



**Ordinance 2015-01**

**Stormwater Control Ordinance**

**ORDINANCE ADDING NEW CHAPTER 13.16**

**Section 1.** A new Chapter 13.16 is hereby added to Title 13 Public Services of the City of Trinidad Code (City Code). This Chapter shall be known as the "Stormwater Quality Management and Discharge Control Ordinance" of the City of Trinidad, and shall be so cited, and which shall read in its entirety; as follows:

**CHAPTER 13.16**

**STORM WATER QUALITY MANAGEMENT AND DISCHARGE CONTROL**

**Sections:**

- 13.16.010 Purpose and intent**
- 13.16.020 Definitions**
- 13.16.030 Applicability**
- 13.16.040 Responsibility for administration**
- 13.16.050 Severability**
- 13.16.060 Regulatory consistency**
- 13.16.070 Ultimate responsibility of discharger**
- 13.16.080 Prohibition of illicit discharges**
- 13.16.090 Prohibition of illicit connections**
- 13.16.100 Waste disposal prohibitions**
- 13.16.110 Requirements for reducing pollutants in storm water**
- 13.16.120 Authority to adopt and impose best management practices**
- 13.16.130 Post-Construction Requirements**
- 13.16.140 Exempt Projects**
- 13.16.150 Small Projects**
- 13.16.160 Regulated Projects**
- 13.16.170 Requirement to eliminate illicit discharges**
- 13.16.180 Requirement to eliminate or secure approval for illicit connections**
- 13.16.190 Watercourse protection**
- 13.16.200 Requirement to remediate**
- 13.16.210 Requirement to monitor and analyze**
- 13.16.220 Notification of spills**
- 13.16.230 Authority to inspect**
- 13.16.240 Authority to sample, establish sampling devices, and test**
- 13.16.250 Declaration of public nuisance**
- 13.16.260 Notice of violation, fines and penalties**
- 13.16.270 Appeal**
- 13.16.280 Abatement by city**
- 13.16.290 Charging cost of abatement/liens**
- 13.16.300 Acts potentially resulting in a violation of the Federal Clean Water Act and/or California Porter-Cologne Act**

### **13.16.010**      **Purpose and Intent.**

The purpose and intent of this Chapter is to protect and promote the health, safety, and general welfare of citizens, and protect and enhance the water quality of watercourses, water bodies, and wetlands in a manner pursuant to and consistent with the Federal Clean Water Act (33 U.S.C. §1251 et seq.), and the Porter-Cologne Water Quality Control Act (California Water Code Section 13000 et seq.), by reducing pollutants in storm water discharges to the maximum extent practicable and by prohibiting non-storm water discharges to the storm drainage facilities.

### **13.16.020**      **Definitions.**

A. The terms used in this Chapter shall have the following meanings:

1. "Area of Special Biological Significance (ASBS)" means those areas designated by the State Water Resources Control Board as ocean areas requiring protection of species or biological communities to the extent that alteration of natural water quality is undesirable. The Trinidad Head ASBS includes the coastal waters surrounding Trinidad Head from Mill Creek to the north and south to Parker Creek including Trinidad Bay.
2. "Best Management Practices (BMPs)" means activities, prohibitions, practices, or maintenance procedures that prevent or reduce the discharge of pollutants or discharges directly or indirectly to the municipal storm water drainage facilities and waters of the State and/or 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, trash and 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.
3. "City" means the City of Trinidad.
4. "City Manager" means the City Manager or designee.
5. "Clean Water Act" means the federal Water Pollution Control Act, also known as the Clean Water Act, 33 USC § 1251 et seq., and any subsequent amendments thereto.
6. "Coastal Act" means the California Coastal Act of 1976, also known as the Coastal Act.
7. "Construction Activity" means a project that involves soil disturbing activities with the potential to discharge pollutants to the City storm water drainage facility or Waters of the U.S., including but not limited to, clearing, grading, paving, landscaping, and disturbances to ground such as stockpiling, and excavation. Construction activities shall also be defined to include but are not limited to new construction, reconstruction, development, and redevelopment that create or replace impervious surfaces resulting in increased storm water runoff compared to pre-construction activity site conditions.
8. "Discharge of Pollutants" means the introduction of pollutants into the City's storm drainage facilities or any waters of the United States.
9. "Discharger" means the person, corporation, partnership or other entity directly causing or allowing the discharge.
10. "Hazardous Substances" means, without limitation, any material that because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the work place or the environment. Hazardous substances include, but are not limited to, those substances included within the definitions of "hazardous substance," "hazardous waste," "hazardous material," "toxic substance," "solid waste," or "pollutant or contaminant" in any local, state or federal law or regulation. (California Health and Safety Code §25117).
11. "Humboldt Low Impact Development Stormwater Manual" and "Humboldt LID Manual" means the newest edition of the document that establishes minimum standards and requirements for compliance with the post construction requirements of this ordinance. The City of Trinidad has and continues in an ongoing relationship with Humboldt County and other Humboldt County incorporated cities enrolled in

the MS4 Permit in the development of guidance and requirements for projects within the Humboldt County area. The participating Cities and Humboldt County have prepared a document entitled the Humboldt Low Impact Development Stormwater Manual (Humboldt LID Manual), a copy of which is located on the City of Trinidad website. It is expected that the Humboldt LID Manual will be revised periodically.

12. "Illicit Discharge" means any direct or indirect discharge to the storm water drainage facilities that is prohibited under local, state, or federal statutes, ordinances, codes, or regulations. The term illicit discharge includes all non-storm water discharges not composed entirely of storm water, except as exempted in Section 13.16.080 of this chapter.
13. "Illicit Connection" is defined as either of the following:
  - a. A  
ny drain or conveyance, whether on the surface or subsurface, which allows an illicit discharge to enter the storm drain facilities including but not limited to any conveyances which allow any non-storm water discharge including sewage, process wastewater, and wash water enter the storm drain facilities and any connections to the storm drain facilities from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by a government agency; or
  - b. Any drain or conveyance connected from a commercial or industrial land use to the storm drain facilities which has not been documented in plans, maps, or equivalent records and approved by the City.
14. "Industrial facilities" or "industrial premise" means locations of activities subject to NPDES Industrial Permits as defined in 40 CFR, Section 122.26 (b)(14).
15. "Low Impact Development (LID)" means a sustainable practice that benefits water supply and contributes to water quality protection. Unlike traditional storm water management, which collects and conveys storm water runoff through storm drains, pipes, or other conveyances to a centralized storm water facility, Low Impact Development (LID) takes a different approach by using site design and storm water management to maintain the site's pre-development runoff rates and volumes.
16. "Maximum Extent Practicable (MEP)" means the minimum required performance standard for implementation of controls to reduce pollutants in storm water. MEP is the cumulative effect of implementing, evaluating, and making corresponding changes to a variety of technically appropriate and economically feasible BMPs, ensuring that the most appropriate controls are implemented in the most effective manner.
17. "MS4 Permit" or "National Pollutant Discharge Elimination System Storm Water Discharge Permit" or "NPDES Permit" means a permit issued pursuant to section 402 of the Clean Water Act, 33 USC. 1342, and administered by the State of California under the authority of the U.S. Environmental Protection Agency, permitting the discharge of pollutants into navigable waters of the United States.
18. "Natural ocean water quality" means water quality standard for a range of pollutants as defined by the ASBS North Coast Regional Monitoring Program or State Water Resources Control Board.
19. "Non-Storm Water Discharge" means any discharge to the storm drain facilities that is not composed entirely of storm water.
20. "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, and accumulations, so that same 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 a building or structure (including but not limited to sediments, slurries, and concrete rinsates); and noxious or offensive matter of any kind. A pollutant shall also include any increment or increase in the total volume or rate of storm water runoff resulting from any activity or development occurring after the effective date of this chapter in which a storm water limit had been set as a condition of approval.
21. "Pollution" means the human-made or human-induced alteration of the quality of waters by pollutant(s) 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).
22. "Porter-Cologne Act" means the Porter-Cologne Water Quality Control Act and as amended

(California Water Code §13000 et seq.).

23. "Premises" means any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.
24. "Runoff area" means an area where surface flows could drain into the storm drainage facility or adjacent area or water course.
25. "Storm drainage facilities" means the storm and surface water drainage systems comprised of storm water control facilities and any other natural facilities which store, control, treat and/or convey storm and surface water. Storm drainage facilities shall include all natural and constructed elements used to convey storm water from the first point of contact with the surface of the earth to a suitable receiving body of water or location, internal or external, to the boundaries of the City. They shall include: pipes, appurtenant features, culverts, streets, curbs, gutters, pumping stations, channels, streams, ditches, wetlands, detention/retention basins, ponds, and other storm water conveyance and treatment facilities whether public or private.
26. "Storm Water" means any flow occurring during or following any form of natural precipitation, and resulting therefrom, including snow melt, surface runoff and drainage.
27. "Watercourse" means a natural or artificial channel through which water flows.
28. "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.

**13.16.030      Applicability.**

This chapter shall apply to all developed and undeveloped lands lying within the City of Trinidad.

**13.16.040      Responsibility for Administration.**

The City Manager of the City shall administer, implement and enforce the provisions of this Chapter. Any powers granted or duties imposed upon the City Manager may be delegated in writing by the City Manager to persons or entities acting in the beneficial interest of or in the employ of the City.

**13.16.050      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 application of this Chapter.

**13.16.060      Regulatory Consistency.**

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

**13.16.070      Ultimate 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 waters of the State and/or U.S. caused by said person. This Chapter shall not create liability on the part of the City of Trinidad, 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 there under.

**13.16.080      Prohibition of Illicit Discharges.**

A. No person shall discharge or cause to be discharged into the storm drainage facilities, watercourses

or the ocean 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.

- B. Discharges of stormwater into the storm drainage facilities or the waters of the U. S. in a manner causing or threatening to cause a condition of pollution or nuisance as defined in California Water Code section 13050 are prohibited.
- C. Non-storm water discharges are prohibited except as provided below.
  - 1. The following non-storm water discharges are allowed everywhere within City limits provided that the discharges are essential for emergency response purposes, structural stability, slope stability or occur naturally. This provision does not supersede the authority of the City to effectively prohibit a non-storm water discharge that has been found to alter natural water quality in the ASBS.
    - a. Discharges associated with emergency firefighting operations.
    - b. Foundation and footing drains.
    - c. Water from crawl space or basement pumps.
    - d. Hillside dewatering.
    - e. Naturally occurring groundwater seepage via a storm drain.
    - f. Non-anthropogenic flows from a naturally occurring stream via a culvert or storm drain, as long as there are no contributions of anthropogenic runoff.
  - 2. The following non-storm water discharges may be allowed within City limits, except in the runoff area to the portion of the City's storm drainage system which discharges to the ASBS, as shown in Figure 1 as 'ASBS Storm Drain Discharge Area'.
    - a. Exterior washing of personal motorized vehicles by residents on impervious surfaces;
    - b. Uncontaminated incidental runoff from landscaped areas;
    - c. Flushing of water lines and hydrants, or other discharges from potable water sources if the chlorine concentration is less than 1.0 milligrams per liter measured at the point of entry into the storm water drainage facility.
    - d. Draining of uncontaminated water from swimming pools or spas, after the chlorine or other disinfectant concentrate of such water shows a reading of zero concentration on a test kit.
- D. 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 Trinidad for any discharge to the storm drain facilities.
- E. With written concurrence of the Regional Water Quality Control Board, the City of Trinidad may exempt in writing other non-storm water discharges which are not a source of pollutants to the storm drainage facilities or to the waters of the U.S.
- F. Authorized non-storm water discharges shall not cause or contribute to a violation of the water quality objective in Chapter II of the California Ocean Plan nor alter natural ocean water quality in an ASBS. Penalty, see 13.16.260

**13.16.090      Prohibition of Illicit Connections.**

- A. No person shall install, use or maintain a drain, conveyance, pipe, channel or other connection to the storm water drainage facilities, whether on the surface or subsurface, that may result in the discharge of a pollutant or pollutants into the storm water drainage facilities. For example, such illicit connections include but are not limited to those that could allow sewage, wastewater, pool, spa and wash water to enter the storm water drainage facilities and connections from indoor drains and sinks, regardless of whether the connection had been previously allowed, permitted, or approved by the City.

- B. No person shall install, use or maintain a drain or conveyance connected from a commercial or industrial premise to the storm water drainage facilities where such connection or drain is not approved by the City and documented in City records.

Penalty, see 13.16.260

**13.16.100 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 drainage facilities, or water of the U.S., any refuse, rubbish, garbage, litter, or other discarded or abandoned objects, so that the same may cause or contribute to pollution. Wastes deposited in proper waste receptacles for the purposes of collection are exempted from this prohibition. Penalty, see 13.16.260.

**13.16.110 Requirements for Reducing Pollutants in Storm Water.**

- A. Any person engaging in activities that may result in pollutants entering the City's storm drain facilities or waters of the State and/or U.S. shall implement Best Management Practices to the extent they are technologically achievable to prevent and reduce such pollutants. Examples of such activities include, but are not limited to, ownership of and use of premises that may be a source of pollutants such as parking lots, gasoline stations, industrial facilities, business enterprises. The owner or operator of commercial or industrial facilities shall provide reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm water drainage facilities 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.

- B. Notwithstanding other requirements of this chapter, any person performing construction and grading work shall implement BMPs to prevent the discharge of construction waste, debris, or contaminants from construction materials, tools and equipment from entering the storm drainage system.

- 1. BMPs for each project, shall include, but not be limited to the use of the following:

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| a. | cheduling construction activity                                      | S |
| b. | reservation of natural features, vegetation, and soil                | P |
| c. | rainage swales or line ditches to control storm water flow           | D |
| d. | ulching or hydroseeding to stabilize disturbed soils                 | M |
| e. | rosion control to protect slopes                                     | E |
| f. | rotection of storm drain inlets (gravel bags or catch basin inserts) | P |
| g. | erimeter sediment control (perimeter silt fence, fiber rolls)        | P |
| h. | ediment trap or sediment basin to retain sediment on site            | S |
| i. | tabilized construction exits   | S |
| j. | ind erosion control  | W |
| k. | ther soil loss BMP acceptable to the enforcing agency                | O |
| l. | aterial handling and waste management                                | M |
| m. | uilding materials  | B |

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|----|--|---|
| n. | anagement of washout areas (concrete, paints, stucco, etc...)    | M |
| o. | ontrol of vehicle/equipment fueling to contractor's staging area | C |
| p. | ehicle and equipment cleaning performed off site                 | V |
| q. | pill prevention and control                                      | S |
| r. | ther housekeeping BMP acceptable to the enforcing agency         | O |
2. For grading and construction activities subject to a grading and/or building permit, applicant is required to prepare and submit an erosion and sediment control plan with the permit application for the City's review and written approval. The erosion and sediment control plan shall contain appropriate site-specific construction site BMPs that meet the minimum requirements of this Ordinance and the City's grading ordinance, TMC 15.16. The erosion and sediment control plan shall include the rationale used for selecting BMPs including supporting soil loss calculations, if necessary. Revisions to the erosion and sediment control plan must be approved by the City.

C. Any person subject to an industrial or construction 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 City Manager prior 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.

Penalty, see 13.16.260.

**13.16.120 Authorization to adopt and impose Best Management Practices**

The City may adopt requirements identifying BMPs 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 U.S. Where BMP 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 U.S., every person undertaking such activity or operation, or owning or operating such facility shall comply with such requirements.

**13.16.130 Post construction requirements**

The primary objective of these Post-Construction Stormwater Management Requirements (hereinafter, Post-Construction Requirements) is to ensure the reduction of pollutant discharges and preventing stormwater discharges from causing or contributing to a violation of receiving water quality standards in all applicable development projects that require approvals and/or permits issued by the City.

The City will adopt standards identifying appropriate design criteria to control the volume, rate, and potential pollutant load of storm water runoff from new development, redevelopment projects, and other projects as required by the State Water Resources Control Board NPDES MS4 General Permit. The City may incorporate such requirements in any land use entitlement and construction or building-related permit to be issued relative to such development or redevelopment. The owner and developer shall comply with the terms, provisions, and conditions required by the current Humboldt Low Impact Development Stormwater Manual (Humboldt LID Manual) or as directed by the City Manager.

The standards and guidelines of the Humboldt LID Manual must be complied with except to the extent that a more stringent standard is expressly set forth herein. If there are any conflicts between the Humboldt LID Manual and the express language of this ordinance, the express language of this ordinance shall control.

#### **13.16.140 Exempt Projects**

- A. Exempt Projects not subject to the Post-Construction Requirements may include the following: Interior remodels and routine maintenance or repair; reroofing of an existing building; asphalt or paving overlays or resurfacing of existing surfaces, however work that replaces existing surfaces down to subgrade are not exempt; single family homes that create or replace less than 2500 square feet; certain Linear Underground projects may be exempt.
- B. Exempt Projects are required to submit a Stormwater Information Sheet with a planning or building permit application, as described in the Humboldt LID Manual.

#### **13.16.150 Small Projects**

- A. Small Projects are projects that create and/or replace (including projects with no net increase in impervious footprint) between 2,500 square feet and 5,000 square feet of impervious surface, including detached single family homes that create and/or replace 2,500 square feet or more of impervious surface and are not part of a larger plan of development. Site design measures as specified in this section are not applicable to linear underground/overhead projects (LUPs).include the following:
- B. Small Project proponents shall meet the application requirements in the Humboldt LID Manual. Application submittals include a Stormwater Information Sheet, the Stormwater Control Plan for Small Projects/Single-Family Homes, shall quantify the runoff reduction resulting from implementation of site design measures using the LID Manual Small Projects Calculator and implement one or more of the following site design measures to reduce project site runoff:
  - 1. Stream Setbacks and Buffers - a vegetated area including trees, shrubs, and herbaceous vegetation, that exists or is established to protect a stream system, lake reservoir, or coastal estuarine area;
  - 2. Soil Quality Improvement and Maintenance - improvement and maintenance soil through soil amendments and creation of microbial community;
  - 3. Tree Planting and Preservation - planting and preservation of healthy, established trees that include both evergreens and deciduous, as applicable;
  - 4. Rooftop and Impervious Area Disconnection - rerouting of rooftop drainage pipes to drain rainwater to rain barrels, cisterns, or permeable areas instead of the storm sewer;
  - 5. Porous Pavement - pavement that allows runoff to pass through it, thereby reducing the runoff from a site and surrounding areas and filtering pollutants;
  - 6. Green Roofs - a vegetative layer grown on a roof (rooftop garden);
  - 7. Vegetated Swales - a vegetated, open-channel management practice designed specifically to treat and attenuate storm water runoff;
  - 8. Rain Barrels and Cisterns - system that collects and stores storm water runoff from a roof or other impervious surface.

#### **13.16.160 Regulated Projects**

Regulated Projects are subject to the Post-Construction Requirements and shall implement standards to effectively reduce runoff and pollutants associated with runoff.

- A. Regulated Projects as defined below.
  - 1. Regulated Projects create and/or replace 5,000 square feet or more of impervious surface. Regulated Projects do not include Linear Underground Projects (LUPs) unless the LUP has a discrete location that has 5,000 square feet or more of newly constructed contiguous impervious surface.
  - 2. Regulated Projects include development projects. Development includes new and redevelopment projects on public or private land that fall under the planning and permitting authority of a Permittee. Redevelopment is any land-disturbing activity that results in the creation, addition, or replacement of exterior impervious surface area on a site on which some past development has occurred. Redevelopment does not include trenching, excavation and resurfacing associated with LUPs; pavement grinding and resurfacing of existing roadways; construction of new sidewalks,

pedestrian ramps, or bike lanes on existing roadways; or routine replacement of damaged pavement such as pothole repair or replacement of short, non-contiguous sections of roadway.

- B. Regulated Projects are required to implement measures for site design, source control, runoff reduction, storm water treatment and baseline hydromodification management as defined in the *Humboldt LID Manual*.
1. Post-Construction Standards be applied on applicable new and redevelopment Regulated Projects, both private development requiring municipal permits and public projects, to the extent allowable by applicable law. These include discretionary permit projects that have not been deemed complete for processing and discretionary permit projects without vesting tentative maps that have not requested and received an extension of previously granted approvals. Discretionary projects that have been deemed complete prior to June 30, 2015 are not subject to the Post-Construction Standards herein. For the City's Municipal Regulated Projects, the effective date shall be the date their governing body or designee approves initiation of the project design.  
  
Municipal Development Projects - The City shall develop and implement an equivalent approach, to the approach used for private development projects, to apply the most current version of the low impact development runoff standards to applicable public development projects, to the extent allowable by applicable law.
  2. Source Control Measures: Regulated Projects with pollutant-generating activities and sources shall be required to implement standard permanent and/or operation source control measures as applicable. Measures for the following pollutant generating activities and sources shall be designed consistent with recommendations from the current Humboldt LID Manual or current CASQA Stormwater BMP Handbook for New Development and Redevelopment or equivalent manual, and include:
    - a. Accidental spills or leaks
    - b. Interior floor drains
    - c. Parking/storage areas and maintenance
    - d. Indoor and structural pest control
    - e. Landscape/outdoor pesticide use
    - f. Pools, spas, ponds, decorative fountains, and other water features
    - g. Restaurants, grocery stores, and other food service operations
    - h. Refuse areas
    - i. Industrial processes
    - j. Outdoor storage of equipment or materials
    - k. Vehicle and equipment cleaning
    - l. Vehicle and equipment repair and maintenance
    - m. Fuel dispensing areas
    - n. Loading docks
    - o. Fire sprinkler test water
    - p. Drain or wash water from boiler drain lines, condensate drain lines, rooftop equipment, drainage sumps, and other sources
    - q. Unauthorized non-storm water discharges
    - r. Building and grounds maintenance
  3. Low Impact Development Standards: All Regulated Projects shall follow the standard and steps to compliance found in the Humboldt LID Manual, implement low impact development (LID) standards designed to reduce runoff, treat storm water, and provide baseline hydromodification management to the extent feasible, and to meet the Bioretention Design Criteria for Storm Water Retention and Treatment.

**13.16.170 Requirement to eliminate illicit discharges**

Notwithstanding the requirements of this chapter, the City Manager may require by written notice that a person responsible for an illicit 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 illicit discharges.

**13.16.180 Requirement to eliminate or secure approval for illicit connections**

- A. The City Manager may require by written notice that a person responsible for an illicit connection to the storm drain facilities 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.
- B. 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.

**13.16.190 Watercourse protection**

Every person owning property through which a watercourse passes shall keep and maintain that part of the watercourse within the property reasonably free of trash, debris 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. Penalty, see 13.16.260.

**13.16.200 Requirement to remediate**

Whenever the City Manager finds that a discharge of pollutants is taking place or has occurred which will result in or has resulted in pollution of storm water, storm drainage facilities, or water of the state and/or U.S., the City Manager 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 time specified in said notice.

**13.16.210 Requirement to monitor and analyze**

The City Manager 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, illicit discharges, and/or non-storm water discharges to the storm drain facilities or waters of the state and/or U.S., 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.

**13.16.220 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 facilities, or water of the state and/or U.S. 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 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 Clerk in person, by phone or facsimile no later than 2:00 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 Clerk within three business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial facility, 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. Penalty, see 13.16.260

**13.16.230 Authority to inspect**

Whenever necessary to make an inspection to enforce any provision of this chapter or whenever the City Manager, 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 City Manager 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.

**13.16.240 Authority to sample, establish sampling devices, and test**

During any inspection as provided herein, the City Manager may take any samples and perform any testing deemed necessary to aid in the pursuit of the inquiry or to record site activities.

**13.16.250 Declaration of public nuisance.**

Violations of this chapter are hereby declared a public nuisance subject to the City's Nuisance Abatement Chapter, TMC 8.12.

**13.16.260 Notice of violation, fines and penalties**

In addition to the remedies provided in the City's Nuisance Abatement Ordinance, TMC Chapter 8.12, violations of this chapter are punishable as either infractions or misdemeanors, pursuant to the provisions of Chapter TMC 1.08. Each separate day in which a violation exists shall be considered a separate violation.

Whenever the City Manager finds that a person has violated a prohibition or failed to meet a requirement of this chapter 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;
- E. Payment of a fine to cover administrative and remediation costs;
- F. Payment of penalties; and
- G. The implementation of source control or treatment BMPs.

**13.16.270 Appeal**

Notwithstanding the provisions of 13.16.280 below, any person receiving a Notice of Violation under 13.16.260 above may appeal the determination of the City Manager to the City Council. The notice of appeal must be received by the City Manager within 5 days from the date of the Notice of Violation. Hearing on the appeal before the City Council shall take place at the next regularly scheduled meeting after the date of the city's receipt of the notice of appeal. The decision of the City Council shall be final.

**13.16.280 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 13.16.270, within ten days of the decision of the City Council upholding the decision of the City Manager, then the city or a contractor designated by the City Manager 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. Penalty, see 13.16.260

**13.16.290 Charging cost of abatement/liens**

- A. Within 30 days after abatement of the nuisance by the City, the City Manager shall notify the property owner of the abatement cost, including administrative costs. The property owner may file a written protest objecting to the amount of the assessment with the City Clerk within 15 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.
- B. 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 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.

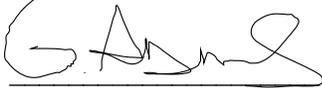
**13.16.300 Acts potentially resulting in a violation of the Federal Clean Water Act and/or California Porter-Cologne Act**

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.

Passed, approved, and adopted at a special meeting of the City Council of the City of Trinidad, on the 12th day of August, 2015, by the following roll call vote:

AYES: West, Miller, Fulkerson, Baker, Winnett  
NAYS: None  
ABSTAIN: None  
ABSENT: None

Attest:



**Gabriel Adams**  
Trinidad City Clerk



**Julie Fulkerson**  
Mayor

**First Reading:** Tuesday, June 30, 2015

**Second Reading:** Wednesday, August 12, 2015