

**ORDINANCE NO. ~~1357~~ 1537**

**AMENDING  
CHAPTER 7.50 TO TITLE VII OF  
THE YUBA COUNTY ORDINANCE CODE  
RELATING TO STORMWATER QUALITY**

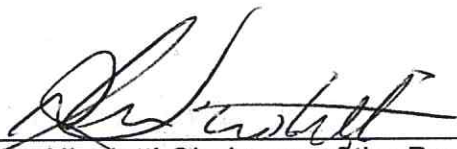
The following ordinance, consisting of three (3) sections, was duly and regularly passed and adopted by the Board of Supervisors of the County of Yuba, State of California, at a regular meeting of the Board of Supervisors held on 16th day of December, 2014, by the following vote:

AYES: Supervisors Nicoletti, Griego, Stocker


NOES: Supervisors Vasquez, Abe

ABSENT: None

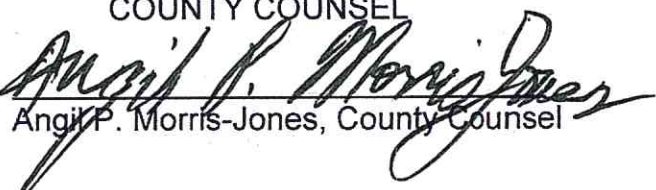
ABSTAIN: None

  
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John Nicoletti, Chairman of the Board of  
Supervisors of the County of Yuba

ATTEST: DONNA STOTTLEMEYER  
Clerk of the Board of Supervisors

By:   
\_\_\_\_\_

APPROVED AS TO FORM  
ANGIL P. MORRIS-JONES  
COUNTY COUNSEL

  
\_\_\_\_\_  
Angil P. Morris-Jones, County Counsel

**THE BOARD OF SUPERVISORS OF THE COUNTY OF YUBA, STATE OF CALIFORNIA DOES ORDAIN AS FOLLOWS:**

**Section 1.** This ordinance shall take effect Thirty (30) days after its passage, and before the expiration of fifteen (15) days after its passage a summary shall be published with the names of the members voting for and against the same, once in a local newspaper of general circulation in the County of Yuba, State of California.

**Section 2.** Chapter 7.50 to Title VII of the Yuba County Ordinance

Code is hereby amended to read as set forth herein below:

**Ordinance 7.50**

**STORMWATER QUALITY**

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**Section**

**7.50.010 Title.**

**7.50.020 Purpose and Intent.**

**7.50.030 Findings.**

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**7.50.040 Applicability.**

**7.50.050 Definitions.**

**7.50.060 Responsibility for Administration.**

**7.50.070 Conflicts with other laws.**

**7.50.080 Discharge prohibitions.**

**7.50.090 Exemptions to prohibited discharges.**

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- 7.50.100 Discharge in violation of existing NPDES permit.
- 7.50.110 Discharge in violation of County's NPDES permit—Indemnification.
- 7.50.120 Acts potentially resulting in violation of Federal Clean Water Act and/or Porter-Cologne Act.
- 7.50.130 Authority to Inspect
- 7.50.140 Concealment and Abetting.
- 7.50.150 Reduction of pollutants in stormwater, Best Management Practices.
- 7.50.160 Containment and notification of illicit discharges.
- 7.50.170 Coordination with hazardous materials inventory and response program.
- 7.50.180 Enforcement.
- 7.50.190 Violation.
- 7.50.200 Penalty
- 7.50.210 Administrative appeals.
- 7.50.220 Civil actions.
- 7.50.230 Nuisance abatement—Urgency abatement.
- 7.50.240 Regulatory fee structure authorized.

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#### **7.50.010 Title.**

The ordinance codified in this ordinance shall be known as the "Yuba County Stormwater Quality Ordinance" of the County of Yuba, and may be so cited.

#### **7.50.020 Purpose and Intent.**

A. The purpose of this ordinance is to ensure that Yuba County is compliant with state and federal laws and fulfills its requirements to:

Protect the health, safety, and general welfare of the citizens of Yuba County; enhance and protect the quality of waters of the state in Yuba County by reducing pollutants in stormwater discharges to the maximum extent practicable and controlling nonstormwater discharges to the storm drain system; to cause the use of best management practices (Section 7.50.050) by the County and its citizens that will reduce the adverse effects of polluted runoff discharges on waters of the state.

B. This chapter is intended to assist in the protection and enhancement of the water quality of watercourses, water bodies and wetlands in a manner pursuant to and consistent with the Federal Clean Water Act (33 U.S.C. Sections 1251 et seq.) and any subsequent amendments thereto, by reducing pollutants in storm water discharges to the maximum extent practicable and by prohibiting non-storm water discharges into the storm drain system. This chapter is also intended to assist in meeting the requirements of the California State Water Resources Control Board Order No. 2013-0001-DWQ and any subsequent amendments thereto.

C. This ordinance seeks to promote these purposes by:

Prohibiting illicit discharges to the storm drain system; establishing authority to adopt requirements for stormwater management, including source control requirements, to reduce pollution to the maximum extent practicable; establishing authority to adopt requirements for development projects to reduce stormwater pollution and erosion both during construction and after the project is complete, and; establishing authority that will enable the county to implement and enforce any stormwater management plan adopted by the county.

#### **7.50.030 Findings.**

The Yuba County Board of Supervisors has determined that the health, safety, and general welfare of the citizens of Yuba County are adversely affected by the discharge of pollution into storm drain systems and waters of the state. The Board of Supervisors further finds that any violation of this ordinance constitutes a public nuisance.

#### **7.50.040 Applicability.**

This ordinance applies to all unincorporated areas of the county. However, some provisions of this ordinance only apply to those areas within the Phase II MS4 permit boundary as delineated on the most current permit boundary map as approved by the California State Water Resources Control Board.

#### **7.50.050 Definitions.**

As used in this ordinance:

“Best Management Practices (BMP’s)” means schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent the discharge of pollution directly or indirectly into stormwater, receiving waters, or stormwater conveyance systems. BMP’s also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

“Construction Activity” means any public or private projects involving roadwork, paving, utility installation, structural construction (new or redevelopment), demolition, grading, excavation, or landscaping that has soil disturbance or has pollutants exposed to stormwater. It does not include routine maintenance to maintain original line and grade, hydraulic capacity, or original purposes of a facility, nor does it include emergency construction activities required to immediately protect public health and safety.

“Construction Site” means any project, including projects requiring coverage under the General Construction Permit, that involves soil disturbing activities including, but not limited to, clearing, grading, paving, disturbances to ground such as stockpiling, and excavation.

“County” means the County of Yuba.

“Development” means any activity that moves soils or substantially alters the pre-existing vegetated or man-made cover of any land. Development includes any activity that may be considered new development or redevelopment. This also includes, but is not limited to, grading, digging, cutting, scraping, stockpiling or excavating of soil, placement of fill materials, paving, pavement removal, exterior construction, substantial removal of vegetation where soils are disturbed including but not limited to removal by clearing or grubbing, or any activity which bares soil or rock or involves streambed alterations or the diversion or piping of any watercourse. Development 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 (i.e., land disturbances) required to protect public health and safety.

“Discharge” means the release, threatened release, or placement of any material into the County’s storm drain system, including but not limited to stormwater, wastewater, solid materials, liquids, hazardous waste, raw materials, debris, litter, or any other substance.

"Enforcement Agency." The Yuba County department of Public Works is the primary Enforcement Agency for the purposes of this ordinance. The Enforcement Agency shall coordinate program activities with and authorize personnel of other departments to serve as Enforcement Officials to effectuate the purposes of this ordinance.

"Enforcement Official" means any agent of the County authorized by the Yuba County Director of Public Works to enforce compliance with this chapter.

"Hazardous waste" means 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. As defined in California Health and Safety Code Section 25117.

"Illicit connection." An illicit connection is defined by either of the following:

1. Any drain or water conveyance facility, either surface or subsurface, which allows an illicit discharge to enter the storm drain system, including but not limited to any conveyances which allow any nonstormwater discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connection to the storm drain system from indoor drains and sinks, regardless of whether such drain or connection has been previously allowed, permitted, or approved by a government agency,

Or

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

"Illicit discharge" means any direct or indirect nonstormwater discharge to the county's municipal storm drain system, except as otherwise exempted, including the introduction of pollution into the storm drain system.

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

"Maximum Extent Practicable (MEP)" means a technology-based standard established by Congress in the Clean Water Act Section 402(p)(3)(B)(iii) for stormwater discharge to apply to all small municipal separate storm sewer system (MS4) operators regulated under the NPDES program. MEP is generally the result of emphasizing pollution prevention and source control best management practices (BMP's) as the preferred method of preventing water pollution. The MEP approach is an ever-evolving, flexible and advancing concept, which considers technical and economic feasibility. As knowledge about controlling urban runoff continues to evolve, so does what constitutes MEP.

“Municipal Separate Storm Sewer System (MS4)” means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) owned by a state, county, city, town, or other public body, that is designed or used for collecting or conveying stormwater, which is not a combined sewer, and which is not a part of a publicly owned treatment works.

“National Pollutant Discharge Elimination System (NPDES)” means the primary permitting program under the Clean Water Act (33 U.S.C. Section 1251 et seq.) which regulates most discharges to surface water.

“Noncommercial vehicle washing” means the washing and rinsing of passenger vehicles on private property in which no commercial enterprise or non-profit fundraising is being conducted in the washing of those vehicles.

“Nonstormwater Discharge” means a discharge to the storm drain system that is not composed entirely of stormwater and that has been polluted, as defined in this section.

“Pollutant” means anything which causes or contributes to pollution, as defined in this section. Pollutants include, but are not limited to: paints, varnishes, solvents, oil, automotive fluids, yard wastes, refuse, rubbish, garbage, litter, discarded or abandoned objects, floatable materials, pesticides, herbicides, fertilizers, detergents, soaps, hazardous substances, hazardous waste, sewage, fecal coliform and pathogens, dissolved and particulate metals, animal wastes, wastes and residues that result from constructing a building or structure (including but not limited to sediments, slurries, and concrete rinsates), and noxious or offensive matter of any kind.

“Pollution” means the human-made or human-induced alteration of the quality of waters to a degree that causes or contributes to an exceedance of water quality standards contained in the statewide water quality control plan, the California Toxics Rule, or in the applicable regional water quality control board basin plan.

“Porter-Cologne Act” means the Porter-Cologne Water Quality Control Act, as amended (California Water Code Section 13000 et seq.).

“Property owner” means any person, entity, company, and/or authorized representative having title to real property within the geographic area affected by this ordinance.

“Regional Water Quality Control Board (RWQCB)” means the Central Valley Regional Water Quality Control Board or the California Regional Water Quality Control Board.

“Storm Drain System,” also “Municipal Storm Drain System” or “Stormwater conveyance system” means facilities owned or operated by the county by which stormwater is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drain, pumping facilities, impervious surfaces used for parking, retention and detention basins, natural and human-made or altered

drainage channels, reservoirs, and other drainage structures which are within the county and are not part of a publicly owned treatment works as defined at 40 CFR Section 122.2.

“Stormwater” means any surface flow, runoff, and drainage consisting entirely of water from precipitation events, which has not been polluted.

“Stormwater Pollution Prevention Plan (SWPPP)” means a document that describes the best management practices to be implemented by the owner or operator of a business, commercial development, residential development, or construction project, to eliminate non-stormwater discharges and/or to reduce them to the maximum extent practicable (as defined by the State of California Regional Water Quality Control Board), pollutant discharges to the stormwater conveyance system.

“Surface water” means all water naturally open to the atmosphere (which includes, but is not limited to rivers, lakes, reservoirs, ponds, streams, impoundments, seas, estuaries, etc.) and all springs, wells, or other collectors directly influenced by surface water.

“Urgency Abatement.” Urgency involves the discharge or a threatened discharge condition which causes or threatens to cause an imminent threat to public health, safety, welfare, the environment, or a violation of a NPDES permit.

“Watercourse” means any natural stream, whether flowing continuously or not, that is fed from permanent or natural sources, and includes, without limitation, rivers, creeks, runs and rivulets.

“Waters of the State” means all surface watercourses and water bodies, including lakes, bays, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, marshes, inlets, canals, and all other bodies of surface waters (Porter Cologne Section 13050(e)), and which are within the County of Yuba. This definition includes, but is broader than, waters of the United States.

“Waters of the United States” means surface watercourses and water bodies as defined at 40 CFR Section 122.2, including all natural waterways and definite channels and depressions in the earth that may carry water, even though such waterways may only carry water during rains and storms and may not carry stormwater at and during all times and seasons.

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

**7.50.060 Responsibility for Administration.**

The Director of Public Works of the county of Yuba shall administer the provisions of this ordinance. Any duties herein may be performed by other departments of the county.

**7.50.070 Conflicts with other laws.**

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

**7.50.080 Discharge prohibitions.**

Except as provided in Section 7.50.090 of this ordinance, it is unlawful for any person to make or cause to be made any illicit discharge into the storm drain system. Notwithstanding the exemptions provided by Section 7.50.090, if the Enforcement Agency determines any otherwise exempt discharge causes or significantly contributes to violations of any plan standard, or conveys significant quantities of pollutants to surface water(s) or watercourse(s), or is a danger to public health or safety, such discharge shall be prohibited from entering the storm drain system.

**7.50.090 Exemptions to prohibited discharges.**

Subject to the authority granted by the Regional Water Quality Control Board and the enforcement official, the following discharges shall not be prohibited except as otherwise provided by this ordinance:

- A. Water line flushing and discharges from potable water sources;
- B. Incidental and minimal runoff from landscape irrigation and lawn watering;
- C. Diverted stream flows and irrigation water;
- D. Springs, rising groundwater, and flows from riparian habitat and wetlands;
- E. Uncontaminated groundwater infiltration (as defined at 40 Code of Federal Regulation Section 35.2005(b)(20));
- F. Uncontaminated pumped groundwater, foundation drains, footing drains, and water from crawl space pumps;

- G. Air conditioning condensation;
- H. Individual residential car washing on private property in which no commercial enterprise or non-profit fundraising is being conducted in the washing of those vehicles;
- I. Dechlorinated swimming pool discharges;
- J. Firefighting flows;
- K. Any discharge not containing wastes as defined in California Water Code Section 13050(d) and California Health & Safety Code Section 25117; and
- L. Any discharge regulated under a NPDES permit issued to the discharger and administered by the state, provided that the discharger is in compliance with all requirements of the permit and other applicable laws.

**7.50.100 Discharge in violation of existing NPDES permit.**

It is unlawful for any person to cause, either individually or jointly, any discharge to the stormwater conveyance system that results in or contributes to a violation of this chapter or the county's MS4 NPDES permit.

The construction, use, maintenance or continued existence of illicit connections is prohibited. This prohibition includes illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of the connections. Upon final adoption of this ordinance, any property owner or lessee who maintains an illicit connection shall, within thirty (30) days from the effective date of this ordinance, disconnect and discontinue use of such connection.

**7.50.110 Discharge in violation of County's NPDES permit—Indemnification.**

Any discharge that would result in or contribute to a violation of any NPDES permit for stormwater discharges to the county issued by the California State Water Resources Control Board or Regional Water Quality Control Board and any amendment, revision or reissuance thereof, either separately considered or when combined with other discharges, is prohibited. Liability for any such discharge shall be the responsibility of the person(s) so causing or responsible for the discharge, and such person(s) shall defend, indemnify and hold harmless the county in any administrative or judicial enforcement action relating to such discharge.

**7.50.120 Acts potentially resulting in violation of Federal Clean Water Act and/or Porter-Cologne Act.**

The standards set forth herein and promulgated pursuant to this ordinance are minimum standards. This ordinance does not intend or imply that compliance to these minimum standards will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants into the waters of the state. This ordinance shall not create liability on the part of the county, or any agent or employee thereof for any damage that results from any discharger's reliance upon this ordinance or any administrative decision made thereunder.

**7.50.130 Authority to Inspect.**

A. The Enforcement Official is authorized to enter any building or premises for the purpose of making an inspection to enforce this ordinance, using the provisions of Ordinance 7.36.830 of this code.

B. The Enforcement Official may conduct inspections related to purposes of implementing this chapter on private or public property. Inspections shall be based upon such reasonable selection processes as may be deemed necessary to carry out the objectives of this ordinance, including, but not limited to, visual evidence, complaints received, knowledge or physical evidence of industrial activities or other pollutant sources, random sampling, sampling in areas with evidence of stormwater contamination, illicit connections, discharge of nonstormwater to the county storm drain system, or similar factors.

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

D. The Enforcement Official may require monitoring, analysis and reporting of discharges from any premises to the stormwater conveyance system. 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 or occupant of the facility or activity for which testing and monitoring has been requested.

**7.50.140 Concealment and Abetting.**

Causing, permitting, aiding, abetting, or concealing a violation of any provision of this ordinance shall constitute a violation.

#### **7.50.150 Reduction of pollutants in stormwater, Best Management Practices.**

A. General Requirements. Any person engaging in activities that may result in pollutants entering the storm drain system shall implement best management practices to the maximum extent practicable to prevent and reduce such pollutants.

B. Business-related Activities.

1. Stormwater Pollution Prevention Plan. For businesses within the county's MS4 permit boundary that are engaged in activities which may result in pollutant discharges, the enforcement official may require the development and implementation of a storm water pollution prevention plan. This Stormwater Pollution Prevention Plan shall include an employee training program. An employee training program is a documented employee training program that may be required to be implemented by a business pursuant to a storm water pollution prevention plan, for the purpose of educating its employees on methods of reducing discharge of pollutants to the storm water conveyance system. Business activities that may require a storm water pollution prevention plan include, but are not limited to, maintenance, storage, manufacturing, assembly, equipment operations, vehicle loading or fueling, or cleanup procedures carried out partially or wholly out of doors.

2. Businesses within the county's MS4 permit boundary that are also required to have a hazardous materials release response and inventory plan, under Chapter 6.95 (commencing with Section 25500) of Division 20 of the California Health and Safety Code, shall include in that plan provisions for compliance with this chapter, including the provisions prohibiting non-storm water discharges and illegal discharges, and requiring the release of pollutants to be reduced to the maximum extent practicable.

3. Businesses within the county's MS4 permit boundary that are also required to have a hazardous waste generator contingency plan and emergency procedures, pursuant to California Code of Regulations, Title 22, Sections 66265.51 to 66265.56, shall include in that plan provisions for compliance with this chapter, including the provisions prohibiting non-storm water discharge and illegal discharges, and requiring the release of pollutants to be reduced to the maximum extent practicable.

C. Construction Activities.

1. Any person performing construction activities in the county shall prevent pollutants from entering the storm water conveyance system and comply with all applicable Federal, State and local laws, ordinances or regulations, including but not limited to, the current California NPDES General Permit for storm water discharges associated with construction activity (Construction General Permit) and applicable county ordinances. All construction projects within the county's MS4 permit boundary, regardless of size, having soil disturbance or activities exposed to storm water must, at a minimum, implement BMPs for erosion and sediment controls, soil stabilization, dewatering, source controls, pollution prevention measures, and prohibited discharges.

2. Any person subject to a construction activity NPDES storm water discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the enforcement official prior to, or as a condition of, a subdivision map, site plan, building permit, grading 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 or approval of the proposed improvement plans, for projects subject to the State's current Construction NPDES General Permit, the WDID number and the Storm Water Pollution Prevention Plan shall be submitted to the county. For projects within the county's MS4 permit boundary that involve less than an acre of soil disturbance or otherwise not subject to the Construction General Permit, an Erosion and Sediment Control Plan must be submitted to the county.

D. Waste Disposal. No person shall throw, deposit, leave, maintain, keep, or permit to be thrown, deposited, left, or maintained in or upon any public or private property, driveway, parking area, street, alley, sidewalk, component of the storm drain system, or waters of the state, any refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, and accumulations, so that the same may cause or contribute to pollution.

E. Construction Activities. Any person performing construction work within the county shall implement appropriate BMP's to prevent the discharge from the site of soil or construction wastes or debris, including contaminants from construction materials, tools, and equipment to the stormwater drainage system.

F. Sidewalks. Every property owner or any tenant in legal possession of the property upon which there is a paved sidewalk shall maintain that portion of the sidewalk on the property free of dirt or litter to the maximum extent practicable. Sweepings from the sidewalk shall not be swept into or otherwise allowed to enter the gutter or roadway, storm drain system, or any waters of the state, but shall instead be disposed of in receptacles maintained as required for proper disposal of solid waste.

G. Watercourse Protection. Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property reasonably free of trash, debris, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. Any owner or lessee that conducts development as defined in this ordinance shall maintain existing privately owned structures within or adjacent to a watercourse such that the effective functioning and physical integrity of the watercourse is protected, and in a manner which does not cause pollution.

H. Development within the county's MS4 permit boundary. The Enforcement Official may require controls as appropriate to minimize the long-term, post-construction activity discharge of storm water pollutants from new development(s) or modifications to existing development(s). Controls may include source control measures to prevent pollution of storm water, treatment controls designed to remove pollutants from storm water, low impact development measures, and/or hydromodification measures to offset the difference between the pre and post-construction peak flow runoff rates and volumes. Proponents of all applicable

development and redevelopment projects will be required to meet the requirements and design standards specified in the current State of California Phase II MS4 NPDES Permit and as may be described in further detail in the county's Design Standards.

At the earliest planning stages, project proponents shall assess and evaluate how site conditions, such as soils, vegetation, and flow paths will influence the placement of buildings and paved surfaces. The evaluation will be used to optimize the site layout to meet the goals of capturing and treating runoff. Each project proponent will submit a map of the project dividing the site into discrete drainage management areas to show in each how runoff will be managed using site design measures, source controls, treatment controls, and hydromodification measures as defined by the current MS4 permit. All site design measures, source controls, treatment controls, and hydromodification measures must be selected, sized, and situated in accordance with the guidance provided in the current MS4 permit and the county's Design Standards. Documentation of the site's post-construction storm water design measures must be submitted to the county's Public Works Department for review and approval prior to the commencement of the project.

Project proponents must sign an operation and maintenance agreement in which they legally bind themselves to maintain the installed post-construction design measures in an effective and good operational condition until the property ownership is transferred. A written operation and maintenance plan for the proposed storm water design measures is required to be submitted to and approved by the County with the signed agreement. The agreement will be recorded with the deed by the County Clerk making it transferrable to the new owner; or, when there are multiple property owners responsible for the maintenance of the control measures, the agreement will consist of a legally binding covenant between the County and the homeowners association or maintenance district. The owner or association responsible for the maintenance of the control measures may be required by the County to submit an annual self-certification that the storm water control measures are effective and are being maintained in accordance with the submitted and approved Operation and Maintenance Plan.

I. Compliance with Industrial or Construction Activity Storm Water Permit.

1. Any person subject to the State's current Industrial NPDES General Permit for storm water discharge shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the enforcement official upon inspection of the facility; during any enforcement proceeding or action; or for any other reasonable cause.

2. Any person subject to the State's current Construction NPDES General Permit for storm water discharge shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the enforcement official prior to or as a condition of a subdivision map, site plan, building permit, and development or improvement plan; upon inspection of the facility; during any enforcement proceeding or action; or for any other reasonable cause.

J. Paved Areas. Persons owning, operating, or maintaining a paved area, including the paved areas of a parking lot, gas station, paved private street, road, or driveway, and related storm drain systems shall clean those structures as frequently and as thoroughly as practicable in a manner that does not result in discharge of pollutants to the storm drain system.

#### **7.50.160 Containment and notification of illicit discharges.**

Any person owning or occupying a premises who has knowledge of any release of pollutants or non-stormwater discharge from or across those premises which might enter the storm drain system, except as provided in Section 7.50.090 of this ordinance, shall:

A. Immediately take all reasonable action to contain and abate the release of pollutants or non-stormwater discharge, and;

B. Notify the Enforcement Agency or its designated contact person within twenty-four (24) hours of the illicit discharge. The Enforcement Agency may require the owner of the property and/or the responsible person to take corrective actions within a specified time pursuant to this ordinance.

#### **7.50.170 Coordination with hazardous materials inventory and response program.**

Any business subject to the Yuba County Hazardous Materials Emergency Response Plan (Area Plan) shall include, at the first opportunity for revision, provisions in that plan for compliance with this ordinance.

#### **7.50.180 Enforcement.**

Any person who violates a provision of this ordinance may be subject to administrative, civil, or criminal liability as provided in this ordinance.

A. **Primary Authority.** The Enforcement Agency is empowered to use any of the provisions of Sections 7.50.190 through 7.50.230 of this code where appropriate to correct violations of, and secure compliance with the provisions of this ordinance.

B. **Warning Not Required.** Issuance of a warning shall not be a requirement prior to using any enforcement provision of this ordinance. Violations of this code are not tiered and are subject to citations without Notice of Noncompliance.

This section is to establish procedures for enforcement of the provisions of this code and is intended to support timely correction of nuisances and violations of the provisions of this code

while assuring due process of law in the abatement or correction of such nuisances and violations.

It shall be the duty of the Enforcement Official to enforce the provisions of this code and the Enforcement Official has the following responsibilities and authorities in the enforcement and administration of the provisions of this chapter:

- A. To review with affected individuals the provisions of this code through initiation of administrative hearings and other methods to support voluntary compliance with its provisions;
- B. To issue citations for violations of this code, and to issue stop work orders pursuant to the provisions of the Uniform Building Code;
- C. To initiate necessary proceedings to forfeit bonds or cash deposits;
- D. To initiate proceedings to revoke land use permits and other entitlements granted under any Yuba County code;
- E. To initiate and conduct nuisance abatement proceedings and to carry out additional abatement responsibilities regarding violations of this code;
- F. To carry out any other special enforcement programs initiated by ordinance, order or resolution of the Board of Supervisors, and any other responsibilities and authorities specified by this subchapter or this code;
- G. To recover enforcement investigation and processing costs.

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#### **7.50.190 Violation.**

- A. **Informal Warning.** Whenever the Enforcement Official determines that a violation of a provision of this ordinance has occurred or may occur, the Enforcement Agency may provide a warning to any person and/or owner responsible for the condition giving rise to such violation or potential violation. Such warning may include the distribution of educational materials to assist in future compliance with this ordinance. This warning may be provided in person or in a written Notice of Correction.
  - B. **Notice of Noncompliance.** Whenever the Enforcement Official determines that a violation has occurred, the Enforcement Official may serve a Notice of Noncompliance to any person and/or owner responsible for the violation. Each Notice of Noncompliance shall contain the following information:
    - 1. The date of the violation;
    - 2. The address or a definite description of the location where the violation occurred;
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3. The ordinance section violated and a description of the violation;
4. A time limit by which the violation shall be corrected, after which further enforcement and/or corrective actions may be taken by the County if the violation is not fully corrected;
5. The name and signature of the individual preparing the Notice of Noncompliance; and
6. Notice to the violator of potential liability under the Federal Clean Water Act or State Porter Cologne Water Quality Act.

C. **Administrative Compliance Order.** Whenever the Enforcement Official determines that a violation has occurred, the Enforcement Official may serve an Administrative Compliance Order to any person and/or owner responsible for the violation. Each Administrative Compliance Order shall contain the following information:

1. The date of the violation;
2. The address or a definite description of the location where the violation occurred;
3. The ordinance section violated and a description of the violation;
4. An order to either cease all activities or correct all deficiencies which are believed to be causing the violation;
5. A time limit by which the violation shall be corrected, after which corrective actions will be taken by the county if the violation is not fully corrected;
6. A statement that the County will charge the person and/or owner for all administrative costs associated with enforcement actions;
7. An order prohibiting the continuation or repeated occurrence of the violation;
8. The name and signature of the individual preparing the citation;
9. A statement outlining the procedure for appeal of the order; and
10. Notice to the violator of potential liability under the Federal Clean Water Act or State Porter Cologne Water Quality Act.

D. **Citation.** The Enforcement Official is authorized to issue citations for infractions of this section using the provisions found in this code.

E. **Misdemeanor.** Any violation of this ordinance is a misdemeanor and may be punishable using the provisions of this code.

F. **Service.** The Enforcement Officer is authorized to use the provisions of this code to serve a Notice of Correction, Notice of Noncompliance, Administrative Compliance Order, and/or Citations to effectuate the provisions of this ordinance.

G. **Separate Violation—Intent.**

1. Each day in which a violation occurs and each separate failure to comply with any provision of this ordinance is a separate offense and punishable by penalties in accordance with this ordinance.
2. A violation of the provisions of this ordinance shall occur irrespective of the negligence or intent of the violator to construct, maintain, operate, or utilize an illicit connection, or to cause, allow or facilitate any discharge or threatened discharge.

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**7.50.200 Penalty**

- A. For any violations of the ordinance, the penalty shall be punishment by either a fine not exceeding two thousand dollars (\$2,000.00) per occurrence, or imprisonment in the county jail for a term not exceeding six months, or by both such fine and imprisonment (misdemeanor), or as an infraction, with a fine not to exceed five hundred dollars (\$500.00) per violation. The penalty imposed for a conviction under this section may include probation and/or conditional sentence.
  - B. The Enforcement Official is authorized to issue citations for infractions of this section using the provisions found in this code.
  - C. Civil Penalty. In addition to any other penalty provided, any person who willfully violates any of the provisions of this code shall be liable for civil penalties of up to five hundred dollars (\$500.00) per day per violation for each day's violation of this code, ordinance, or regulation, not to exceed a total civil penalty of one hundred thousand dollars (\$100,000.00) per violation and not to exceed a total for all violations of two hundred fifty thousand dollars (\$250,000.00).
    - (1) This penalty shall be recovered in a civil action brought by the Yuba County Counsel or the Yuba County District Attorney.
    - (2) The provisions of this subsection shall be applicable to all violations, and each day's violation thereof, of any offense committed after the effective date of the ordinance codified in this subsection.
    - (3) As to offenses committed prior to the effective date of this subsection, the provisions of said ordinance shall be applicable to continuing
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violations thereof which occur from and after the effective date of said ordinance.

- D. Each day's violation of this code, ordinance or regulation, shall constitute a separate and distinct offense.
- E. When pronouncing sentence on any matter involving a violation of this code, the court is authorized, as a condition of sentence or condition of probation, to award costs of enforcement in addition to any fines imposed, and/or to order that the property be brought into compliance with all applicable laws, and/or such other orders as the court may deem proper.
- F. The remedies enumerated in this section are cumulative and in addition to any and all other remedies provided by law.

#### **7.50.210 Administrative appeals.**

- A. Any person receiving an Administrative Compliance Order under Section 7.50.190(C) of this ordinance, or any person required to perform monitoring, analysis, reporting or corrective activities by any Enforcement Official and who is aggrieved by this decision of the Enforcement Official may appeal the decision in writing to the Director of Public Works within ten (10) days following the effective date of the decision. Upon receipt of such appeal, the Director of Public Works shall request a report and recommendation from the authorized county employee and shall set the matter for hearing at the earliest practical date. At such hearing, the Director of Public Works may base his or her decision on additional evidence, and may reject, affirm or modify the Enforcement Official's decision.
- B. The decision of the Director of Public Works may be appealed to the Board of Supervisors by filing a notice of appeal with the clerk of the Board of Supervisors within ten (10) days of receipt of the decision of the Director of Public Works. Such appeal shall be in writing and shall set forth fully the grounds for the appeal. The board shall thereupon fix a time and place for a public hearing of such appeal. The Clerk of the Board shall give notice to the appellant of the time and place of hearing by serving it personally or by depositing it in the U.S. Post Office, postage prepaid, addressed to the appellant at his/her last known address at least five days prior thereto.
- C. At the hearing before the Board of Supervisors, the appellant may appear in person or by counsel and present any relevant evidence relating to the grievance; the Enforcement Agency may present evidence in rebuttal thereof. The hearing may be continued from time to time, not to exceed thirty (30) days in all. The Board of Supervisors shall conduct a hearing and make findings as appropriate. The decision of the Board of Supervisors shall be final.

#### **7.50.220 Civil actions.**

In addition to any other remedies provided in this section, any violation of this ordinance may be enforced by civil action brought by the county. In any such action, the county may seek, as appropriate and allowed by law, any or all of the following remedies:

- A. A temporary restraining order, preliminary and permanent injunction;
- B. Reimbursement for the costs of any investigation, inspection or monitoring survey which led to the establishment of the violation, and for the reasonable costs of preparing and bringing action under this division;
- C. Costs incurred in removing, correcting or terminating the adverse effect(s) resulting from the violation;
- D. Compensatory damages for loss or destruction of water quality, wildlife, fish and aquatic life. Costs and damages under this subsection shall be paid to the county and shall be used exclusively for costs associated with monitoring and establishing stormwater discharge pollution control system and/or implementing or enforcing the provisions of this division.

#### **7.50.230 Nuisance abatement—Urgency abatement.**


- A. Nuisance Abatement. The Enforcement Agency may, in addition to other authorized procedures set forth in this ordinance, take action to abate any nuisance in accordance with the procedures found in this code. The costs of any such abatement undertaken by the County shall be borne by the owner and shall be collectable in accordance with the provisions of Chapter 7.36 of the Yuba County Ordinance Code.
- B. Urgency Abatement. The Enforcement Agency may, in addition to other authorized procedures, take immediate action to abate any discharge or threatened discharge from any source to the storm drain system when, in the discretion of the Enforcement Agency, the discharge or threatened 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 an NPDES permit. The Enforcement Agency must first make reasonable attempts to contact and compel the responsible person and/or owner to abate the discharge or threatened discharge in a satisfactory manner. Any expense related to such remediation undertaken by the County shall be fully reimbursed by the property owner and shall be collectable in accordance with the provisions of Chapter 7.36 of the Yuba County Ordinance Code.

**7.50.240 Regulatory fee structure authorized.**

The Enforcement Agency shall collect such fees as may be authorized by the Board of Supervisors to establish and collect regulatory costs, which include routine inspections and other regulatory functions associated with this ordinance. Any such fees shall be established by resolution of the Board of Supervisors or by Ordinance.

**Section 3.** If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be unconstitutional and invalid, such decision shall not affect the validity of the remaining portion of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and every section, subsection, sentence, clause or phrase thereof, irrespective of the fact any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

The foregoing instrument is a Correct Copy  
of the original on file in this office  
ATTEST: DONNA STOTTLEMEYER  
Clerk of the Board of Supervisors of the  
County of Yuba, State of California

By:   
Date: 12-18-14

