

ORDINANCE NO. 691

AN ORDINANCE ENACTING A NEW CHAPTER 12.06 OF THE GRASS VALLEY MUNICIPAL CODE PERTAINING TO STORM WATER MANAGEMENT AND DISCHARGE CONTROL

THE CITY COUNCIL OF THE CITY OF GRASS VALLEY, STATE OF CALIFORNIA, HEREBY ORDAINS AS FOLLOWS:

There is hereby added a new chapter 12.06 to the Grass Valley Municipal Code to read as follows:

**CHAPTER 12.06  
STORM WATER MANAGEMENT AND DISCHARGE CONTROL**

Sections:

- 12.06.010 Purpose and Intent.
- 12.06.020 Definitions.
- 12.06.030 Applicability and Compliance.
- 12.06.040 Responsibility for Administration.
- 12.06.050 Severability.
- 12.06.060 Regulatory Consistency.
- 12.06.070 Responsibility of Discharger.
- 12.06.080 Prohibition of Illegal Discharges.
- 12.06.090 Prohibition of Illicit Connections.
- 12.06.100 Waste Disposal Prohibitions.
- 12.06.110 Discharges in Violation of Industrial or Construction Activity NPDES Storm Water Discharge Permit.
- 12.06.120 Requirement to Prevent, Control, and Reduce Storm Water Pollutants.
- 12.06.120 Requirement to Eliminate Illegal Discharges.
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- 12.06.260 Mutually Agreed Upon Compensatory Action.
- 12.06.270 Violations Deemed a Public Nuisance.

12.06.280 Violations of the Federal Clean Water Act and/or California Porter-Cologne Act.

**12.06.010 Purpose and Intent.**

The purpose and intent of this ordinance is to ensure the health, safety, and general welfare of citizens, and protect and enhance the water quality of watercourses and water bodies in a manner pursuant to and consistent with the Federal Clean Water Act (33 U.S.C. § 1251 et seq.) by reducing pollutants in storm water discharges to the maximum extent practicable and by prohibiting non-storm water discharges to the storm drain system.

**12.06.020 Definitions.**

- A. Accelerated Erosion. Erosion caused by development activities that exceeds the natural processes by which the surface of the land is worn away by the action of water, wind, or chemical action.
- B. Best Management Practices (BMP's). Activities, practices, and procedures to prevent or reduce the discharge of pollutants directly or indirectly to the municipal storm drain system and watercourses. BMP's include but are not limited to: treatment facilities to remove pollutants from storm water, operating and maintenance procedures, facility management practices to control runoff, spillage or leaks of non-storm water, waste disposal, and drainage from material storage, erosion and sediment control practices, the prohibition of specific activities, practices, and procedures and such other provisions as the City determines appropriate for the control of pollutants.
- C. Building. Any structure, either temporary or permanent, having walls and a roof, designed for the shelter of any person, animal, or property, and occupying more than 100 square feet of area.
- D. City. The City of Grass Valley.
- E. Clean Water Act. The Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.
- F. Construction Activity. Activities subject to permits including but not limited to encroachment permits, grading permits, and building permits. Such activities include residential, commercial or industrial development but are not limited to clearing and grubbing, grading, excavating, and demolition.
- G. Detention. The temporary storage of storm runoff in a storm water management practice with the goals of controlling peak discharge rates and providing gravity settling of pollutants.
- H. Developer. A person who undertakes land disturbance, building, and/or construction activities.
- I. Encroachment Permit. A permit issued to a person, firm or corporation that proposes to do work or encroach on a public right of way, easement, or watercourse. This includes driveway construction and temporary access onto undeveloped property.
- J. Hazardous Materials. Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a

- substantial or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed (California Health and Safety Code § 25117).
- K. **Illegal Discharge.** Any direct or indirect non-storm water discharge to the storm drain system, except as exempted in this Chapter.
  - L. **Illicit Connections.** An illicit connection is defined as either of the following: Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system including but not limited to any conveyances which allow any non-storm water discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by a government agency; or 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 City.
  - M. **Impervious.** Those surfaces that cannot infiltrate more than eighty-five percent (85%) of rainfall (e.g., building rooftops, pavement, sidewalks, driveways, etc).
  - N. **Industrial Activity.** Activities subject to NPDES Industrial Permits as defined in 40 CFR, Section 122.26 (b)(14).
  - O. **Industrial Permit.** A National Pollutant Discharge Elimination System permit issued to a commercial industry or group of industries which regulates the pollutant levels associated with industrial storm water discharges or specifies on-site pollution control strategies.
  - P. **Infiltration.** The process of percolating storm water into the subsoil.
  - Q. **Land owner.** The legal or beneficial owner of land, including those holding the right to purchase or lease the land, or any other person holding proprietary rights in the land.
  - R. **Maintenance Agreement.** A legally recorded document that acts as a property deed restriction, and which provides for long-term maintenance of storm water management practices.
  - S. **Maximum Extent Practicable (MEP).** Standard in Clean Water Act section 402(p)(3)(B)(iii) that municipal dischargers of storm water must meet; MEP is an acceptability standard for Best Management Practices based on a level of pollutant reduction that can be achieved by the most effective set of BMP's that can be implemented and still remain practicable; MEP generally emphasizes pollution prevention and source control BMP's as the first line of defense in combination with treatment methods as a backup.
  - T. **National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permits.** General, group, and individual storm water discharge permits which regulate facilities defined in federal NPDES regulations pursuant to the Clean Water Act. The California RWQCB, Central Valley Region, and the State Water Resources Control Board have adopted general storm water discharge permits, including but not limited to the General Construction Activity and General Industrial Activity permits.
  - U. **Non-Storm Water Discharge.** Any discharge to the storm drain system that is not composed entirely of storm water.

- V. Pollutant. Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, solvents, oil and other automotive fluids, non-hazardous liquid, solid wastes, yard wastes, refuse, rubbish, garbage, litter, or other discarded or abandoned objects, articles, accumulations, floatables, pesticides, herbicides, fertilizers, hazardous substances and wastes, sewage, fecal coliform and pathogens, dissolved and particulate metals, animal wastes, residues that result from constructing a building or structure (including but not limited to sediments, slurries, and concrete rinsates), and noxious or offensive matter.
- W. Pollution. The human-made or human-induced alteration of the quality of waters by waste to a degree which unreasonably affects, or has the potential to unreasonably affect, either the waters for beneficial uses or the facilities which serve these beneficial uses (California Water Code § 13050).
- X. Porter-Cologne Act. The Porter-Cologne Water Quality Act and as amended (California Water Code § 13000 et seq.).
- Y. Premises. Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.
- Z. Public Works Director/City Engineer. The City, Director of Public Works and City Engineer or designated representative.
- AA. Redevelopment. Any construction, alteration or improvement of existing land.
- BB. Regional Water Quality Control Board (RWQCB). Regional districts within the California State Water Resources Control Board responsible for administering individual NPDES permits. The City is in the Central Valley Region.
- CC. Storm Drain System. Publicly-owned facilities operated by the City by which storm water is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures which are within the City and are not part of a publicly owned treatment works as defined at 40 CFR Section 122.2.
- DD. Storm Water. Any surface flow, runoff, and drainage consisting entirely of water from storm events.
- EE. Storm Water Management. The use of structural or non-structural practices that are designed to reduce storm water runoff pollutant loads, discharge volumes, and/or peak flow discharge rates.
- FF. Storm Water Runoff. Flow on the surface of the ground, resulting from storm water.
- GG. Watercourse. All surface water bodies, either permanent or intermittent, natural or man-made, which gathers or carries surface water including all Waters of the United States as defined at 40 CFR § 122.2.

#### **12.06.030 Applicability and Compliance.**

This ordinance shall be applicable to all water entering the storm drain system and/or watercourses generated on any developed and undeveloped lands within the city limits including any amendments or revisions thereto.

Unless otherwise excepted by this ordinance, all land owners, contractors, and persons within city limits shall comply with this ordinance. This ordinance shall be complied with in conjunction with all building, grading, State, and Federal permits and requirements.

**12.06.040 Responsibility for Administration.**

The Public Works Director/City Engineer of the City shall administer, implement, and enforce the provisions of this Chapter. Any powers granted or duties imposed upon the Public Works Director/City Engineer may be delegated by the Public Works Director/City Engineer to persons or entities acting in the benefit of or in the employment of the City.

**12.06.050 Severability.**

The provisions of this Chapter are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this Chapter or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or applications of this Chapter.

**12.06.060 Regulatory Consistency.**

This Chapter shall be construed to assure consistency with the requirements of the Clean Water Act and Porter-Cologne Act and acts amendatory thereof or supplemental thereto, or any applicable implementing regulations.

**12.06.070 Responsibility of Discharger.**

The standards set forth herein and promulgated pursuant to this Chapter are minimum standards; therefore this Chapter does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants into the storm drain systems or watercourses caused by said person. This Chapter shall not create liability on the part of the City, or any agent or employee thereof for any damages that may result from any discharger's reliance on this Chapter or any administrative decision lawfully made there under.

**12.06.080 Prohibition of Illegal Discharges.**

No person shall discharge or cause to be discharged into the storm drain system or watercourses any materials, including but not limited to pollutants or water containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than storm water.

The commencement, conduct or continuance of any illegal discharge is prohibited except as described as follows:

- A. Discharges from the following activities will not be considered a source of pollutants to the storm drain system and watercourses when properly managed to ensure that no potential pollutants are present, and therefore they shall not be considered illegal discharges unless determined to cause a violation of the provisions of the Porter-Cologne Act, Clean Water Act, or this ordinance; potable water line flushing, uncontaminated pumped groundwater and other discharges from potable water sources (including water line breaks and hydrant flushing),

non-excessive landscape irrigation and lawn watering, diverted stream flows, groundwater including any infiltration to the storm drain system, uncontaminated foundation and footing drains, uncontaminated water from crawl space pumps, air conditioning condensation, uncontaminated roof drains, springs, flows from riparian habitats and wetlands, flows from fire fighting, and individual residential car washing, if performed on a pervious surface.

- B. During any emergency maintenance or work within, upon, over, under or through any watercourse or storm drain system as may be necessary and proper for the preservation of life or property when an urgent necessity arises. Any person performing such emergency work shall notify the Department of Public Works as soon as possible and he or she shall apply for a written permit for such work within 10 calendar days of the beginning of work. The Public Works Director/City Engineer must make written findings, by issuance of a permit, supporting this exemption.
- C. Any non-storm water discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered by the State of California under the authority of the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order, all City permits and other applicable laws and regulations.
- D. Discharges to the subsurface from properly functioning permitted site waste water systems are not prohibited by this Chapter,

Any exempt Discharge described above which the Public Works Director/City Engineer determines is a significant source of pollutants to the storm drain system and/or watercourses shall be prohibited unless the discharger complies with additional BMP's imposed by the Public Works Director/City Engineer to reduce pollutants in the discharge to the MEP. Any additional BMP's must be proven to be effective to the satisfaction of the Public Works Director/City Engineer. Such prohibitions shall take effect after notice to the discharger by the Public Works Director/City Engineer containing a schedule for compliance based on the necessity to protect public health and safety or the environment.

#### **12.06.090 Prohibition of Illicit Connections.**

The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited.

#### **12.06.100 Waste Disposal Prohibitions.**

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 watercourses, any refuse, rubbish, garbage, yard waste, litter, or other discarded or abandoned objects, articles, and accumulations, so that the same may cause or contribute to pollution. Wastes deposited in streets in proper waste receptacles for the purpose of collection are exempted from this prohibition.

**12.06.110 Discharges in Violation of Industrial or Construction Activity NPDES Storm Water Discharge Permit.**

Any person subject to an industrial or construction activity NPDES storm water discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required prior to or as a condition of a parcel map, final map, building permit, grading permit, or improvement plan; upon inspection of the facility; during any enforcement proceeding or action; or for any other reasonable cause.

**12.06.120 Requirement to Prevent, Control, and Reduce Storm Water Pollutants.**

Any person engaged in activities which will or may result in pollutants entering the storm drains or watercourses 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 residential dwellings and any properties, parking lots, gasoline stations, industrial facilities, commercial facilities, and facilities fronting City streets or backing onto streams.

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

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 said sidewalk free of dirt or litter to the MEP. Sweepings from said sidewalk shall not be swept or washed or otherwise made or allowed to go into the gutter, roadway, storm drain system, or watercourse, but shall be disposed of in receptacles maintained on said real property as required for the recycling or disposal of garbage.

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 or pollutants to the storm drain system or watercourses. Areas susceptible to runoff shall have debris removed by sweeping or another equally effective measure on a regular basis.

Best management practices for new developments and redevelopments. Any construction contractor performing work in the City shall implement appropriate BMP's to prevent the discharge of construction wastes or contaminants from construction materials, tools, and equipment from entering the storm drain system or watercourses. All construction plans and applications for building permits and grading permits shall consider the potential for erosion and sedimentation at the construction site, and shall include appropriate erosion and sedimentation controls. Appropriate controls shall be determined in accordance with the guidance provided in the California Storm Water

Best Management Practice Handbook and City Improvement Standards and may include site planning considerations, construction staging and timing, and installation of temporary detention ponds or other treatment facilities. If required, a storm water management plan and maintenance agreement shall be prepared and submitted for approval and acceptance.

Prior to and/or during construction, the Public Works Director/City Engineer may establish controls on the volume and rate of storm water runoff from new developments and redevelopment as may be appropriate to minimize peak flows or total runoff volume. These controls may include limits on impervious areas or provisions for detention and retention of runoff on-site.

Notification of intent and compliance with general permits. Each industrial discharger, discharger associated with construction activity with an individual NPDES permit, or other discharger described in any general storm water permit addressing such discharges, as may be adopted by the United States Environmental Protection Agency and the State RWQCB, shall provide notice of intent, comply with, and undertake all activities required by any general storm water permit applicable to such discharges.

Compliance with BMP's. Any person engaged in activities or operations, or owning facilities or property which will result in pollutants entering storm water, the storm drain system, or watercourses shall implement BMP's to the MEP or as may be identified by the Public Works Director, to prevent and reduce such pollutants. The owner or operator of a commercial or industrial establishment shall provide reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses. Facilities to prevent accidental discharge of prohibited materials or other wastes shall be provided and maintained at the owner or operator's expense.

If water is used to remove paint or graffiti from building exteriors, walls, steps, signs, and other surfaces, the wastewater and paint particles may not be discharged to the street or storm drain system. If blasting or sanding is used to remove paint or graffiti, the paint particles, blasting material, sand, or dust may not be allowed to reach the storm drain system. Paint brushes, paint spray guns, paint trays or containers, and paint cans may not be leaned against or rinsed into the street, storm drain system, or watercourses.

Objects including, but not limited to, motor vehicles, motor vehicle parts, machinery, and equipment that contain grease, oil, or hazardous substances shall be placed in a confined area in order to contain leakage, spillage and discharges, or stored in such condition so that grease, oil or hazardous substances do not contact storm water runoff.

#### **12.06.130 Requirement to Eliminate Illegal Discharges.**

Notwithstanding the requirements of this Chapter, the Public Works Director/City Engineer may require by notice of violation that a person responsible for an illegal discharge immediately, or by a specified date, discontinue the discharge and, if

necessary, take measures to eliminate the source of the discharge to prevent the occurrence of future illegal discharges. The City may pursue the costs for such disconnection.

**12.06.140 Requirement to Eliminate or Secure Approval for Illicit Connections.**

The Public Works Director/City Engineer may require by notice of violation that a person responsible for an illicit connection to the storm drain system or a watercourse comply with the requirements of this Chapter to eliminate or secure approval for the connection by a specified date.

If, subsequent to eliminating a connection found to be in violation of this Chapter, the responsible person can demonstrate that an illegal discharge will no longer occur, said person may request City approval to reconnect. The reconnection or reinstallation of the connection shall be at the responsible person's expense.

**12.06.150 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, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a water course, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse. The owner or lessee shall not remove healthy bank vegetation beyond that actually necessary for maintenance, nor remove said vegetation in such a manner as to increase the vulnerability of the watercourse to erosion. The property owner shall be responsible for maintaining and stabilizing that portion of the watercourse that is within their property lines in order to protect against erosion and degradation of the watercourse originating or contributed from their property. It is the owner's responsibility to obtain necessary permits from the appropriate regulatory agencies. Existing publicly maintained watercourses are exempted from removal of excessive vegetation and obstacles.

**12.06.160 Requirement to Remediate.**

Whenever the Public Works Director/City Engineer finds that a discharge of pollutants is taking place or has occurred which will result in or has resulted in pollution of storm water runoff, the storm drain system or watercourses, the Public Works Director/City Engineer may require by notice to the owner of the property and/or the responsible person that the pollution be remediated and the affected property restored within a specified time pursuant to the provisions below.

**12.06.170 Requirement to Monitor and Analyze.**

The Public Works Director/City Engineer may require by notice of requirement that any person engaged in any activity and/or owning or operating any facility which may cause or contribute to storm water pollution, illegal discharges, and/or non-storm water discharges to the storm drain system or watercourses, to undertake at said person's

expense such monitoring and analyses and furnish such reports to the City as deemed necessary to determine compliance with this Chapter.

Any person who submits a report required by this Chapter, which she or he knows, or should have reason to know, contains falsified data shall be subject to a fine not to exceed the amount that the City may be fined by the State Water Resources Control Board or the amount of any civil liability imposed on the City for noncompliance with the municipal storm water discharge permit for the City.

#### **12.06.180 Notification of Spills.**

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into storm water, the storm drain system, or watercourses from said facility, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous material said person shall immediately notify emergency response officials of the occurrence via emergency dispatch services (911). In the event of a release of non-hazardous materials, said person shall notify the City's Public Works Department in person or by phone or facsimile no later than 5:00 p.m. of the next business day. Notifications in person or by phone shall be confirmed by notice addressed and mailed to the City's Public Works Department within three business days of the phone notice. If the discharge of prohibited materials emanated from a commercial or industrial establishment, the owner or operator of such establishment shall retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

#### **12.06.190 Authority to Inspect.**

Whenever necessary to make an inspection to enforce any provision of this Chapter, or whenever the City has cause to believe that there exists, or potentially exists, in or upon any premises any condition which constitutes a violation of this Chapter, the Public Works Director/City Engineer or his representative may enter such premises at all reasonable times to inspect the same and to inspect and copy records related to storm water compliance. Persons or occupants of premises from where storm water runoff is generated or discharged shall allow the City's representative ready access at all reasonable times to all parts of the premises for the purposes of inspection or sampling and in the performances of their duties. In the event the owner or occupant refuses entry or delays entry to the City's representative, such refusal or delay shall constitute a misdemeanor. Where the discharger has security measures in force that would require proper identification and clearance before entry into the premises, the discharger shall make all necessary arrangements with the security guards so that, upon the presentation of suitable identification, City personnel will be permitted to enter without delay for the purpose of performing inspection activities.

The City shall have the right to set up on the property in question such equipment as is necessary to conduct sampling or metering of urban runoff flows. The owner shall not

tamper with, alter or damage any equipment used by the City for the purposes of inspection or monitoring.

**12.06.200 Authority to Sample, Establish Sampling Devices, and Test**

During any inspection as provided herein, the Public Works Director/City Engineer may take any samples and perform any testing deemed necessary to aid in the pursuit of an inquiry or to record site activities. The owner may be responsible for all costs associated with sampling and testing.

**12.06.210 Notice of Violation.**

Whenever the Public Works Director/City Engineer finds that a person has violated a prohibition or failed to meet a requirement of this Chapter, the Public Works Director/City Engineer may order compliance by notice of violation to the responsible person. Such notice may require without limitation, the performance of monitoring, analyses, and reporting, the elimination of illicit connection or discharges, that violating discharges, practices, or operations shall cease and desist, the abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property, and payment of a fine to cover administrative, inspection, investigation, monitoring and remediation costs, and all other expenses as authorized by law, and the implementation of source control or treatment BMP's.

If abatement of a violation and/or restoration of affected property are required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by the City or a contractor designated by the Public Works Director/City Engineer and the expense thereof shall be charged to the violator pursuant to Section 12.06.240 below. In addition, the RWQCB may be contacted to assist the City with abatement of a violation.

**12.06.220 Appeal.**

Any person receiving a Notice of Violation under this Chapter may appeal the determination of the Public Works Director/City Engineer to the City Administrator.

**12.06.230 Abatement by City.**

If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation or in the event of an appeal, then the City or a contractor designated by the Public Works Director/City Engineer shall enter upon the subject private property and is authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the City or designated contractor to enter upon the premises for the purposes set forth above.

**12.06.240 Recovery of Costs of Abatement/Liens.**

Within 30 days after abatement of the nuisance by City, and 10 days prior to the submission of the costs to the City Council, the City Clerk shall mail the cost of abatement, including administrative costs, to the property owner. Recovery and

payment of abatement costs will be per the appropriate City Municipal Code or Ordinance.

**12.06.250 Urgency Abatement.**

The Public Works Director/City Engineer is authorized to require immediate abatement of any violation of this Chapter that constitutes an immediate threat to the health, safety or well-being of the public. If any such violation is not abated immediately as directed by the Public Works Director/City Engineer, the City is authorized to enter onto private property and to take any and all measures required to remediate the violation. Any expense related to such remediation undertaken by the City shall be fully reimbursed by the property owner and/or responsible party. Any relief obtained under this section shall not prevent the City from seeking other and further relief authorized under this Chapter.

**12.06.260 Violations.**

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Chapter. A violation of or failure to comply with any of the requirements of this Chapter shall constitute a misdemeanor and shall be punished as set forth in City Code Section 1.12.

**12.06.270 Mutually Agreed Upon Compensatory Action.**

In lieu of enforcement proceedings, penalties, and remedies authorized by this Chapter, the Public Works Director/City Engineer may impose upon a violator compensatory action, such as storm drain stenciling, attendance at compliance workshops, creek cleanup, etc.

**12.06.280 Violations Deemed a Public Nuisance.**

In addition to the enforcement processes and penalties hereinbefore provided, any condition caused or permitted to exist in violation of any of the provisions of this Chapter and is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, may be summarily abated or restored by the City at the violator's expense. Otherwise, a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken by the City.

**12.06.290 Violations of the Federal Clean Water Act and/or California Porter-Cologne Act.**

Any person who violates any provision of this Chapter or any provision of any requirement issued pursuant to this chapter may also be in violation of the Clean Water Act and/or the Porter-Cologne Act and may be subject to the sanctions of those acts including civil and criminal penalties. Any enforcement action authorized under this Chapter shall also include notice to the violator of such potential liability.

All ordinances and parts of ordinances in conflict herewith are hereby superseded by this ordinance.

This ordinance shall be in full force and effect 30 days after its final passage and adoption.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF GRASS VALLEY this

27<sup>th</sup> Day of November, 2007, by the following vote:

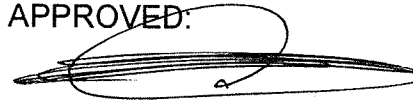
AYES: COUNCIL MEMBERS: Arbuckle, Miller, Poston, Vice Mayor Swarthout and Mayor Johnson

NOES: COUNCIL MEMBERS: None

ABSTAIN: COUNCIL MEMBERS: None

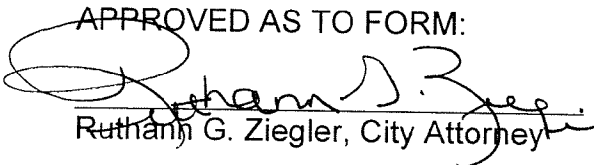
ABSENT: COUNCIL MEMBERS: None

APPROVED:



Mark Johnson, Mayor

APPROVED AS TO FORM:



Ruthann G. Ziegler, City Attorney

ATTEST:



Kristi K. Bashor, City Clerk