

**ORDINANCE NO. 184**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SCOTTS VALLEY  
AMENDING TITLE 12 OF THE SCOTTS VALLEY MUNICIPAL CODE  
BY ADDING CHAPTER 12.14 ENTITLED  
“STORMWATER AND URBAN RUNOFF POLLUTION CONTROL”**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SCOTTS VALLEY AS  
FOLLOWS:**

**SECTION 1.** Title 12 of the Scotts Valley Municipal Code is hereby amended by adding Chapter 12.14 entitled “Stormwater and Urban Runoff Pollution Control” to read as follows:

**Sections:**

**12.14.010 PURPOSE AND INTENT**

**12.14.020 DEFINITIONS**

**12.14.030 ILLICIT DISCHARGES PROHIBITED**

**12.14.040 INSTALLATION OR USE OF ILLICIT CONNECTIONS PROHIBITED**

**12.14.050 REMOVAL OF ILLICIT CONNECTION**

**12.14.060 PRIVATE STORM WATER CONVEYANCE SYSTEMS**

**12.14.070 DISCHARGE OF SEWAGE PROHIBITED**

**12.14.080 DAMAGE TO THE STORM DRAIN SYSTEM**

**12.14.090 DISCHARGE OF POLLUTING OR DAMAGING SUBSTANCES  
PROHIBITED**

**12.14.100 PROHIBITED DISCHARGES FROM INDUSTRIAL OR COMMERCIAL  
ACTIVITY**

**12.14.110 INDUSTRIAL/COMMERCIAL SOURCES REQUIRED TO OBTAIN AN  
NPDES PERMIT**

**12.14.120 NOTIFICATION OF PROHIBITED DISCHARGE REQUIRED**

**12.14.130 MANDATORY BEST MANAGEMENT PRACTICES**

**12.14.140 BEST MANAGEMENT PRACTICES FOR CONSTRUCTION ACTIVITY**

**12.14.150 BEST MANAGEMENT PRACTICES FOR INDUSTRIAL/COMMERCIAL  
ACTIVITIES**

**12.14.160 BEST MANAGEMENT PRACTICES FOR BUSINESS NOT COVERED  
BY STATE PERMIT**

**12.14.170 RIGHT OF ENTRY FOR INSPECTION**

**12.14.010 PURPOSE AND INTENT**

The purpose of this chapter is to protect the health and safety of the residents of the city by protecting the water quality, beneficial uses, marine habitats, and ecosystems of the receiving waters of the city, including the San Lorenzo River and Monterey Bay, from pollutants carried by urban runoff.

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**12.14.020 DEFINITIONS**

The following words, phrases and terms as used in this chapter shall have the meanings ascribed to them in this chapter.

- A. "Basin plan" shall mean a water quality control plan for a specific watershed area or areas adopted by a regional board.
- B. "Beneficial uses" shall mean existing or potential uses of receiving waters as defined in a basin plan.
- C. "Best management practices" ("BMP's") shall mean pollution control practices designed to reduce the pollutants contained in discharges.
- D. "Building drain" means that part of the lowest horizontal piping of wastewater drainage system which receives the discharge from soil and waste pipes inside the walls of the building and conveys it to the building sewer, beginning two (2) feet outside the inner face of the building wall.
- E. "City" shall mean the City of Scotts Valley.
- F. "Clean Water Act" shall mean the Federal Water Pollution Control Act, which was enacted in 1972 to prohibit the discharge of pollutants to receiving waters of the United States and, later amended in 1987, to establish a framework for regulating municipal, industrial and construction storm water discharges under the NPDES Program.
- G. "Commercial activity" means any public or private activity not defined as an industrial activity in 40 CFR 122.26(b)(14), involved in the storage, transportation, distribution, exchange or sale of goods and/or commodities or providing professional and/or non-professional services.
- H. "Construction activity" means any clearing, grading, or excavation that results in soil disturbance. Construction activity also includes, but is not limited to, construction, repairs, dewatering, remodeling, building and emergency construction activities required to immediately protect public health and safety.
- I. "Director" means the director of public works for the City of Scotts Valley or his/her authorized agent, representative or inspector.
- J. "Discharge" means any release, spill, leak, pump, flow, escape, dumping or disposal of any liquid, semi-solid or solid substance.
- K. "Hazardous substance" means any hazardous substance as defined in Section 13.12.020(k) of this code.

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- L. "Illicit connection" means any human-made conveyance that is connected to the storm drain system and allows for an illicit discharge.
- M. "Illicit discharge" means any discharge to the storm drain system that is prohibited under local, state, or federal statutes, ordinances, codes or regulations. Illicit discharge includes all non-storm water discharges except discharges pursuant to a NPDES permit or conditionally exempted by this chapter.
- N. "Illicit disposal" means any disposal, either intentional or unintentional, of material(s), substance(s) or waste(s) that has the potential to pollute runoff unless otherwise allowed by law.
- O. "Industrial Activity" means any public or private activity which is associated with any of the 11 categories of activities defined in 40 CFR 122.26(b)(14) and required to obtain a NPDES permit.
- P. "Industrial/commercial facility" means any public or private facility involved and/or used in the production, manufacture, storage, transportation, distribution, exchange or sale of goods and/or commodities or any facility involved and/or used in providing professional and non-professional services. This category of facility includes, but is not limited to, any facility defined by a Standard Industrial Classification ("SIC").
- Q. "Maximum extent practicable" means a standard for implementation of storm water management programs to reduce pollutants in storm water. It is the maximum extent possible taking into account equitable consideration and competing facts, including, but not limited to: the seriousness of the problem, public health risk, environmental benefits, pollutant removal effectiveness, regulatory compliance, ability to implement, cost and technical feasibility.
- R. "NPDES" means the National Pollutant Discharge Elimination System and is implemented and enforced by a permit issued by the U.S. Environmental Protection Agency, State Water Resources Control Board or the California Regional Water Quality Control Board pursuant to the Clean Water Act that authorizes discharges to waters of the United States and requires the reduction of pollutants in the discharge.
- S. "Non-storm water runoff" means any discharge to the storm drain system that is not composed entirely of storm water.
- T. "Nuisance" means a "public nuisance" as defined in this section.
- U. "Pollutant" means the same as defined in Section 502(6) of the Clean Water Act or as incorporated into the California Water Code, subsection 13373. Pollutants include, but are not limited to, the following:

1. Materials (including, but not limited to, fuels, solvents, chemicals, detergents, plastic pallets, hazardous substances, radioactive wastes, fertilizers, pesticides, paints, soot, slag, ash, sludge);
2. Metals and non-metals both soluble and insoluble (including but not limited to cadmium, lead, zinc, copper, silver, nickel, chromium, chlorine, phosphorous, formaldehyde, glutaraldehyde and arsenic);
3. Petroleum hydrocarbons (including but not limited to fuels, oils, lubricants, surfactants, waste oils, solvents, coolants, and grease);
4. Eroded soils, sediment, saw cut slurry and particulate materials in amounts which may adversely affect the beneficial use of the receiving waters, flora and fauna of the state;
5. Animal wastes (including but not limited to discharge from confinement facilities, kennels, pens, recreational facilities, and stables);
6. Substances having acidic or corrosive characteristics, unusual coloration or turbidity;
7. Any domestic or industrial wastewater;
8. Any hazardous substances.

The term "pollutant" shall not include uncontaminated storm water, potable water, groundwater or reclaimed water generated by a lawfully permitted water treatment facility.

- V. "Private storm water conveyance system" shall mean a storm water conveyance system that is not owned or maintained by the city including any instrumentality that drains or conveys storm water from a building or from/through one or more properties to the environment or the city's storm water system.
- W. "Public nuisance" means any discharge in violation of the provisions of this chapter, a wastewater discharge permit, or an order of the city council.
- X. "Receiving waters" means all surface water bodies.
- Y. "Regional Board" means a California Regional Water Quality Control Board.
- Z. "Runoff" means any storm water or non-storm water discharges from a drainage area that reaches the storm drain system. The term "runoff" is interchangeable with the term "urban runoff."

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- AA. "Standard Industrial Classification" or "SIC" means a classification pursuant to the current edition of the Standard Industrial Classification Manual issued by the Executive Office of the President of the United States, Office of Management and Budget.
  - BB. "State Board" means the State Water Resources Control Board.
  - CC. "Storm drain system" means collectively any street, gutter, conduit, natural or artificial drain, channel and watercourse, or other facility that is owned, operated, maintained, or controlled by the city and used for the purpose of collecting, storing, transporting, or disposing of runoff.
  - DD. "Storm water" means any water that originates from atmospheric moisture (rainfall or snowmelt) and falls onto land, water, or other surfaces.
  - EE. "Storm water pollution prevention plan" or "SWPPP" means a plan required by the State of California General Permit for Storm Water Discharges associated with either industrial or construction activities. The purpose of the plan is to help identify the sources of pollution that affect the quality of storm water discharges from a site and to describe and ensure the implementation of practices to reduce pollutants in storm water discharges.
  - FF. "Storm water runoff" means that part of precipitation (rainfall or snowmelt) which travels via flow across any surface to the storm drain system.
  - GG. "Street washing" means the practice of washing of streets and/or sidewalks using water.
  - HH. "Urban runoff" means any storm water and non-storm water runoff.
  - II. "U.S. EPA" means the United States Environmental Protection Agency.

**12.14.030 ILLICIT DISCHARGES PROHIBITED**

No person shall cause the discharge of non-storm water runoff to enter the storm drain system unless the discharge is one of the following:

- A. Authorized by a NPDES permit issued by the U.S. EPA, the State Board, or a Regional Board.
- B. Caused by or resulting from one of the following:
  - 1. Fire fighting activities.
  - 2. Landscape irrigation.

3. Water line breaks and releases from potable water systems.
4. Foundation/footing drains.
5. Individual residential car washing.
6. Unpolluted groundwater.
7. Hydrant flushing.
8. Authorized by the city.

All exempt discharges, as listed above, must be in conformance with all other provisions of this code.

#### **12.14.040 INSTALLATION OR USE OF ILLICIT CONNECTIONS PROHIBITED**

No person shall install, maintain or use any connection to the storm drain system which is used to discharge anything into the storm drain system in violation of this code. All connections to the storm drain system that provide for a discharge from inside any building are prohibited.

#### **12.14.050 REMOVAL OF ILLICIT CONNECTION**

If any person fails to disconnect an illicit connection upon notification by the Director, the Director may direct that such connection be disconnected from the storm drain system. The city may pursue the recovery of costs for such disconnection.

#### **12.14.060 PRIVATE STORM WATER CONVEYANCE SYSTEMS**

The owner of a property where a private storm water conveyance system is located shall be responsible for the maintenance, repair, and proper operation of the private storm water conveyance system, regardless of whether the private storm water conveyance system is completely located on the private property or partially within the public right-of way. The city shall have no responsibility or obligation for the maintenance, repair, or proper operation of a private storm water conveyance system.

If the Director determines that a private storm water conveyance system is not operating properly and causes the improper discharge of storm water to the street, sidewalk or storm drain system, the Director may declare this condition to constitute a public nuisance and proceed to abate that nuisance in accordance with Section 8.04.020 or pursue other available remedies in accordance with Title 4.

#### **12.14.070 DISCHARGE OF SEWAGE PROHIBITED**

No person shall cause the discharge of sewage to the storm drain system. In addition, if the director determines that a building drain or building sewer is not operating properly and causes the discharge of sewage to the street, sidewalk, or storm drain system, the director may declare this condition to constitute a public nuisance and proceed to abate the nuisance in accordance with Section 8.04.020 or Title 4.

**12.14.080 DAMAGE TO THE STORM DRAIN SYSTEM**

It is unlawful for any person to maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is part of the municipal storm drain system.

**12.14.090 DISCHARGE OF POLLUTING OR DAMAGING SUBSTANCES PROHIBITED**

No person shall throw, deposit, place, leave, maintain, litter, keep or permit to be thrown, deposited, placed, left, maintained, or kept, any pollutant, refuse, rubbish, food waste, garbage, or any other discarded or abandoned objects, in or upon any portion of the storm drain system or place of business, or upon any public or private plot of land in the city, except when placed in facilities protected from urban runoff such as containers, bags or recycling bins. Such prohibited activities shall include littering within the confines of receiving waters such as Carbonera Creek, Camp Evers Tributary and Bean Creek.

**12.14.100 PROHIBITED DISCHARGES FROM INDUSTRIAL OR COMMERCIAL ACTIVITY**

The following list of discharges from industrial/commercial activities shall be considered prohibited unless permitted under a separate NPDES permit or as allowed by BMPs published or approved by the city public works department. This list is not an exhaustive list of prohibited discharges to the storm drain system:

- A. Water from the clearing of gas stations, vehicle service garages, or other types of vehicle service facilities;
- B. Water, cleansers, or solvents from the cleaning of vehicles, machinery or equipment, and other such commercial and industrial operations;
- C. Water from the washing or rinsing of vehicles containing soap, detergents, solvents, or other cleaners;
- D. Water from the washing or rinsing of vehicles, with or without soap, from auto body repair shops;
- E. Water from the cleaning or rinsing of vehicle engine, undercarriage, or auto parts cleaning;
- F. Vehicle fluids;
- G. Mat wash water from food service facilities;
- H. Food and kitchen cleaning water from food service facilities;
- J. Leakage from dumpsters or trash containers;
- K. Water from the cleaning or rinsing of garbage dumpster areas and areas where garbage is stored or contained;

- L. Water from pressure washing, steam cleaning, and hand scrubbing of sidewalks, gutters, plazas, alleyways, outdoor eating areas, steps, building exteriors, walls, driveways, and other outdoor surfaces;
- M. Wastewater or cleaning fluids from carpet cleaning;
- N. Swimming pool and spa water;
- O. Wash out from concrete trucks;
- P. Runoff from areas where hazardous substances, including diesel fuel, gasoline and motor oil are stored, except as allowed by Chapter 6.50 of this code;
- Q. Super-chlorinated water normally associated with the disinfection of potable water systems.

#### **12.14.110 INDUSTRIAL/COMMERCIAL SOURCES REQUIRED TO OBTAIN AN NPDES PERMIT**

Any industrial/commercial facility that is required to have a NPDES permit shall retain the following documents on-site and make them immediately available to the director:

- A. A copy of a permit or notice of intent to comply with a general permit to discharge storm water associated with industrial activity as submitted to the State Board or report of waste discharge as submitted to a Regional Board of jurisdiction.
- B. A waste discharge identification number issued by the State Board or copy of the NPDES permit issued by a Regional Board.
- C. A SWPPP monitoring program plan or group monitoring plan.
- D. Storm water quality data.
- E. Evidence of facility self-inspection as required by the NPDES permit.

#### **12.14.120 NOTIFICATION OF PROHIBITED DISCHARGE REQUIRED**

In the event or discovery of a discharge to the storm drain system that is prohibited by this code, the discharger or permittee shall immediately notify the director of the incident by telephone at the city public works department. The notification shall include the discharge location, type of materials discharged, estimated concentration and volume of the discharge, and corrective actions taken to contain or minimize the effects of the discharge.

Within 10 calendar days from the first discovery of the discharge, the discharger or permittee shall submit to the director a detailed written report describing the cause of the discharge, corrective action taken and measures to be taken to prevent future occurrences, and measures taken to remediate the effects of the discharge. Such notification shall not relieve the discharger or permittee of liability or fines incurred as a result of the prohibited discharge.

**12.14.130 MANDATORY BEST MANAGEMENT PRACTICES**

Any owner, occupant, or user of any property, or any person conducting activities within the city shall comply with any mandatory BMPs listed in the latest BMP manual published by the public works department and the following mandatory BMPs;

- A. If water is used to remove paint or graffiti for 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.
- B. Paintbrushes, paint spray guns, paint trays or containers, and paint cans may not be cleaned or rinsed into the street or storm drain system.
- C. 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 urban runoff.
- D. Areas susceptible to runoff shall have debris removed by sweeping or another equally effective measure on a regular basis.
- E. Waste not contained in receptacles shall be covered and located so as to prevent contact with urban runoff.

**12.14.140 BEST MANAGEMENT PRACTICES FOR CONSTRUCTION ACTIVITY**

Any construction project, including those undertaken under any permit or approval granted pursuant to Titles 12, 15 or 17 of this code, shall implement best management practices (BMP's) including the city's mandatory BMP's as detailed in the latest BMP manual published by the city's public works department. BMPs shall be maintained in full force and effect during the duration of the project.

**12.14.150 BEST MANAGEMENT PRACTICES FOR INDUSTRIAL/COMMERCIAL ACTIVITIES**

All facilities required to file a Notice of Intent with the State Board, shall abide by the state regulations outlined in the general permit and implement best management practices to the maximum extent practicable listed in the guidelines published in the California Storm Water Best Management Practices Handbook, Industrial/Commercial, by the Storm Water Quality Task Force. The city's mandatory BMP's, as detailed in the latest BMP manual published by the city's public works department, must also be implemented.

**12.14.160 BEST MANAGEMENT PRACTICES FOR BUSINESS NOT COVERED BY STATE PERMIT**

All business activities shall implement mandatory BMPs as detailed in the latest BMP manual published by the city's public works department.

**12.14.170 RIGHT OF ENTRY FOR INSPECTION**

The city's representative may demand inspection of a facility whenever the director or any authorized representative of the city wishes to ascertain whether an industrial or commercial facility or a property owner is complying with the purposes and requirements of this chapter or has cause to suspect that a nuisance exists in any person's property.

If a property owner or occupant shall refuse or delay entry to the city's representative, such refusal or delay shall constitute a misdemeanor:

- A. Persons or occupants of premises from where urban 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 performance of any of their duties.
- B. 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.
- C. Where the discharger has security measures in force that would require proper identification and clearance before entry into the premises, the discharger shall make 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."

**SECTION 2. SEVERABILITY.** If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction such portion shall be deemed a separate, distinct and independent provision of such Ordinance and shall not affect the validity of the remaining portions thereof.

**SECTION 3. REPEALS CONFLICTING ORDINANCES.** All other ordinances of the City of Scotts Valley or provisions of the Scotts Valley Municipal Code which are in conflict with this Ordinance are hereby repealed to the extent of such conflict.

**SECTION 4. CEQA COMPLIANCE.** The City Council finds and determines that the enactment of this Ordinance is not a "project" as that term is used in the California Environmental Quality Act ("CEQA;" Cal. Pub. Resources Code Section 21000 et seq.) or the State CEQA Guidelines (Cal. Code of Regs., Title 14, Section 15000 et seq.). Therefore, no environmental assessment is required or necessary.

**SECTION 5. EFFECTIVE DATE.** This Ordinance shall take effect thirty days after the date of its adoption. Prior to the expiration of fifteen days from the date of adoption, this Ordinance shall be published by one insertion in the Scotts Valley Banner newspaper of general circulation in the City.

This ordinance was introduced on the 16<sup>th</sup> day of June, 2010, and was passed and adopted by the City Council of the City of Scotts Valley on the 7<sup>th</sup> day of July, 2010, by the following votes:

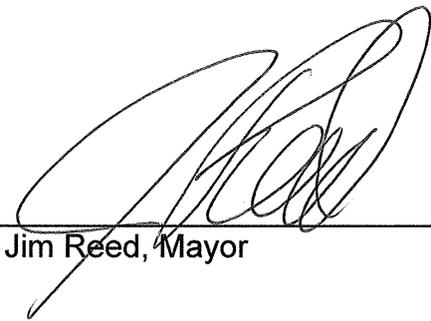
AYES: AGUILAR, BUSTICHI, JOHNSON, LIND, REED

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

APPROVED:



A large, stylized handwritten signature in black ink, appearing to read 'Jim Reed', is written over a horizontal line.

Jim Reed, Mayor

ATTEST:



A handwritten signature in black ink, appearing to read 'Tracy A. Ferrara', is written over a horizontal line.

Tracy A. Ferrara, City Clerk

APPROVED AS TO FORM:



A handwritten signature in black ink, appearing to read 'Kirsten Powell', is written over a horizontal line.

Kirsten Powell, City Attorney