

Title 16

STORM WATER

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Chapter 16.10

STORM WATER PROTECTION

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Section 16.10.010 Title.

This Chapter shall be known as the storm water protection ordinance of the city of Galt, and shall be referred to herein as the “storm water protection ordinance.”

(2002-05, Added, 07/02/2002)

Section 16.10.020 Purpose.

A. The intent of this Chapter is to protect and enhance the water quality of the city's watercourses, water bodies, and wetlands pursuant to, and consistent with, the Federal Water Pollution Control Act (Clean Water Act, 33 USC section 1251 et seq.), Porter-Cologne Water Quality Control Act (California Water Code section 13000 et seq.) and National Pollutant Discharge Elimination System

(NPDES) permit no. CA0082597 issued by the California Regional Water Quality Control Board, as such permit is amended and/or renewed.

B. The purpose of this Chapter is to ensure, protect, and promote the health, safety, general welfare, and protection of property for city of Galt citizens by:

1. Regulating non-storm water discharges to the city storm drain system;
2. Controlling the discharge to city storm drain systems from spills, dumping, or disposal of materials other than storm water;
3. Reducing pollutants in storm water discharges from the city storm drain system to the maximum extent practicable;
4. Minimizing damage to surrounding properties and public rights-of-way, the degradation of the water quality of watercourses, and the disruption of natural or city authorized drainage flows caused by the activities of clearing and grubbing, grading, filling, and excavating of land, and sediment and pollutant runoff from other construction related activities, and to comply with the provisions of the city's npdes permit. Significant grading activities are further regulated in Chapter 16.30, grading ordinance. (2002-05, Added, 07/02/2002)

Section 16.10.030 Definitions.

The following words and phrases when used in this Chapter shall be defined herein. Words and phrases used in this Chapter and not otherwise defined shall be interpreted as defined in the regulations of the United States Environmental Protection Agency to implement the provisions of the Federal Clean Water Act, and as defined by the State Water Resources Control Board to implement the Porter-Cologne Act in the state water code.

Authorized enforcement officer: shall include the city of Galt director of public works or his/her designee, code enforcement officer, and building official or his/her designee.

Best management practice (bmps): means schedules of activities, prohibitions of practices, general good housekeeping practices, maintenance procedures, educational programs, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to water of the united states or groundwater.

City: means the city of Galt.

City standards: means the city improvement standards, city standard construction specifications, city erosion and sediment control standards, and other standards included in applicable city ordinances, regulations and manuals, as amended from time to time and adopted by the city.

Civil engineer: means a professional engineer in the branch of civil engineering holding a valid certificate of registration issued by the state of California.

Council: means the city council of the city of Galt.

Director: means the city of Galt director of public works or his/her designee.

Discharge: means any release, spill, leak, pumping, flow, escape, dumping, or disposal of any gas, liquid, semi-solid, or solid substance.

Erosion control measures: means seeding, mulching, vegetative buffer strips, sod, plastic covering, burlap covering, watering, and other measures, which control the movement of the ground surface or soil.

National pollutant discharge elimination system (NPDES) permit: shall mean a discharge permit issued by the State Regional Water Quality Control Board, in compliance with section 402(p) of the Federal Clean Water Act.

Noncommercial vehicle washing: means the washing and rinsing of passenger vehicles on private property in which no commercial enterprise is being conducted in the washing of those vehicles.

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

Person: means any natural person, firm, association, club, organization, corporation, partnership, business trust, company or other entity, which is recognized by law as the subject of rights or duties.

Pollutant: means those pollutants defined in section 502 of the Federal Clean Water act (33 USC), or incorporated into California water code section 13373. Pollutants include, but are not limited to anything, which causes the deterioration of water quality such that it impairs subsequent and/or competing uses of the water. Pollutants include paints, oil and other petroleum hydrocarbons, soil, rubbish, trash, garbage, debris, refuse, waste, fecal coliform, fecal streptococcus, enterococcus, metals (such as cadmium, lead, zinc, copper, silver, nickel,

chromium), nonmetals (such as phosphorus and arsenic), hazardous wastes, chemicals, fresh concrete, yard waste from commercial landscaping operations, animal wastes, materials that result from the process of constructing a building or structure, noxious or offensive matter of any kind. Pollutants also include hazardous materials, hazardous wastes, and any material that the enforcement agency has a reasonable basis for believing would be harmful to the environment if it were released into the municipal storm water system. Pollutant also means any contaminant, which can degrade the quality of the receiving waters by altering ph, total suspended or settleable solids, biochemical oxygen demand, chemical oxygen demand, nutrients, or temperature.

Sediment: means soil or earth material deposited by water.

Sediment control measures: means dikes, sediment detention traps, sediment detention basins, filters, fences, barriers, swales, berms, drains, check dams, and other measures which control sediment.

Storm drain system: means a conveyance or system of conveyances owned or operated by the city designed or used to convey storm water to waters of the united states. Storm drain systems include, but are not limited to, rockwells, roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels or storm drains.

Storm water: means water that originates from atmospheric moisture (rainfall, hail, snow or snow melt) and that falls onto land, water or other surfaces.

(2002-05, added, 07/02/2002)

Section 16.10.040 Consistency.

This Chapter shall be construed to assure consistency with the requirements of the Federal Clean Water Act and acts amendatory thereof or supplementary thereto, applicable implementing regulations, and any existing or future municipal NPDES permits and any amendments, revisions or reissuance thereof. In the event of any conflict between this Chapter and any federal or state law, regulation, or permit, that requirement which establishes the higher standard shall govern. To the extent permitted by law, nothing in this Chapter shall preclude enforcement of any other applicable law, regulation, order, or permit.

(2002-05, added, 07/02/2002)

Section 16.10.050 Ultimate responsibility of the 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 that there will be no contamination, pollution, or unauthorized discharge of pollutants into the water of the united states caused by said person. This Chapter shall not create liability on the part of the city or any agents or employee thereof, for any damages, claims, or liabilities that result from any discharger's reliance on this chapter or any administrative decision, lawfully made hereunder. (2002-05, added, 07/02/2002)

Section 16.10.060 Liability.

In the event that any person does not comply with the provisions of this Chapter and wastes or pollutants are discharged to the city's storm drain system that causes or threatens to cause an adverse impact on the water quality or a receiving stream or the groundwater, that person shall be liable for any or all of the following:

A. Any and all monetary penalties, charges, fees, cleanup costs, and other costs that may be imposed on the city by state or federal regulatory agencies as a result of threatened or actual violation(s), including administrative and legal fees;

B. Any and all judgments and associated costs that may be awarded to individuals or entities as a result of threatened or actual violation(s);

C. The total costs of containment, cleanup, treatment or disposal that the director may deem necessary to abate threatened or actual adverse impact on water quality of a receiving stream or the ground water, including consulting and administrative fees.

(2002-05, added, 07/02/2002)

Section 16.10.070 Prohibited activities.

A. Discharge of pollutants (illicit discharge). A non-storm water discharge to the city storm drain system is prohibited. All discharges of material other than storm water must be in compliance with a NPDES permit issued for the discharge.

B. Discharge in violation of permit. Any discharge that would result in or contribute to a violation of the city's existing or future

municipal NPDES permit and any amendment, revision or reissuance thereof, either separately considered or when combined with other discharges, is a violation of this Chapter and is prohibited. Liability for any such discharge shall be the responsibility of the person(s) causing or responsible for the discharge, as well as the parcel owner on whose property the discharge occurs, who shall be strictly liable for its consequences, and such persons and/or owners shall defend, indemnify and hold harmless the city in any administrative or judicial enforcement action relating to such discharge.

C. Illicit connections. It is a violation of this Chapter to establish, use, maintain, or continue illicit connections to the city storm drain system, and to commence or continue any illicit discharge to the city storm drain system. This prohibition against illicit 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.

D. Roof run-off. New construction, renovations, and alterations of domestic roof drain leaders may not be directly connected to sidewalks and gutters. Any practical method must be administered to discharge roof run-off into landscaped areas.

E. Private drains. Storm water or surface water, which is causing flooding on private property served by an on-site storm drainage system, may not be discharged to the city's storm drainage facilities.

F. Swimming pool water. Discharge of water from a swimming pool or fountain filter into an open channel is prohibited. Discharge of water, if dechlorinated, from a swimming pool into the street drain inlet or underground storm drainage facilities is allowed only with the written permission of the director. Such discharge may not cause flooding of the street. Water from pumping out a swimming pool or fountain filter backwash may be discharged into the sanitary sewer.

G. Food-related wastes. Food-related waste such as fats, oils, grease and fish processing water may not be discharged to the storm drain system. Restaurant kitchen mat and trash bin

waste water may be discharged to the sanitary sewer.

(Ord. 2003-11, Amended, 10/07/2003; 2002-05, added, 07/02/2002)

Section 16.10.080 Exceptions to discharge prohibition.

The following discharges are exempt from the prohibition set forth in section 16.10.070 above:

A. Any discharge or connection regulated under a NPDES permit issued to the discharger 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 do not cause or contribute to the violation of any standard:

1. Water line flushing and other discharges from potable water sources,
2. landscape irrigation and lawn watering (except as prohibited under the water conservation ordinance),
3. rising ground waters or springs,
4. passive foundation and footing drains,
5. water from crawl space pumps and basement pumps,
6. air conditioning condensate,
7. noncommercial vehicle washing,
8. natural flows from riparian habitats and wetlands,
9. flows from fire suppression activities, including fire hydrant flows,
10. diverted stream flows,
11. untreated ground water,
12. waters from street cleaning equipment during street cleaning operations.

C. Any discharge which an authorized enforcement officer, the local health officer, or the Regional Water Quality Control Board determines, in writing, is necessary for the protection of the public health and safety, and the environment.

D. Any discharge caused by flooding or other natural disaster, which could not have been reasonably foreseen or mitigated for in advance by the discharger, as determined by the authorized enforcement officer.

(2002-05, added, 07/02/2002)

Section 16.10.090 Reduction of pollutants in storm water.

Any person engaged in activities, which will

or may result in pollutants entering the city storm drain system shall undertake all practicable measures to reduce such pollutants. Examples of such activities include ownership and use of facilities, which may be a source of pollutants such as parking lots, gasoline stations, industrial facilities, commercial facilities, stores, etc. The following minimal requirements shall apply:

A. Littering. No person shall throw, deposit, leave, maintain, keep or permit to be thrown, deposited or placed, any refuse, rubbish, garbage or other discarded or abandoned objects, articles or accumulations, in or upon any street, alley, sidewalk, storm drain, inlet, catch basin, conduit, or other drainage structure, business place, or upon any public or private lot of land, so that the same might be or become a pollutant, except in containers or in lawfully established dumping grounds. The occupant or tenant, or in the absence of occupant or tenant, the owner, lessee, or proprietor of any real property in the city in front of which there is a paved sidewalk shall maintain the sidewalk free of dirt or litter to the maximum extent practicable. Sweeping from the sidewalk and driveways shall not be swept, or washed, or otherwise made or allowed to go into the gutter or roadway, but shall be disposed of in receptacles maintained as required for the disposal of solid wastes.

B. Drain inlets and gutters. Owners of properties fronting a city right-of-way shall maintain the drain inlets and gutters adjacent to their property free of debris, leaves, dirt, or other sediment. The owner shall remove debris, leaves, dirt, and other sediment from the drain inlets and gutters adjacent to their properties and disposed of in receptacles maintained as required for the disposal of solid wastes.

C. Animal waste. Waste from dogs, cats, and other animals shall not be washed into the street or storm drain system.

D. Bodies of water. No person shall throw or deposit litter in any fountain, pool, lake, stream, river or any other body of water within the city's jurisdiction.

E. Standards for parking lots, paved areas, and related storm water systems. Persons, owning, operating, or maintaining a paved parking, lot the paved areas of a gas station, a paved private street, alley or road, and related storm water conveyance systems shall clean those structures as frequently and thoroughly as practical in a manner that does not result in the

discharge of pollutants to the city's storm drain system.

F. Outdoor storage areas. In outdoor areas, no person shall improperly store grease, oil or other hazardous substances. In outdoor areas, no person shall improperly store motor vehicles, machine parts, or other objects in a manner that may leak grease, oil, or other hazardous substances. To prevent discharge of hazardous substances from the property, the city may require the installation of a spill containment system.

G. Banned pesticides. No person shall use, store or dispose of any state or federally banned pesticide in a manner that allows the pesticide to be washed into the street or storm drain system.

H. Mobile washing operations: Mobile washing operations may not discharge wash water to the storm drain system. Operations shall be conducted so as to contain discharge runoff for disposal to the sanitary sewer system.

(Ord. 2003-11, Amended, 10/07/2003; 2002-05, added, 07/02/2002)

Section 16.10.100 Separately npdes permitted dischargers.

A. Compliance with NPDES permits and notification of intent. Any industrial discharger, discharger associated with construction activity, or other discharger subject to a storm water NPDES permit issued by the United States Environmental Protection Agency, the State Water Resource Control Board, or the Regional Water Quality Control Board, shall provide a notice of intent to the appropriate permitting agency and comply with all requirements of such NPDES permit. Every person undertaking any activity or use of a premises which may cause or contribute to storm water pollution or contamination, illegal discharges, or non-storm water discharges shall comply with best management practices guidelines or pollution control requirements as stated in their permit and as may be reasonably established by the authorized enforcement officer or this chapter.

B. Storm water pollution prevention plan. The authorized enforcement officer may require any business or construction site, which may directly or indirectly discharge into the city storm drain system that is engaged in activities which may result in pollutant discharges, to develop and implement a storm water pollution prevention plan, which must include an employee training program and any other BMPS, programs, or

process descriptions which the authorized enforcement officer deems necessary to prevent a non-storm water discharge. Business activities which may require a storm water pollution prevention plan include, but are not limited to construction maintenance, storage, manufacturing, assembly, equipment operations, vehicle loading or fueling, or cleanup procedures which are carried out partially or wholly out of doors.

(2002-05, added, 07/02/2002)

Section 16.10.110 Construction activities.

A. Best management practices for construction activities. All construction contractors performing work in the city shall conform to adopted city standards. In addition to any adopted BMPS or other requirements for construction projects adopted by the city, the following requirements shall apply to all projects undergoing construction in the city. The requirements set forth below shall apply at the time of demolition of an existing structure or commencement of construction and until the project receives final occupancy/clearance from the city.

1. Sediment, construction waste and other pollutants from construction sites and parking areas, including runoff from equipment at construction sites, shall be retained on the site to the maximum extent practicable.

2. Any sediment or other materials that are not retained on the site shall be removed the same day as the projects are completed. Where determined necessary by the director, a temporary sediment barrier shall be installed.

3. On an emergency basis only, plastic covering may be utilized to prevent erosion of an otherwise unprotected area, along with runoff devices to intercept and safely convey the runoff.

4. Excavated soil or stockpiled base materials shall be located on the site in a manner that minimizes the amount of sediments running into the street or adjoining properties. Soil and materials piles shall be covered until the soil is either used or removed. Soil and materials shall not be placed on paved streets or sidewalks without specific permission of the director.

5. No washing of construction or other industrial vehicles shall be allowed on a construction site or property adjacent to a construction site.

6. Drainage controls shall be utilized as needed, depending on the extent of the proposed grading and topography of the site, including but not limited to the following: detention ponds, sediment ponds, infiltration pits, dikes, filter berms, ditches, down drains, chutes, or flumes.

B. Notification to the director shall be required within twenty-four (24) hours following the failure of authorized measures to prevent erosion or sediment from leaving the construction site; the deposit of debris or material on adjoining property or public rights-of-ways, or; the interference with any existing watercourses or drainage facilities.

(2002-05, added, 07/02/2002)

Section 16.10.120 New development and redevelopment.

The city may establish controls on the volume and rate of storm water runoff from new developments and redevelopments as may be appropriate to minimize the discharge and transport of pollutants. To minimize the discharge and transport of pollutants, the city may require, in its discretion, new development or redevelopment projects to implement designs, which minimize storm water runoff. Acceptable methods and standards for controlling storm water runoff volumes, rates, and pollutant load may include but are not limited to the following: increasing permeable areas, directing runoff to permeable areas, maximizing storm water storage for controlled release and/or reuse, and requiring the construction of sediment basins, ponds and/or other structures to reduce sediments and pollutants. Where treatment devices are installed to reduce pollutants, such treatment devices must be properly operated and maintained.

(Ord. 2003-11, Amended, 10/07/2003; 2002-05, added, 07/02/2002)

Section 16.10.130 Industrial discharges.

A. Coordination with hazardous materials release response plans and inventory. Any business requiring a hazardous materials release response and inventory plan under section 25500 of the California Health and Safety Code shall include in that plan provisions for compliance with this chapter, including the provisions prohibiting non-storm water discharges and illegal discharges, and requiring the release of pollutants to be reduced to the maximum extent

practicable.

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

C. National categorical storm water effluent limitations. All users listed in 40 CFR Sub-Chapter N shall comply with the effluent limitations guidelines as set forth therein. However, where the city has adopted effluent limitation standards more stringent than those contained in the national categorical water effluent limitations, the specific prohibitions or limits on pollutants or pollutant parameters as developed by the city shall be deemed the applicable pretreatment standards. When local limitations are more stringent than those contained in the act have been adopted, the city shall notify all affected users of the applicable reporting requirements.

(2002-05, added, 07/02/2002)

Section 16.10.140 Inspection authority.

The director may enter and inspect property for which a grading permit, building permit, or improvement plan approval has been issued to determine applicability or compliance with all applicable city ordinances and city standards. The director may also inspect any and all property on which grading, filling, clearing and grubbing or excavating activities are occurring. In addition, whenever necessary to make an inspection to enforce any of the provisions of this Chapter, or whenever an authorized enforcement officer has reasonable cause to believe that there exists in any building or upon any premises any condition which constitutes a violation of this Chapter, the agent may, enter such building or premises to inspect the same or perform any duty imposed upon the officer by this Chapter. If an owner, tenant, occupant, agent or other responsible party refuses to grant the city permission to enter or inspect, the city may seek an administrative inspection warrant pursuant to the procedures provided for in the California Code of Civil Procedure. 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 and/or sampling in areas with evidence of storm water contamination, illicit discharges, discharge of non-storm water to the storm drain system, or similar factors. With the consent of the owner or occupant or pursuant to a search warrant, any authorized enforcement officer may establish on any property such devices as are necessary to conduct sampling or metering operations. During all inspections as provided herein, the authorized enforcement officer may take any samples deemed necessary to aid in the pursuit of the inquiry or in the recording of the activities onsite. (2002-05, added, 07/02/2002)

Section 16.10.150 Monitoring, analysis and reporting authority.

Any authorized enforcement officer may request that any person engaged in any activity and/or owning or operating any facility which may cause or contribute to storm water pollution or contamination, illicit discharges, and/or discharge of non-storm water to the storm water system, undertake such monitoring activities and/or analysis and furnish such reports as the officer may specify. The burden, including costs, of these activities, analysis and reports shall bear a reasonable relationship to the need for the monitoring, analysis, and reports and the benefits to be obtained. The recipient of such request shall undertake and provide the monitoring, analysis and/or reports requested. In the event the owner 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 in the form required, the authorized enforcement officer may cause such monitoring and/or analysis to be performed and the cost, therefore, including the reasonable additional administrative costs incurred by the city shall be borne by the owner of the property and the cost thereof shall be invoiced to the owner of the property. (2002-05, added, 07/02/2002)

Section 16.10.160 Notification of spills.

Any person owning, occupying or in charge of a premises or responsible for emergency response for a facility has a 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 materials, pollutants or wastes creating a risk of discharge into the city storm drain system. As soon as any person owning, occupying or in charge of the premises or responsible for emergency response for a facility has knowledge of any suspected, confirmed or unconfirmed release, such person shall take all necessary steps to ensure the discovery and containment and cleanup of such release and shall immediately notify the city of the occurrence by telephoning the city public works department or police department and confirming the notification by written correspondence to the director within twenty-four (24) hours of any known or confirmed pollutant. (2002-05, added, 07/02/2002)

Section 16.10.170 Monitoring fees.

A. Council may, from time to time, establish by resolution a schedule of storm water monitoring activities fees. These fees shall apply to persons performing activities which are required by federal law to obtain a National Pollutant Discharge Elimination System (NPDES) permit regulating the discharge of storm water and surface water from the site of an industrial or construction activity; and shall apply to persons performing any activity which the city may be required to regulate or monitor by the NPDES municipal storm water permit issued to the city. The fees shall correspond to the costs expended by the city in monitoring the discharge from such a site or activity for compliance with the conditions of any applicable NPDES permit, as well as any costs associated with damage to or degradation of city's storm drain system. Every cost, fee, charge, penalty, or other monies collected under this Chapter shall be paid to the city to be used exclusively for storm water and drainage programs.

B. If the City Council and the Sacramento County Board of Supervisors enter into an agreement for Sacramento County to monitor any provisions of this Chapter within the city, Sacramento County may directly charge fees to persons performing activities being monitored in the same manner as the City, to monitor any activity of any provision of this Chapter with respect to such agreement. Such fees shall be

established by Sacramento County and shall correspond to the costs expended by the county in monitoring the discharge from such a site or activity for compliance with the conditions of any applicable NPDES permits

(Ord. 2004-06, Amended, 08/02/2004; 2002-05, added, 07/02/2002)

Section 16.10.180 Enforcement.

A. The enforcement officer may utilize any enforcement powers authorized or provided in this code. These include, but are not limited to, the penalties as set forth in Chapter 21.01 of Title 21 and the penalties as set forth in this Chapter.

B. The enforcement officer may exercise any of the following supplemental enforcement powers as he deems necessary or advisable:

1. Notice to clean and abate. Whenever an authorized enforcement officer finds any oil, earth dirt, cans, rubbish, refuse, waste or any other material of any kind, in or upon the sidewalk abutting or adjoining any parcel of land, or upon any parcel of land or grounds, which may result in an increase in pollutants entering the city storm drain system or natural water course, he or she may give notice to remove and abate such oil, earth, dirt, cans, rubbish, refuse, waste or other material, in any manner that he or she may reasonably provide. The recipient of such notice shall undertake the activities as described in the notice. In the event the owner or operator of a facility fails to conduct the activities as described in the notice, the authorized enforcement officer may cause such required activities as described in the notice and the cost thereof shall be invoiced to the owner of the property.

2. Storm water pollution prevention plan. The director shall have the authority to establish elements of a storm water pollution prevention plan and to require any business to adopt and implement such a plan, as may be reasonably necessary to fulfill the purposes of this chapter.

3. Best management practices. The director may establish the requirements of best management practices for any premises.

4. Compliance schedule. The authorized enforcement officer may develop and implement a schedule for compliance to meet any applicable federal or state standards or regulations covering the discharge of storm water or surface water for any activity not complying with the strictest of said standards and regulations. Failure to

complete the compliance schedule by any specified date shall constitute a violation of this chapter.

5. Cease and desist orders. When an authorized enforcement officer finds that a discharge has taken place or is likely to take place in violation of this chapter or, that may lead to such violation, the officer may issue an order to cease and desist such discharge, or practice, or operation likely to cause such discharge and direct that those persons not complying shall: comply with the requirement; comply with a time schedule for compliance; and/or take appropriate remedial or preventive action to prevent the violation from recurring.

6. Nuisance and Abatement. The authorized enforcement officer may order the abatement of any discharge from any source to the storm water drain system when, in the opinion of the authorized enforcement officer, the discharge causes or threatens to cause a condition which presents an imminent danger to the public health, safety, or welfare, or the environment, or a violation of a NPDES permit, and therefore is deemed a public nuisance. 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, or welfare, or the environment, or a violation of a NPDES permit, the City may perform or cause to be performed such work as shall be necessary to abate said threat or danger pursuant to section 21.01.090. The costs of any such abatement shall be borne by the owner and shall be collectable as provided by sections 21.01.100 and 21.01.110.

7. Criminal citation. Authorized enforcement officers shall have and are hereby vested with the authority to arrest or cite any person who violates any section of this code in the manner provided by the California Penal Code for the arrest or release on citation of misdemeanor infractions as prescribed by Chapter 5, 5c, and 5d of TITLE 3, part 2 of the penal code (or as the same may be hereafter amended). Such authorized enforcement officers may issue a citation and notice to appear in the manner prescribed by Chapter 5 of TITLE 3, part 2 of the penal code, including section 853.6 (or as the same may hereafter be amended). It is the intent of the city council that the immunities prescribed in section 836.5 of the penal code be

applicable to public officers or employees acting the course and scope of employment pursuant to this chapter.

8. In addition to the actions provided herein, 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, is declared and deemed a public nuisance.

C. Notices and Orders

1. Notice of Non-Compliance

a. The authorized enforcement officer may issue to the owner, manager, operator, or occupant of any premises, or to any person responsible for any violation of this Title, a Notice of Non-Compliance.

b. The Notice shall identify the provisions of this Title that have been violated, the corrective actions required to achieve compliance, required date of completion of corrective actions to be in compliance, and the right to appeal the matter.

2. Administrative Enforcement Orders

a. If the Director determines that a person has committed, or is committing, a violation of any law, regulation, permit, information request, order, variance, or other requirement that the Director is authorized to enforce or implement pursuant to this Chapter, the Administrator may issue an Administrative Enforcement Order requiring that the violation be corrected and may impose an Administrative Civil Penalty as specified in Section 16.10.20 of this Chapter.

b. The Director shall adopt written procedures for issuing an Administrative Enforcement Order and imposing an Administrative Civil Penalty. In establishing a penalty amount and ordering that the violation be corrected pursuant to this section, the Director shall take into consideration such factors as the nature, circumstances, extent, and gravity of the violation, the violator's past and present efforts to prevent, abate, or clean up conditions posing a threat to the public health or safety or the environment.

c. The Administrative Enforcement Order shall specify a date by which the discharger must be in compliance with this Chapter. The Director may extend the compliance date when good cause exists for such an extension.

d. The Administrative Enforcement Order may state that the City may recover any costs incurred by the City as a result of the violation and may include a demand for recovering costs incurred.

e. An Administrative Enforcement Order may be issued in the same document or separately from any Notice of Non-Compliance and/or any Cease and Desist Order.

f. The Administrative Enforcement Order shall state that the recipient has a right to appeal as set forth in Section 16.10.190 of this Chapter.

3. Cease and Desist Orders

a. The Director may issue a Cease and Desist Order. The Cease and Desist Order may be included in a Notice of Non-Compliance and/or in an Administrative Enforcement Order. 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 storm water conveyance system.

2. Immediately discontinue any other violation of this Chapter.

3. Clean up the area affected by the violation.

b. The Director 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.

D. If the City Council and the Sacramento County Board of Supervisors enter into an agreement for Sacramento County to administer and enforce any provisions of this Chapter within the City, any administrative or civil enforcement by Sacramento County of any provision of this Chapter with respect to such agreement shall be governed by and conducted pursuant to Chapter 15.12 of the Sacramento County code. Within the terms of any such agreement, Sacramento County and its authorized official(s) and employee(s) shall be authorized to take any action with respect to facilities located within the City, in accordance with the provisions of this Chapter, including the levying and collection of applicable

penalties, fees, and other payments.
(Ord. 2006-07, Amended, 06/06/2006; Ord. 2004-06, Repealed and Replaced, 08/02/2004; 2002-05, added, 07/02/2002)

Section 16.10.190 Appeal.

Any person served with an administrative citation, administrative notice and order, notice to clean and abate, cease and desist order, compliance schedule or who is aggrieved by a decision of the Director or other authorized enforcement officer, may appeal by filing a written request for a hearing with the City Clerk within seven (7) days of the effective date of service of the notice. The hearing shall be set and conducted pursuant to section 21.03.060. The decision of the hearing officer is final. Any person aggrieved by a decision of the hearing officer may obtain judicial review pursuant to section 21.03.070.

(Ord. 2006-07, Amended, 06/06/2006; Ord. 2004-06, Amended, 08/02/2004; 2002-05, added, 07/02/2002)

Section 16.10.200 Civil violation.

In addition to any other remedies provided in this Chapter, any violation of the provisions of this Chapter may be enforced by civil action brought by the city pursuant to sections 21.01.060 and 21.01.080. In any such action, the City may seek any or all of the following remedies:

- A. Injunctive relief;
- B. Assessment against the violator for the costs of any investigation, inspection, or monitoring survey which led to the discovery of the violation, and for the reasonable costs incurred in preparing and prosecuting the legal action as a result of violations of this chapter;
- C. Recovery for costs incurred in removing, correcting, terminating, or preventing adverse effects resulting or likely to result from the violation;
- D. Compensatory damages for loss or destruction to water quality, wildlife, fish, and aquatic life; and/or
- E. Such other relief as the court may authorize.

Any person who violates any provision of this Chapter, who discharges or causes pollution, or who violates any cease and desist order, state or national law or regulation, or any other order

of the director shall be civilly liable to the city in a sum not to exceed twenty-five thousand dollars (\$25,000.00) per violation per day. In addition, the city may require the user to pay any excess costs to the system for supplementary treatment systems, facilities, or operations needed as a result of allowing the entry of such discharges into the storm water system. The city may petition the Sacramento County Superior Court to impose, assess, and collect any sums levied pursuant to this chapter and sections 54725, 54739, and 54740, et seq. of the California Government Code. In determining the amount to be recovered, the court shall take into consideration all relevant circumstances including, but not limited to, the extent of the harm caused by the violation, the economic benefit derived through any noncompliance, the nature and persistence of the violation, the length of time over which the violation occurs, and corrective action, if any, attempted or taken by the discharger. Notwithstanding any other provision of law, all civil penalties imposed by the court pursuant to this paragraph shall be distributed to the city. Remedies imposed pursuant to this section are in addition to and do not supersede or limit any and all other administrative, civil, or criminal remedies available at law.

(Ord. 2006-07, Amended, 06/06/2006; 2002-05, added, 07/02/2002)

Section 16.10.210 Criminal violations.

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Chapter. A violation of any of the provisions or failing to comply with any of the mandatory requirements of this Chapter shall constitute a misdemeanor. Causing, permitting, aiding, abetting or concealing a violation of any provision of this Chapter is unlawful and shall also constitute a misdemeanor. Notwithstanding any other provision with this code, any such violation constituting a misdemeanor under this Chapter may, in the discretion of the City Attorney, be charged and prosecuted as an infraction. Misdemeanors shall be punishable as provided by Section 21.01.050. Infractions shall be punishable as provided by section 21.01.040. Each person shall be charged with a separate offense for each and every day, during which

any violation of any provision of this code is committed, continued or permitted by such person and shall, upon conviction, be punished accordingly.

(Ord. 2006-07, Amended, 06/06/2006; 2002-05, added, 07/02/2002)

Section 16.10.220 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. The remedies provided herein shall be cumulative and not exclusive. In addition to any penalty, sanction, fine or imprisonment, any person violating the provisions of this Chapter shall be required to pay any and all expenses of enforcement including those costs necessary to monitor, inspect, remove and/or correct the violation. In addition to all remedies herein contained, the city may pursue all reasonable and legal means in collecting those sums authorized and due.

B. If the costs of enforcement and any penalties assessed are not paid within thirty (30) days of effective date of service of the notice or order demanding payment, such costs may be assessed against the parcel of land pursuant to section 21.01.110, 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.

(Ord. 2006-07, Amended, 06/06/2006; Ord. 2004-06, Amended, 08/02/2004; 2002-05, added, 07/02/2002)

Chapter 16.30

GRADING

Sections:

- 16.30.010 Title.
- 16.30.020 Purpose.
- 16.30.030 Definitions.
- 16.30.040 Grading approval required.
- 16.30.050 Exemptions.
- 16.30.060 Grading approval.
- 16.30.070 Conditions of grading approval.
- 16.30.080 Liability.
- 16.30.090 Compliance with permits and standards.
- 16.30.100 Water obstruction.
- 16.30.110 Levee work.
- 16.30.120 Application for grading permit.
- 16.30.130 Grading prior to issuance of approval of improvement plans.
- 16.30.140 Permission of other agencies or owners.
- 16.30.150 Erosion and sediment control plans (esc plan).
- 16.30.160 Modification of approved grading plans.
- 16.30.170 Permit fees.
- 16.30.180 Inspection of work.
- 16.30.190 Identification of property lines.
- 16.30.200 Other responsibilities of permittee.
- 16.30.210 Time limits.
- 16.30.220 Permits nontransferable.
- 16.30.230 Abatement.
- 16.30.240 Penalty and cost of enforcement.

Section 16.30.010 Title.

This Chapter shall be known as the grading ordinance of the city of Galt, and shall be referred to herein as the “grading ordinance.”
(2002-06, Added, 07/02/2002)

Section 16.30.020 Purpose.

The grading ordinance is enacted for the purpose of regulating grading on property within the city limits of the city to safeguard life, limb, health, property and the public welfare; to avoid pollution of watercourses with nutrients, sediments, or other materials generated or caused by surface water runoff; to comply with the city's National Pollution Discharge

Elimination System (NPDES) permit no. CA0082597, issued by the California Regional Water Quality Control Board and to ensure that the intended use of a graded site within the city limits is consistent with the city general plan, any specific plans adopted thereto and all applicable city ordinances and regulations. The grading ordinance is intended to control all aspects of grading operations within the city limits of the city.

(2002-06, Added, 07/02/2002)

Section 16.30.030 Definitions.

Unless the particular provision or the context otherwise requires, wherever the following terms are used in the grading ordinance, they shall have the meaning ascribed to them in this section.

Best management practices: Any program, technology, technique, process, siting criteria, operating method, measure or device which controls, prevents, removes or reduces pollution, erosion, and sediment transport.

Building official: The building official for the city of Galt who has responsibility for the application of California building code within the city.

City council: City council of the city of Galt.

City standards: A compilation of administrative procedures, technical standards, and design specifications adopted by the city of Galt.

Director: Director of the public works department of the city of Galt, or his or her authorized designees.

Erosion and sediment control plan (ESC plan): Consists of a set of best management practices or equivalent measures designed to control surface runoff and erosion, retain sediment on a particular site, and prevent pollution of site runoff during the period in which preconstruction and construction related grading and/or soil storage occur, and before final improvements or permanent structures are completed.

Person: Includes any individual, firm, partnership, association, corporation, public district, public agency, public utility, trust,

estate, other political subdivision or any other entity.

(2002-06, Added, 07/02/2002)

Section 16.30.040 Grading approval required.

Except for the specific exemptions listed hereinafter, no person shall do or permit to be done any grading on any site in the city without first obtaining approval of such grading from the director or the building official in accordance with the provisions of the grading ordinance.

(2002-06, Added, 07/02/2002)

Section 16.30.050 Exemptions.

The following grading may be done without obtaining grading approval unless grading approval is required in mitigation monitoring agreements or other conditions of project approval. Exemption from the grading approval requirement shall not be deemed as permission to violate any other provision of this chapter.

A. Minor construction projects, which meet all of the following requirements:

1. The volume of material graded is less than fifty (50) cubic yards,
2. The depth of cuts and fills is less than two feet,
3. Any drainage way is not blocked or obstructed and its storm water carrying capacities are not modified,
4. Slopes are less than ten percent and are not left in an unstable or erodible condition;

B. Single family residential lots less than one-half acre that are not part of a larger common plan and residential infill projects less than one-half acre which also meet the requirements of subsection (A) of this section;

C. Grading necessary for agricultural operations unless the failure of any cut or fill created by such grading could endanger any structure intended for human or animal occupancy or any public road, or could obstruct any watercourse or drainage way;

D. Exploratory excavations of less than three hundred fifty (350) cubic yards under the supervision of a geotechnical engineer;

E. Routine cemetery excavations and fills;

F. Performance of emergency work necessary to protect life or property when an urgent necessity therefore arises. The person

performing such emergency work shall notify the director promptly of the problem and work required;

G. Refuse disposal sites controlled by TITLE 23 of the California Code of Regulations;

H. The repair and maintenance of levees for river and local drainage control performed by a governmental agency.

(2002-06, Added, 07/02/2002)

Section 16.30.060 Grading approval.

Grading approval for grading done on a single parcel in conjunction with imminent construction of a building or other structure shall be granted by the building official in accordance with California Building Code and is not further addressed in this ordinance with the exception that section 16.30.150 applies to all grading permits. Grading approval for multiple parcels and single parcels where grading is requested in the absence of construction of buildings or structures, may be issued by the director in connection with the issuance of an encroachment permit, or the approval of improvement plans; or where commencement of grading is desired prior to such issuance or approval, or is performed separately, through the issuance of a separate grading permit. If a building permit, improvement plan or encroachment permit is approved in accordance with other sections of city code, and then a separate grading permit shall not be required. Approval of the building permit, improvement plans, or encroachment permit, constitutes approval of the grading work intended.

(2002-06, Added, 07/02/2002)

Section 16.30.070 Conditions of grading approval.

A. No grading shall be approved unless the project conforms with the city's general plan, any adopted specific or community plans, and applicable city ordinances, including the zoning ordinance and the subdivision ordinance.

B. Where the California Environmental Quality Act (CEQA) requires the preparation and approval of environmental documents concerning a project which will result in grading for which a grading permit is required under this Chapter, no grading shall be approved until all CEQA requirements have been met, including

but not limited to mitigation measures relating to protection of threatened and endangered species under applicable federal and state endangered species laws.

C. Where a proposed grading project requires the filing of a tentative map or the intended use requires approval of a discretionary zoning permit or variance, grading may also require approval from the city planning and building departments.

D. Work shall be performed in accordance with the provisions of this grading ordinance and the applicable criteria set forth in the city standards.

E. Grading approval shall be limited to work shown on the grading plans as approved by the director. The director may impose any condition deemed necessary to protect the health, safety, and welfare of the public, to prevent the creation of a hazard to public or private property, and/or to assure proper completion of the grading.
(2002-06, Added, 07/02/2002)

Section 16.30.080 Liability.

The issuance of a permit hereunder shall not be construed as imposing any liability upon the city or upon any of its officers, employees, or agents by reason of damage or injury to persons or property resulting from any activity, repair, improvement, excavation or obstruction authorized by the permit. Neither issuance of grading approval under the provisions of the grading ordinance nor compliance with the provisions hereof or with any conditions imposed in a permit issued hereunder shall relieve any person from responsibility for damage to any person or property.
(2002-06, Added, 07/02/2002)

Section 16.30.090 Compliance with permits and standards.

The issuance of grading approval shall not be construed as an approval of any action or condition constituting a violation of the provisions of the grading ordinance or of any other applicable laws, ordinances, rules or regulations. Any act done under the authority of a written permit issued pursuant to the provisions of this Chapter shall be done in accordance with the terms and conditions of such permit. All federal and state laws and

codes, and the construction standards of the city will be complied with during the execution of work under the permit. All work shall be done and must be constructed in accordance with the standards adopted by the city. The failure of any permittee or person to obey the provisions of this Chapter or the lawful directions of the director of public works or his or her designated representative relative to grading work shall be deemed to be sufficient cause to refuse the request of the person for further permits for work of such character or to cause the stoppage of any work and progress by the director of public works by written notice until the permittee is in full compliance with the terms of this Chapter.

(2002-06, Added, 07/02/2002)

Section 16.30.100 Water obstruction.

No person shall do or permit to be done any grading which may obstruct, impede, or interfere with the natural flow of storm waters, whether such waters are unconfined upon the surface of the land or confined within land depressions, natural drainage ways, unimproved channels, watercourses, improved ditches, channels or conduits, in such manner as to cause flooding where it would not otherwise occur, aggravate any existing flooding condition or cause accelerated erosion except where said grading is in accordance with all applicable laws including, but not limited to, the provisions of the grading ordinance.

(2002-06, Added, 07/02/2002)

Section 16.30.110 Levee work.

No person shall excavate or remove any material from or otherwise alter any levee adjacent to any river, creek, bay, or local drainage control channel, without prior approval of the governmental agency or agencies responsible for the operation and/or maintenance of the levee.

(2002-06, Added, 07/02/2002)

Section 16.30.120 Application for grading permit.

The director shall determine whether the application is complete and may require additional information from the applicant before accepting the application as complete. The

director may require the submission of plans, soil or geological reports, detailed construction recommendations, drainage study or other engineering data prior to and in connection with any work or activity proposed. Grading plans and specifications shall be prepared and signed by a registered civil engineer, except as otherwise provided herein and shall include the information required in the city standards. The director may waive the requirement that all plans and specifications be prepared and signed by a registered civil engineer if the grading would not endanger the public health, safety, or welfare as determined by the director.

(2002-06, Added, 07/02/2002)

Section 16.30.130 Grading prior to issuance of approval of improvement plans.

Approval of a separate grading permit to perform grading prior to issuance of approval of improvement plans shall not prohibit the city from requiring additional grading or changes to grading in accordance with improvement plans once approved. Any additional grading or revisions to work necessitated by conflicts discovered during the improvement plan check, subsequent building plan checks, or subsequent construction will be corrected at the permittee's expense.

(2002-06, Added, 07/02/2002)

Section 16.30.140 Permission of other agencies or owners.

No application for grading approval shall relieve the permittee of responsibility for securing other permits or approvals required for work which is regulated by any other department or other public agency, or for obtaining any easements or authorization for grading on property not owned by the permittee. Proof of applicable public agency permits may be required prior to issuance of grading approval.

(2002-06, Added, 07/02/2002)

Section 16.30.150 Erosion and sediment control plans (esc plan).

An ESC plan shall be prepared for all projects to control surface runoff and erosion and to retain sediment on a particular site and prevent pollution of site runoff during the period when preconstruction and construction related

grading activities occur, but before final improvements or permanent structures are complete. The ESC plan shall be prepared and submitted concurrently with the grading plan and shall include all of the information required by city standards.

(2002-06, Added, 07/02/2002)

Section 16.30.160 Modification of approved grading plans.

Any modifications of an approved grading plan shall be submitted in writing to the director, who shall approve or deny such modification at his or her sole discretion.

(2002-06, Added, 07/02/2002)

Section 16.30.170 Permit fees.

Processing fees in an amount established by resolution of the city council shall be paid for permits prior to permit issuance, except where a continuous billing account has been established. Costs incurred by city for processing and checking the application and for inspection shall be billed to the permittee based upon the city fee schedule in effect at the time of permit processing. If grading work is done in violation of the grading ordinance or does not comply with the terms and conditions of a grading approval issued for such grading, a fee covering investigation of any violation and inspection and plan checking of work required to correct such violation shall be charged to the violator to cover all costs actually incurred by the city.

(2002-06, Added, 07/02/2002)

Section 16.30.180 Inspection of work.

The director may inspect any work done pursuant to the grading ordinance at any time during the course of construction. No person shall be deemed to have complied with the grading ordinance until a final inspection of the work has been made by the director. As a condition of any grading approval, the permittee shall provide the city a right-of-entry and reasonable access to the site during the performance of all work and for a minimum period of one year after final inspection pursuant to the grading permit.

(2002-06, Added, 07/02/2002)

Section 16.30.190 Identification of property lines.

Prior to any grading work or related activities, the owner may be required to mark all property corners of the parcel of land to be graded. If the property corners are unknown, or whenever the location of a property line or easement or the title thereto is disputed during the application process or during a grading operation, a survey by a licensed land surveyor or civil engineer, or other resolution of the title dispute, all at the expense of the permittee, may be required by the director. Whenever necessary to enforce the provisions of the grading ordinance, the director may enter the premises at all reasonable times to the extent authorized by law to perform any duty imposed by the grading ordinance. If such entry is refused, the director shall have recourse to every remedy provided by law to secure entry.
(2002-06, Added, 07/02/2002)

Section 16.30.200 Other responsibilities of permittee.

The permittee shall be responsible for the prevention of damage to any public utilities or services, for the prevention of damage to adjacent property, and to prevent discharge of sediment from the site, in quantities greater than before the grading occurred, to any watercourse, drainage system, or adjacent property.
(2002-06, Added, 07/02/2002)

Section 16.30.210 Time limits.

All the work required by the permit or grading approval shall be completed within the time limits specified in the permit or approval. The director may in his or her sole discretion approve or denies a request for time extension. The director may require a new application and fees depending on the time between the expiration date and the extension request, revisions in city regulations, and/or changed circumstances in the immediate area.
(2002-06, Added, 07/02/2002)

Section 16.30.220 Permits nontransferable.

No approval or permit issued under the grading ordinance may be transferred or

assigned in any manner whatsoever, without the express written consent of the director.
(2002-06, Added, 07/02/2002)

Section 16.30.230 Abatement.

Any activity contrary to the provisions of this Chapter or contrary to the issued permit or the terms or conditions imposed therein is unlawful and a public nuisance, and the City Manager or his or her designee is authorized to commence in the name of the city actions or proceedings for the abatement and removal and enjoining thereof in the manner provided by sections 21.01.060 and 21.01.080, and shall take such other steps and shall apply to such court or courts as may have jurisdiction to grant such relief as will abate and remove such operation and restrain and enjoin any person, firm or corporation from so operating.
(Ord. 2006-07, Amended, 06/06/2006; 2002-06, Added, 07/02/2002)

Section 16.30.240 Penalty and cost of enforcement.

A. Any person violating the provisions of this chapter or any grading permit issued pursuant to this Chapter is guilty of a misdemeanor.

B. In addition to any other remedies available by law, any person violating the provisions of this Chapter or any grading permit issued pursuant to this Chapter shall be liable to the city for all expenses and damages caused by any such violation.

C. In addition to any other remedies provided by this Chapter or state law, there are hereby imposed the following administrative civil penalties for each violation of this Chapter or the terms and conditions of any grading permit issued pursuant to this Chapter.

1. Any person initiating work within the public road right-of-way without obtaining a grading permit shall be subject to and responsible for a fine in the amount of \$500 for a first violation, \$750 for a second violation, or \$1,000 for a third or subsequent violation.

2. Any person in possession of a valid grading permit that initiates work, but fails to provide notification for inspection as required by the permit shall be subject to and responsible for a fine in the amount of \$250 for a first violation,

\$1,000 for a second violation, or \$1,000 for a third or subsequent violation.

D. Whenever the city manager or his or her designee determines that grading violates the provisions of this Chapter or the terms and conditions of any permit issued pursuant to this Chapter, the city manager or his or her designee shall give written notice of such violation to the alleged violator. The notice shall include the following information:

1. The street address, legal description or other description sufficient to identify the affected property.
2. The penalty imposed as a result of such violation.
3. A statement that the party affected may file a written request for hearing with the director of public works if it objects to imposition of the penalty.
4. A statement that the penalty imposed shall be enforced if the party fails to file a timely written request for a hearing.

E. Notice of any administrative civil penalty shall be served either personally or by mailing a copy of such notice by certified mail, postage prepaid, return receipt requested, to the alleged violator. Service shall be effective for all purposes upon receipt if personally served, or within five (5) days of mailing as herein provided. Proof of service of the notice shall be certified at the time of service by a written declaration under penalty of perjury executed by the person effecting service, declaring the time, date, and manner in which service was made. The declaration, together with any receipt card returned in acknowledgment of receipt by certified mail, shall be affixed to the copy of the notice retained by the city manager or his or her designee. The failure of a party to receive such notice shall not affect in any manner the validity of any proceedings taken pursuant to this chapter.

F. A written request for a hearing must be received by the City Manager or his or her designee within seven (7) days of the effective date of service of the notice. The hearing shall be set and conducted pursuant to Section 21.03.060. The order of the hearing officer shall be in writing resolving the essential issues raised in the hearing and confirming, amending or

rejecting the administrative civil penalty imposed by the Director of Public Works.

G. 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. A copy of the notice of appeal authorized by Government Code section 53069.4 shall be served upon the City Clerk.

H. Each party violating any provision of this chapter or any grading permit issued pursuant to this chapter shall be guilty of a separate offense for each and every day on which any such violation is committed, continued, or permitted by any such person.

I. In addition to any penalty, sanction, fine or imprisonment, any person violating the provisions of this Chapter or any grading permit issued pursuant to this Chapter shall be required to pay any and all expenses of enforcement including those costs necessary to inspect, remove and/or correct the violation. In addition to all remedies herein contained, the City may pursue all reasonable and legal means in collecting those sums authorized and due, including, but not limited to the provisions of Chapter 21.01 of Title 21.

(Ord. 2006-07, Amended, 06/06/2006; 2002-06, Added, 07/02/2002)

Chapter 16.50

DRAINAGE UTILITY

Sections:

- 16.50.010 Purpose.**
- 16.50.020 Findings.**
- 16.50.030 Definitions.**
- 16.50.040 Levy of charge for storm drainage services.**
- 16.50.050 Adjustment of charge.**
- 16.50.060 Bill procedure.**
- 16.50.070 Lien.**
- 16.50.080 Administration and enforcement.**
- 16.50.090 Administrative appeal.**
- 16.50.100 Deposit of collection.**
- 16.50.110 Severability.**

Section 16.50.010 Purpose.

The purpose of this Chapter is to establish a drainage utility for managing and funding the operation and maintenance of the City storm water program in order that storm and surface waters may be properly drained and controlled to safeguard the health, safety and welfare of the City's inhabitants; to protect the waters of the United States, and to insure compliance with applicable federal and state laws and permits. This Chapter shall be known as the *drainage utility ordinance* of the City of Galt, and shall be referred to herein as the "drainage utility ordinance."
(Ord. 2002-11, Added, 10/15/2002)

Section 16.50.020 Findings.

The City Council hereby finds as follows:

A. The City maintains a system of storm and surface water management facilities within the incorporated area of the City, including but not limited to inlets, conduits, manholes, channels, ditches, drainage easements, retention and detention basins, infiltration facilities, overland release corridors, and other components as well as natural waterways.

B. Those elements of the City's storm and surface water management system that provide for the collection, storage, treatment, and conveyance of storm drainage are of benefit and provide services to all developed property within the incorporated area of the City.

C. The cost of operating and maintaining the storm water management system, including necessary repairs, should, to the extent practicable, be allocated in relationship to the benefits enjoyed and services received therefrom.

D. Erosion and the discharge of nutrients, metals, oil, grease, and other substances into and through the storm drainage system is resulting in a degradation in water quality.

E. The public health, safety and welfare are adversely affected by poor water quality and flooding resulting from inadequate storm drainage management practices.

F. The storm drainage management practices necessary to protect water quality are largely established by federal and state statutes, regulations and permitting requirements.

G. Real property either uses or benefits from the presence and operation of the storm drainage management system.

H. The use of the storm drainage system is dependent on factors that influence runoff, including land use and impervious area.

I. The City has the authority under applicable law, including, but not limited to, Health and Safety Code section 5471 to prescribe, revise and collect fees, tolls, rates, rentals and other charges for facilities and services furnished by it in connection with its storm drainage system.

J. The Legislature, through the adoption of applicable law, including, but not limited to, Health and Safety Code section 5471, has specifically authorized the City to provide storm drainage services as a utility function for which service charges may be levied.

K. A fee to fund storm drainage services offers a reliable and consistent source of revenue that is locally controlled.
(Ord. 2002-11, Added, 10/15/2002)

Section 16.50.030 Definitions.

The meanings ascribed to the terms set forth in this section shall govern the interpretation of this Chapter.

A. Administrative charge: shall mean the charge imposed by the City's consolidated utility billing service for the actual cost of billing for, and collection of, storm drainage service fees.

B. Director: shall mean the City of Galt Director of Public Works, his/her designee.

C. City: shall mean the City of Galt.

D. City storm drainage system: shall mean the system of storm and surface water management facilities, including but not limited to inlets, conduits, manholes, storm sewers, channels, ditches, drainage easements, retention and detention basins, infiltration facilities, overland release corridors and other components as well as natural waterways, within the unincorporated area that is either owned or operated by the City.

E. Developed parcel: shall mean any parcel of land altered from its natural state by the construction, creation or addition of impervious area.

F. Exempt use: shall mean the use of any public or undeveloped property and the use of any other parcel for any of the following purposes: agricultural land used for crops or pasture, aquatic farms, orchards, City-maintained drainage ditches, property within a floodplain recognized by the City on which improvements are prohibited, and levees.

G. Parcel: shall mean the smallest separately segregated lot, unit or plot of real property having an identified owner, boundaries, and surface area which is documented for property tax purposes and given a tax lot number by the County Assessor.

H. Person: shall mean any individual, firm, company, association, society, partnership, corporation, organization, group or public agency.

I. User: shall mean the owner of a parcel of real property that is charged for storm drainage services.

(Ord. 2002-11, Added, 10/15/2002)

Section 16.50.040 Levy of charge for storm drainage services.

City Council may levy on any parcel, subject to applicable law, within the boundaries of the City of Galt, a storm drainage service fee to be calculated based on the approximate pro-rata cost share impact of the parcel with development on storm drainage. Rates and charges for drainage services shall be fixed from

time to time, by resolution of the City Council, subject to applicable law.

(Ord. 2002-11, Added, 10/15/2002)

Section 16.50.050 Adjustment of charge.

A. Whenever the owner of any parcel is subject to a storm drainage service fee, other than parcels classified as a single-family residential use, he/she may file an application with the director to have the fee levied on such parcel reduced by means of one of the following mechanisms: (1) by designing, constructing and maintaining, at the owner's expense, storm drainage detention facilities approved by the director; (2) demonstrating to the satisfaction of the director that less than five percent (5%) of the parcel area drains into a City storm drainage system; or (3) demonstrating to the satisfaction of the director that the actual impervious area of the parcel is at least ten percent (10%) less than that calculated using the impervious factor for the parcel's use classification.

B. After receipt and review of the application, the director shall either deny any reduction in the fee or approve a reduced fee calculated pursuant to subdivision C hereof. The director, in approving any reduction in the otherwise applicable fee, may attach reasonable conditions to any such approval. If the applicant is dissatisfied with the action of the director, he/she may file a petition pursuant to section 16.50.100 hereof.

C. Any storm drainage facilities constructed by a parcel owner pursuant to this section shall meet the standards set forth in the City's improvements standards. Upon approval of any reduction in the otherwise applicable fee pursuant to this section, the revised fee shall be calculated on the basis of the equivalent contributing parcel area.

D. The fee for a parcel may be adjusted for the impact of any additional development on the parcel upon completion of construction.

E. Any adjustment of charges may be initiated by either the director or by the owner of a parcel subject to the storm drainage service fee. If the director denies any adjustment proposed by an owner or an owner objects to an adjustment proposed by the director, any adjustment shall be made pursuant to the procedure set forth in section 16.50.100 hereof.

Any debit adjustments shall be added to the charge in the succeeding billing period. Any credit adjustments shall first be credited against the previous balance and then any remaining credit shall be applied to subsequent charges. No debits or credits shall be made for any period more than three (3) years prior to the date that an adjustment is proposed by the director or requested by the owner of record pursuant to section 16.50.100.

(Ord. 2002-11, Added, 10/15/2002)

Section 16.50.060 Bill procedure.

A. Whenever a storm drainage service fee is levied, it shall be billed as part of the City's consolidated utility billing service in the same manner as for water service in Chapter 13.08. Alternatively, the fee may be collected by any procedure available to the City under applicable law. Specific billing procedures as appropriate, delinquency charges, and deposits will be further detailed in the service fee schedule.

B. The storm drainage service fee shall be based on the use of the parcel as determined by the director. For each parcel of property there shall be only one unit for purposes of billing for storm drainage services. The charge may be divided among tenants of condominium or multi-family residential dwelling units if separate utility accounts exist for water services and if approved by the director.

C. The storm drainage service fee shall be billed to the owner of record of the parcel, to the successor in interest of such person, or to such person's designees if approved by the director and separate water accounts exist. The owner of record shall remain liable for any delinquent fees.

D. Application of fees shall be based on current parcel numbers, square footage and use codes on record in the county assessor's office, unless the director determines that the actual use of the parcel is different than the use reflected in the use codes in which case the fees shall be based on the actual use of the parcel.

(Ord. 2002-11, Added, 10/15/2002)

Section 16.50.070 Lien.

A. The City shall notify the assessee shown on the latest equalized assessment roll whenever delinquent and unpaid fees, which would

become a lien on the parcel pursuant to subdivision B remain delinquent and unpaid for sixty (60) days.

B. Whenever a storm drainage service fee and any penalties are levied pursuant to this Chapter, they shall constitute a lien upon the parcel subject to the fee; as provided for in applicable law, including, but not limited to, Health and Safety Code section 5473.11; if the fee remains delinquent for a period of sixty (60) days and the City has notified the assessee of the parcel shown on the latest equalized assessment roll of the delinquent fees and the lien provided by this section.

C. The lien provided herein shall have no force or effect until a certificate specifying the amount of the unpaid fees is recorded with the county recorder.

D. Any delinquent storm drainage service fees and penalties may be collected on the tax roll in the same manner and at the same time as property taxes are collected.

(Ord. 2002-11, Added, 10/15/2002)

Section 16.50.080 Administration and enforcement.

The director shall be responsible for the administration and enforcement of the provisions of this Chapter. The director shall have the authority to adopt rules and regulations not inconsistent with provisions of this Chapter for purposes of carrying out and enforcing the payment, collection and remittance of the fee herein levied.

(Ord. 2002-11, Added, 10/15/2002)

Section 16.50.090 Administrative appeal.

A. Any owner who disputes the amount of a levied storm drainage service fee charged to his/her parcel, the classification of the property in terms of its use, any adjustment proposed by the Director, or any other determination affecting the property made by or on behalf of the City pursuant to this Chapter may appeal with regard to any such issue. Any appeal petition may only be filed once in connection with the issue or issues presented in the petition, except upon a showing of changed circumstances sufficient to justify the filing of such additional petition.

B. Any appeal petition shall be in writing, signed by the owner under penalty of perjury and filed with the City Clerk. The petition shall include the following information: (1) a complete description of the factual basis for the appeal; (2) the legal basis for the appeal; and (3) the remedy sought by the appellant.

C. The hearing shall be set and conducted pursuant to section 21.03.060. The hearing officer shall make and serve by mail written findings of facts based upon all relevant information presented in the appeal petition or at the hearing, shall make a determination of issues based upon such findings and, if appropriate, an order setting forth an appropriate remedy subject to the limitations set forth in subdivision E of section 16.50.060. The determination of the hearing officer shall be final.

(Ord. 2006-07, Amended, 06/06/2006; Ord. 2002-11, Added, 10/15/2002)

Section 16.50.100 Deposit of collection.

There is hereby created in the City treasury a special revenue account. All storm drainage service fees collected by the City shall be deposited in such account. The revenue deposited in such account from any fees collected, shall be used only for management and execution of the City storm water program including prevention of storm water pollution; compliance with drainage related federal and state laws and permits; and the acquisition, construction, reconstruction, maintenance, and operation of drainage facilities.

(Ord. 2002-11, Added, 10/15/2002)

Section 16.50.110 Severability.

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Chapter or any part thereof is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining portion of this Chapter or any part thereof. The City Council of the City hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared invalid.

(Ord. 2002-11, Added, 10/15/2002)