This chapter shall not create liability on the part of the City of Turlock, 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.

#### **6-8-104 Definitions.**

For the purposes of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

"Basin Plan" shall mean a Water Quality Control Plan adopted by the California Regional Water Quality Control Board for the Central Valley or the State Water Resources Control Board for a specific region, watershed, or other designated area.

"Best Management Practice" or "BMP" shall mean schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and education practices, maintenance procedures, and other management practices to prevent or reduce, to the maximum extent practicable, the discharge of pollutants directly or indirectly to the MS4. Best Management Practices may also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, and drainage from construction or industrial sites or from raw material storage. Examples of BMPs may include: public education and outreach, proper planning of development projects, proper cleaning of catch basin inlets, and proper sludge or waste-handling and disposal, among others.

"California Storm Water Quality Association" or "CASQA" shall mean the California Storm Water Quality Association, a professional member association dedicated to information sharing and the advancement of storm water quality management.

"Charity Vehicle Washing" shall mean the washing and rinsing of passenger vehicles on private property by nonprofit organizations.

"City" shall mean the City of Turlock.

"Clean Water Act" or "CWA" shall mean the Federal Water Pollution Control Act (33 U.S.C. §§ 1251 *et seq*) and any subsequent amendments thereto.

"Commercial Activity" shall mean any public or private activity involved in the storage, transportation, distribution, exchange or sale of goods and/or commodities, or providing professional and/or non-professional services.

"Construction Activity" is defined as clearing, grading, or excavation that results in soil disturbance. Construction activity does not include routine maintenance to maintain original line and grade, hydraulic capacity, or the original purpose of the facility, nor does it include emergency construction activities required to immediately protect public health and/or safety.

"Control" shall mean to minimize, reduce, or eliminate by mechanical, physical, technological, legal, contractual, or other means the discharge of pollutants from an activity or activities.

"Development" shall mean any construction, rehabilitation, redevelopment, or reconstruction of any public or private residential project (whether single-family, multi-unit or planned unit development); industrial, commercial, retail, and other non-residential projects, including public agency projects: or mass grading for future construction: the building or placement of any structure or portion thereof and includes all "Construction Activity."

"Director" shall mean the Municipal Services Director of the City of Turlock or the duly authorized representative(s) designated to administer, implement, and enforce the provisions of this chapter.

"Discharge" shall mean any intentional or un-intentional release, spill, leak, pump, flow, escape, dumping, or disposal of any liquid, semi-solid or solid substance to the MS4 or receiving waters.

"Employee Training Program" shall mean a documented employee training program that may be required to be implemented by a business pursuant to a Storm Water Pollution Prevention Plan (SWPPP), for the purpose of educating its employees on methods of reducing the discharge of pollutants to the MS4.

“Enforcement Agency” shall mean the City of Turlock

“Enforcement Official” shall mean any agent of the City authorized to enforce compliance with this chapter.

“Hazardous Material(s)” shall mean any material, including any substance, waste or combination thereof, that, because of its quality, concentration or physical, chemical or infectious characteristics, may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property or the environment, when improperly treated, stored, transported, disposed of, or otherwise managed, or any material(s) defined as hazardous by Division 20, chapter 6.95 of the California Health and Safety Code.

“Illicit Connection” shall mean any physical connection including pipes, drains, open channels, or other conveyances to the MS4 that is not authorized by the City and/or the Regional Water Board.

“Illicit Discharge” shall mean any discharge to the MS4 that is prohibited under local, state, or federal statutes, ordinances, codes or regulations, particularly any discharge that may degrade the quality of local receiving waters. Illicit discharges include all non-storm water discharges except discharges pursuant to an NPDES permit or discharges that are exempted or conditionally exempted by an NPDES permit or granted as a special waiver or exemption by the Regional Water Board.

“Impervious Surface” shall mean any man-made or modified surface that prevents or significantly reduces the entry of water into the underlying soil, resulting in runoff from the surface in greater quantities and/or at an increased rate, when compared to natural conditions prior to development. Examples of places that commonly exhibit impervious surfaces include parking lots, driveways, roadways, storage areas, and rooftops. The imperviousness of these areas commonly results from paving, concrete, compacted gravel, compacted earth, and oiled earth. Permeable pavement shall not be considered to be an impervious surface.

“Incidental Runoff” shall mean unintended amounts (volume) of runoff of potable or non-potable water mainly from urban sources, such as unintended, minimal over spray from sprinklers that escapes the area of intended use. Water leaving an intended use area is not considered incidental if it is part of the facility design.

“Industrial Activity” shall mean any public or private activity which is associated with any of the 11 categories of activities defined in 40 CFR 122.26 (b) (14) and required to obtain an individual NPDES permit or coverage under a general permit.

“Industrial/Commercial Facility” shall mean any facility involved and/or used in the production, manufacture, storage, transportation, distribution, exchange or sale of goods and/or commodities, and any facility involved and/or used in providing

professional and non-professional services. This category of facility includes, but is not limited to, any facility defined by the Standard Industrial Classifications (SIC) and /or North American Industry Classification System (NAICS). Facility ownership (federal, state, municipal, private) and profit motive of the facility are not factors in this definition.

"Material" shall mean any substance including, but not limited to: 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.

"Maximum Extent Practicable" or "MEP" shall mean the standard for implementation of storm water management programs to reduce pollutants in storm water. MEP refers to storm water management programs taken as a whole. This standard represents the maximum extent possible, but takes into account equitable considerations and competing facts, including but not limited to, the gravity of the problem, public health risk, societal concern, environmental benefits, pollutant removal effectiveness, regulatory compliance, public acceptance, ability to implement, cost, and technical feasibility.

"Municipal Separate Storm Sewer System" or "MS4" shall mean any natural or artificial facilities or any part thereof, including streets, gutters, conduits, natural or artificial drains, channels and watercourses that are located within the jurisdiction or geographical extent of the City of Turlock and used for the purpose of collecting, storing, transporting, or disposing of storm water.

"National Pollutant Discharge Elimination System" or "NPDES" shall mean a discharge permit issued by the U.S. EPA, State Water Resources Control Board, or a California Regional Water Quality Control Board pursuant to the Clean Water Act that authorizes discharges to Waters of the United States.

"Non-Commercial Vehicle Washing" shall mean the washing and rinsing of passenger vehicles on private property in which no commercial enterprise is being conducted in the washing of those vehicles.

"Nonprofit Organization" shall mean any nonprofit association or corporation organized primarily for veteran, patriotic, welfare, religious, civic betterment, or charitable purposes, which has been issued a tax exempt certificate as required under the Revenue and Taxation Code of the State of California or a group which is an integral part of a recognized national organization having such a tax exempt status. A nonprofit organization shall also mean any organization officially affiliated with and sanctioned by any Turlock School District which serves a significant number of residents from the City of Turlock. This shall include Private Schools.

"Non-Storm Water Discharge" shall mean any discharge to a municipal MS4 that is not composed entirely of storm water.

"Notice of Intent" or "NOI" means a document filed with the State Water Resources Control Board that identifies the responsible parties, locations, and scope of operations of dischargers covered by the general NPDES permit and documents the discharger's knowledge of the requirements for a SWPPP.

"Notice of Violation or "NOV" means a written order served upon a person or entity, by personal service or by registered or certified mail.

"Person" shall mean any person, firm, corporation, business entity, or public agency, whether principal, agent, employee, or otherwise.

"Phase II Small MS4 General Permit" shall mean an NPDES permit providing permit coverage to a small MS4 by the State Water Resources Control Board pursuant to the Clean Water Act that authorizes discharges of storm water and some types of non-stormwater to Waters of the United States.

"Pollutant" shall mean any pollutant defined in 33 U.S.C. §§ 1362(6) of the Federal Water Pollution Control Act or incorporated into the California Water Code Sec. 13373. Pollutants may include, but are not limited to the following:

- (a) Commercial and industrial waste (such as fuels, solvents, detergents, plastic pellets, hazardous substances, fertilizers, pesticides, slag, ash, and sludge);
- (b) Metals (such as cadmium, lead, zinc, copper, silver, nickel, chromium), and non-metals (such as phosphorus and arsenic);
- (c) Petroleum hydrocarbons (such as fuels, lubricants, surfactants, waste oils, solvents, coolants, and grease);
- (d) Excessive eroded soil, sediment, and particulate materials in amounts that may adversely affect the designated or existing beneficial uses of the receiving waters;
- (e) Animal wastes (including but not limited to discharge from the keeping of household pets and domestic animals, animal confinement facilities, kennels, pens, recreational facilities, stables, and show facilities) or other materials with excessive levels of fecal coliform, fecal streptococcus, or enterococcus bacteria;
- (f) Substances having characteristics such as pH less than 5.5 or greater than 8.5, unusual coloration, or turbidity,
- (g) Any prohibited discharge listed in Turlock Municipal Code Section 6-4-303.

"Receiving Waters" shall mean all surface water bodies, including any natural or man-made stream, whether flowing continuously or not, that is fed from permanent or natural sources, and, without limitation, rivers, creeks, runs, rivulets, and drains within



Stanislaus County that are identified by the Regional Water Board in a Basin Plan. A receiving water may or may not be properly defined as a Water of the United States.

“Regional Water Board” shall mean the California Regional Water Quality Control Board, Central Valley Region.

“Spill Response Plan” shall mean a plan required by and for which contents are specified in the State of California Phase II Small Municipal Separate Storm Sewer System General Permit (MS4). A Spill Response Plan is a document that describes the best management practices to be implemented by the City for non-storm water spills that may threaten the MS4.

“State Water Board” shall mean the California State Water Resources Control Board.

“Storm Water” or “Stormwater” shall mean surface water runoff and drainage which originates from atmospheric moisture (rainfall or snow melt) and that falls onto land, water, or other surfaces and that is essentially free of pollutants or has had pollutants reduced to the maximum extent practicable. Without any change in its meaning, this term may be spelled or written as one word or two separate words.

“Storm Water Pollution Prevention Plan” or “SWPPP” shall mean a plan required by and for which contents are specified in the State Water Board’s General Permit for Storm Water Discharges Associated with Industrial Activities (Order No. 97-03-DWQ and No. 2014-0057-DWQ (effective July 1, 2015)), or for Storm Water Discharges Associated with Construction Activities (Order No. 2009-0009-DWQ. (as amended)). A SWPPP is a document that describes the BMPs to be implemented by the owner or operator of a business to eliminate non-storm water discharges and/or to reduce pollutants in storm water discharges to the MS4 or local receiving waters.

“Storm Water Runoff” shall mean that part of precipitation (rainfall or snow melt) that travels across the ground or a surface to the MS4 or receiving waters.

“Toxic Materials” shall mean any material or combination of materials that directly or indirectly cause or substantially contribute to either acute or chronic toxicity in receiving waters. Toxic materials includes toxic pollutants listed in the California Toxics Rule, 40 C.F.R. §131.38(b).

“United States Environmental Protection Agency” or “US EPA” shall mean the federal government agency tasked with implementing the Clean Water Act and the NPDES permit program nationally.

“Urban Runoff” shall mean surface water flow produced by storm and non-storm events. Non-storm events include flow from residential, commercial, or industrial activities involving the use of potable and non-potable water.

“Water Quality Standard” shall mean any or all applicable water quality objectives set to protect designated and existing beneficial uses contained in a Basin Plan or any other approved Water Quality Control Plan.

**6-8-105 Administrative Responsibility.**

(a) Except as otherwise provided herein, the Director, or his/her designee, shall administer, implement, and enforce the provisions of this chapter.

**6-8-106 Conflicts with Other Laws.**

(a) In the event of any conflict between this chapter and any federal or state law, regulation, order or permit, the requirement that establishes the higher or more stringent standard for public health or safety shall govern.

(b) To the extent permitted by law, nothing in this chapter shall preclude enforcement of any other applicable law, regulation, order, or permit.

**Article 2 Discharge Prohibition**

**6-8-201 Discharge of Non-Storm Water Prohibited.**

Except as provided in § 6-8-202 and § 6-8-203, it is unlawful for any person to make or cause to be made any non-storm water discharge. Notwithstanding the exemptions provided by § 6-8-202 and the conditional exemptions in § 6-8-203, if the Regional Water Board or the Enforcement Official determines that any otherwise exempt discharge causes or significantly contributes to violations of any water quality standard, or conveys significant quantities of pollutants to receiving water(s), or is a danger to public health, safety, or welfare, such discharge shall be prohibited from entering the MS4.

No person shall discharge, permit to be discharged, or cause to be discharged any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards into any part of the MS4 or any part of a receiving water.

(a) It is prohibited to throw, deposit, place, leave, maintain, keep or permit to be thrown, deposited, placed, left, maintained or kept any refuse, rubbish, trash, garbage or any other discarded or abandoned objects, articles, material, litter, or accumulations in or upon any street, alley, sidewalk, storm drain, inlet, catch basin conduit or drainage structure, business place or upon any public or private plot of land in the City, so that the same might be or become a pollutant. No person shall throw, deposit litter, or material in any fountain, pond, lake, stream, or other body of water within the City. This subsection shall not apply to refuse, rubbish, trash, or garbage deposited in containers,

bags, or other appropriate receptacles which are placed in designated locations for regular solid waste pick up and disposal.

(b) It is prohibited to intentionally dispose of leaves, dirt, or other landscape debris into the MS4.

(c) No person shall discharge or allow the discharge of any of the following types of non-storm water discharges into the MS4, unless done pursuant to the terms and conditions of a separate NPDES permit or pursuant to an express exemption issued by either the Regional Water Board or the State Water Board:

(1) The discharge of untreated cleaning or wash waters from gas stations, auto repair garages, or other type of automotive service facilities;

(2) The discharge of untreated waste water from mobile auto washing, pet washing, steam cleaning, mobile carpet cleaning, and other such mobile commercial and industrial operations;

(3) To the maximum extent practicable, discharges from repair areas where machinery and equipment, including motor vehicles, are visibly leaking oil, fluid, or antifreeze;

(4) Discharges of untreated runoff from storage areas of materials containing grease, oil, or other hazardous substances, and uncovered receptacles containing hazardous or metallic materials;

(5) Discharges of commercial, municipal, or residential chlorinated or salt water swimming pool or fountain water, filter backwash, or swimming pool tile cleaning process water;

(6) Discharges of untreated runoff from the washing of toxic materials from impervious or pervious areas; provided, however, those non-industrial and non-commercial activities that incidentally generate urban runoff, such as the non-commercial hand-washing of cars, shall be excluded from this prohibition;

(7) To the maximum extent practicable, discharges from washing impervious surfaces in industrial/commercial areas which results in a discharge of untreated runoff, unless specifically required by State's, City's, or Stanislaus County's Health and Safety codes or permitted under a separate NPDES permit;

(8) Discharges from the washing out of concrete trucks, trailers, pumpers, wheel barrows, or other vehicles, tools, or equipment;

(9) Unauthorized discharges of any pesticide, fungicide, or herbicide regulated or banned by the US EPA or the California Department of Pesticide Regulation; or

(10) The disposal of hazardous wastes into trash containers used for municipal trash disposal, where such disposal causes or threatens to cause a direct or indirect discharge to the MS4.

**6-8-202 Exceptions to Discharge Prohibition.**

Subject to the authority granted to the Regional Water Board and the Enforcement Official in §6-8-105, the following discharges to the MS4 are exempt from the prohibition set forth in §6-8-201(a).

(a) Any discharge regulated under a NPDES permit issued to the discharger and administered by the State pursuant to Division 7 of the California Water Code, provided that the discharger is in compliance with all requirements of the permit and all other applicable laws and regulations;

(b) Discharges from the following activities, which, when properly managed, do not cause or contribute to a violation of any water quality standard:

(1) Dechlorinated water line flushing and other discharges from potable water sources;

(2) Incidental run-off from landscape irrigation and lawn watering;

(3) Rising ground waters or springs;

(4) Passive foundation and footing drains;

(5) Water from crawl space pumps and basement pumps;

(6) Air conditioning condensation;

(7) Individual residential and other noncommercial vehicle washing;

(8) Natural flows from riparian habitats and wetlands;

(9) Flows from fire suppression activities, including fire hydrant flows and flushing;

(10) Waters not otherwise containing wastes as defined in California Water Code § 13050(d) and California Health & Safety Code § 25117;

(11) Diverted stream flows;

(12) Uncontaminated ground water infiltration to separate storm sewers or uncontaminated pumped groundwater;

(13) Any discharge that the Enforcement Official, the local health officer, or the Regional Water Board determines, in writing, is necessary for the protection of the public health and safety;

(14) Any discharge caused by flooding or other natural disaster, which could not have been reasonably foreseen and mitigated in advance by the discharger, as determined by the Enforcement Official.

(15) Any discharge for which all pollutants have been demonstrated to be reduced to the maximum extent practicable.

#### **6-8-203 Conditional Exemptions from Discharge Prohibition.**

The following non-storm water discharges to the MS4 are exempt from the prohibition set forth in §6-8-201(a) and may be allowed to be discharged into the MS4, subject to all appropriate BMPs and prior written authorization by the Director. The “Conditionally Exempt Discharges” are as follows:

(a) De-chlorinated and non-salt water swimming pool discharges where the water cannot be readily discharged to the sanitary sewer system or allowed to completely percolate into the ground;

(b) Discharges from charity vehicle washing;

(c) Street, driveway, and sidewalk washing; and

(d) Other categories approved by the Executive Officer of the Regional Water Board, or an authorized representative.

#### **6-8-204 Illicit Discharges Prohibited.**

It is unlawful for any person to cause, either individually or jointly, any illicit discharge not authorized under Section 6-8-202 or 6-8-203 to the MS4 that consists of unauthorized non-storm water or contaminated storm water.

#### **6-8-205 Illicit Connections Prohibited.**

It is unlawful for any person to establish, use, or maintain any illicit connection to the MS4. This prohibition against unlawful connections is retroactive and applies to unpermitted connections made in the past regardless of whether permissible under the law or practices applicable or prevailing at the time of the connection. If a connection was permissible under the law or practices applicable or prevailing at the time of the connection that is now unlawful, no penalties shall be assessed under this chapter until the owner/user of the connection has been notified and given an opportunity to remedy the situation in accordance with Section 6-8-601.

### Article 3. Industrial, Construction, and Development Activity

#### 6-8-301 Industrial and Construction Activity NPDES Storm Water Discharge Permit.

(a) Any person subject to an industrial NPDES storm water discharge permit shall comply with all provisions of such permit. Documents demonstrating compliance with said permit, including sampling data and reports, may be required to be produced in a form acceptable to the Director upon inspection of the facility, during any enforcement proceeding or action, or for any other reasonable cause. The City only requires information in compliance with the Homeland Security Act or other Federal law that concerns security in the United States.

(b) Any person subject to a construction activity NPDES storm water discharge permit shall comply with all provisions of such permit and Chapter 7-4 Excavations Article 1 Grading, Erosion, and Sediment Control as existing or as hereafter amended. Documents demonstrating compliance with said permit, including sampling data and reports, may be required to be produced in a form acceptable to the Director prior to or as a condition of a subdivision map, site plan, building permit, or development or improvement plan; upon inspection of the facility; during any enforcement proceeding or action; or for any other reasonable cause. Prior to issuance of a construction permit, Permittees shall electronically file an NOI and a SWPPP via the State Water Board's Storm Water Multi-Application Reporting and Tracking System (SMARTS). Permittees shall submit Annual Reports electronically using the SMARTS to evaluate the implementation of Permittees storm water program, the effectiveness of the BMPs and measuring goals, the Permittees improvement opportunities to achieve the Maximum Extent Practicable (MEP), and any supplemental information required by a Regional Water Board in accordance with the Regional Water Board's specific requirements.

(c) If the City discovers any non-filers that should be covered under one of the State Water Board's general permits, the City will report to the Regional Water Board within 30 days or file a complaint on the State Water Board's website at the following link: [http://www.dtsc.ca.gov/database/CalEPA\\_Complaint/index.cfm](http://www.dtsc.ca.gov/database/CalEPA_Complaint/index.cfm).

#### 6-8-302 Requirement to Prevent, Control, and Reduce Storm Water Pollutants.

(a) Authorization to Adopt and Impose BMPs. The City may adopt requirements identifying BMPs for any activity, operation, or facility that may cause or contribute to pollution or contamination of storm water, the MS4, or receiving waters as a separate BMP. Where BMP requirements are imposed by any Federal, State of California, or the Enforcement Agency for any activity, operation or facility that would otherwise cause the discharge of pollutants to the MS4 or receiving waters, every person undertaking such activity or operation or owning or operating such facility shall implement those BMPs.

(b) **New Development and Redevelopment.** In addition to Chapter 7-4 Excavations Article 1 Grading, Erosion, and Sediment Control as existing or as hereafter amended, the City may adopt requirements identifying appropriate design standards and BMPs to control the volume, rate, and potential pollutant load of storm water runoff from new development and redevelopment projects as may be appropriate to minimize the generation, transport, and discharge of pollutants. The City may incorporate such requirements in any land use entitlement and construction or building-related permit to be issued relative to such development. The owner and developer shall comply with the terms, provisions, and conditions of such requirements when incorporated into land use entitlements and building permits as required in this chapter.

(c) **Responsibility to Implement BMPs.** Notwithstanding the presence or absence of requirements imposed pursuant to subsections (a) and (b), any person engaged in activities or operations or owning facilities or property that will or may result in pollutants entering the MS4 or receiving waters shall implement BMP's to the extent they are economically and technologically achievable to prevent and reduce such pollutants. The owner or operator of a commercial or industrial establishment shall provide reasonable protection from accidental discharge of prohibited materials or other wastes into the MS4 or receiving waters. Facilities to prevent accidental discharge of prohibited materials or other wastes, including but not limited to secondary containment, shall be provided and maintained at the owner or operator's expense.

(d) **Maintenance Agreements.** All structural and non-structural permanent storm water BMPs not in the control of the City shall have an enforceable maintenance agreement to ensure the system functions as designed and is maintained and operated as designed over time. The agreement shall include any and all maintenance easements required to access and inspect the BMPs and to perform routine maintenance as required. Such agreements shall specify the parties responsible for the proper operation and maintenance of all storm water BMPs.

### **6-8-303 Landscaping and Stabilization Requirements.**

Any area of land, not covered by an impervious surface, from which the natural vegetative cover has been either partially or wholly modified, cleared, or removed by construction or development activities, shall be landscaped or otherwise stabilized (e.g., covered with permeable pavement) within ten days from the substantial completion of such clearing and construction. No person shall use or otherwise employ impervious material, such as plastic, placed under decorative rock, bark, or other landscape covers in meeting the landscaping requirements under this section, except for permeable weed fabric. Backyards of residential single-family dwellings that would otherwise be covered by this section are exempt where storm water is contained on the property.

**6-8-304 Requirement to Monitor and Analyze.**

The Director may require, by written notice, that any person engaged in any activity and/or owning or operating any facility that may cause or contribute to storm water pollution, illegal discharges, and/or non-storm water discharges to the MS4 or to receiving waters to undertake at said person's expense such monitoring and analyses and to furnish such reports to the City as the Director shall deem necessary for determining compliance with this chapter.

**Article 4. Pollutant Reduction**

**6-8-401 Reduction of Pollutants in Storm Water.**

Any person engaged in activities that may result in pollutants entering the MS4 shall undertake the measures set forth below to reduce the risk of non-storm water discharge and/or pollutant discharges in storm water.

**6-8-402 Compliance with General Permits.**

Each industrial discharger, discharger associated with construction activity, or other discharger subject to any general or individual storm water permit issued by the US EPA, the State Water Board, or the Regional Water Board shall comply with the requirements of such permit.

**6-8-403 Compliance with Best Management Practices.**

Every person undertaking any activity or use that may cause or contribute to storm water pollution or contamination, illicit discharges, or non-storm water discharges shall comply with BMPs, pollution prevention techniques, and source control requirements, including related to the storage and parking of vehicles, as may be reasonably established by the Enforcement Official.

**6-8-404 Business-Related Activities.**

(a) Outdoor Storage. In outdoor areas, no person shall openly or improperly store grease, oil, petroleum products, hazardous substances, motor vehicles, machine parts, or other objects in a manner that may leak grease, oil, or other hazardous substances, without an approved spill containment system or approved sand-oil separator. To prevent the discharge of grease, oil, petroleum, or other hazardous substances from the property, the City may require the installation of a spill containment system of dikes, walls, barriers, berms, or other devices as required. No person shall operate a spill containment system that allows incompatible liquids to mix and thereby create a hazardous condition.



(b) Storm Water Pollution Prevention Plan (SWPPP).

(1) The Enforcement Official may require any business in the City engaged in activities that may result in pollutant discharges to develop and implement a SWPPP, which must include an employee training program.

(2) Business activities that may require a SWPPP include, but are not limited to, maintenance, storage, manufacturing, assembly, equipment operations, vehicle loading or fueling, or other businesses where cleanup procedures are carried out partially or wholly outdoors.

(c) Coordination with Hazardous Materials Release Response Plans and Inventory. Any business requiring a hazardous materials release response and inventory plan, under Chapter 6.95 (commencing with § 25500) of Division 20 of the California Health & Safety Code, shall include in that plan provisions for compliance with this chapter, including the provisions prohibiting unauthorized non-storm water discharges and illicit discharges, and requiring the release of pollutants to be reduced to meet applicable water quality standards and the Best Available Technology economically achievable .

(d) Coordination with hazardous waste generator contingency plan and emergency procedures. Any business requiring a hazardous waste generator contingency plan and/or emergency procedures, pursuant to California Code of Regulations, Title 22, §§ 66265.51 to 66265.56, shall include in that plan provisions for compliance with this chapter, including the provisions prohibiting unauthorized non-storm water discharge and illicit discharges, and requiring the release of pollutants to be reduced to meet applicable water quality standards and the Best Available Technology economically achievable.

**6-8-405 Development.**

(a) Any person performing construction in the City shall prevent pollutants from entering the MS4 and comply with all applicable federal, state, and local laws, ordinances, rules or regulations, including but not limited to, the general permit for storm water discharges associated with construction activity and Chapter 7-4 Excavations Article 1 Grading, Erosion, and Sediment Control as existing or as hereafter amended.

(b) The Enforcement Official may develop controls as appropriate to minimize the long-term, post-construction discharge of storm water pollutants from new development(s), or modification(s) to existing development(s). Controls may include source control measures to prevent pollutants from entering storm water and/or structural and non-structural treatment controls designed to remove pollutants from storm water.

(c) To minimize the discharge and transport of pollutants, the City may require, at its discretion, any development project to control the volume, rate, and quality of storm water runoff from the project site to prevent any deterioration of receiving water quality,

which would impair the designated and existing beneficial uses. The Director shall establish standards and guidelines implementing BMPs designed to control the rate and volume of storm water runoff from development sites to minimize the discharge and transport of pollutants, including compliance with, at a minimum, the BMPs contained in the California Storm Water Quality Association BMP Construction Handbooks or equivalent. Acceptable methods and standards for controlling storm water runoff volumes, rates, and pollutant load may include, but are not limited to the following, which are to be used except in areas of known groundwater contamination:

(1) Increasing Permeable Areas: Avoid placing impervious surfaces on highly porous soil areas; incorporate landscaping and open spaces into the project design; use porous materials or permeable pavement for driveways and walkways; incorporate detention ponds and infiltration pits into the project design; avoid placing pavement and other impervious surfaces in low lying areas.

(2) Directing Runoff to Permeable Areas: Direct storm water runoff away from impermeable areas to swales, berms, green strip filters, gravel beds, and French drains. Install rain gutters and orient them toward permeable areas. Modify the grade of the property to divert flow to permeable areas and minimize the amount of storm water runoff leaving the property. When designing curbs, berms, or other structures, avoid designs that isolate permeable or landscaped areas, or incorporate curb cuts or other pathways for water flow to permeable or landscaped areas.

(3) Maximizing Storm Water Storage for Reuse: Use retention structures, subsurface areas, cisterns, or other structures to store storm water runoff for reuse or slow release.

#### **6-8-406 General Rules and Regulations.**

The following rules and regulations shall apply to all persons using the City's MS4. Failure to comply with any provision, requirement, rule, or regulation under this chapter may be subject to prosecution in accordance with Turlock Municipal Code Section 1-2-01:

(a) The disposal of petroleum products (oil and grease), pesticides, fertilizers, household or industrial chemicals, industrial process wastewater, domestic sewage, animal waste, or other pollutants into the MS4 is prohibited.

(b) Residential roof drains may not be directly connected to public sidewalks and street gutters, but must discharge into landscape areas or rain barrels.

(c) Any person or entity engaging in activities that may result in pollutants entering the City's MS4 shall undertake all practicable measures to reduce such pollutants. Examples of such activities include the ownership or use of premises that may be a

source of pollutants such as parking lots, gasoline stations, industrial facilities, business enterprises, and dwelling units.

(d) Littering: No person shall throw, deposit, leave, blow, keep or permit to be thrown, deposited, placed, blown, left or maintained, any refuse, rubbish, trash, garbage, material or other discarded or abandoned objects, articles, or other litter in or upon any street, alley, sidewalk, storm drain, business place, or upon any public or private property in the City so that the same can become a pollutant by entering the MS4.

(e) Bodies of Water: No person shall throw or deposit litter or material in any fountain, pool, lake, stream, irrigation canal, river or any other body of water in a park or elsewhere within the City.

(f) Standards of Parking Lots Paved Areas and Related Storm Drain Systems. Persons owning, operating, or maintaining a paved parking lot, the paved area of a gas station, a paved private street or road, and private storm drains shall, using a dry method such as brooming and absorbents, clean those structures as frequently and thoroughly as practicable to prevent the discharge of pollutants to the City's MS4.

(1) Incidental Runoff: Parties responsible for controlling runoff in excess of incidental runoff shall:

(i) Detect and correct leaks within 48 hours of learning of the leak;

(ii) Properly design, maintain, and aim sprinkler heads;

(iii) Not irrigate during precipitation events;

(iv) Manage any pond containing water such that no discharge occurs, other than the result of a 25-year, 24-hour storm event or greater, except as permitted by an approved NPDES Permit.

## **Article 5. Administrative Requirements**

### **6-8-501 Containment and Notification of Spills.**

(a) No person shall allow or permit a spill to discharge into the MS4 or any receiving water.

(b) All persons in charge of a facility or responsible for emergency response for a facility shall have personal responsibility to train facility personnel and maintain notification procedures to assure immediate notification is provided to the City of any suspected, confirmed, or unconfirmed release of material, pollutants or waste creating a risk of discharge into the City's MS4. Any person owning or occupying a premises, who has

knowledge of any release of pollutants or non-storm water discharge from or across those premises that might enter the MS4, other than a release or discharge that is permitted by this chapter, shall immediately take all reasonable action to contain and abate the release of pollutants or non-storm water discharge. As soon as any person in charge of a facility or responsible for emergency response has knowledge of such risk, they shall notify the City by telephoning the public safety non-emergency number of unlawful discharge and confirming the notification by correspondence to the Enforcement Official within 24 hours of the event.

(c) The Enforcement Official shall respond to any such notification of suspected, confirmed, or unconfirmed release of material, pollutants or waste creating a risk of discharge into the City's MS4. The Enforcement Official shall consult the Spill Response Plan in determining the best course of action.

(d) For the purpose of containment in the event of a spill, all vehicles within 100 feet of a storm water catch basin or other direct inlet to the MS4 shall be stored and parked on a paved surface capable of containing all reasonably expected discharges from vehicles to the satisfaction of the Enforcement Official.

#### **6-8-502 Inspection Authority.**

(a) Right of Entry.

(1) Whenever necessary to make an inspection to enforce any of the provisions of this chapter, or whenever an authorized Enforcement Official has reasonable cause to believe that there exists upon any premises any condition constituting a violation of this chapter, the Enforcement Official may, with consent, enter such premises at all reasonable times to inspect the same or perform any duty imposed upon the Enforcement Official by this chapter and in accordance with Turlock Municipal Code, Section 4-16-102.

(2) Any request for entry shall state that the property owner or occupant has the right to refuse entry, and that in the event such entry is refused, inspection may be made upon issuance of a warrant issued by a court of competent jurisdiction.

(3) In the event the owner or occupant refuses entry after such request has been made, the Enforcement Official is empowered to seek assistance from any court of competent jurisdiction in obtaining such entry.

(b) Photographs. The Enforcement Official may, in the course of inspection, photograph the premises to memorialize the inspection as it relates to regulation by this chapter or any other local, state, or federal law. Photographs may be taken of any facility, mechanism, apparatus, means or method thought to contribute to or facilitate a suspected violation.

(c) Sampling Methods. 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 and/or sampling in areas with evidence of storm water contamination, illegal discharge, non-storm water discharge to the MS4, or similar factors.

(d) Sampling Authority.

(1) During any inspection, the Enforcement Official may take samples as necessary in order to implement and enforce the provisions of this chapter.

(2) 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.

(e) Monitoring, Analysis and Reporting Authority.

(1) The Enforcement Official may require monitoring, analysis, and reporting of discharges from any premises to the MS4 in accordance with US EPA approved methods.

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

(3) In the event the owner, occupant, or operator of a facility subject to a monitoring and/or analysis order fails to conduct required monitoring and/or analysis and furnish the required reports, the authorized enforcement officer shall cause a notice of violation to be processed under Section 6-5-921(b)(1) of this chapter, which notice shall include the estimated costs that will be incurred by the City to complete such monitoring or analysis. In addition to any other remedies available to the City, further enforcement may be conducted pursuant to Sections 6-5-921(b) through 6-5-921(e), inclusive of this chapter.

(f) Providing False Information or Tampering with Monitoring Equipment. Knowingly making any false statement or knowingly rendering any monitoring device or method inaccurate may result in punishment under the provisions of this chapter.

#### **6-8-503 Concealment and Abetting.**

It is unlawful to cause, permit, aid, abet, or conceal a violation of any provision of this chapter.

**6-8-504 Acts Potentially Resulting in Violation of Federal Clean Water Act and/or Porter-Cologne Act.**

Any person who violates any provision of this chapter, any provision of any permit issued pursuant to this chapter, or who causes any discharges that causes pollution, or who violates any cease and desist order, prohibition, or provision of this chapter, may also be in violation of the Federal Clean Water Act (33 U.S.C. §§ 1251 *et seq.*) and/or Porter-Cologne Water Quality Control Act (Cal. Water Code §§ 13000 *et seq.*), and may be subject to the sanctions of those acts, including civil and criminal penalties.

**Article 6. Enforcement**

**6-8-601 Enforcement Authority.**

(a) General Enforcement Authority.

(1) Except as otherwise provided herein, the Director shall administer, implement, and enforce the provisions of this chapter.

(2) Any powers granted to or duties imposed upon the Director may be delegated by the Director to other city personnel.

(b) Administrative Enforcement Powers. In addition to any other remedies available, including but not limited to Chapter 2-11 Administrative Citations of the Turlock Municipal Code, the Enforcement Official may also exercise any of the following supplemental enforcement powers as may be necessary or advisable in the Enforcement Official's judgment under the circumstances.

(1) Notice of Violation (NOV).

(i) Whenever the Enforcement Official finds that any person owning, operating, or occupying a property has violated or is violating this chapter or order issued hereunder, the Enforcement Official may serve a written NOV upon such person, by personal service or by registered or certified mail. Such notice may require without limitation:

(aa) The performance of monitoring, analyses, and reporting;

(ab) The elimination of illicit connections or discharges;

(ac) The violating discharges, practices, or operations cease and desist;

(ad) The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property; and

(ae) The implementation of source control or treatment BMPs.

(ii) If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within 30 calendar days, which such abatement, remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadlines, the work will be done by the City or a contractor designated by the Director and the expense thereof shall be charged to the violator pursuant to Section 6-5-921(b)(9) of this chapter.

(iii) Within 30 calendar days of the receipt of this notice, or shorter period as may be prescribed in the NOV, an explanation of the violation and a plan for the satisfactory abatement, correction, and prevention thereof, including specific required actions, shall be submitted to the Enforcement Official.

(iv) Submission of this plan shall in no way relieve the person of liabilities for any violation(s) occurring before or after receipt of the NOV.

(v) If the appointed time frame cannot be met, the Enforcement Official may adjust the original time frame. The appropriate Regional Water Board shall be notified if all parties agree that cleanup activities cannot be completed within in the original timeframe. The Regional Water Board shall be notified in writing within five business days of the determination that the timeframe requires revision.

(2) Cease and Desist Orders.

(i) The Enforcement Official may require any person owning, operating, or occupying a property to cease and desist all activities that may cause or contribute to discharge in violation of this chapter.

(ii) This order may also require such person to:

(aa) Comply with the applicable provisions of the chapter within a designated period of time;

(ab) Take appropriate abatement, remedial, or preventative action to keep a violation from recurring.

(3) Notice to Cleanup and Abate.

(i) The Enforcement Official may require any person owning, operating, or occupying a property to clean up and abate any discharge, spill or release of pollutants on that property that may result in a violation of this chapter in

accordance with Turlock Municipal Code, Section 5-5-202. The abatement or cleanup shall take place within a 72 hour timeframe after receiving said notification. Materials deemed hazardous by the Enforcement Official shall be cleaned up or abated as soon as possible.

(ii) The Enforcement Official may also order abatement of activities or practices that may reasonably result in such a violation.

(4) Mitigation. The Enforcement Official shall have authority to order the mitigation of circumstances that may result in or contribute to illicit discharges.

(5) Storm Water Pollution Prevention Plan. The Enforcement Official shall have the authority to establish elements of a SWPPP, and to require any business to adopt and implement such a plan, as may be reasonably necessary to fulfill the purposes of this chapter.

(6) Best Management Practices. The Enforcement Official may establish the requirements of BMPs for any property.

(7) Violations Constituting Misdemeanors. In addition to civil penalties provided for in this chapter, any violation of this chapter may be prosecuted in accordance with Turlock Municipal Code 1-2-01.

(8) Violations Deemed a Public Nuisance. In addition to the penalties provided in this chapter, any condition caused or permitted to exist in violation of any of the provisions of this chapter is a threat to the public health, safety and welfare, and is thus declared and deemed a nuisance. Any such nuisance may be summarily abated and/or restored by any authorized City personnel.

(c) Further, in addition to any other remedies available, including but not limited to Chapter 2-11 Administrative Citations of the Turlock Municipal Code, the City may pursue civil action, pursuant to division of this section, to abate, enjoin, or otherwise compel the cessation of the nuisance.

(1) Cost Recovery.

(i) The cost of the abatement and restoration shall be borne by the owner of the property, and the cost therefore shall be invoiced to the owner of the property.

(ii) If the invoice is not paid within 60 days, the Enforcement Official shall have the authority to place a lien upon and against the property.

(iii) If the lien is not satisfied within three months, the Enforcement Official is authorized to take all legal measures as are available to enforce the lien as a



judgment, including, without limitation, enforcing the lien in an action bought for a money judgment, or by delivery to the County Assessor of a special assessment against the property in accordance with California Government Code § 38773.5.

(2) Seasonal and Recurrent Nuisance.

(i) If any violation of this chapter constitutes a seasonal and recurrent nuisance, the Enforcement Official shall so declare.

(ii) Thereafter, such seasonal and recurrent nuisance shall be abated every year without the necessity of any further hearing.

(3) Costs of Enforcement.

(i) If it 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 such proceeding.

(ii) Such reimbursable expenses may include, but are not limited to, costs of investigation, administrative overhead, out-of-pocket expenses, costs of administrative hearings, and costs of suit.

(iii) If any such costs are granted to City, they shall be recoverable pursuant to division (c) or (d) of this Section.

(d) Civil Action.

(1) In addition to any other remedies provided in this chapter or by law, any violation of this chapter may be enforced by civil action brought by the City Attorney.

(2) Monies recovered under this subdivision shall be paid to the City to be used exclusively for costs associated with monitoring and establishing storm water discharge pollution control systems and/or implementing or enforcing the provisions of this chapter.

(3) In any such action, the City may seek, as appropriate, any or all of the following remedies:

(i) A temporary and/or permanent injunction;

(ii) Assessment of costs to the violator for any investigation, inspection or monitoring survey that led to the establishment of the violation, and for the reasonable costs of preparing and bringing legal action under this subdivision;

(iii) Costs incurred in removing, correcting, or terminating the adverse effects resulting from the violation;

(aa) Compensatory damages for loss or destruction to water quality, wildlife, fish, and aquatic life.

(e) Emergency Orders and Abatements.

(1) The Enforcement Official may order the immediate abatement of any discharge from any source to the MS4 when, in the opinion of the Enforcement Official, the discharge causes or threatens to cause a condition that presents an imminent danger to the public health, safety, welfare or environment, or a violation of this ordinance or an NPDES permit.

(2) In emergency situations, where the property owner or other responsible party is unavailable and time constraints are such that service of a notice and order to abate cannot be effected without presenting an immediate danger to the public health, safety, welfare, or environment, or a violation of this ordinance or an NPDES permit, the City may perform or cause to be performed such work as shall be necessary to abate the threat or danger.

(i) The costs of any such abatement shall be borne by the owner and shall be collectable in accordance with the provisions of subdivision (c) or (d) of this section.

#### **6-8-602 Abatement by City.**

(a) If the violation has not been corrected pursuant to the requirements set forth in the notice of violation, or, in the event of an appeal under Section 6-8-607, within ten (10) calendar days of the decision of the Director upholding the decision of the Enforcement Official, then the City or a contractor designated by the Director may, with consent, enter upon the subject private property, and is authorized to take any and all measures necessary to abate the violation and/or restore the property.

(b) It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the City or designated contractor to enter upon the premises for the purposes set forth above.

#### **6-8-603 Charges for Cost of Abatement.**

(a) Within 30 days after abatement of the nuisance by City, the Director shall notify the property owner of the property of the cost of abatement, including administrative costs. The City shall recover enforcement costs in accordance with the Turlock Municipal Code, Chapter 4-16.

(b) Within 15 days, the property owner may file with the City Clerk a written protest objecting to the amount of the assessment.

(1) The City Clerk shall set the matter for public hearing by the City Council.

(2) The decision of the City Council shall be set forth by resolution and shall be final.

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

(d) A copy of the resolution shall be turned over to the County Auditor so that the Auditor may enter the amounts of the assessment against the parcel as it appears on the current assessment roll. The Tax Collector shall include the amount of the assessment on the bill for taxes levied against the parcel of land.

#### **6-8-604 Violations.**

(a) It shall be unlawful for any person to violate any provision of this chapter or to fail to comply with any of its requirements.

(b) A violation of, or failure to comply with, any of the requirements of this chapter shall constitute an infraction and, therefore, shall be subject to the following fines:

(1) \$500 upon the first offense;

(2) \$1,000 upon the second offense;

(3) \$2,000 upon the third and each subsequent offense.

(c) If any violation is continued, each day's violation shall be deemed a separate offense.

#### **6-8-605 Criminal Prosecution.**

(a) Any person that has violated or continues to violate this ordinance shall be liable to criminal prosecution to the fullest extent of the law.

(1) The authorized enforcement agency may recover all attorneys' fees, court costs, and other expenses associated with enforcement of this ordinance, including sampling and monitoring expenses.

**6-8-606 Remedies Not Exclusive.**

(a) Remedies under this chapter are in addition to, and do not supersede or limit, any and all other remedies, civil or criminal.

(b) The remedies provided for herein shall be cumulative and not exclusive.

**6-8-607 Appeal.**

(a) Any person served with a Notice of Violation, subject to a cease and desist order, subject to a cleanup and abatement order, required to perform monitoring, analyses, reporting and/or corrective activities by an authorized Enforcement Official, or otherwise aggrieved by the decision of the authorized Enforcement Official, may appeal the decision, within ten (10) days following its effective date, by filing a written appeal with the Director.

(b) The Director shall request a report and recommendation from the authorized Enforcement Official and shall set the matter for hearing at the earliest practical date.

(1) Due notice of the hearing shall be provided to the person appealing the decision of the authorized Enforcement Official.

(2) At the hearing, the Director may hear additional evidence, and may reject, affirm, or modify the authorized Enforcement Official's decision.

(3) The Director's decision shall be final.

**6-8-608 Disclaimer of Liability.**

(a) 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.

(b) 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 Waters of the United States.

(c) 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 the code or any administrative decision lawfully made thereunder.

**6-8-609 City Authority.**

The Enforcement Official is authorized to make any decision on behalf of the City required or called for by this chapter.

**6-8-610 Judicial Review.**

The provisions of California Code Civ. Proc. §§ 1094.5 and 1094.6 are applicable to judicial review of City decisions pursuant to this chapter.

**SECTION 2. VALIDITY:** If any section, subsection, sentence, clause, word, or phrase of this ordinance is held to be unconstitutional or otherwise invalid for any reason, such decision shall not affect the validity of the remainder of this ordinance. The Turlock City Council hereby declares that they would have passed this ordinance, and each section, subsection, sentence, clause, word, or phrase thereof, irrespective of the fact that one or more section, subsection, sentence, clause, word, or phrase be declared invalid or unconstitutional.

**SECTION 3. ENACTMENT:** Prior to the expiration of fifteen (15) days from the passage and adoption thereof, this ordinance shall be published in a newspaper of general circulation printed and published in the County of Stanislaus, State of California, together with names of the members of the City Council voting for and against the same.

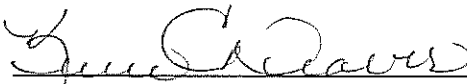
**PASSED AND ADOPTED** at a regular meeting of the City Council of the City of Turlock this 23<sup>rd</sup> day of September, 2014, by the following vote:

AYES: Councilmembers DeHart, Nascimento, Bublak, White and  
Mayor Lazar  
NOES: None  
NOT PARTICIPATING: None  
ABSENT: None

Signed and approved this 23<sup>rd</sup> day of September, 2014.

  
\_\_\_\_\_  
JOHN S. LAZAR, Mayor

ATTEST:

  
\_\_\_\_\_  
Kellie E. Weaver, City Clerk,  
City of Turlock, County of Stanislaus,  
State of California