

## Chapter 16.06 STORM WATER CONTROL

### Sections:

<a href="#">16.06.010</a>	Short title.
<a href="#">16.06.020</a>	Purpose and intent.
<a href="#">16.06.030</a>	Definitions.
<a href="#">16.06.040</a>	Applicability.
<a href="#">16.06.050</a>	Responsibility for administration.
<a href="#">16.06.060</a>	Regulatory consistency.
<a href="#">16.06.070</a>	Ultimate responsibility of discharger – No City liability.
<a href="#">16.06.080</a>	Prohibition of illegal discharges.
<a href="#">16.06.090</a>	Prohibition of illicit connections.
<a href="#">16.06.100</a>	Waste disposal prohibitions.
<a href="#">16.06.110</a>	Discharges in violation of industrial or construction activity NPDES storm water discharge permit.
<a href="#">16.06.120</a>	Requirement to prevent, control, and reduce storm water pollution.
<a href="#">16.06.130</a>	Requirement to eliminate illegal discharges.
<a href="#">16.06.140</a>	Requirement to eliminate or secure approval for illicit connections.
<a href="#">16.06.150</a>	Watercourse protection.
<a href="#">16.06.160</a>	Requirement to remediate.
<a href="#">16.06.170</a>	Requirement to monitor and analyze.
<a href="#">16.06.180</a>	Notification of spills.
<a href="#">16.06.190</a>	Authority to inspect and sample.
<a href="#">16.06.200</a>	Notice of violation.
<a href="#">16.06.210</a>	Appeal.
<a href="#">16.06.220</a>	Abatement by City.
<a href="#">16.06.230</a>	Summary abatement.
<a href="#">16.06.240</a>	Violations.
<a href="#">16.06.250</a>	Diversion programs.
<a href="#">16.06.260</a>	Violations deemed a public nuisance.
<a href="#">16.06.270</a>	Acts violating Clean Water Act and/or Porter-Cologne Act.

### **16.06.010 Short title.**

---

This chapter shall be known and may be cited as the “storm water control ordinance.” [Ord. 04-006.]

### **16.06.020 Purpose and intent.**

The purpose and intent of this chapter is to ensure the health, safety, and general welfare of the citizens of the City of Dixon, and to protect and enhance the water quality of watercourses and water bodies in a manner pursuant to and consistent with the Federal Clean Water Act and the Porter-Cologne Act 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. 04-006.]

### **16.06.030 Definitions.**

---

The terms used in this chapter shall have the following meanings ascribed to them in this section. Any term(s) defined in the Clean Water Act and/or the implementing regulations thereto, and which are not specifically defined in this section, shall when used in this chapter have the same meaning as set forth in said Act or regulation.

“Best management practices (BMPs)” 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 Dixon.

“Clean Water Act” means the Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), as amended.

“Construction activity” means activities subject to National Pollutant Discharge Elimination System (NPDES) construction permits pursuant to the Clean Water Act. These include construction projects resulting in land disturbance of one (1) or more acres. Such activities include, but are not limited to, clearing and grubbing, grading, excavating, and demolition.

“Development” means the building or placement of any structure or portion thereof, including, but not limited to, excavation and grading.

“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.

“Illegal discharge” means any direct or indirect non-storm water discharge to the storm drain system.

“Illicit connections” means 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 § 122.26(b)(14).

“National Pollutant Discharge Elimination System (NPDES) storm water discharge permits” means general, group, and individual storm water discharge permits which regulate facilities defined in Federal NPDES regulations pursuant to the Clean Water Act.

“Noncommercial car washing” means the washing and rinsing of passenger vehicles on private property in which no commercial enterprise is being conducted in the washing of those vehicles and no consideration is asked or received for such washing.

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

“Person” means any person, firm, corporation, business entity, or public agency, whether principal, agent, employee, or otherwise.

“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; nonhazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, articles, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances (including chlorine) 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.

“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.

“Porter-Cologne Act” means the Porter-Cologne Water Quality Control Act (Cal. Water Code § [13000](#) et seq.), as amended.

“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 the 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 which are not part of a publicly owned treatment works as defined at 40 CFR § 122.2.

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

“Watercourse” means any natural stream, whether flowing continuously or not, that is fed from permanent or natural sources, including, but not limited to, rivers, creeks, runs, and rivulets.

“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. 04-006.]

#### **16.06.040 Applicability.**

---

This chapter shall apply to all water entering the storm drain system generated on any developed and undeveloped lands lying within the City, including any annexations to the City. [Ord. 04-006.]

#### **16.06.050 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. 04-006.]

#### **16.06.060 Regulatory consistency.**

---

This chapter shall be construed to assure consistency with the requirements of the Clean Water Act and Porter-Cologne Act and any applicable implementing regulations. [Ord. 04-006.]

#### **16.06.070 Ultimate responsibility of discharger – No City liability.**

---

The standards set forth herein and promulgated pursuant to this chapter are minimum standards. This chapter does not either intend or imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants into waters of the U.S. caused by said person. This chapter shall not be construed so as to create liability on the part of the City, or any officer, employee, board, commission or authority of the City, for any damages that result from any discharger's reliance on this chapter or any administrative decision made thereunder. [Ord. 04-006.]

#### **16.06.080 Prohibition of illegal discharges.**

---

A. It is unlawful for any person to 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.

B. Exceptions.

1. Discharges from the following activities will not be considered a source of pollutants to the storm drain system or to waters of the U.S. when properly managed to ensure that no potential pollutants are present, and therefore they shall not be considered illegal discharges unless determined to otherwise cause a violation of the provisions of the Porter-Cologne Act, Clean Water Act, or this chapter:

- a. Potable water line flushing;
- b. Uncontaminated pumped groundwater and other discharges from potable water sources;
- c. Landscape irrigation and lawn watering;
- d. Diverted stream flows;
- e. Rising groundwater;
- f. Groundwater infiltration to the storm drain system;
- g. Uncontaminated foundation and footing drains;
- h. Uncontaminated water from crawl space pumps;
- i. Air conditioning condensation;
- j. Uncontaminated nonindustrial roof drains;
- k. Springs;
- l. Individual residential and occasional noncommercial car washing;
- m. Flows from riparian habitats and wetlands;
- n. Dechlorinated swimming pool discharges;
- o. Street wash waters; and
- p. Flows from fire fighting.

2. 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 for any discharge to the storm drain system.

3. With the written concurrence of the State Regional Water Quality Control Board, the City may exempt in writing other non-storm water discharges which are not a source of pollutants to the storm drain system nor waters of the U.S. [Ord. 04-006.]

#### **16.06.090 Prohibition of illicit connections.**

A. It is unlawful to construct, use or maintain illicit connections to the storm drain system.

B. This prohibition expressly includes illicit connections made prior to the effective date of this chapter regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection. [Ord. 04-006.]

#### **16.06.100 Waste disposal prohibitions.**

It is unlawful for any person to 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 waters of the U.S., 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. 04-006.]

#### **16.06.110 Discharges in violation of industrial or construction 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 City Engineer prior to or as a condition of approval 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. 04-006.]

#### **16.06.120 Requirement to prevent, control, and reduce storm water pollution.**

A. Authorization to Adopt and Impose Best Management Practices. The City may adopt requirements or regulations 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 U.S. Where best management practice 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 waters of the U.S., every person undertaking such activity or operation, or owning or operating such facility, shall comply with such requirements.

B. Annual Report Regarding Best Management Practices. The Public Works Director shall 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. BMPs developed under this program may thereafter be included in requirements or regulations adopted by the City Council.

C. New Development and Redevelopment. All new development and redevelopment projects shall comply with Attachment 4 of California State Water Resources Control Board's Water Quality Order No. 2003-005-DWQ, as may be amended, supplemented or superseded. Furthermore, the City may adopt 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 or redevelopment. The owner and development shall comply with the terms, provisions, and conditions of such land use entitlements and building permits as required in this chapter, the grading, erosion, and sediment control ordinance, subdivision ordinance and zoning ordinance.

D. Responsibility to Implement Best Management Practices. Notwithstanding the presence or absence of requirements or regulations promulgated pursuant to subsection A, B or C 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 U.S. 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's or operator's expense. [Ord. 04-006; Ord. 08-009.]

#### **16.06.130 Requirement to eliminate illegal discharges.**

---

The Public Works Director may by written notice require 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. 04-006.]

#### **16.06.140 Requirement to eliminate or secure approval for illicit connections.**

---

A. The Public Works Director may by written notice require 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.

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 to the storm drain system. The reconnection or reinstallation of the connection shall be at the responsible person's expense. [Ord. 04-006.]

#### **16.06.150 Watercourse protection.**

Every person owning property through which a watercourse passes, and having person, including lessees, having control of such property, shall keep and maintain that part of the watercourse within the property 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 and person controlling such property 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; provided, that the owner or person in control of the property shall not remove healthy bank vegetation beyond that reasonably 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 his or her property lines in order to protect against erosion and degradation of the watercourse originating or contributed from the property. [Ord. 04-006.]

#### **16.06.160 Requirement 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 waters of the U.S., 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. [Ord. 04-006.]

#### **16.06.170 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 U.S. 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. [Ord. 04-006.]

#### **16.06.180 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 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 nonhazardous 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, Attention: Director of Public Works, within three (3) 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 (3) years. [Ord. 04-006.]

#### **16.06.190 Authority to inspect and sample.**

---

A. 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 Attorney is authorized to seek an inspection warrant from any court of competent jurisdiction.

B. During any inspection as provided herein, 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. [Ord. 04-006.]

#### **16.06.200 Notice of violation.**

---

Whenever the Public Works Director finds that any person has violated a prohibition or failed to meet a requirement of this chapter, the Director may issue a written notice of violation to the responsible person. Among other matters, such notice of violation may require:

- 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; and

F. The implementation of source control or treatment BMPs.

G. 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. Said 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 pursuant to DMC [16.06.220](#) and the expense thereof shall be charged to the violator. [Ord. 04-006.]

#### **16.06.210 Appeal.**

Notwithstanding the provisions of DMC [16.06.220](#), any person receiving a notice of violation under DMC [16.06.200](#) 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 ten (10) calendar days from the date of service of the notice of violation. The decision of the City Manager or designee shall be final. [Ord. 04-006.]

#### **16.06.220 Abatement by City.**

A. 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 DMC [16.06.210](#), within ten (10) 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 may 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.

B. Within thirty (30) 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 ten (10) 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.

C. If the amount due is not paid within ten (10) 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.

D. The provisions of this section shall be in addition to the provisions of Chapter [9.01](#) DMC relating to abatement of public nuisances, and any nuisances referred to in this chapter may be abated using either process. [Ord. 04-006.]

#### **16.06.230 Summary abatement.**

In the event of any violation of this chapter that constitutes an immediate threat to the health, safety or well-being of the public, the Public Works Director may undertake summary abatement pursuant to DMC [9.01.300](#). [Ord. 04-006.]

#### **16.06.240 Violations.**

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this chapter or to fail to comply with any notice of violation or order issued pursuant to this chapter. A violation of or failure to comply with any of the requirements of this chapter shall constitute a misdemeanor and may be

punished as set forth in DMC [1.06.050](#). In addition, any such violation may be enforced pursuant to the administrative citations ordinance (Chapter [9.01](#) DMC, Article VI). [Ord. 04-006.]

#### **16.06.250 Diversion programs.**

---

In lieu of civil or criminal enforcement proceedings, penalties, or remedies authorized by this chapter or other ordinances of the City, the Public Works Director may in his discretion offer a violator alternative diversionary programs, such as storm drain stenciling, attendance at compliance workshops, or creek cleanup. Attendance or participation in such diversion programs is voluntary; provided, that failure to attend or participate as requested by the Public Works Director may, in the Director's discretion, result in other enforcement action. [Ord. 04-006.]

#### **16.06.260 Violations deemed a public nuisance.**

---

In addition to the enforcement processes and penalties hereinbefore provided, 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 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 undertaken by the City. [Ord. 04-006.]

#### **16.06.270 Acts violating Clean Water Act and/or Porter-Cologne Act.**

Any person who violates any provision of this chapter or any regulation or requirement issued pursuant to this chapter may also potentially be in violation of the Clean Water Act and/or the Porter-Cologne Act. This chapter shall apply, and its penalties shall be in addition to those imposed under such acts. Any enforcement action authorized under this chapter shall also include written notice of such potential liability. [Ord. 04-006.]

---

**The Dixon Municipal Code is current through Ordinance 16-006, passed May 24, 2016.**

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