

CITY COUNCIL OF THE CITY OF OXNARD

ORDINANCE NO. 2806

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OXNARD  
REPEALING AND ADOPTING SECTIONS 22-218 AND 22-226  
IN CHAPTER 22, ARTICLE XII OF THE CITY CODE  
CONCERNING REDUCTION OF POLLUTANT IN STORM WATER AND  
REMEDIES FOR VIOLATION

The City Council of the City of Oxnard does ordain as follows:

Part 1. Sections 22-218 and 22-226 of Chapter 22, Article XII of the City Code are repealed.

Part 2. Sections 22-218 and 22-226 of Chapter 22, Article XII of the City Code are adopted, to read:

**SEC. 22-218. REDUCTION OF POLLUTANTS IN STORM WATER.**

- (A) Discharges of storm water containing pollutants which have not been reduced to the maximum extent practicable are prohibited.
- (B) Any person engaged in activities that will or may result in pollutants entering the MS4 or watercourses shall undertake all practicable measures to reduce such pollutants.
  - (1) Minimum measures for mobile car washes are full containment under and around the vehicle being washed, capture of all water used in the washing operation, and hauling of the captured wash water to a legal point of disposal.
  - (2) Minimum measures for building or sidewalk pressure washing are to capture all water used in the washing operation, and hauling of the captured wash water to a legal point of disposal.
  - (3) Minimum measures for landscape irrigation are inspection of irrigation systems to minimize contact with impervious surfaces, and elimination of runoff from the irrigated area following treatment (pesticide or fertilizer application).
- (C) With written concurrence of the RWQCB-LA, the city may exempt in writing other non-storm water discharges which are not a source of pollutants to the MS4 or watercourses.

(Ord. No. 2459)

**SEC. 22-226. REMEDIES FOR VIOLATION.**

- (A) The superintendent shall serve on the property owner, and/or the person in charge of day-to-day operations of the property, a notice of violation that an illicit connection or illicit discharge exists at the property. The notice of violation shall include:

- (1) The provision(s) of this article, the applicable storm water pollution prevention plan, storm water pollution control plan or permit alleged to have been violated;
  - (2) A statement that continued noncompliance may result in civil, criminal or administrative enforcement actions against the property owner and/or person in charge of day-to-day operations of the property;
  - (3) A compliance date that must be met by the property owner and/or person in charge of day- to-day operations of the property;
  - (4) The manner of abatement required; and
  - (5) Any remediation required.
- (B) The notice of violation may include, where deemed applicable by the superintendent, the following terms and requirements:
- (1) Specific steps and time schedules for compliance as reasonably necessary to prevent continued or threatened illicit discharges;
  - (2) Specific steps and time schedules for compliance as reasonably necessary to discontinue any illicit connection;
  - (3) Requirements for containment, cleanup, removal, storage, installation of overhead covering or proper disposal of any pollutant having the potential to contact storm water runoff;
  - (4) Any other terms or requirements reasonably necessary to prevent continued or threatened violations of this article including, but not limited to, requirements for compliance with BMPs guidance documents promulgated by any federal, State or local agency; and
  - (5) Any other terms or requirements reasonably calculated to achieve full compliance with the terms, conditions and requirements of the storm water quality management plan, a storm water pollution prevention plan, storm water pollution control plan or permit issued pursuant to this article.
- (C) The superintendent shall issue a cease and desist order when the public health, safety or welfare is threatened by a violation of this article. The cease and desist order may direct the property owner and/or person in charge of day-to-day operations of the property and/or any other responsible person to:
- (1) Immediately discontinue any illicit connection or illicit discharge to the MS4.
  - (2) Immediately contain or divert any flow of non-storm water from the property where the flow is occurring in violation of any provision of this article.
  - (3) Immediately discontinue any other violation of this article.
  - (4) Clean up the area affected by the violation.

- (D) The superintendent may direct by cease and desist order that the property owner or other person in charge of day-to-day operations of the property or any permittee under any applicable NPDES permit, immediately cease any activity not in compliance with the terms, conditions and requirements of the storm water pollution control plan, storm water pollution prevention plan, storm water quality management plan, or permit issued pursuant to this article.
- (E) For any discharge or release not in compliance with the terms, conditions and requirements of the storm water pollution control plan, storm water pollution prevention plan, storm water quality management plan, or permit issued, and not mitigated by the discharger, the superintendent shall serve an invoice for costs upon the property owner and/or person in charge of day-to-day operations of the property, or any other responsible person who is subject to a notice of violation or a cease and desist order. The invoice for costs shall be immediately due and payable to the city. If any owner or person in charge of day-to-day operations of the property, permittee or responsible party, or any other person fails to pay the invoice for costs, the city may institute collection proceedings.
- (F) Any notice of violation, cease and desist order or invoice for costs (collectively, "order") issued pursuant to this article shall be served in compliance with the following:
  - (1) Notify the recipient of the order that he or she has a right to a hearing as set forth in this article;
  - (2) Include the address of the affected property and mailed to the property owner's address as shown on the most recently issued equalized assessment roll or as may otherwise appear in the current records of the city; and
  - (3) If the property owner or person in charge of day-to-day operations of the property cannot be located after reasonable efforts of the superintendent, the notice shall be deemed served ten business days after posting on the property.
- (G) When the city manager finds that a property owner or individual has violated, or continues to violate, any provisions of the article, approved stormwater pollution prevention plan, or order issued hereunder, or any stormwater standard or requirement, the city manager may issue an administrative complaint alleging the act or failure to act that constitutes the violation, the provisions of law authorizing imposition of the administrative fine, and the proposed administrative fine, as follows:
  - (1) The administrative complaint shall be served by personal delivery or certified mail on the property owner or individual and shall inform the property owner or individual that a hearing shall be conducted within 60 days after the individual or property owner has been served. The hearing officer shall be the public works director or designee. The individual or property owner may waive the right to a hearing, in which case the hearing officer shall not conduct the hearing and decide the matter based upon the administrative complaint. Any individual or property owner dissatisfied by the decision of the hearing officer may appeal the hearing officer's decision to the city council within 30 days of notice of the hearing officer's decision;

- (2) The city manager may recommend, and the hearing officer and city council may impose, administrative fines as follows:
  - a. In an amount not to exceed \$2,000 per day for failing or refusing to furnish a monitoring report or any other technical report required by this article;
  - b. In an amount not to exceed \$3,000 per day for failing or refusing to comply in a timely manner with any compliance schedule order by the city manager;
  - c. In an amount not to exceed \$5,000 per violation per day for discharges in violation of discharge standards or limits, development conditions, or prohibitions issued, reissued, or adopted by the city manager; and
  - d. In an amount not to exceed \$10 per gallon for discharges in violation of any suspension, cease-and-desist order or other orders, or prohibitions issued, reissued, or adopted by the city manager.
- (3) The amount of any administrative fine imposed under this section which remains delinquent for a period of 60 days or more shall accrue interest at a standard rate of ten percent. Further, the amount of any administrative fine and interest accrued that remains delinquent after 60 days shall constitute a lien against the real property of the property owner or individual from which the discharge originated.
- (4) Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action, whether criminal or civil, against the property owner or individual.

(Ord. No. 2459)

Part 3. Within fifteen days after passage, the City Clerk shall cause this ordinance to be published one time in a newspaper of general circulation within the city. Ordinance No. \_\_\_\_\_ was first read on \_\_\_\_\_, 2009, and finally adopted on \_\_\_\_\_, 2009, to become effective thirty days thereafter.

AYES:

NOES:

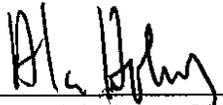
ABSENT:

\_\_\_\_\_  
Dr. Thomas E. Holden, Mayor

ATTEST:

\_\_\_\_\_  
Daniel Martinez, City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Alan Holmberg, City Attorney