

Chapter 13.32 URBAN STORM WATER QUALITY MANAGEMENT AND DISCHARGE CONTROL

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13.32.010 Title.

This chapter shall be known as the “Urban Storm Water Quality Management and Discharge Control Ordinance” of the city of Patterson and may be so cited. (Ord. 653 § 1, 2004).

13.32.020 Definitions.

The terms used in this chapter shall have the following meanings:

“Best management practices” means activities, practices and procedures to prevent or reduce the discharge of pollutants directly or indirectly to the municipal storm drain system and waters of the United States. Best management practices 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 materials storage; erosion and sediment control practices; and the prohibition of specific activities, practices and procedures and such other provisions as the city determines appropriate for the control of pollutants.

“City” means the city of Patterson.

“Clean Water Act” means the federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

“Construction activity” means activities subject to NPDES construction permits. These include construction projects resulting in land disturbance of one acre or more. Such activities include but are not limited to clearing and grubbing, grading, excavating and demolition.

“Director” means the city’s director of public works. The director has designated the regulatory compliance coordinator to administer, implement and enforce the city’s stormwater management plan.

“Hazardous materials” means 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 present 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).

“Illegal discharge” means any direct or indirect non-storm water discharge to the storm drain system, except as exempted in Section [13.32.090](#) of this chapter.

“Illicit connections” means an illicit connection is defined as either of the following:

1. 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
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 city.

“Industrial activity” means activities subject to NPDES industrial permits as defined in 40 CFR, Section 122.26 (b)(14).

“National pollutant discharge elimination system (NPDES) storm water discharge permits” means general, group and individual storm water discharge permits that regulate facilities defined in federal NPDES regulations pursuant to the Clean Water Act. The California Regional Water Quality Control Board Central Coast Region (hereinafter Regional Board) 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.

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

“Person” means any human being, individual, firm, company partnership, association and private or public or municipal corporations, the United States of America, the state of California, districts and all political subdivisions, governmental agencies, and mandatories thereof.

“Pollutant” means anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter or other discarded or abandoned objects, articles and accumulations, so that some may cause or contribute to pollution; floatables; pesticides, herbicides and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing or demolishing 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 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).

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

“Premises” means any building, lot, parcel of land or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

“Storm drain system” means 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, retention and 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.

“Storm water” means any surface flow, runoff and drainage consisting entirely of water from rainstorm events.

“Waters of the United States” means surface watercourses and water bodies as defined at 40 CFR § 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 storm water at and during all times and seasons. (Ord. 653 § 2, 2004).

13.32.030 Purpose and intent.

The purpose and intent of this chapter is to ensure the health, safety and general welfare of citizens, and protect and enhance the water quality of watercourse 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. (Ord. 653 § 3, 2004).

13.32.040 Applicability.

This chapter shall apply to all water entering the storm drain system generated on any developed and undeveloped lands lying within the city limits of the city of Patterson including any amendments or revisions thereto. (Ord. 653 § 4, 2004).

13.32.050 Responsibility for administration.

The public works director of the city shall administer, implement, and enforce the provisions of this chapter. Any powers granted or duties imposed upon the public works director may be delegated in writing by the public works director to persons or entities acting in the beneficial interest of or in the employ of the city. (Ord. 653 § 5, 2004).

13.32.060 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 application of this chapter. (Ord. 653 § 6, 2004).

13.32.070 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 supplementary thereto, or any applicable implementing regulations. (Ord. 653 § 7, 2004).

13.32.080 Ultimate responsibility of discharger.

The standards set forth hereon 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 waters of the United States caused by said person. This chapter shall not create liability on the part of the city of Patterson, or any agent or employee thereof for any damages that result from any discharger's reliance on this chapter or any administrative decision lawfully made thereunder. (Ord. 653 § 8, 2004).

13.32.090 Prohibition of illegal discharges.

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

The commencement, conduct or continuance of any illegal discharge to the storm drain system 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 to waters of the United States 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 the ordinance codified in this chapter: potable water line flushing; uncontaminated pumped groundwater and other discharges from

potable water sources; landscape irrigation and lawn watering; diverted stream flows; rising groundwater; groundwater infiltration to the storm drain system; uncontaminated foundation and footing drains; uncontaminated water from crawl space pumps; air conditioning condensation; uncontaminated non-industrial roof drains; springs; individual residential and occasional non-commercial car washing; flows from riparian habitats and wetlands; dechlorinated swimming pool discharges; street wash waters; and flows from fire fighting.

B. The prohibition shall not apply to 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 and other applicable laws and regulations, and provided that written approval has been granted by the city of Patterson for any discharge to the storm drain system.

C. With written concurrence of the Regional Board, the city of Patterson may exempt in writing other non-storm water discharges that are neither a source of pollutants to the storm drain system nor waters of the United States. (Ord. 653 § 9, 2004).

13.32.100 Prohibition of illicit connections.

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

B. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection. (Ord. 653 § 10, 2004).

13.32.110 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 water of the United States, any refuse, rubbish, garbage, 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 purposes of collection are exempted from this prohibition. (Ord. 653 § 11, 2004).

13.32.120 Compliance with industrial or commercial 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 in a form acceptable to the public works director prior or to or as a condition of a subdivision map, site plan, building permit or development or improvement plan upon inspection of the facility during any enforcement proceeding or action; or for any other reasonable cause. (Ord. 653 § 12, 2004).

13.32.130 Requirements to prevent, control and reduce storm water pollutants.

A. Authorization may impose additional best management practices. The city will adopt requirements identifying best management practices for any activity, operation or facility which may cause or contribute to pollution or contamination of storm water, the storm drain system or waters of the United States. Where best management practices requirements are promulgated by the city or any federal, state of California or regional agency for any activity, operation or facility which would otherwise cause the discharge of pollutants to the storm drain system or water of the United States, every person undertaking such activity or operation, or owning or operating such facility shall comply with such requirements. The public works director will report to the city council annually on the status of implementation of BMPs, the pollutants of concern to be addressed the next year and any new BMPs to be developed.

B. New Development and Redevelopment—Other Activities. The city may impose additional requirements identifying appropriate best management practices to control the volume, rate and potential pollutant load of storm water runoff from new development and redevelopment projects as may be appropriate to minimize the generation, transport and discharge of pollutants. The city shall incorporate such requirements in any land use entitlement and construction or building-related permit to be issued relative to such development, redevelopment or other activities. The owner and developer shall comply with the terms, provisions and conditions of such land use entitlements and building permits as required in this chapter.

C. Responsibility to Implement Best Management Practices. Notwithstanding the presence or absence of requirements promulgated pursuant to subsections A and B of this section, any person engaged in activities or operations, or owning facilities or property which will or may result in pollutants entering storm water, the storm drain system, or waters of the United States shall implement best management practices to the extent they are technologically achievable to prevent and reduce such pollutants. The owner or operator of a commercial or industrial establishment shall provide reasonable protection from accidental discharge of prohibited

materials or other wastes into the 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. (Ord. 653 § 13, 2004).

13.32.140 Requirement to eliminate illegal discharges.

Notwithstanding the requirements of Section [13.32.200](#) of this chapter, the public works director may require by written notice 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. (Ord. 653 § 14, 2004).

13.32.150 Requirement to eliminate or secure approval for illicit connections.

The public works director may require by written notice that a person responsible for an illicit connection to the storm drain system comply with the requirements of this chapter to eliminate or secure approval for the connection by a specified date, regardless of whether or not the connection or discharges to it had been established or approved prior to the effective date of this chapter. (Ord. 653 § 15, 2004).

13.32.160 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 watercourse, 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. (Ord. 653 § 16, 2004).

13.32.170 Requirements to remediate.

Whenever the public works director finds that a discharge of pollutants is taking place or has occurred which will result in or has resulted in pollution of storm water, the storm drain system, or water of the United States, the public works director may require by written 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 of Sections [13.32.220](#) through [13.32.250](#) of this chapter. (Ord. 653 § 17, 2004).

13.32.180 Requirement to monitor and analyze.

The public works director may require by written 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 waters of the United States, to undertake at said person's expense such monitoring and analyses and furnish such reports to the city of Patterson as deemed necessary to determine compliance with this chapter. (Ord. 653 § 18, 2004).

13.32.190 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 waters of the United States from the facility, the person shall take all necessary steps to ensure the discovery, containment and cleanup of such release. In the event of such a release of a 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 written 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 emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also 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. (Ord. 653 § 19, 2004).

13.32.200 Authority to inspect.

Whenever necessary to make an inspection to enforce any provision of this chapter, or whenever the public works director 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 director may enter such premises at all reasonable times to inspect the same and to inspect and copy records related to storm water compliance. In the event the owner or occupant refuses entry after a request to enter and inspect has been made, the city is hereby empowered to seek assistance from any court of competent jurisdiction in obtaining such entry. (Ord. 653 § 20, 2004).

13.32.210 Authority to sample, establish sampling devices and test.

During any inspection as provided in this chapter, the public works director may take any samples and perform any testing deemed necessary to aid in the pursuit of the inquiry or to record site activities. If the test results confirm an illegal discharge, the person responsible for the discharge may be held financially responsible for the testing, sampling and related activities. (Ord. 653 § 21, 2004).

13.32.220 Notice of violation.

Whenever the public works director finds that a person has violated a prohibition or failed to meet a requirement of this chapter, the director may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:

- A. The performance of monitoring, analyses and reporting;
- B. The elimination of illicit connections or discharges;
- C. That violating discharges, practices or operations shall cease and desist;
- D. The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property; and
- E. Payment of a fine to cover administrative and remediation costs; and
- F. The implementation of source control or treatment BMPs.

If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. The 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 and the expense thereof shall be charged to the violator pursuant to Section [13.32.240](#) of this chapter. (Ord. 653 § 22, 2004).

13.32.230 Appeal.

Notwithstanding the provisions of Section [13.32.260](#) of this chapter, any person receiving a notice of violation under Section [13.32.220](#) of this chapter may appeal the determination of the public works director to the city manager. The notice of appeal must be received by the city manager within five days from the date of the notice of violation. Hearing on the appeal before the city manager or his/her designee shall take place within fifteen days from the date of city's receipt of the notice of appeal. The decision of the city manager or designee shall be final. (Ord. 653 § 23, 2004).

13.32.240 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 under Section [13.32.230](#), within ten days of the decision of the city manager upholding the decision of the public works director, then the city or a contractor designated by the public works director 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. (Ord. 653 § 24, 2004).

13.32.250 Charging cost of abatement—Liens.

Within thirty days after abatement of the nuisance by city, the public works director shall notify the property owner of the property of the cost of abatement, including administrative costs. The property owner may file a written protest objecting to the amount of the assessment with the city clerk within fifteen days. The city clerk shall set the matter for public hearing by the city council. The decision of the city council shall be set forth by resolution and shall be final. If the amount due is not paid within ten days of the decision of the city council or the expiration of the time in which to file an appeal under this section, the charges shall become a special assessment against special assessment against the property and shall constitute a lien on the property for the amount of the assessment. A copy of the resolution shall be turned over to the county auditor so that the auditor may enter the amounts of the assessment against the parcel as it appears on the current assessment roll, and the tax collector shall include the amount of the assessment on the bill for taxes levied against the parcel of land. (Ord. 653 § 25, 2004).

13.32.260 Urgency abatement.

The public works director 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, the city of Patterson 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 of Patterson shall be fully reimbursed by the property owner and/or responsible party. Any relief obtained under this section shall not prevent city from seeking other and further relief authorized under this chapter. (Ord. 653 § 26, 2004).

13.32.270 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 an infraction and therefore shall be subject to the following fines:

- A. Five hundred dollars upon the first offense;
- B. One thousand dollars upon the second offense;
- C. Two thousand dollars upon the third and each subsequent offense.

If any violation is continued, each day's violation shall be deemed a separate violation. (Ord. 653 § 27, 2004).

13.32.280 Compensatory actions.

In addition to enforcement proceedings, penalties and remedies authorized by this chapter, the public works director may impose upon a violator additional compensatory actions, such as storm drain stenciling, attendance at compliance workshops, creek cleanup, etc. (Ord. 653 § 28, 2004).

13.32.290 Violations deemed a public nuisance.

In addition to the enforcement processes and penalties provided in this chapter, any condition caused or permitted to exist in violation of any of the provisions of this chapter is a threat to public health, safety and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored by the city at the violator's expense, and/or a civil action to abate, enjoin or otherwise compel the cessation of such nuisance may be taken by the city. (Ord. 653 § 29, 2004).

13.32.300 Acts potentially resulting in a violation 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 written notice to the violator of such potential liability. (Ord. 653 § 30, 2004).

13.32.310 Conflicts.

All ordinances and parts of ordinances in conflict herewith are hereby repealed. (Ord. 653 § 31, 2004).

The Patterson Municipal Code is current through Ordinance 764, passed March 4, 2014.

Disclaimer: The City Clerk's Office has the official version of the Patterson Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

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