

CITY OF SACRAMENTO

Chapter 13.16 STORMWATER MANAGEMENT AND DISCHARGE CONTROL

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13.16.010 Title.

This chapter shall be known as the Stormwater Management and Discharge Control Code. (Ord. 2004-042 § 1 (part); Ord. 98-007 § 1 (part); prior code § 87.01.101)

13.16.020 Purpose and intent.

The purpose of this chapter is to protect and promote the health, safety and general welfare of the citizens of the city by controlling nonstormwater discharges to the stormwater conveyance system, by eliminating discharges to the stormwater conveyance system from- spills, dumping, or disposal of materials other than stormwater, and by reducing pollutants in urban stormwater discharges to the maximum extent practicable. This chapter is intended to assist in the protection and enhancement of the water quality of watercourses, water bodies, and wetlands in a manner pursuant to and consistent with the Federal Water Pollution Control Act (Clean Water Act, 33 U.S.C. Section 1251 et seq.), Porter-Cologne Water Quality Control Act (California Water Code Section 13000 et seq.) and National Pollutant Discharge Elimination System (NPDES) Permit No. CAS082597, as such permit is amended and/or renewed. (Ord. 2004-042 § 1 (part); Ord. 98-007 § 1 (part); prior code § 87.01.102)

13.16.030 Definitions.

A. The following words, when used in this chapter, shall have the following meanings:

“Basin plan” means the water quality control plan for Basin 5A and SB, adopted by the Regional Water Quality Control Board, Central Valley Region in July 1975, and all subsequent amendments.

“Best management practices” means schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and education practices, maintenance procedures, and other management practices to prevent or reduce to the maximum extent practicable the discharge of pollutants directly or indirectly to waters of the United States. Best management practices also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, and drainage from raw materials storage.

“City” means the city of Sacramento.

“City manager” means the city manager of the city, or his or her authorized designee.

“Commercial and industrial facilities” means commercial and industrial facilities regulated pursuant to the Commercial/Industrial Program requirements specified in Section C.9 of NPDES Permit No. CA5082597.

“Construction general permit” means the General Permit for Stormwater Discharges Associated with Construction Activities issued and administered by the State of California in accordance with applicable provisions of the Federal Clean Water Act and the Porter-Cologne Water Quality Control Act.

“County stormwater ordinance” means the County of Sacramento’s Stormwater Management and Discharge Control Code, set forth in Chapter 15.12 of the Sacramento County Code, and all subsequent amendments.

“Development” means the construction, building or placement of any structure or portion thereof, or any excavation or grading.

“Director” means the director of the city department of utilities or his or her authorized designee.

“Employee training program” means a documented employee training program that a business may be required to implement pursuant to a stormwater pollution prevention plan for the purpose of educating its employees on methods of reducing discharge of pollutants to the stormwater conveyance system.

“Enforcement agency” means the city department of utilities or any other city department authorized to enforce compliance with this chapter. If the city council and the governing body of another public agency enter into an agreement authorizing that agency to administer and/or enforce some or all of the provisions of this chapter, “enforcement agency” also shall mean the agency designated in the agreement as the agency responsible for administering and enforcing the provisions of this chapter, as provided in the agreement.

“Enforcement official” means the director or any employee or agent of the city authorized to enforce compliance with this chapter. If the city council and the governing body of another public agency enter into an agreement authorizing that agency to administer and/or enforce some or all of the provisions of this chapter, “enforcement official” also shall mean the authorized official(s) of the agency designated in the agreement as the agency responsible for administering and enforcing the provisions of this chapter, as provided in the agreement.

“Illegal discharge” means any discharge to the stormwater conveyance system that violates this chapter, or is prohibited by federal, state, or local laws, or which degrades the quality of receiving waters in violation of any plan standard.

“Industrial general permit” means the General Permit for Stormwater Discharges Associated with Industrial Activities issued and administered by the State of California in accordance with applicable provisions of the Federal Clean Water Act and the Porter-Cologne Water Quality Control Act.

“NPDES permit” means a National Pollution Discharge Elimination System permit issued by the Regional Water Quality Control Board or the State Water Resources Control Board pursuant to Division 7, Chapter 5.5 of the California Water Code (commencing with Section 13370) to control discharges from point sources to waters of the United States.

“Noncommercial vehicle washing” means the washing and/or rinsing of passenger vehicles on private property that is not being conducted as a commercial enterprise.

“Nonstormwater discharge” means any discharge to the stormwater conveyance system that is not entirely composed of stormwater.

“Order 2002-0206” means Regional Water Quality Control Board, Central Valley Region Order No. R5-2002-0206, which constitutes NPDES Permit No. CAS082597, together with all amendments and renewals, on file in the office of the city clerk.

“Person” means any person, firm, corporation, partnership, business, public agency, or any other public or private entity.

“Plan standard” means any or all applicable requirements of the basin plan or any other water quality control standard or requirement approved by the Regional Water Quality Control Board, Central Valley Region, the State Water Resources Control Board or the federal Environmental Protection Agency that applies to any of the receiving waters.

“Pollutant” means any contaminant that can degrade the quality of the receiving waters in violation of any plan standard.

“Premises” means any building, lot, parcel, land or portion of land whether improved or unimproved.

“Receiving waters” means surface bodies of water as described in Order 2002-0206, including creeks and rivers, that serve as discharge points for the stormwater conveyance system.

“Stormwater” means surface runoff and drainage associated with storm events that is free of pollutants to the maximum extent practicable.

“Stormwater conveyance system” means those artificial and natural facilities within the city, whether publicly or privately owned, by which stormwater may be conveyed to a watercourse or waters of the United States, including any roads with drainage systems, streets, catch basins, natural and artificial channels, aqueducts, stream beds, gullies, curbs, gutters, ditches, open fields, parking lots, impervious surfaces used for parking, and natural and artificial channels or storm drains. “Stormwater conveyance system” does not include any facilities that convey stormwater to the city’s combined sewer system that collects and conveys both sanitary sewage and stormwater and surface runoff for treatment in accordance with applicable sewage treatment requirements, and that is regulated by Chapter 13.08 of this code in accordance with the provisions of a separate NPDES permit issued to the city for the combined sewer system.

“Stormwater pollution prevention plan” means a document that describes the best management practices to be implemented by the owner or operator of a

business to eliminate prohibited nonstormwater discharges and/or reduce to the maximum extent practicable pollutant discharges to the stormwater conveyance system.

“Unauthorized connection” means any physical connection to the stormwater conveyance system that is not authorized by the city and the Regional Water Quality Control Board, Central Valley Region.

“Watercourse” means any natural stream, whether flowing continuously or not, that is fed from permanent or natural sources, and includes, without limitation rivers, creeks, runs, and rivulets.

- B. Any term(s) defined in the Federal Clean Water Act, as amended, and/or defined in the regulations for the stormwater discharge permitting program issued by the Environmental Protection Agency, as amended, and that are not specifically defined in subsection A of this section shall, when used in this chapter, have the same meaning as set forth in such act or regulations. (Ord. 2004-042 § 1 (part); Ord. 98-007 § 1 (part): prior code § 87.01.103)

13.16.040 Conflicts with other laws.

In the event of any conflict between this chapter and any federal or state law, regulation, order, or permit, the requirement that establishes the higher standard for public health or safety shall govern. Nothing in this chapter shall preclude enforcement of any other applicable law, regulation, order, or permit. (Ord. 2004-042 § 1 (part); Ord. 98-007 § 1 (part): prior code § 87.01.104)

13.16.050 Discharge of nonstormwater prohibited.

Except as provided in Section 13.16.060 of this chapter, it is unlawful for any person to make or cause to be made any nonstormwater discharge. Notwithstanding the exemptions provided by subsections A and B of Section 13.16.060 of this chapter, if the Regional Water Quality Control Board or the enforcement official determines that any otherwise exempt discharge causes or significantly contributes to violations of any plan standard, or conveys significant quantities of pollutants to any receiving waters, or is a nuisance or poses a risk to public health or safety, it is unlawful for any person to make or cause to be made such discharge to the stormwater conveyance system. (Ord. 2004-042 § 1 (part); Ord. 98-007 § 1 (part): prior code § 87.01.105)

13.16.060 Exceptions to discharge prohibition.

Subject to the authority granted to the Regional Water Quality Control Board and the enforcement official in Section 13.16.050 of this chapter, the following discharges to the stormwater conveyance system are exempt from the prohibition set forth in Section 13.16.050 of this chapter.

- A. Any discharge or connection regulated under a NPDES permit issued to the discharger and administered by the state of California pursuant to Division 7, Chapter 5.5 of the California Water Code, provided that the discharger is in compliance with all requirements of the permit and all other applicable laws and regulations.
- B. Discharges from the following activities that do not cause or contribute to the violation of any plan standard:
1. Potable water line flushing and other discharges from potable water sources;
 2. Landscape irrigation and lawn watering;
 3. Rising ground waters or springs;

4. Passive foundation and footing drains;
 5. Water from crawl space pumps and basement pumps;
 6. Air conditioning condensate;
 7. Noncommercial vehicle washing;
 8. Natural flows from riparian habitats and wetlands;
 9. Dechlorinated swimming pool discharges that do not contain biocides or other chemicals, excluding filter backwash water;
 10. Flows from fire suppression activities, including fire hydrant flows;
 11. Diverted stream flows;
 12. Uncontaminated ground water infiltration to separate storm sewers; and
 13. Potable water used to wash sediment from streets and parking lots associated with construction sites that have been issued a street washing certification by the Department of Utilities and have implemented required best management practices.
- C. Any discharge that the enforcement official, the local health officer, or the Regional Water Quality Control Board determines in writing is necessary for the protection of the public health and safety.
- D. Any discharge caused by flooding or other natural disaster that could not have been reasonably foreseen or mitigated in advance by the discharger, as determined by the enforcement official. (Ord. 2004-042 § 1 (part); Ord. 98-007 § 1 (part): prior code § 87.01.106)

13.16.070 Groundwater discharges.

Discharges of pumped groundwater not subject to a NPDES permit may be permitted to discharge to the stormwater conveyance system upon written approval from the city and in compliance with conditions of approval set forth by the city. (Ord. 2004-042 § 1 (part); Ord. 98-007 § 1 (part): prior code § 87.01.107)

13.16.080 Discharge in violation of permit.

It is unlawful and a violation of this chapter for any person to make or cause any discharge to the stormwater conveyance system that results in or contributes to a violation of Order 2002-0206. (Ord. 2004-042 § 1 (part); Ord. 98-007 § 1 (part): prior code § 87.01.108)

13.16.090 Illicit connections prohibited.

It is unlawful and a violation of this chapter for any person to establish, use, or maintain any unauthorized connection. (Ord. 2004-042 § 1 (part): Ord. 98-007 § 1 (part): prior code § 87.01.109)

13.16.100 Concealment and abetting.

It is unlawful and a violation of this chapter to cause, permit, aid, abet or conceal a violation of any provision of this chapter. (Ord. 2004-042 § 1 (part); Ord. 98-007 § 1 (part): prior code § 87.01.101)

13.16.110 Acts potentially resulting in violation of Federal Clean Water Act and/or Porter-Cologne Act.

Any person who violates any provision of this chapter or any provision of any permit issued pursuant to this chapter or any cease and desist order, prohibition, or effluent limitation, or who discharges waste or wastewater that contains pollutants, may also be in violation of the Federal Clean Water Act (33 U.S.C. 1251 et seq.) and/or Porter-Cologne Water Quality Control Act (California Water Code Section 13000 et seq.) and

may be subject to the sanctions and remedies of those acts including civil and criminal penalties. The provisions or enforcement of this chapter shall not affect or limit in any way the applicability of those acts nor the enforcement of any sanctions, remedies or penalties under those acts. (Ord. 2004-042 § 1 (part); Ord. 98-007 § 1 (part): prior code § 87.01.111)

13.16.120 Reduction of pollutants in stormwater.

Any person engaged in activities that may result in pollutants entering the stormwater conveyance system shall, to the maximum extent practicable, undertake the measures set forth below to reduce the risk of nonstormwater discharge and/or pollutant discharge.

A. Business Related Activities.

1. **Stormwater Pollution Prevention Plan.** The enforcement official may require any business in the city engaged in activities that may result in a nonstormwater discharge to develop and implement a stormwater pollution prevention plan, that must include an employee training program. Business activities that may require a stormwater pollution prevention plan include, but are not limited to, maintenance, storage, manufacturing, assembly, equipment operations, vehicle loading or fueling, and cleanup procedures that are carried out partially or wholly outdoors.
2. **Coordination with Hazardous Materials Release Response Plans and Inventory.** Any business for which a hazardous materials release response plan and inventory are required under Chapter 6.95 (commencing with Section 25500) of Division 20 of the California Health and Safety Code, shall include in that plan provisions demonstrating compliance with this chapter, and requiring the release of pollutants to be reduced to the maximum extent practicable.
3. **Coordination with Hazardous Waste Generator Contingency Plan and Emergency Procedures.** Any business for which a hazardous waste generator contingency plan and emergency procedures are required pursuant to California Code of Regulations, Title 22, Sections 66265.51 to 66265.56, shall include in that plan provisions demonstrating compliance with this chapter, and requiring the release of pollutants to be reduced to the maximum extent practicable.
4. Any person conducting business or industrial activities in the city shall prevent pollutants from entering the stormwater conveyance system and shall comply with all applicable federal, state and local laws, ordinances or regulations.

B. Development.

1. The enforcement official may establish and impose such controls as the enforcement official determines to be appropriate to minimize the long-term, post-construction discharge of stormwater pollutants from new development or modifications to existing development. Controls may include source control measures to prevent pollution of stormwater and/or treatment controls designed to remove pollutants from stormwater.
2. Any person conducting development in the city shall prevent pollutants from entering the stormwater conveyance system and shall comply with all applicable federal, state and local laws, ordinances or regulations, including but not limited to the City Grading, Erosion and Sediment Control Ordinance set forth in Chapter 15.88 of this code.

C. Compliance with General Permits. Any person conducting business, industrial, construction or development activities that are subject to a general stormwater

permit issued by the United States Environmental Protection Agency, the State Water Resources Control Board, the Regional Water Quality Control Board, Central Valley Region or the city of Sacramento, including the construction general permit and the industrial general permit, shall comply with all requirements of such permit. (Ord. 2004-042 § 1 (part); Ord. 98-007 § 1 (part); prior code § 87.01.112)

13.16.130 Compliance with best management practices.

Every person undertaking any activity or use of a premises that may cause or contribute to stormwater pollution or contamination, illegal discharges, or nonstormwater discharges shall: (1) comply with best management practices guidelines or pollution control requirements established or imposed by the enforcement official; and (2) properly operate and maintain any treatment control device or other measures utilized on the premises to prevent or reduce, to the maximum extent practicable, stormwater pollution or contamination, illegal discharges or nonstormwater discharges, as required by the enforcement official. (Ord. 2004-042 § 1 (part))

13.16.140 Containment and notification of spills.

Any person owning or occupying a premises who has knowledge of any release of pollutants or prohibited nonstormwater discharge from the premises that might enter the stormwater conveyance system, other than a release or discharge that is permitted by this chapter, shall immediately take all reasonable action to contain and abate the release of any pollutants or prohibited nonstormwater discharge, and shall notify the enforcement agency as soon as reasonably possible of the release of any pollutants or prohibited nonstormwater discharge. (Ord. 2004-042 § 1 (part))

13.16.150 Commercial and industrial facilities—Inspection and enforcement by Sacramento County.

- A. The city and Sacramento County are co-permittees under NPDES Permit No. CA5082597. The permit requires regular compliance inspections and enforcement at certain commercial and industrial facilities as defined by the permit. Sacramento County operates an inspection, investigation and enforcement program that enforces compliance with environmental and water quality requirements by commercial and industrial facilities located within the County.
- B. Under Article 11, Section 8 of the California Constitution, and applicable provisions of the city and Sacramento County Charters, the city and Sacramento County may enter into agreements for Sacramento County to perform specified municipal functions within the city.
- C. To provide for effective and efficient administration and enforcement of this chapter with respect to commercial and industrial facilities located on premises within the city that discharge to the stormwater conveyance system, and to ensure compliance with Order 2002-0206, the city council and the Sacramento County Board of Supervisors may enter into an agreement or agreements for Sacramento County to administer and enforce the provisions of this chapter with respect to these commercial and industrial facilities, by including these commercial and industrial facilities in Sacramento County's commercial and industrial compliance program. If the city council and the Sacramento County Board of Supervisors enter into such an agreement or agreements:
 - 1. Sacramento County and its authorized official(s) and employee(s) shall enforce the provisions of this chapter as they apply to commercial and

- industrial facilities located on premises within the city that discharge to the stormwater conveyance system, in accordance with the provisions of the agreement(s); and
2. Sacramento County, and its authorized official(s) and employee(s), shall be authorized to take any action that may be taken by the “enforcement agency” and “enforcement official,” respectively, with respect to these commercial and industrial facilities, in accordance with the provisions of this chapter and the agreement(s); and
 3. Sacramento County may establish and collect from these commercial and industrial facilities such fees as may be necessary to cover the actual costs incurred by Sacramento County to include facilities in its commercial and industrial compliance program, provided that the fees are established and collected uniformly within and outside of the city, and in accordance with the provisions of the agreement(s) and all applicable legal requirements. (Ord. 2004-042 § 1 (part))

13.16.160 Inspection authority.

Whenever necessary to make an inspection of any building or premises to enforce any of the provisions of this chapter, or whenever an authorized enforcement official has reasonable cause to believe that there exists in any building or upon any premises any condition that constitutes a violation of this chapter, the enforcement official may enter such building or premises at all reasonable times to perform an inspection, as well as any of the other activities authorized by this section. Any request for entry shall state that the property owner or occupant has the right to refuse entry and if entry is refused, entry may be made upon issuance of a judicial order. If the owner or occupant refuses entry after this request has been made, the enforcement official is empowered to seek authorization from any court of competent jurisdiction for such entry. The enforcement official may request a judicial order authorizing and/or compelling the performance of some or all of the activities authorized by this section.

During any inspection, the enforcement official may collect samples as necessary in order to implement and enforce the provisions of this chapter. This authority shall include the right to require the installation of sampling and metering devices on private property, or to require the person owning or occupying the premises to supply samples.

During any inspection, the enforcement official may require the person owning or occupying the premises to provide any and all records relating to any potential stormwater contamination, illegal discharge, nonstormwater discharge or other violation of this chapter, for review and copying.

The enforcement official shall identify buildings or premises for inspection based upon such reasonable selection processes as the enforcement official determines to be necessary to carry out the objectives of this chapter, including but not limited to: random sampling; sampling in areas with evidence of stormwater contamination, illegal discharge, or nonstormwater discharge to the stormwater conveyance system; and similar factors. (Ord. 2004-042 § 1 (part); Ord. 98-007 § 1 (part); prior code § 87.01.101)

13.16.170 Monitoring, analysis and reporting authority.

Whenever an authorized enforcement official has reasonable cause to believe that there may exist on any premises a condition that constitutes a violation of this chapter, the enforcement official may require monitoring, analysis and/or reporting of discharges

from the premises to the stormwater conveyance system, by serving a written notice of such requirement(s) on the owner of the premises or on the operator of a facility or activity on the premises. The cost of complying with these requirements shall be borne by the owner of the premises or the operator of the facility or activity for which monitoring, analysis and/or reporting has been required, to the extent permitted by law. (Ord. 2004-042 § 1 (part))

13.16.180 Enforcement.

In addition to the exercise of enforcement powers authorized or provided elsewhere in this code, this chapter may be enforced by any of the means set forth in this section.

A. Abatement.

1. Any discharge or condition violating any of the provisions of this chapter is a threat to the public health, safety and welfare and constitutes a public nuisance.
2. The enforcement official may commence and carry out proceedings for the abatement of any discharge or condition violating any provision of this chapter, in accordance with the provisions of Articles V and VI of Chapter 8.04 of this code, commencing with Section 8.04.110 of this code. Such actions or decisions of the enforcement official shall be subject to appeal as provided for in Article V and Article VI of Chapter 8.04 of this code. The notice and order issued by the enforcement official under Section 8.04.110 of this code may require the owner and/or occupant of the subject premises to take any or all of the following actions:
 - i. Submit and implement a plan approved by the enforcement official for the correction and prevention of the discharge or condition violating any provision of this chapter;
 - ii. Cease and desist all activities that may cause or contribute to any discharge or condition violating any provision of this chapter;
 - iii. Clean up any release of pollutants causing or resulting from the violation of any provision of this chapter;
 - iv. Mitigate any circumstances that may cause or contribute to any discharge or condition violating any provision of this chapter; and
 - v. Adopt and implement best management practices and/or a stormwater pollution prevention plan approved by the enforcement official.
3. If any violation of this chapter constitutes a seasonal and recurrent nuisance, the enforcement official shall so declare in the notice and order issued pursuant to subsection 2, above. Thereafter, the owner or occupant of the subject premises shall abate such seasonal and recurrent nuisance every year without the necessity of any further notice and order. If at any time the nuisance is not abated as required herein, the enforcement official may summarily abate the condition in accordance with the provisions of Article VII of Chapter 8.04 of this code, commencing with Section 8.04.330 of this code.
4. When, in the opinion of the enforcement official, any discharge from any source to the stormwater conveyance system causes or threatens to cause a condition that presents an imminent hazard to the public health, safety, or welfare, or the environment, or a violation of a NPDES permit, the enforcement official may issue a notice requiring the owner or occupant of the premises where the discharge is occurring to immediately abate the discharge. In any case where the discharge is not immediately abated, or for any reason the owner or occupant of the subject premises does not receive the notice, or the enforcement official determines that time constraints are

such that abatement must occur without providing the notice, the enforcement official may summarily abate the condition in accordance with the provisions of Article VII of Chapter 8.04 of this code, commencing with Section 8.04.330 of this code.

5. The owner of any premises in the city from which is made a discharge in violation of this chapter, and any person making or causing to be made the discharge, if different from the owner, shall be jointly and severally liable for the costs incurred by the city for any abatement, clean-up or restoration, including any related inspection and testing costs, arising from the discharge, and the cost therefor shall be invoiced to the owner of the premises. If the invoice is not paid within sixty (60) days, the enforcement official may commence proceedings for recovery of these costs in accordance with the provisions of Article VIII of Chapter 8.04 of this code, commencing with Section 8.04.370 of this code.

B. Civil Actions.

In addition to any other remedies or penalties provided in this chapter, any violation of this chapter may be enforced by civil action brought by the city attorney. In any such action, the city may seek, as appropriate, any or all available equitable and legal remedies, including but not limited to:

1. A temporary and/or permanent injunction;
2. Assessment of the violator for the costs of any investigation, inspection, testing or monitoring related to the violation, and for the reasonable costs of preparing and bringing legal action under this subsection, including attorney fees, whether for in-house or outside counsel;
3. Costs incurred in removing, correcting, abating, cleaning up, or terminating the adverse effects resulting from the violation;
4. Compensatory damages for damage, loss or destruction to water quality, wildlife, fish and aquatic life, or public health and safety;
5. Payment or reimbursement of any governmental fines or penalties imposed on the city as a result of the violation;
6. Civil penalties imposed either on a daily basis or a per gallon basis, but not both, for any discharge of nonstormwater to the stormwater conveyance system violating any provision of this chapter. Civil penalties imposed on a daily basis shall not exceed five thousand dollars (\$5,000.00) for each day or portion of a day that the discharge occurs, and civil penalties imposed on a per gallon basis shall not exceed ten dollars (\$10.00) for each gallon of the discharge. The amount of civil penalties imposed shall be determined by taking into consideration some or all of the following factors: the nature, circumstances, extent, and gravity of the discharge, whether the discharge is susceptible to cleanup or abatement, the degree of toxicity of the discharge, and, with respect to the violator, the ability to pay, the effect on its ability to continue in business, any voluntary cleanup efforts undertaken, any prior history of violations, the degree of culpability, the economic benefit or savings, if any, resulting from the violation, and such other matters as justice may require.

- C. Enforcement by Sacramento County. If the city council and the Sacramento County Board of Supervisors enter into an agreement for Sacramento County to administer and enforce the provisions of this chapter with respect to commercial and industrial facilities located on premises within the city that discharge to the stormwater conveyance system, pursuant to Section 13.16.150 of this chapter, any administrative or civil enforcement by Sacramento County of any provision of

this Chapter with respect to such facilities shall be governed by and conducted pursuant to Chapter 15.12 of the Sacramento County Code, and the provisions of subsections A and B of this section shall not apply.

- D. Criminal Violations.
 - 1. Any violation of this article shall be punishable as a misdemeanor.
 - 2. The enforcement official shall have and is vested with the authority to arrest or cite and release any person who violates any section of this chapter in the manner provided by the California Penal Code for the arrest or release on citation of misdemeanors or infractions as described by Chapters 5, 5(c), and 5(d) of Title 3, Part 2 of the California Penal Code, including Section 853.6 (as the same may hereafter be amended). It is the intent of the city council that the immunities prescribed in Section 836.5 of the California Penal Code be applicable to public officers or employees acting in the course and scope of employment pursuant to this chapter.
- E. Administrative Penalties. In addition to any other remedy or penalty set forth in this chapter or this code, administrative penalties may be imposed pursuant to applicable provisions of Title 1 of this code against any responsible party, whether owner, lessee, sublessor, sublessee or occupant of any premises in violation of any of the provisions of this chapter. Imposition, enforcement, collection and administrative review of administrative penalties imposed shall be conducted pursuant to Title I of this code.
- F. Remedies and Penalties Cumulative. The foregoing remedies and penalties are in addition to and do not supersede or limit any and all other remedies and penalties, civil or criminal, including any remedies or penalties authorized for violations of the Federal Clean Water Act or Porter-Cologne Water Quality Control Act. (Ord. 2004-042 § 1 (part): Ord. 98-007 § 1 (part): prior code § 87.01.118)

13.16.190 Remedies not exclusive.

The remedies provided for in this chapter shall be cumulative and not exclusive. (Ord. 2004-042 § 1 (part): Ord. 98-007 § 1 (part): prior code § 87.01.119)

13.16.200 Appeal.

- A. If a decision or action of the enforcement official is not subject to an appeal procedure under any other provision of this chapter or code, any person who is affected by the enforcement official's decision or action may appeal the decision or action to the city manager within ten (10) days following the effective date of the decision or action, by filing a written appeal with the city manager. Upon receipt of such appeal, the city manager may request a report and recommendation from the authorized enforcement official and shall set the matter for an informal hearing at the earliest practical date. Not less than seven days prior to the date of hearing, the city manager shall provide written notice of the hearing to the person appealing the decision or action of the enforcement official. At the hearing, the appellant may be represented by any person of appellant's choice. The city manager shall hear any additional evidence presented by the appellant or the enforcement official, and may reject, affirm or modify the enforcement official's decision. The city manager's decision shall be the city's final administrative determination of the matter.
- B. If the city council and the Sacramento County Board of Supervisors have approved an agreement for Sacramento County to administer and enforce the provisions of this chapter with respect to commercial and industrial facilities

located on premises within the city that discharge to the stormwater conveyance system, pursuant to Section 13.16.150 of this chapter, any appeal of any action taken by Sacramento County or its officers or employees with respect to such facilities shall be governed by and conducted pursuant to the Sacramento County Code, and the provisions of this section shall not apply. (Ord. 2004-042 § 1 (part); Ord. 98-007 § 1 (part); prior code § 87.01.120)

13.16.210 Disclaimer of liability.

The degree of protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific, engineering, and other relevant technical considerations. The standards set forth herein are minimum standards and this chapter does not imply that compliance will ensure that there will be no unauthorized discharge of pollutants into the waters of the United States. This chapter shall not create liability on the part of the city or Sacramento County, nor their respective officers and employees, for any damages that result from reliance on the code or any administrative decision lawfully made thereunder. (Ord. 2004-042 § 1 (part); Ord. 98-007 § 1 (part); prior code § 87.01.121)

13.16.220 City or county authority.

Except for decisions required to be made by the City Council and/or the Sacramento County Board of Supervisors, the enforcement official is authorized to make any decision on behalf of the city or Sacramento County, as applicable, required or called for by this chapter. (Ord. 2004-042 § 1 (part); Ord. 98-007 § 1 (part); prior code § 87.01.122)

13.16.230 Judicial review.

The provisions of California Code of Civil Procedure Section 1094.5 and Section 1094.6 are applicable to judicial review of city or Sacramento County decisions pursuant to this chapter. (Ord. 2004-042 § 1 (part); Ord. 98-007 § 1 (part); prior code § 87.01.1231)