

CITY OF SAUSALITO

ORDINANCE NO. 1230

**AN ORDINANCE OF THE CITY COUNCIL THE CITY OF SAUSALITO REPEALING
THE EXISTING MUNICIPAL CODE CHAPTER 11.17, (URBAN RUNOFF
POLLUTION PREVENTION) AND ADOPTING A NEW CHAPTER 11.17 (URBAN
RUNOFF POLLUTION PREVENTION) OF THE SAUSALITO MUNICIPAL CODE**

SECTION 1. FINDINGS

- A. In 1995, the Sausalito City Council adopted Ordinance No. 1104 § 1 known as the “City of Sausalito Urban Runoff Pollution Prevention Ordinance” to regulate urban runoff pollution in accordance with federal and state law at the time of its adoption.
- B. On February 5, 2013, the California State Water Resources Control Board adopted an order issuing a Phase II Small MS4 General Permit No 2013-0001-DWQ (the “Permit”). The Permit implements current federal and state water quality protection and pollution discharge law.
- C. Section E.6 of the Phase II Permit requires the City of Sausalito (the “City”) to review and revise relevant ordinances to include the legal authority and regulations required in the Permit.
- D. On June 16, 2015, the City held a duly noticed public hearing and heard and considered all public testimony on the proposed ordinance implementing the requirements of the Permit (the “Ordinance”)
- E. The City finds that the Ordinance is necessary for the protection of the public health, safety, and welfare and is consistent with the City’s General Plan.
- F. The City further finds that the Ordinance is exempt from the requirements of the California Environmental Quality Act (“CEQA”) as it is a ministerial action, an action to protect natural resources, and an action to protect the environment. (CEQA Guidelines, §§ 15307-15308.)

SECTION 2. REPEAL OF EXISTING CHAPTER 11.17

Sausalito Municipal Code Chapter 11.17 (Urban Runoff Pollution Prevention Ordinance) is hereby repealed in its entirety.

SECTION 3. ADOPTION OF NEW CHAPTER 11.17

Title 11, Chapter 11.17 of the Sausalito Municipal Code is hereby adopted to read as follows:

Title 11 – ENVIRONMENTAL PROTECTION
Chapter 11.17 – Urban Runoff Pollution Prevention

Sections:

- 11.17.010 Title.
- 11.17.020 Purpose and intent.
- 11.17.030 General provisions.
- 11.17.040 Definitions.
- 11.17.050 Discharge regulations and requirements.
- 11.17.060 Inspection and enforcement.
- 11.17.070 Coordination with other programs.

11.17.010 Title.

This Chapter shall be known as the “City of Sausalito Urban Runoff Pollution Prevention Ordinance” and may be so cited.

11.17.020 Purpose and intent.

The purpose of this Chapter is to ensure the future health, safety, and general welfare of City of Sausalito citizens by:

- A. Preventing or minimizing discharges other than storm runoff to storm drains or watercourses; and
- B. Prohibiting, preventing controlling and responding to spills, dumping, disposal, discharges, and releases of liquids, solids and any materials other than stormwater to storm drains or watercourses; and
- C. Reducing pollutants in stormwater discharges to the maximum extent practicable; and
- D. Requiring operators of construction sites, new, or redeveloped land, and industrial and commercial facilities to install, implement, and maintain appropriate best management practices (“BMPs”); and
- E. Requiring newly developed or redeveloped land to maintain the pre-development stormwater runoff rates and preventing stormwater pollution whenever possible, through stormwater management controls and ensuring that these management controls are properly maintained.

The intent of this Chapter is to protect and enhance the water quality of the State's and the United States' watercourses, water bodies and wetlands in a manner pursuant to and consistent with the Clean Water Act (33 USC Section 1251 *et seq.*), the Porter-Cologne Water Quality Control Act (Water Code Section 13000 *et seq.*), and the Phase II Small Municipal Separate Storm Sewer System ("MS4") National Pollutant Discharge Elimination System ("NPDES") Permit, Water Quality Order No. 2013-0001—DWQ, General Permit No. CAS000004 ("Phase II Stormwater Permit") or subsequent revisions and amendments thereto.

Section 11.17.050 of this Chapter has been designed to satisfy the requirements of the 2013 California Green Building Standards Code, sections 4.106 and 5.106.

11.17.030 General provisions.

A. Responsibility for Administration. This Chapter shall be jointly administered for the City by the Community Development Director, and the Director of Public Works and City Engineer. In administering this Chapter, each shall have the authority to request and require the submittal of information deemed necessary to assess compliance with this Chapter and the Phase II Permit.

B. Where storm drain facilities and/or watercourses have been accepted for maintenance by the Marin County Flood Control and Water Conservation District or other public agency legally responsible for certain watercourses, then the responsibility for enforcing the provisions of this Chapter may be assigned to such agency (through contract or agreement between the City and said agency) with respect to those watercourses for which they have accepted maintenance.

C. Construction and Application. This Chapter shall be construed to assure consistency with the requirements of the federal Clean Water Act (33 USC Section 1251 *et seq.*) and acts amendatory thereof or supplementary thereto, and applicable implementing regulations, including the current and future versions of the water quality control plan for the San Francisco Bay basin and the Phase II Stormwater Permit.

11.17.040 Definitions.

Any terms defined in the Phase II Stormwater Permit, the federal Clean Water Act (33 USC Section 1251 *et seq.*) and acts amendatory thereof or supplementary thereto, and/or defined in the regulations for the stormwater discharge permitting program issued by the Environmental Protection Agency on November 16, 1990 (as may from time to time be amended), as used in this Chapter shall have the same meaning as in the act or regulations. Such terms include, but are not limited to, the following:

A. "Authorized enforcement official" means the following City officials: Police officer, Community Development Director and/or his/her designee, Fire Chief and/or his/her designee, Director of Public Works and City Engineer and/or his/her designee.

B. "BASMAA Post-Construction Manual" means the most recent version of the Bay Area Stormwater Management Agencies (BASMAA) Post-Construction Manual which provides design guidelines for reducing stormwater pollutant discharges through the construction, operation and maintenance of source control measures, low impact development design, site design measures, stormwater treatment measures and hydromodification management measures.

C. "Best management practices ("BMPs")" means schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to waters of the United States. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste recycling or disposal, or drainage from raw material storage.

D. "City" means the City of Sausalito.

E. "Construction activities" means any activity that involves soil disturbance including, but not limited to: clearing, paving, grading, stockpiling, and excavation.

F. "Discharge of a Pollutant" means the addition of any pollutant or combination of pollutants to waters of the United States from any point source, or any addition of any pollutant or combination of pollutants to the waters of the contiguous zone or the ocean from any point source other than a vessel or other floating craft which is being used as a means of transportation. The term includes additions of pollutants to waters of the United States from: surface runoff which is collected or channeled by humans; discharges through pipes, sewers, or other conveyances owned by a State, municipality, or other person or entity which do not lead to a treatment works; and discharges through pipes, sewers, or other conveyances, leading into privately owned treatment works.

G. "Illicit connection" means any device or method that conveys non-stormwater to a municipal separate storm sewer (storm drain) system (MS4) or receiving water.

H. "Illicit discharge" means any discharge to a municipal separate storm sewer (storm drain) system (MS4) that is prohibited under local, state, or federal statutes, ordinances, codes, or regulations. The term illicit discharge includes all non-stormwater discharges not composed entirely of stormwater and discharges that are identified under the Discharge Regulations and Requirements Section of this Chapter. The term illicit discharge does not include discharges that are regulated by an NPDES permit (other than the NPDES permit for discharges from the MS4).

I. "Incidental irrigation runoff" means unintended amounts (volume) of runoff, such as unintended, minimal over-spray from sprinklers that escapes the landscaped area of intended use. Water leaving an intended use area is not considered incidental if it is part of the facility design, if it is due to excessive application, if it is due to intentional overflow or application, or if it is due to negligence.

J. "Low Impact Development ("LID")" means a sustainable practice that benefits water supply and contributes to water quality protection. LID uses site design and stormwater management to maintain the site's pre-development runoff rates and volumes. The goal of LID is to mimic a site's predevelopment hydrology by using design techniques that infiltrate, filter, store, evaporate, and detain runoff close to the source of rainfall.

K. "Maximum Extent Practicable ("MEP")" means the minimum required performance standards, BMPs, control techniques and systems, design and engineering methods, and such other provisions as the Environmental Protection Agency Administrator or the State determines appropriate for reducing pollutants in stormwater. MEP is the cumulative effect of implementing, evaluating, and making corresponding changes to a variety of technically appropriate and economically feasible BMPs, ensuring that the most appropriate controls are implemented in the

most effective manner. This process of implementing, evaluation, revising, or adding new BMPs is commonly referred to as the iterative process.

L. "MCSTOPPP" means the Marin County Stormwater Pollution Prevention Program.

M. "NPDES permit" means a National Pollutant Discharge Elimination System ("NPDES") permit issued pursuant to the Clean Water Act by the United States Environmental Protection Agency, the State Water Resources Control Board, or a California Regional Water Quality Control Board that authorizes discharges to waters of the United States.

N. "Non-stormwater discharge" means any discharge that is not entirely composed of stormwater.

O. "Phase II Stormwater Permit" means the NPDES general stormwater permit applicable to the County of Marin, Water Quality Order No. 2013-0001—DWQ, General Permit No. CAS000004, and any subsequent amendment, reissuance or successor to this NPDES permit.

P. "Pollutant" means dredged soil, solid waste, incinerator residue, filter backwash, sewage, pet wastes, manure, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, sediment, rock, sand, dirt, dumped yard wastes, and industrial, municipal, and agricultural waste discharged into water.

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

R. "Storm drains" includes, but is not limited to, those stormwater drainage conveyance facilities within the City by which stormwater may be conveyed to waters of the United States, including any roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels or storm drains, which are not part of a publicly owned treatment works ("POTW") as defined at 40 CFR 122.2.

S. "Stormwater" or "storm runoff" means stormwater runoff, snow melt runoff, surface runoff and drainage.

T. "Stormwater control plan" shall mean a plan that meets those criteria contained in the most recent version of the *BASMAA Post-Construction Manual*.

U. "Stormwater facilities operation and maintenance plan" shall mean a plan identifying the locations and characteristics of stormwater management facilities on a newly developed or redeveloped site and describing maintenance activities, schedules, and responsibilities to ensure the ongoing proper operation of those facilities.

V. "Stormwater management facility" shall mean any device designated to detain, retain, filter, or infiltrate stormwater, including, but not limited to, bioretention facilities

W. "Urban runoff" means stormwater runoff from an urbanized area including streets and adjacent domestic and commercial properties that carries pollutants of various types into the storm drainage system and receiving waters.

X. "Watercourse" means any natural or once natural flowing river, creek, stream, swale or drainageway -- whether perennial, intermittent or ephemeral. Includes natural waterways that have been channelized but does not include channels, ditches, culverts or other above or below ground constructed conduits, *i.e.*, storm drains.

11.17.050 Discharge regulations and requirements.

A. Discharge of Pollutants. Non-stormwater discharges to the City storm drain system are prohibited. All discharges of material other than stormwater must be in compliance with an NPDES permit issued for the discharge.

1. Exceptions to Discharge Prohibition. The following discharges are exempt from the prohibition set forth in subsection A of this section:

a. The prohibition on discharges shall not apply to any discharge regulated under an NPDES permit issued to the discharger and administered by the State of California under authority of the United States Environmental Protection Agency; provided that the discharger is in full compliance with all requirements of the permit and other applicable laws or regulations.

b. Discharges or flows from fire-fighting activities unless they are identified as significant sources of pollutants to waters of the United States.

c. Discharges from the following activities will not be considered a source of pollutants to waters of the United States, provided any pollutant discharges are identified and appropriate control measures to minimize the impact of such discharges are developed and implemented.

- (i) Water line flushing;
- (ii) Individual residential car washing;
- (iii) Diverted stream flows;
- (iv) Rising groundwaters;
- (v) Uncontaminated ground water infiltration (as defined at 40 C.F.R. §35.2005(20)) to separate storm sewers;
- (vi) Uncontaminated pumped groundwater;
- (vii) Discharges from potable water sources;
- (viii) Foundation drains;
- (ix) Air conditioning condensation;
- (x) Springs;
- (xi) Water from crawl space pumps;
- (xii) Footing drains;
- (xiii) Flows from riparian habitats and wetlands;
- (xiv) Dechlorinated swimming pool discharges; and
- (xv) Incidental irrigation runoff from landscaped areas (as defined in this Chapter).

d. Incidental irrigation runoff is the unintended amounts of runoff that leave the area of application such as minimal overspray. Water leaving the intended area of application is not incidental if it is due to the design, excessive application, or intentional overflow or application. Consistent with Chapter 8.52, Water Conserving Landscaping, irrigation systems

must be designed to conserve water and prevent water leaving the area of application. Persons responsible for controlling irrigation systems shall prevent excessive irrigation runoff by:

- (i) Detecting leaks and correcting from the irrigation system within 72 hours discovering the leak.
- (ii) Properly designing and aiming sprinkler heads to only irrigate the planned application area.
- (iii) Not irrigating during precipitation events.
- (iv) Where recycled water is used for irrigation, designing and managing holding ponds to such that no discharge occurs unless it is the result of the 25 year-24 hour storm event. Any releases from holding ponds must be reported to the Regional Water Board and the City within 24 hours of the discharge.

B. Discharge in Violation of Permit. Any discharge that would result in or contribute to a violation of the Phase II Stormwater Permit 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 persons shall defend, indemnify, and hold harmless the City in any administrative or judicial enforcement action relating to such discharge.

C. Illicit Discharges and Illicit Connections. The establishment, use, maintenance, or continuance of illicit connections to the City storm drains or watercourse, and/or the commencement or continuance of illicit discharges to the City storm drains or watercourse is prohibited. This prohibition is expressly retroactive and applies to connections made in the past, regardless of whether made under a permit or other authorization or whether permissible under the law or practices applicable or prevailing at the time of the connection.

1. Any person responsible for a discharge, spill, or pollutant release shall promptly cease and desist discharging and/or cleanup and abate such a discharge as directed by the authorized enforcement official.

2. Any person responsible for an illicit connection shall promptly remove the connection as directed by the authorized enforcement official.

3. The City may perform clean-up and abatement work and recover its costs from the responsible party as defined in this Chapter.

D. Reduction of Pollutants in Urban Runoff. Any person engaged in activities which will or may result in pollutants entering the City storm drains shall undertake all practicable measures to cease such activities and/or eliminate or reduce such pollutants. Such activities shall include, but not be limited to, ownership and use of parking lots, gasoline stations, industrial facilities, commercial facilities, ground disturbing activities, and stores fronting City streets.

1. Control of Littering.

a. Except for pollutants left to be lawfully disposed of by way of recycling containers or garbage cans, no person shall throw, deposit, leave, maintain, keep, or permit to be thrown, deposited, placed, left or maintained, any refuse, rubbish, garbage, or other discarded or abandoned objects, articles and accumulations, in or upon any street, alley, sidewalk, storm drain, inlet, catch basin, conduit or other drainage structures, business place, or upon any public

or private lot of land or other premises in the City, so that the same might be or become a pollutant discharged to water.

b. The occupant or tenant or, in the absence of occupant or tenant, the owner, lessee, or proprietor of any premises 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. Sweepings from the sidewalk shall not be swept or otherwise made or allowed to go into the gutter or roadway, but shall be disposed of in receptacles maintained on the real property as required for the recycling or disposal of garbage.

c. No person shall throw or deposit litter in any fountain, pond, lake, stream, or any other body of water in a park or elsewhere within the City.

2. Standard for Parking Lots and Similar Structures. Persons owning or operating a parking lot, gas station area of pavement or similar structure shall clean those structures as frequently and thoroughly as practicable in a manner that does not result in discharge of pollutants to the City storm drain system.

3. Use of Construction-phase best management practices .

a. Any person performing construction activities in the City shall implement appropriate BMPs to prevent the discharge of construction wastes or contaminants from construction materials, tools and equipment from entering the storm drain system or watercourse.

b. The City has the authority to review designs and proposals for construction activities and new development and redevelopment sites to determine whether adequate BMPs will be installed, implemented, and maintained during construction and after final stabilization.

c. Construction-phase BMPs include erosion and sediment controls and pollution prevention practices. Erosion control BMPs may include, but are not limited to, scheduling and timing of grading activities, timely revegetation of graded areas, the use of hydroseed and hydraulic mulches, and installation of erosion control blankets. Sediment control may include properly sized detention basins, dams, or filters to reduce entry of suspended sediment into the storm drain system and watercourses, and installation of construction entrances to prevent tracking of sediment onto adjacent streets. Pollution prevention practices may include designated washout areas or facilities, control of trash and recycled materials, tarping of materials stored on-site, and proper location of and maintenance of temporary sanitary facilities. The combination of BMPs used, and their execution in the field, must be customized to the site using up-to-date standards and practices. The agency will provide references to current guidance manuals and BMP information on request.

d. Erosion and Sediment Control Plan Requirements:

(i). When required by the Phase II Stormwater Permit or by the agency, a project shall have an Erosion and Sediment Control Plan (ESCP) which addresses erosion and sediment control and pollution prevention during the construction phase as well as final stabilization control measures. The ESCP and the specific control measures to be utilized shall be subject to the review and approval of the agency. The ESCP shall be implemented year round and shall be revised to reflect changing conditions on the project site. The agency shall require modifications of an approved ESCP if during the course of construction at a site unanticipated

conditions occur or the plans prove inadequate for the intended purpose. Revisions of the approved ESCP shall be submitted to the agency for review and approval. An Erosion and Sediment Control Plan (ESCP) shall be required for any project:

- (a) Subject to a grading permit under Chapter 17.08 Excavations Generally;
- (b) Subject to a building permit or other permit that has the potential for significant erosion and/or significant non-stormwater discharges of sediment and/or construction site waste;
- (c) As required by the City considering factors such as whether the project involves hillside soil disturbance, rainy season construction, construction near a creek or an intermittent or ephemeral drainageway, or any other condition or construction site activity that could lead to a non-stormwater discharge to a storm drain if not managed by effective implementation of an ESCP.

(ii) The ESCP shall be submitted for review and approval by the City. The project applicant shall follow the most recent version of the MCSTOPPP Construction Erosion and Sediment Control Plan Applicant Package. At a minimum, the ESCP shall include:

- (a) Description of the proposed project and soil disturbing activity;
- (b) Site specific construction-phase Best Management Practices (BMPs);
- (c) Rationale for selecting the BMPs;

(d) List of applicable outside agency permits associated with the soil disturbing activity, such as: Construction General Permit (CGP); Clean Water Act Section 404 Permit; Clean Water Act Section 401 Water Quality Certification; Streambed/Lake Alteration Agreement (1600 Agreements).

(e) If the project requires coverage under the CGP issued by the State Water Resources Control Board (SWRCB), Permit Registration Documents must be filed with the SWRCB for said coverage and a copy of the Waste Discharge Identification Number shall be submitted to the City prior to issuance of a permit for construction. The applicant may submit the Storm Water Pollution Prevention Plan (SWPPP) required by the General Construction Activity Stormwater Permit in lieu of the ESCP provided it meets the requirements of the ESCP.

(f) Financial security may be required to ensure that temporary measures to control stormwater pollution are implemented and maintained during construction and after construction for a period determined by the agency. Financial security shall consist of an irrevocable letter of credit, cash deposit, or performance bond as determined by the agency.

(g) When any work is being done contrary to the provisions of this article, the authorized enforcement official may order the work stopped by notice in writing served on any persons engaged in doing or causing the work to be done. Such work shall stop until the authorized enforcement official authorizes the work to proceed. This remedy is in addition to and does not supersede or limit any and all other remedies, both civil and criminal provided in the City of Sausalito Municipal Code.

(h) Implementation of an approved ESCP shall be a condition of the issuance of a building permit, a grading permit, or other permit issued by the City for a project subject to this section. The ESCP shall be implemented year round and must be updated to reflect changing conditions on the project site. Any modifications to the ESCP shall be submitted to the City for review and approval.

4. Permanent stormwater controls for new and redevelopment

a. The City may require, as a condition of project approval, permanent structural controls designed for the removal of sediment and other pollutants and for control on the volume and rate of stormwater runoff from the project's added or replaced impervious surfaces. These controls may include limits on impervious area. The selection and design of such controls shall be in general accordance with criteria established or recommended by federal, state, and local agencies, and where required by the City, the BASMAA Post-Construction Manual. Where physical and safety conditions allow, the preferred control measure is to retain drainage ways above ground and in as natural a state as possible or other biological methods such as bioretention areas. Where required by the Phase II Stormwater Permit Provision E.12, or where required by the nature and extent of a proposed project and where deemed appropriate by the agency, every applicant shall develop, submit and implement a Stormwater Control Plan (SCP) as described below:

(i) The SCP shall follow the appropriate SCP template, based on project type, in the most recent version of the BASMAA Post-Construction Manual.

(ii) The specific practices proposed in the SCP shall be subject to the review and approval of the City and shall be in general accordance with the BASMAA Post-Construction Manual, and the Phase II Stormwater Permit.

(iii) The SCP is separate and distinct from the ESCP requirements described in subsection (D)(3)(d) of this Section.

(iv) All stormwater management facilities shall be designed in a manner to minimize the need for maintenance and reduce the chances of failure. Design guidelines are outlined in the BASMAA Post-Construction Manual.

(v) Where required by the City, as a condition precedent to the issuance of a building permit, the applicant shall submit a preliminary Stormwater Facilities Operation and Maintenance Plan (O&M Plan). The approval of the O&M Plan by the City is required prior to final inspection and approval of building permit closure.

(vi) All stormwater management facilities shall be maintained according to the approved O&M Plan. The person(s) or organization(s) responsible for maintenance shall be designated in the plan. The plan shall require that stormwater management facilities be inspected by those responsible for maintenance at least annually. The O&M Plan shall also describe how the maintenance will be funded. Upon the failure of a responsible person to maintain the stormwater management facilities in accordance with the O&M Plan, the City may perform the maintenance and recover its costs from the responsible person as provided in Section 11.17.060.

(vii) Where deemed appropriate by the City, the City shall have access to stormwater management facilities for inspections, as provided in Section 11.17.060, and through

such means as may be appropriate, including, but not limited to, legal agreements, recorded covenants or easements, shall be provided by the property owner.

(viii) All project proponents and their successors, or successors in fee title, in control of project that is located within the City and that is defined as a Regulated Project in Provision E.12.c. of the Phase II Stormwater Permit, or where required by the City, shall submit one of the following as a condition prior to final inspection and approval of building permit closure:

- (a) The project proponent's signed statement accepting responsibility for the operations and maintenance of stormwater management facilities until such responsibility is legally transferred to another entity;
- (b) Written conditions in the sales or lease agreements or deed for the project that requires the buyer or lessee to assume responsibility for the operations and maintenance of the stormwater management facilities until such responsibility is legally transferred to another entity;
- (c) Written text in project deeds, or conditions, covenants and restrictions for multi-unit residential projects that require the homeowners association or, if there is no association, each individual owner to assume responsibility for the operation and maintenance of the stormwater management facilities until such responsibility is legally transferred to another entity; or
- (d) Any other legally enforceable agreement or mechanism, such as recordation in the property deed, that assigns the operation and maintenance of the stormwater management facilities to the project owner(s) or the City.

(ix) Financial security may be required to ensure that stormwater management facilities operate and are maintained following construction for a period which may be determined by the agency. Financial security shall consist of an irrevocable letter of credit, cash deposit, or performance bond as determined by the agency.

5. Notification of Intent and Compliance with General Permits.

a. Each industrial discharger, discharger associated with construction activities, or other discharger, described in any general stormwater permit addressing such discharges as may be adopted by the United States Environmental Protection Agency, the State Water Resources Control Board, or the Regional Water Quality Control Board, shall provide Permit Registration Documents, comply with, and undertake all other activities required by any general stormwater permit applicable to such discharges.

b. Each discharger identified in an individual NPDES permit relating to stormwater discharges shall comply with and undertake all activities required by such permit.

6. Compliance with Best Management Practices. Where BMPs, guidelines or requirements have been adopted by any Federal, State of California, regional, and/or local agency for any activity, operation, or facility that may cause or contribute to stormwater pollution or contamination, illicit discharges, and/or discharge of non-stormwater to the storm drain system, every person undertaking such activity or operation, or owning or operating such facility, shall comply with such practices, guidelines and requirements as may be identified by an authorized enforcement official.

E. Watercourse Protection.

1. Every person owning, occupying, leasing, renting or in control of premises through which a watercourse passes, shall:

a. Keep and maintain that part of the watercourse within the property reasonably free of trash, debris, excessive vegetation, and other obstacles which would and/or could pollute, contaminate, or significantly retard the flow of water through the watercourse;

b. Maintain existing privately-owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse; and

c. Not remove healthy bank vegetation in such a manner as to increase the vulnerability of the watercourse to erosion.

2. No person shall commit or cause to be committed any of the following acts, unless a written permit has first been obtained from the City:

a. Discharge into or connect any pipe or channel to a watercourse;

b. Modify the natural flow of water in a watercourse;

c. Deposit in, plant in, or remove any material from a watercourse including its banks, except as required for necessary maintenance;

d. Construct, alter, enlarge, connect to, change, or remove any structure in a watercourse; or

e. Place any loose or unconsolidated material adjacent to or within a watercourse so as to cause a division of the flow, or to cause a probability of such material being carried away by storm waters passing through such watercourse.

11.17.060 Inspection and enforcement.

A. Violations Constitute a Public Nuisance – Abatement – Restoration. Any condition caused or allowed to exist in violation of any of the provisions of this Chapter constitutes a threat to the public health, safety and welfare, and is deemed and declared to be a public nuisance. This public nuisance may be summarily abated and/or the property restored to its original condition, and/or enjoined or otherwise be compelled to cease and desist, by the authorized enforcement official or by actions taken by the City Attorney.

1. Abatement Procedure – Costs – Lien. The abatement of any public nuisance under this Chapter shall follow the procedures as set forth in Chapter 12.20 SMC. The cost of such abatement and/or restoration of the property to its original condition shall be the responsibility of the owner of the property. The costs shall be a lien upon and against the property and shall continue in existence until it is paid. The lien shall be imposed and collected in accordance with the applicable provisions of State law and this code.

2. Inspections and Sampling – Authority Procedure.

a. An authorized enforcement official has the duty and the responsibility to inspect any and all locations for any violation of the provisions of this Chapter. An authorized

enforcement official may, within the limitations of applicable state and federal laws, enter any building or any premises (including, but not limited to, facilities, equipment, practices, or operations) at all reasonable times to inspect the same for any or all of the following situations, as determined by the authorized enforcement official:

- i. Routine inspections to ensure implementation of BMPs and other requirements of this Chapter;
- ii. Active or potential stormwater dischargers;
- iii. Whenever there is reasonable cause to believe that there exists any condition which constitutes a violation of the provisions of this Chapter or the Phase II Stormwater Permit;
- iv. Actual violations of this Chapter or the Phase II Stormwater Permit;
- v. Whenever necessary to enforce any of the provisions of this Chapter or the Phase II Stormwater Permit; or
- vi. To perform any duty imposed upon the official by this Chapter.

b. An authorized enforcement official must present proper credentials to, and obtain consent from, the owner or occupant to enter. In the event the owner and/or occupant refuses entry, the official shall request assistance of the City Attorney to obtain an administrative warrant for the premises, pursuant to the provisions of State law.

c. An authorized enforcement official has the right to and shall conduct routine sampling and monitoring on or adjacent to the premises under review. The cost of such routine sampling and/or monitoring activities, including test reports and results, shall be borne by the City. An authorized enforcement official may, within the limitations of law, enter such premises at reasonable times to conduct sampling and monitoring operations; provided, that the official presents proper credentials to and obtains consent from the owner or occupant to enter. In the event the owner and/or occupant refuses entry, the official shall request assistance of the City Attorney to obtain an administrative warrant for the premises, pursuant to the provisions of State law.

d. Whenever an authorized enforcement official has reasonable cause to believe that the owner and/or occupant of the premises is engaged in an activity and/or operating a facility that is causing or contributing to stormwater pollution or contamination, illicit discharges, and/or the discharge of non-stormwater or other unlawful material to the storm drain system, the official may require the owner and/or occupant to conduct sampling and/or monitoring activities on the premises, and to furnish such test results and reports as the official may determine. The burden and cost of undertaking such sampling and monitoring activities, including test results and reports, shall be borne by the owner of the premises under review. The type and method of sampling and monitoring shall bear a reasonable relationship to the need for testing and monitoring and to the benefits to be obtained, as determined by the enforcement official.

e. Exigent Circumstances. Whenever a condition is found to exist in violation of this Chapter that presents an immediate and present danger to the public health, safety and welfare requiring immediate remedial action to prevent injury to persons or property, the authorized enforcement official shall take whatever reasonable and appropriate action is necessary to neutralize the danger, including but not limited to entry upon private premises for inspection, sampling, monitoring, and abatement.

B. Violations – Misdemeanors or Infractions – Punishment. The violation of any provision of this Chapter, or failure to comply with any of the mandatory requirements of this Chapter, shall constitute a misdemeanor, except that, notwithstanding any other provision of this Chapter, any such violation of this Chapter may, in the discretion of the enforcement authority, constitute an infraction. If convicted of a misdemeanor, a person shall be subject to payment of a fine, imprisonment, or both, not to exceed the limits set forth in Government Code section 36901. If convicted of an infraction, a person shall be subject to payment of a fine not to exceed the limits set forth in Government Code section 36900. A person, firm, corporation, or organization shall be deemed guilty of a separate offense for each and every day during any portion of which a violation of this Chapter is committed, continued or allowed by the person, firm, corporation or organization, and shall be punishable accordingly.

C. Violations – Civil Action for Enforcement. The violation of any provision of this Chapter, or the failure to comply with any of the requirements of this Chapter, may be enforced by a civil action brought by the City Attorney in any court having appropriate jurisdiction. In any such action, the City may seek any or all of the following remedies:

1. A temporary or permanent injunction;
2. Costs of investigation, inspection, sampling, or monitoring activities concerning the violation, and cost of suit;
3. Costs of restoration of the premises from its condition resulting from the violations back to its original condition;
4. Compensatory damages including but not limited to loss and/or destruction of water quality, wildlife, fish, aquatic habitat, and other adverse environmental effects. Damages recovered under this subsection shall be paid to the City and shall be used exclusively for costs of sampling and monitoring, of establishing stormwater discharge pollution control systems, and of implementing and/or enforcing the provisions of this Chapter.

D. Violations – Administrative Enforcement Action. In addition to any other enforcement powers and/or remedies provided in this Chapter, an authorized enforcement official may issue an order to a person to cease and desist from the discharge, practice, operation or other activity causing or likely to cause violation of this Chapter. Such order shall be directed to those persons in violation of the Chapter stating clearly and concisely the nature of the violation, the requirements for compliance, a timetable for compliance, and such other remedial and/or preventive action as may be necessary. Upon the violator's failure to comply with such order, the City shall take further enforcement action as specified in this Chapter, or in accordance with any other appropriate provision of local, state or federal law. At the discretion of the enforcement official, orders to cease and desist may take the following form:

1. Verbal Warnings, as may be issued during inspections
2. Warning Letters and Orders to Abate Pollution
3. Warning Letters with requirements to submit written reports
4. Formal violations and legal action as described in this Chapter and as authorized by Chapter 1.05 of the City of Sausalito Municipal Code.

E. Remedies Not Exclusive. The enumerated remedies provided in this Chapter are in addition to, and do not supersede or limit, all other remedies, both civil and criminal. The remedies provided for herein shall be cumulative to, and not exclusive of, each other.

F. Authority to Arrest and Issue Citations. An authorized enforcement official shall have the authority to arrest or to cite any person who violates any provision of this Chapter in the manner provided by the California Penal Code for the arrest or release on citation of misdemeanors or for citation of infractions and notice to appear, as prescribed by Chapters 5, 5c and 5d of Title 3, Part 2 of the California Penal Code, including Section 853.6, or as the same may be hereinafter amended. It is the intent of the City Council that the immunities provided in Penal Code Section 836.5 be applicable to public officers or employees acting within the course and scope of their employment pursuant to this Chapter.

11.17.070 Coordination with other programs.

A. Coordination with Hazardous Materials Inventory and Response Program. The first revision of the business plan for any facility subject to the City’s hazardous materials inventory and response plan shall include a program for compliance with this Chapter, including the prohibitions on non-stormwater discharges and illicit discharges, and the requirement to reduce stormwater pollutants to the maximum extent practicable.

SECTION 4. This ordinance shall be liberally construed to achieve its purposes and preserve its validity. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this ordinance. The City Council hereby declares that it would have passed this ordinance and every section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

SECTION 5. This ordinance shall be and is hereby declared to be in full force and effect as of thirty (30) days from and after the date of its passage. Before the expiration of fifteen (15) days after passage by the City Council this Ordinance shall be published once in a newspaper of general circulation published in the City of Sausalito.

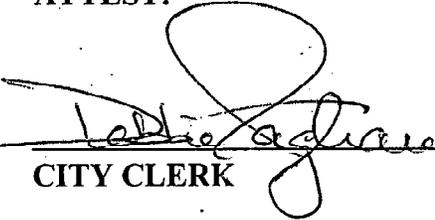
This ordinance was introduced at a regular meeting of the City Council of the City of Sausalito on June 16, 2015, and was adopted at a regular meeting of the City Council of the City of Sausalito on June 30, 2015, by the following roll call vote:

AYES:	COUNCILMEMBERS:	Hoffman, Pfeifer, Weiner, Withy, Mayor Theodores
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	None
ABSTAIN:	COUNCILMEMBERS:	None



MAYOR OF THE CITY OF SAUSALITO

ATTEST:



CITY CLERK

PUBLIC NOTICES

redeveloped land, and industrial and commercial facilities to install, implement, and maintain appropriate best management practices ("and

Requiring newly developed or redeveloped land to maintain the predevelopment stormwater runoff rates and preventing stormwater pollution whenever possible, through stormwater management controls and ensuring that these management controls are properly maintained.

The intent of this Chapter is to protect and enhance the water quality of the State's and the United States' watercourses, water bodies and wetlands in a manner pursuant to and consistent with the Clean Water Act (33 USC Section 1251 et seq.), the Porter-Cologne Water Quality Control Act (Water Code Section 13000 et seq.), and the Phase II Small Municipal Separate Storm Sewer System ("MS4") National Pollutant Discharge Elimination System ("NPDES") Permit, Water Quality Order No. 2013-0001 General Permit Jo. CAS000004 ("Phase I Stormwater Permit") or subsequent revisions and amendments thereto.

Section 11.17.050 of this Chapter has been designed to satisfy the requirements of the 2013 California Green Building Standards Code, sections 4.106 and 4.106.

11.17.030 General Provisions.

Responsibility for Administration. This Chapter shall be jointly administered for the City by the Community Development Director, and the Director of Public Works and City Engineer. In administering this Chapter, each shall have the authority to request and require the submittal of information deemed necessary to

B. Where storm drain facilities and/or watercourses have been accepted for maintenance by the Marin County Flood Control and Water Conservation District or other public agency legally responsible for certain watercourses, then the responsibility for enforcing the provisions of this Chapter may be assigned to such agency (through contract or agreement between the City and said agency) with respect to those watercourses for which they have accepted maintenance.

C. Construction and Application. This Chapter shall be construed to assure consistency with the requirements of the federal Clean Water Act (33 USC Section 1251 et seq.) and acts amendatory thereof or supplementary thereto, and applicable implementing regulations, including the current and future versions of the water quality control plan for the San Francisco Bay basin and the Phase II Stormwater Permit.

11.17.040 Definitions.

Any terms defined in the Phase II Stormwater Permit, the federal Clean Water Act (33 USC Section 1251 et seq.) and acts amendatory thereof or supplementary thereto, and/or defined in the regulations for the stormwater discharge permitting program issued by the Environmental Protection Agency on November 16, 1990 (as may from time to time be amended), as used in this Chapter shall have the same meaning as in the act or regulations. Such terms include, but are not limited to, the following:

A. "enforcement official" means the following City officials: Police officer, Community Development Director and/or his/her designee, Fire Chief and/or his/her designee,

B. "Post-Construction Manual" means the most recent version of the Bay Area Stormwater Management Agencies (BASMAA) Post-Construction Manual which provides design guidelines for reducing stormwater pollutant discharges through the construction, operation and maintenance of source control measures, low impact development design, site design measures, stormwater treatment measures and hydro-modification management measures.

C. "management practices ("BMPs")" means schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to waters of the United States. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste recycling or disposal, or drainage from raw material storage.

D. "means the City of Sausalito.

E. "activities" means any activity that involves soil disturbance including, but not limited to: clearing, paving, grading, stockpiling, and excavation.

F. "of a Pollutant" means the addition of any pollutant or combination of pollutants to waters of the United States from any point source, or any addition of any pollutant or combination of pollutants to the waters of the contiguous zone or the ocean from any point source other than a vessel or other floating craft which is being used as a means of transportation. The term includes additions of pollutants to waters of the

discharges through pipes, sewers, or other conveyances owned by a State, municipality, or other person or entity which do not lead to a treatment works; and discharges through pipes, sewers, or other conveyances, leading into privately owned treatment works.

G. "connection" means any device or method that conveys non-stormwater to a municipal separate storm sewer (storm drain) system (MS4) or receiving water.

H. "discharge" means any discharge to a municipal separate storm sewer (storm drain) system (MS4) that is prohibited under local, state, or federal statutes, ordinances, codes, or regulations. The term illicit discharge includes all non-stormwater discharges not composed entirely of stormwater and discharges that are identified under the Discharge Regulations and Requirements Section of this Chapter. The term illicit discharge does not include discharges that are regulated by an NPDES permit (other than the NPDES permit for discharges from the MS4).

I. "irrigation runoff" means unintended amounts (volume) of runoff, such as unintended, minimal overspray from sprinklers that escapes the landscaped area of intended use. Water leaving an intended use area is not considered incidental if it is part of the facility design, if it is due to excessive application, if it is due to intentional overflow or application, or if it is due to negligence.

J. "Impact Development ("LID")" means a sustainable practice that benefits water supply and contributes to water quality protection. LID uses site design and stormwater management to maintain the site's predevelopment

hydrology by using design techniques that infiltrate, filter, store, evaporate, and detain runoff close to the source of rainfall.

K. "Extent Practicable" ("means the minimum required performance standards, BMPs, control techniques and system design and engineering methods, and such other provisions as the Environmental Protection Agency Administrator or the State determines appropriate for reducing pollutant in stormwater. MEP is the cumulative effect of implementing, evaluating and making corresponding changes to a variety of technically appropriate and economically feasible BMPs, ensuring that the most appropriate controls are implemented in the most effective manner. This process of implementing, evaluation, revising, or adding new BMPs is commonly referred to as the iterative process.

L. "means the Marin County Stormwater Pollution Prevention Program

M. "NPDES permit" means a National Pollutant Discharge Elimination System ("NPDES") permit issued pursuant to the Clean Water Act, the United States Environmental Protection Agency, the State Water Resources Control Board, or a California Regional Water Quality Control Board that authorizes discharges to waters of the United States.

N. "discharge" means any discharge that is entirely composed stormwater.

O. "Il Stormwater Permit" means the NPDES general stormwater permit applicable to the County of Marin, Water Quality Order No. 2013-0001 General Permit No. CAS000000 and any subsequent amendment, reissuance or successor to this NPDES permit.

Ordinance No. 1230

after this ordinance was printed in the newspaper (attached affidavit), minor errors were found when referencing the various code sections -

these errors were corrected and are now found in the original document

A handwritten signature or mark, possibly initials, consisting of a large loop and a smaller mark below it.