

Ord. Intro.

MEMORANDUM

Second Reading

DEPARTMENT OF PUBLIC WORKS
County of Placer

TO: BOARD OF SUPERVISORS **DATE:** August 28, 2007
FROM: KEN GREHM & BOB COSTA *AGC*
SUBJECT: STORMWATER QUALITY ORDINANCE ENFORCEMENT PROVISIONS REVISION

ACTION REQUESTED / RECOMMENDATION

Adopt an Ordinance amending Article 8.28, Section 8.28.190, of Chapter 8 of Placer County Code to clarify enforcement provisions for Stormwater Quality violations.

BACKGROUND / SUMMARY

On August 1, 2006, your Board adopted the "Placer County Stormwater Quality Ordinance", for the protection and enhancement of surface waters within the unincorporated areas of the County. The ordinance prohibits the discharge of pollutants into storm drain systems, including natural and man-made conveyances of stormwater runoff.

Recently, County Code Enforcement Division staff noted an apparent conflict in the enforcement provisions of the ordinance. Current Ordinance Section 8.28.190.D cites authority for issuance of citations for infractions but the following Section 8.28.190.E cites all violations as misdemeanors. The proposed amendment to the Ordinance will clarify these two sections and their application in the enforcement process.

ENVIRONMENTAL

The proposed revision to the Ordinance is exempt under CEQA Guidelines Section 15308, 'Actions by Regulatory Agencies for Protection of the Environment'.

FISCAL IMPACT

NPDES program funding is included in the individual operating budgets of the various County departments involved in its implementation. In the normal course of their duties, existing staff perform most enforcement activities under the Stormwater Quality Ordinance. The ordinance includes provisions for cost recovery where enforcement actions are significant. The ordinance clarification implemented through approval of this action will have no measurable impact on water quality program budgets.

Before the Board of Supervisors County of Placer, State of California

**In the matter of: AN ORDINANCE AMENDING
ARTICLE 8.28, SECTION 8.28.190 OF
CHAPTER 8 OF THE PLACER COUNTY
CODE FOR STORMWATER QUALITY
ENFORCEMENT ACTIONS**

Ord. No:.....

First Reading: 08-28-07.....

The following ORDINANCE was duly passed by the Board of Supervisors
of the County of Placer at a regular meeting held _____,

by the following vote on roll call:

Ayes:

Noes:

Absent:

Signed and approved by me after its passage.

Attest:
Clerk of said Board

Chairman, Board of Supervisors

The Board of Supervisors of the County of Placer, State of California, does hereby ordain that Article 8.28.190 of Chapter 8 of the Placer County Code is hereby amended and shall read as follows:

Article 8.28 – Stormwater Quality Ordinance

8.28.190. Violation

A. Informal Warning, Educational Materials. Whenever the Enforcement Official determines that a violation of a provision of this Article has occurred or may occur, the Enforcement Agency may provide a warning to any person and/or owner responsible for the condition giving rise to such violation or potential violation. Such warning may include the distribution of educational materials to assist in future compliance with this Article. This warning may be provided in person or in writing.

B. Notice of Noncompliance. Whenever the Enforcement Official determines that a violation has occurred, the Enforcement Official may serve a Notice of Noncompliance to any person and/or owner responsible for the violation. Each Notice of Noncompliance shall contain the following information:

1. The date of the violation;
2. The address or a definite description of the location where the violation occurred;
3. The Article section violated and a description of the violation;
4. A description of how the violation can be corrected;
5. A time limit by which the violation shall be corrected, after which further enforcement and/or corrective actions may be taken by the County if the violation is not fully corrected.
6. The name and signature of the individual preparing the Notice of Noncompliance; and
7. Notice of potential liability under the federal Clean Water Act or State Porter Cologne Water Quality Act.

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

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

D. Citation Infraction The Enforcement Official is authorized to issue citations for infractions of this section using the provisions found in Articles 1.24 or 17.62 of this code.

E. Misdemeanor Any violation of this Article ~~is a misdemeanor and~~ may be punished as a misdemeanor using the provisions of Article 1.24 of this code.

F. Service The Enforcement Officer is authorized to use the provisions of Section 17.62.080(b) to serve a Notice of Noncompliance, Citation, and/or Administrative Compliance Order to effectuate the provisions of this Article.

G. Separate Violation; Intent

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

