

**ORDINANCE NO. 2281**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PLEASANTON AMENDING ORDINANCE NO. 1572 TO UPDATE PLEASANTON MUNICIPAL CODE CHAPTER 9.14 TO CONFORM WITH OBLIGATIONS SPECIFIED IN THE CITY OF PLEASANTON'S MUNICIPAL REGIONAL NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT**

**WHEREAS**, in 1991, the Alameda Countywide Clean Water Program was established in response to the San Francisco Bay Regional Water Quality Control Board's issuance of a National Pollutant Elimination System stormwater discharge permit to the member agencies of the Alameda Countywide Clean Water Program; and

**WHEREAS**, in 1991, the Alameda Countywide Clean Water Program developed a Model Stormwater Ordinance for its member agencies to provide legal authority to implement stormwater programs consistent with the National Pollutant Elimination System permit; and

**WHEREAS**, the City of Pleasanton is a member agency of the Alameda Countywide Clean Water Program; and

**WHEREAS**, on July 21, 1992, the City Council adopted Ordinance No. 1572 adding Chapter 9.14 to Title 9, concerning the City's stormwater management and discharge control program, to the City of Pleasanton's municipal code; and

**WHEREAS**, on April 19, 2011, Ordinance No. 1572 was amended by Ordinance 2019 Section 1 to allow for administrative citations for stormwater violations; and

**WHEREAS**, on May 22, 2022, the San Francisco Bay Regional Water Quality Control Board reissued a revised version of the National Pollutant Elimination System permit; and

**WHEREAS**, the most recent revised version of the National Pollutant Elimination System permit became effective on July 1, 2022; and

**WHEREAS**, the City Council wishes to amend Ordinance No. 1572 to update Chapter 9.14 of the Pleasanton Municipal Code to conform with the obligations specified in the most recent revised version of the City's Municipal Regional National Pollutant Discharge Elimination System permit.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PLEASANTON DOES HEREBY ORDAIN AS FOLLOWS:**

**SECTION 1. Amendment.** Ordinance No. 1572 is amended to update Chapter 9.14 of the City of Pleasanton's municipal code to conform to obligations specified in the City's Municipal Regional National Pollutant Discharge Elimination System Permit, the specifics of which are included in Exhibit "A".

**SECTION 2. Severability.** If any part of this ordinance is declared invalid by a court, such invalidity shall not affect any of the remaining parts.

**SECTION 3. Publication.** A summary of this ordinance shall be published once within fifteen (15) days after its adoption in "The Valley Times," a newspaper of general circulation published in the City of Pleasanton, and the complete ordinance shall be posted for fifteen (15) days in the City Clerk's office within fifteen (15) days after its adoption.

**SECTION 4. Effective Date.** This ordinance shall be effective thirty (30) days after its passage and adoption.

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Pleasanton on June 4, 2024, and adopted on June 18, 2024, by the following vote:

Ayes:	Councilmembers Arkin, Balch, Nibert, Testa, Mayor Brown
Noes:	None
Absent:	None
Abstain:	None

  
\_\_\_\_\_  
Karla Brown, Mayor

ATTEST:

  
\_\_\_\_\_  
Jocelyn Kwong, City Clerk

APPROVED AS TO FORM:

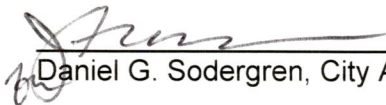
  
\_\_\_\_\_  
Daniel G. Sodergren, City Attorney

Exhibit A

Chapter 9.14

**STORMWATER MANAGEMENT AND DISCHARGE CONTROL**

**§ 9.14.010 Purpose and intent.**

This chapter shall be known as the "City of Pleasanton Stormwater Management and Discharge Control Ordinance" and may be so cited.

The purpose of this chapter is to ensure the future health, safety and general welfare of Pleasanton citizens by:

- A. Eliminating the non-stormwater discharges to the municipal separate storm sewer (hereinafter referred to as MS4).
- B. Controlling the discharge to municipal separate storm sewers from spills, dumping or disposal of materials other than stormwater;
- C. Reducing pollutants and wastes in stormwater discharges to the maximum extent practicable (MEP);
- D. Establishing the City of Pleasanton to comply with the California Regional Water Quality Control Board San Francisco Bay Area Region Municipal Regional Stormwater National Pollutant Discharge Elimination System (NPDES) permit (hereinafter referred to as the MRP), or amended as revised, NPDES Permit No. CAS612008, any reissuance thereof, and applicable federal and state regulations. The MRP is available on the Regional Water Board website at: [https://www.waterboards.ca.gov/sanfranciscobay/water\\_issues/programs/stormwater/](https://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/stormwater/)The intent of this ordinance is to protect and enhance the water quality of our watercourses, water bodies, and wetlands in a manner pursuant to and consistent with the Clean Water Act and the California Water Code.

**§ 9.14.020 Compliance with Other Laws**

- A. The requirements of this chapter are minimum requirements. They do not replace, repeal, abrogate, supersede, or affect any other more stringent requirements, rules, regulations, covenants, standards, or restrictions. Where this chapter imposes requirements that are more protective of human health or the environment than those set forth elsewhere, the provisions of this chapter shall prevail.
- B. Approvals and permits granted under this chapter are not waivers of the requirements of any other laws, nor do they indicate compliance with any other laws. Compliance is still required with all applicable federal, state, regional, and local laws and regulations, including rules promulgated under authority of this chapter.

(Ord. 1572 § 2, 1992)

§ 9.14.030 **Definitions.**

- A. Any terms defined in the MRP, Federal Clean Water Act, or the California water Code and acts amendatory thereof or supplementary thereto, and/or defined in the regulations for the stormwater discharge permitting program issued by the United States Environmental Protection Agency on November 16, 1990 (as may, from time to time, be amended), as used in this chapter, shall have the same meaning as in that statute or regulations. Specifically, the definition of the following terms included in that statute or regulation are hereby incorporated by reference, as now applicable or as may hereafter be amended:
1. "Applicant" means any Person applying to the City of Pleasanton for permitting or approval of a project.
  2. "Authorized enforcement official" for the purposes of this Chapter, means the following City of Pleasanton officials and/or their designees, employed by the City of Pleasanton or working under a contract with the City of Pleasanton: Fire Chief or his or her designee, Public Works Director or his or her designee, City Engineer or his or her designee, and/or Building Official or his or her designee.
  3. "Best management practice (BMP)" means structural device, measures, facility, activity, schedules of activities, prohibitions of practices, general good housekeeping practices, pollution-prevention practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to "waters of the United States." BMPs also include treatment requirements, operating procedures, and practices to control plant-site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.
  4. "Biotreatment Soil Media (BSM)" means a soil blend designed to meet the specifications approved by the San Francisco Bay Regional Water Quality Control Board Executive Officer and incorporated into the C.3 Technical Guidance Manual.
  5. "C.3 Technical Guidance Manual" means the most recent version of the Alameda Countywide Clean Water Program manual that sets forth guidance, design standards and best management practices for low impact development.
  6. "City" means the City of Pleasanton.
  7. "Construction activity" means any activity that involves soil disturbing activities including, but not limited to, grubbing, clearing, filling, leveling, building, paving, grading, demolition, and ground disturbances such as stockpiling and excavation unless exempted by the municipal code.
  8. "Development" or "development project" means construction, rehabilitation,

redevelopment, or reconstruction of any public or private residential project (whether single-family, multi-unit, or planned unit development); or industrial, commercial, retail or other nonresidential project, including public agency projects. Development project as defined here and used in this chapter includes redevelopment, which means 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.

9. "Development runoff requirements" means the provisions in the MRP and any additional City of Pleasanton standards that contain performance standards to address both the construction and post-construction phase of new development and redevelopment projects.
10. "Director" means the Public Works Director of the City of Pleasanton, or his or her designee.
11. "Discharge" means: a) Any addition or discharge of any pollutant, waste, or combination of pollutants and waste directly or indirectly to the storm drain system or to Waters of the United States or Waters of the State from any activity or operation, or b) Any addition of any pollutant, waste, or combination of pollutants and waste directly or indirectly to the storm drain system or to the waters of the contiguous zone or the ocean from any activity or operation other than a vessel or other floating craft being used as a means of transportation.

This includes additions of pollutants or waste to Waters of the United States or Waters of the State from: surface runoff which is anthropogenically collected or channeled; discharges through pipes, sewers, or other conveyances, including street surfaces and curb and gutters, owned by a State, municipality, or other Person which do not lead to a treatment facility; and discharges through pipes, sewers, or other conveyances, leading to privately owned treatment works.

12. "Discharger" means a Person or entity who or which, respectively, allows, causes, permits to occur, or performs a discharge. "Discharger" also means the owners of real property on which such activities, operations or facilities are located; provided, however, that a local government or public authority is not a discharger as to activities conducted by others in public rights-of-way.
13. "Front yard" means an open space extending the full width of the lot, between a building and the front lot line, unoccupied and unobstructed from the ground upward except as specified elsewhere in this title.
14. "Full trash capture" or a "full trash capture system or device" means any device or series of devices that traps all particles retained by a minimum five-millimeter mesh screen and has a design treatment capacity of not less than the peak flow rate resulting from a one-year, one-hour storm in the tributary drainage catchment area.

15. "GPS Coordinates" means a set of unique identifiers of a precise geographic location on the earth, usually expressed in alphanumeric characters as the location's latitude and longitude values.
16. "Green stormwater infrastructure (GSI)" means infrastructure that uses vegetation, soils, and natural processes to manage water and create healthier urban environments. At the scale of a city or county, green infrastructure refers to the patchwork of natural areas that provides habitat, flood protection, cleaner air, and cleaner water. At the scale of a neighborhood or site, green infrastructure refers to stormwater management systems that mimic nature by soaking up and storing water. As Low Impact Development (LID) practices are often implemented with GSI, these concepts are together referred to as LID/GSI.
17. "Hydromodification" means modification of a stream's hydrograph, caused in general by increases in flows and durations that result when land is developed (e.g., made more impervious). The effects of the hydromodification include, but are not limited to, increased bed and bank erosion, loss of habitat, increased sediment transportation and deposition, and increased flooding.
18. "Hydromodification management (HM)" means engineered systems designed to minimize changes to the hydrograph (hydromodification) resulting from development by matching the flow durations (long-term temporal patterns of volume and rate) of the pre-project runoff.
19. "Illicit connection" means any device or method that conveys an illicit discharge to an MS4 or receiving water or any conveyance that has not been documented in plans, maps, or equivalent records and approved by the City of Pleasanton.
20. "Illicit discharge" means any discharge to the MS4 that is prohibited under local, state, or federal statutes, ordinances, codes, or regulations. This includes all non-stormwater discharges not composed entirely of stormwater, except discharges allowed pursuant to an NPDES permit (other than the NPDES permit for discharges from the MS4).
21. "Industrial Activity" means any activity that involves manufacturing, processing, or raw materials storage areas. Further definition of activities covered is provided in 40 Code of Federal Regulations Section 122.26(b) and the Statewide Industrial General Permit.
22. "Landscaping" means the planting and maintenance of trees, shrubs, lawns and other evergreen ground cover or material, including inorganic accessory materials utilized to accent or complement the vegetation.
23. "Low impact development (LID)" uses site design and stormwater management to maintain the site's pre-development runoff rates and volumes. The goal of LID is to mimic a site's predevelopment hydrology by using design techniques that infiltrate, filter, store, evaporate, detain, and/or biotreat stormwater runoff on or

near the site. At the site scale, GSI is a subset of LID. As LID practices are often implemented with GSI, these concepts are referred together as LID/GSI.

24. "Lot" means a piece or parcel of land owned as a single unit in common ownership, occupied or intended to be occupied by a principal building or a group of such buildings and accessory buildings, or utilized for a principal use and uses accessory thereto, together with such open spaces as are required by this title, and having frontage on and access to an approved and accepted City of Pleasanton street that meets the standards of width and improvements as specified in the regulations of the City of Pleasanton contained in or adopted pursuant to the subdivision title and street improvement chapter as to the section and the frontage of the lot involved, or having frontage on and access to an approved private street.
25. "Maximum extent practicable (MEP)" means a standard for implementation of stormwater management programs to reduce pollutants in stormwater to the maximum extent possible, taking into account equitable considerations and competing facts including, but not limited to, the seriousness of the problem, public health risks, environmental benefits, pollutant removal effectiveness, regulatory compliance, cost and technical feasibility.
26. "Municipal Regional Stormwater NPDES Permit (MRP)" means the California Regional Water Quality Control Board San Francisco Bay Region Municipal Regional Stormwater NPDES permit issued to the City of Pleasanton, NPDES Permit No. CAS612008 and any subsequent amendment, reissuance, or successor to this NPDES permit.
27. "Municipal separate storm sewer system (MS4)" means and includes, but is not limited to, those facilities within the City of Pleasanton by which stormwater may be conveyed to waters of the United States, including any roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains, which are not part of a publicly owned treatment works (POTW) as defined at 40 Code of Federal Regulations Section 122.2.
28. "Non-stormwater discharge" means any discharge that is not entirely composed of stormwater.
29. "NPDES" means National Pollutant Discharge Elimination System.
30. "NPDES permit" means a NPDES permit issued by the United States Environmental Protection Agency, the State Water Resources Control Board, or a California Regional Water Quality Control Board pursuant to the Clean Water Act and the California Water Code that authorizes discharges to waters of the United States.
31. "Person" means an individual, corporation, partnership, association, State,

municipality, commission, or political subdivision of a State, or any interstate body.

32. "Pollutant" means dredged soil, solid waste, incinerator residue, filter backwash, sewage, pet wastes, manure, garbage, sewage sludge, munitions, chemical wastes or byproducts, fuels, biological materials, radioactive materials (except those regulated under the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 et seq.)), heat, wrecked or discarded equipment, sediment, contaminated waste discharged from hot tubs, pools or spas, dumped yard wastes, food related wastes, rock, sand, dirt, and industrial, municipal and agricultural waste discharged into water, or placed in an area or manner such that it could be swept away or carried by stormwater runoff.
33. "Premises" means any building, lot, parcel, real estate, or land or portion of land, whether improved or unimproved, including adjacent sidewalks and parking strips.
34. "Regulated project" means a development project, as defined in MRP Provision C.3. These projects are required to implement LID source control, site design, and LID/GSI stormwater treatment onsite or at a joint stormwater treatment facility, in accordance with the criteria for LID/GSI and numeric sizing for stormwater treatment systems, and may be required to implement hydromodification management as put forth in the MRP.
35. "Responsible person" means the owner, occupant, or entity responsible for any premises, or who engages in any activity, from which there is or may be a non-stormwater discharge or any Person who releases pollutants or waste to the MS4.
36. "Source control" means structural or operational BMPs that are intended to prevent pollutants from coming into contact with stormwater through the physical separation of areas or careful management of activities that are sources of pollutants.
37. "State" means the State of California.
38. "Stormwater" means temporary surface water runoff and drainage generated by immediately preceding storms. This definition shall be interpreted consistent with the definition of "stormwater" in Section 122.26 of Title 40 of the Code of Federal Regulations.
39. "Stormwater treatment system" means any engineered system designed to remove pollutants and waste from stormwater runoff by settling, filtration, biological degradation, plant uptake, media absorption/adsorption or other physical, biological, or chemical process. This includes landscape-based systems such as grassy swales and bioretention units as well as proprietary



systems.

40. "Trash and Litter" Trash consists of litter and particles of litter. California Government Code Section 68055.1(g) defines litter as all improperly discarded waste material, including but not limited to, convenience food, beverage, and other product packages or containers constructed of steel, aluminum, glass, paper, plastic, and other natural and synthetic materials, thrown or deposited on the lands and waters of the State, but not including the properly discarded waste of the primary process of agriculture, mining, logging, sawmilling, or manufacturing.
41. "Waste" includes sewage and any and all other waste substances, liquid, solid, gaseous, or radioactive, associated with human habitation, or of human or animal origin, or from any producing, manufacturing, or processing operation, including waste placed within containers of whatever nature prior to, and for purposes of, disposal.
42. "Watercourse" means: a) an elongated open depression or channel in which water may or does flow; b) a conduit or channel intended for the conveyance of water whether open or closed; c) a stream or course of running water flowing on the earth; or d) a ditch or artificial channel created for the conveyance of water.
43. "Waters of the State" means any surface water or groundwater, including saline waters, within the boundaries of the State.
44. "Waters of the United States" shall have the same meaning as set forth in 40 Code of Federal Regulations Section 120.2 or any successor provisions.

(Ord. 1572 § 2, 1992)

**§ 9.14.040 Responsibility for administration.**

This chapter shall be administered for the City of Pleasanton by the Public Works director or designee. Where storm drain facilities and/or watercourses have been accepted for maintenance by the Alameda County Flood Control and Water Conservation District, the Zone 7 Water agency, or other public agency legally responsible for certain watercourses, the responsibility for enforcing the provisions of this chapter may be assigned to such agency (through contract or agreement executed by the city and such agency) with respect to those watercourses for which they have accepted maintenance.

(Ord. 1572 § 2, 1992; Ord. 2000 § 1, 2009; Ord. 2019 § 1, 2011)

**§ 9.14.050 Construction and application**

- A. This chapter shall be construed to assure consistency with the requirements of the Federal Clean Water Act and acts amendatory thereof or supplementary

thereto, the California Water Code and applicable implementing regulations, and the MRP and any amendment, revision or reissuance thereof.

- B. The standards established by this chapter are minimum standards. Therefore, this chapter does not intend nor imply that compliance by any discharger will ensure that the discharger will not cause contamination, pollution, or unauthorized discharge of pollutants or waste into Waters of the United States or Waters of the State. Ensuring that the discharger does not contaminate, pollute, or otherwise discharge pollutants or waste into the Waters of the United States or to Waters of the State is the ultimate responsibility of the discharger. This chapter shall not create liability on the part of the City of Pleasanton or any City of Pleasanton agent or employee for any damages that result from the discharger's reliance on this chapter, or any lawful administrative decision made under this chapter.

**§ 9.14.060 Scope and limits of this chapter**

This chapter shall apply to:

- A. Ministerial as well as discretionary approvals of development projects.
- B. Dischargers at or from parcels and premises within the City of Pleasanton, which have been found to, or may be reasonably considered to, cause or contribute to pollution of stormwater runoff or illegal connections and other illicit discharges.
- C. Nothing in this chapter shall be interpreted to infringe any right or power guaranteed by the United States constitution or the California constitution, including any vested property right.

**§ 9.14.070 Severability and validity**

If any portion of the ordinance codified in this chapter is declared invalid, the remaining portions of such ordinance are considered to be valid.

**§ 9.14.080 Discharge of pollutants.**

- A. General Prohibition. Any discharge to the MS4 not composed entirely of stormwater is prohibited, except as set forth in Section 9.14.080
- B. The City of Pleasanton has the authority and duty to require any Person intending to connect to the MS4 to adhere to this chapter, the MRP, and any amendment, revision, or reissuance thereof.
- C. It is unlawful to throw, deposit, leave, abandon, maintain or keep materials or wastes on public or private lands in a manner and place where they may result in

an illicit discharge.

(Ord. 1572 § 2, 1992; Ord. 2019 § 1, 2011)

**§ 9.14.090 Exceptions to discharge prohibition.**

The following discharges are exempt from the prohibition set forth in Section 9 above:

- A. Any discharge regulated under an NPDES permit issued to the discharger and administered by the state of California under authority of the United States Environmental Protection Agency; provided, that the discharger is in full compliance with all requirements of the permit and other applicable laws or regulations;
- B. Exempt discharges, as identified in the MRP. Unpolluted discharges from those sources or activities specifically identified in or pursuant to the MRP as exempt discharges, unless they are identified by the City of Pleasanton or the Regional Water Board as a source of pollutants to receiving waters, in which case they shall be addressed as conditionally exempt discharges.
- C. Conditionally exempt discharges, as identified in the MRP. Discharges from those sources or activities specifically identified in or pursuant to the MRP as conditionally exempt discharges, provided that (1) they are identified by the City of Pleasanton or the Regional Water Board as not being sources of pollutants to receiving waters, or (2) applicable BMPs are developed and implemented to eliminate adverse impacts associated with such sources or activities and required conditions described in the MRP are met prior to the discharge. .
- C. If the Regional Water Quality Control Board or the City of Pleasanton determines that an exempt or conditionally exempt discharge results in or contributes to a violation of the MRP or of any applicable water quality standard for receiving waters, either separately or when combined with other discharges, or is a danger to public health or safety, the authorized enforcement officer may give written notice to the Responsible Person that the discharge exemption shall not apply to the discharge at issue following a 10-day period commencing upon delivery of the notice. Upon expiration of the 10-day period, any such discharge shall be unlawful.

(Ord. 1572 § 2, 1992; Ord. 2019 § 1, 2011)

**§ 9.14.100 Discharge in violation of permit.**

- A. Any discharge that would result in or contribute to a violation of the MRP, either separately considered or when combined with other discharges, is prohibited. Liability for any such discharge shall be the responsibility of the Person(s) causing or responsible for the discharge, and such Persons shall defend, indemnify and hold harmless the City of Pleasanton in any administrative or judicial enforcement action relating to such discharge.
- B. Every owner of real property within the [City of Pleasanton] shall manage their property in a manner to avoid violation of this code. The property owner shall be

liable for violations thereof regardless of any contract or agreement with any third party regarding the property. When there are multiple property owners, the property owners shall have joint and several liability.

1. Every property owner in the City of Pleasanton's jurisdiction is required to conduct all activities in a manner to avoid violation of this Code and to correct any nuisance condition.
2. Every property owner in the City of Pleasanton's jurisdiction is required to conduct all activities in a manner to avoid violation of this Code and to correct any nuisance condition.

(Ord. 1572 § 2, 1992; Ord. 2019 § 1, 2011)

**§ 9.14.110 Illicit discharge and illicit connections.**

- A. It is prohibited to establish, use, maintain or continue any illicit drainage connections or illicit discharges to the MS4. This prohibition is expressly retroactive and applies to connections made in the past, regardless of whether made under a permit or other authorization or whether permissible under the law or practices applicable or prevailing at the time of the connection.
  1. Any Person responsible for a discharge, spill, or pollutant release, including those resulting from activities associated with mobile businesses, shall promptly cease and desist discharging and/or cleanup and abate such a discharge as directed by the authorized enforcement official.
  2. Any Person responsible for an illicit connection shall promptly remove the connection as directed by the authorized enforcement official.
  3. The City of Pleasanton may perform cleanup and abatement work and recover its costs from the responsible Person as provided in Chapter 9.14.250 of the City of Pleasanton Municipal Code. This remedy is in addition to and does not supersede or limit any and all other remedies, both civil and criminal, provided in Sections 9.14.170 - 9.14.280 of the City of Pleasanton Municipal Code.
- B. The authorized enforcement official shall have the authority to inspect any premises, parcel, or mobile business operating within the City of Pleasanton pursuant to Sections 9.14.170 - 9.14.280
- C. When any discharge is being performed contrary to the provisions of this code, the authorized enforcement official shall order the discharge to be stopped and cleaned up pursuant to Sections 9.14.170 - 9.14.280.

(Ord. 1572 § 2, 1992)

**§ 9.14.120 Reduction of pollutants in stormwater.**

Any person engaged in activities which will or may result in pollutants or waste discharges entering the City of Pleasanton storm sewer system, natural surface waters, or watercourses shall undertake all practicable measures to cease such activities, and/or reduce such pollutants and waste discharges. Examples of such activities include, but are not limited to, ownership and use of facilities such as parking lots, gasoline stations, auto services, industrial facilities, and commercial facilities fronting City of Pleasanton streets.

The authorized enforcement official shall have the authority to inspect any activity conducted within the City of Pleasanton pursuant to Sections 9.14.170 - 9.14.280. When any activity is being performed contrary to the provisions of this code and has the potential to result in a discharge to the MS4, the authorized enforcement official may order the activity stopped until appropriate controls are implemented pursuant to Sections 9.14.170 - 9.14.280.

**A. General Requirements.**

**1. Littering**

- a. No person shall throw, deposit, leave, maintain, keep or permit to be thrown, deposited, placed, left or maintained, any refuse, rubbish, garbage or other discarded or abandoned objects, articles and accumulations, in or upon any street, alley, sidewalk, storm drain, inlet, catch basin, conduit or other drainage structures, business place or upon any public or private lot of land in the City of Pleasanton, so that the same might be or become a pollutant, except in containers or in lawfully established dumping grounds.
- b. No Person shall throw or deposit litter in any fountain, pond, lake, creek, or any other body of water in a park or elsewhere within the City of Pleasanton. Litter is defined as "garbage", "refuse" and rubbish, and all other waste material.

**2. Standard maintenance of premises.**

- a. Persons owning or operating premises shall clean the property and storm drainage structures as frequently and thoroughly as practicable in a manner that does not result in discharge of pollutants or waste to the MS4.
- b. The Responsible Person for any business in the City of Pleasanton in front of which there is a paved sidewalk shall maintain said sidewalk free of dirt and litter to the MEP. Sweepings from said sidewalk shall not be swept or otherwise made or allowed to go into the gutter, roadway, or MS4, but shall be disposed of in receptacles maintained on said real property as required for the disposal of garbage.
- c. If wet cleaning is required to maintain the appearance of the sidewalk,

parking lot, or other exterior surfaces, the surface cleaning guidelines established by the Alameda Countywide Clean Water Program shall be used

3. Trash control.

- a. An authorized enforcement officer may require installation and maintenance of full trash capture device(s) that meet the requirements of the San Francisco Bay Regional Water Quality Control Board on private storm drain inlets if implemented controls do not prevent the discharge of trash from the private parcels and drainage facilities to the MS4.
- b. At a minimum, the full trash capture system covering the entirety of the parcel must be installed before the onsite drainage enters the MS4 (i.e., trash capture must take place no farther downstream than the last private stormwater drainage structure on the site).
- c. The authorized enforcement official may require Persons owning, operating or maintaining such Premises to enter into an operation and maintenance agreement, in a form approved by the City of Pleasanton and which has been recorded for the property with the Alameda County Recorder's Office, to ensure the operation and maintenance of the full trash capture system
- d. Upon transferring ownership of the property, any property owner required by this Article to install and maintain a full trash capture system shall notify the City of Pleasanton in writing of the transfer of ownership, provide the new owners with a current copy of this Chapter and the maintenance agreement, and inform the new owners in writing of their obligation to properly operate and maintain the full trash capture system.
- e. It shall be unlawful to alter, modify, change, or remove any full trash capture system without first obtaining from the Authorized Enforcement Official written certification that the requirements of this Article have been satisfied.

4. Organic matter

- a. Sweeping, blowing, or otherwise causing leaf litter, yard trimmings, or other organic matter in a manner that allows it to enter the MS4 is prohibited.

5. Notice of Intent and compliance with State Water Resources Control Board General Stormwater Permits.

- a. Each industrial discharger, discharger associated with construction activity, or other discharger described in any general stormwater permit addressing such discharges as may be adopted by the United States Environmental Protection Agency, the State Water Resources Control

Board, or the San Francisco Bay Regional Water Quality Control Board, shall provide Notice of Intent to comply with, and undertake all activities required by any general stormwater permit as applicable to such discharges.

6. Proof of compliance with a general stormwater permit may be required in a form acceptable to the City of Pleasanton's designated representative prior to or as a condition of a subdivision map, site plan, building permit, development or improvement plan, or business license; upon inspection of a facility; during any enforcement proceeding or action; or for any other reasonable cause.
7. Incidental irrigation runoff is the unintended amounts of runoff that leave the area of application such as minimal overspray. Water leaving the intended area of application is not incidental if it is due to the design, excessive application, intentional overflow or application, or inadequate maintenance. Irrigation systems must be designed and maintained to conserve water and prevent water from leaving the area of application. Responsible Persons shall control irrigation systems to prevent excessive irrigation runoff by implementing the following BMPs:
  - a. Detect and repair leaks from the irrigation system within 8 hours of notification by the city of the leak or upon discovery of the leak;
  - b. Properly design and aim sprinkler heads to only irrigate the planned application area;
  - c. Do not irrigate during precipitation events; and
  - d. Where recycled water is used for irrigation, the user must conform to the requirements set forth in the City of Pleasanton's Municipal Code, Section 14.06 Regulations of Recycled Water Use; and Section 17.14 Water-Efficient Landscaping Regulations, as amended from time to time, or those given by the MRP, whichever are greater.
8. Best management practices (BMPs) and standards to reduce stormwater and non-stormwater pollutants.
  - a. Responsibility to implement BMPs. Any Person engaged in activities or operations or owning or occupying facilities or property that will or may result in pollutants entering the MS4 or receiving waters shall implement BMPs to prevent and reduce such pollutants.
9. City of Pleasanton may establish BMPs. In addition to BMPs set forth in any general stormwater permit or individual NPDES permit, and notwithstanding the discharge exemptions set forth in the MRP, the City of Pleasanton may establish and require compliance with BMPs for any activity, operation, or facility that may cause or contribute to degradation, pollution or contamination of stormwater, the

MS4, or receiving waters.

10. The Public Works Director may require submission of information to evaluate the implementation and/or require the implementation of BMPs, including, but not limited to, the following:

- a. **Minimum BMPs.** All dischargers must implement and maintain at least the following minimum BMPs: Appropriate BMPs will be implemented to prevent pollutant and waste sources from entering the [Agency's] storm drain collection system that are associated with outdoor process and manufacturing areas, outdoor material storage areas, outdoor waste storage and disposal areas, outdoor vehicle and equipment storage and maintenance areas, outdoor parking and access roads, outdoor wash areas, outdoor drainage from indoor areas, rooftop equipment, contaminated and erodible surfaces, or other sources by the Public Works Director to have reasonable potential to contribute to pollution to stormwater runoff.
- b. **Inspection, Maintenance, Repair and Upgrading of BMPs.** BMPs at staffed and unstaffed facilities must be inspected and maintained by the discharger according to manufacturer specifications and/or the California Stormwater Quality Association (CASQA) Stormwater BMP Handbooks. These BMPs must be maintained so that they continue to function as designed. BMPs that fail must be repaired as soon as it is safe to do so. If the failure of a BMP indicates that the BMPs in use are inappropriate or inadequate to the circumstances, the BMPs must be modified or upgraded to prevent any further failure in the same or similar circumstances.

B. Containment and notification of spills.

1. Notwithstanding any other requirement of law, any known or suspected spill or release of pollutants or wastes which result or may result in an illicit discharge into the City of Pleasanton storm drain system, Waters of the United States, or Waters of the State, shall be reported immediately in the following manner by any Responsible Person for a facility or Responsible Person for the facility's emergency response:
  - a. The release of a hazardous material or hazardous waste shall be immediately reported to emergency services by emergency dispatch services (911).
  - b. The release of a nonhazardous waste shall be reported to the Public Works Administration by phone at 925-931-5500 no later than 4:00 p.m. on the same business day. If the release occurs afterhours or on weekend or holidays, report to the Pleasanton Police Department nonemergency line at 925-931-5100. A written notification of the release shall also be



made to the Director of Public Works within five business days of the release.

2. For any discharge subject to the reporting requirements of the State of California Water Code Sections 13271 and 13272, notification in compliance therewith shall constitute sufficient notification for the purposes of this section.

#### § 9.14.130 **Construction Activities**

All construction sites shall implement effective erosion control, run-on and runoff control, sediment control, active treatment systems (as appropriate), good site management, and non-stormwater management through all phases of construction (including, but not limited to, demolition, site grading, building, and finishing of lots) until the site is fully stabilized by landscaping or the installation of permanent erosion control measures. Construction sites shall conform to the MRP Provision C.6 Construction Site Control requirements, as well as the following requirements:

- A. Any Person performing construction activities in The City of Pleasanton shall implement appropriate BMPs to prevent the discharge of sediment, construction waste, or contaminants from construction materials, tools, and equipment from discharging onto ground surfaces or entering the storm drain system or watercourse.
- B. No construction activity may commence until adequate BMPs have been installed conforming to MRP Provision C.6 Construction Site Control requirements and the authorized enforcement official has been notified of their completion.
- C. The authorized enforcement official shall have the authority to inspect construction activities within the City of Pleasanton pursuant to Sections 9.14.170 - 9.14.280.
- D. When any work is being performed contrary to the provisions of this section, the authorized enforcement official may order the work stopped by notice in writing served on any Persons engaged in doing or causing the work to be done. Such work shall stop until the authorized enforcement official authorizes the work to proceed. This remedy is in addition to and does not supersede or limit any and all other remedies, both civil and criminal, provided in Sections 9.14.170 - 9.14.280 of the City of Pleasanton Municipal Code.

#### § 9.14.140 **Development Requirements**

Development projects shall conform to the MRP Provision C.3 New and Redevelopment Standards.

A. Stormwater Source Controls. Source controls as described in the MRP and in further detail in the Pleasanton Standard Specification Section 5 are required for all development projects doing work in the City of Pleasanton.

1. Architectural Copper. Copper metal roofing, copper granule containing asphalt shingles, copper gutters, copper flashing, and copper architectural ornaments shall not be permitted for use on any residential, commercial, or industrial building for which a building permit is required. Replacement roofing and gutters on historic structures are exempt, provided that the roofing material used shall be pre-patinated at the factory. For the purposes of this exemption, the definition of "historic" shall be as identified in the City of Pleasanton's Downtown Specific Plan.

B. Site design techniques. Development projects that fall into the applicable thresholds as defined in the MRP shall incorporate at least one of the following site design techniques, as applicable to the project:

1. Direct roof runoff into cisterns or rain barrels for use.
2. Direct roof runoff onto vegetated areas through disconnected roof leaders that are properly located to prevent erosion of landscaped materials.
3. Direct runoff from sidewalks, walkways, patios, driveways, uncovered parking onto vegetated areas.
4. Construct sidewalks, walkways, patios, driveways, uncovered parking, or bike lanes with permeable surfaces as defined in the MRP.

Applicants for these projects shall select, design, and construct these site design measures, as applicable, with the requirements and guidelines set forth in the most current version of following documents:

1. MRP
2. C.3 Technical Guidance Manual

The above referenced documents, as amended and reissued from time to time, are incorporated by reference into this chapter. These documents shall be available for download at the Alameda Countywide Clean Water Program website.

C. Regulated Projects, as defined in the MRP, are required to incorporate additional site design, stormwater treatment, and/or hydromodification management measures. These measures are required to remain in place throughout the life of the development project to address stormwater runoff pollutant discharges and prevent increases in runoff flow rates and volumes. Applicants for development

projects shall select, design and construct site design, stormwater treatment, and hydromodification management measures, as applicable, to the satisfaction of the [Agency] in accordance with the requirements and guidelines set forth in the most current version of following documents:

1. MRP
2. C.3 Technical Guidance Manual

The above referenced documents, as amended and reissued from time to time, are incorporated by reference into this chapter. These documents shall be available for download at the Alameda Countywide Clean Water Program website

D. Regulated Projects shall include LID/GSI treatment measures, as set forth in the MRP per the following provisions:

1. Project phasing. Project proponents may not phase projects to avoid implementing stormwater requirements.
2. Subdivisions of land. Parcels of land which are subdivided for future construction shall make provision for stormwater requirements anticipating future build out. Stormwater improvements shall be considered part of the infrastructure and are required to be installed with other infrastructure improvements.
3. Placement of LID/GSI treatment measures in common areas. In subdivisions, stormwater treatment systems shall be placed in a publicly accessible area unless prior approval has been obtained by the authorized enforcement official.
4. LID/GSI treatment measures shall not be placed in backyards or in areas where fencing obstructs access for periodic inspection.
5. Alternative Compliance for low impact development. Notwithstanding the provisions of Section 9.14.130 of the Pleasanton Municipal Code, the authorized enforcement official may, in accordance with the MRP, authorize a Regulated Project to provide alternate compliance by treating an equivalent flow and pollutant load of the project's stormwater runoff with LID/GSI treatment measures at an on-site location that otherwise would not require treatment, or at an offsite location in the same watershed, in accordance with the MRP.
6. Construction-phase LID/GSI requirements.

- c. Bioretention Soil Media (BSM) certification. For LID/GSI incorporating bioretention, submit the certification of the BSM, as set forth in the C.3 Technical Guidance Manual, provided by the BSM supplier.
- d. GPS Coordinates. Prior to the [City of Pleasanton] granting final certificate of occupancy or acceptance of improvements, the applicant shall provide GPS coordinates for all installed stormwater treatment facilities, hydromodification management measures, and trash capture devices. The coordinates shall be in a format determined in one of two formats:
  - i. GIS layer (shape file or feature class in a geodatabase): At minimum, provide a GIS point layer of the facility inlet, and the GIS polygon layer of facility footprint. Layer(s) shall contain the device type, manufacturer, model, and date it was installed, and area draining to the device.
  - ii. Excel file (csv or text file) with the information noted above, in addition to a coordinate location pair of Latitude/Longitude or X/Y Coordinates in North American Datum (NAD) 1983 State Plane California III FIPS 0403 Feet, WKID: 2227, Authority: EPSG.

E. Hydromodification management measures.

- 1. Regulated Projects that are designated as Hydromodification Management projects under the MRP shall demonstrate that the project will not cause an increase in stormwater runoff flow rates, volume, or flow durations over the pre-project existing condition based on the design criteria set forth in the MRP.
- 2. Hydromodification Management Projects shall implement on-site hydromodification management controls unless a regional hydromodification management control is available to control all or a portion of the project runoff.

F. Requirement for Stormwater Management Plan. A Stormwater Management Plan shall consist of a preliminary plan to ensure adequate planning for the management of stormwater runoff and quality control, and a final plan, as approved by a designee of the Public Works Director or City Engineer. Both plans shall be in accordance with the criteria established in the following provisions:

1. A preliminary Stormwater Management Plan shall be submitted for review and approval with all subdivision map, site plan, building permit, or improvement plan applications if governed by this Chapter.
2. The final Stormwater Management Plan must be submitted for review and approval by the Public Works Director or City Engineer as part of the improvement plan review process.
3. All Stormwater Management Plans shall be appropriately sealed and signed by a professional engineer in adherence to all minimum standards and requirements pertaining to the practice of that profession.
4. The stormwater treatment systems must be designed in accordance with the requirements specified in the MRP and with the design guidelines detailed in the most recent C.3 Technical Guidance Manual

G. Maintenance access easements.

1. The Responsible Person must ensure access from the public right-of-way to stormwater treatment systems for the purpose of inspection, maintenance, and repair by securing all the maintenance access easements needed on a permanent basis. Such access shall be sufficient for all necessary equipment materials and personnel. The maintenance access easement must be located such that the stormwater treatment systems are readily accessible for inspection purposes during regular working hours.

H. Inspection of systems. The authorized enforcement official shall have the authority to inspect the stormwater treatment and HM systems during construction and life of the project pursuant to Sections 9.14.170 - 9.14.280.

I. Inadequacy of the system.

1. If a stormwater treatment or HM system is found to be inadequate by virtue of physical evidence of operational failure, even though it was built as called for in the approved stormwater management plan, it shall be corrected by the Responsible Person before the development project is finalized and accepted.
2. If a stormwater treatment or HM system is found to be inadequate by virtue of physical evidence of operational failure at any point during its operating life, it shall be corrected by the Responsible Person. If the Responsible Person fails to act, the City of Pleasanton may pursue corrective actions or enforcement pursuant to Sections 9.14.170 - 9.14.280 of the Pleasanton Municipal Code.

- J. LID/GSI requirements for projects improving street, sidewalk, or road frontage. Portions of the public right of way that may generate runoff, including sidewalks, curb extensions, pavement replacement, and curb and gutter replacement in the street frontage, that are constructed or reconstructed as part of the Regulated Project are considered part of the regulated project.
- K. Additional measures. The provisions of this section shall not prohibit an authorized enforcement official from requiring a discharger to take additional measures to achieve the objectives of this chapter or any permit.

**§ 9.14.150 Trash reduction requirements for development projects**

Development projects, including tenant improvement projects, shall conform to the MRP Provision C.10 Trash Load Reduction.

- A. Full trash capture systems or devices and actions.
  - 1. All development projects are required to install on-site full trash capture systems or devices selected from the list of full capture systems or multi-benefit trash treatment systems certified by the State Water Board or implement trash control actions that provides for an equivalent trash reduction.
  - 2. Full trash capture devices installed shall be on the Alameda County Mosquito Abatement District list of approved devices. Alternately, development projects may install regional, off-site full trash capture devices if approved by the City of Pleasanton.
  - 3. Full trash capture systems or devices are required to remain in place throughout the life of the development project to reduce trash loads from the MS4. Applicants for development projects shall select, design, and construct full trash capture systems or devices, as applicable, to the satisfaction of the [City of Pleasanton] in accordance with the requirements and guidelines set forth in the most current version of following documents:
    - a. MRP
    - b. C.3 Technical Guidance Manual

The above referenced documents, as amended and reissued from time to time, are incorporated by reference into this chapter. These documents shall be available for download at the Alameda Countywide Clean Water Program website.
  - 4. The Applicant must demonstrate to the satisfaction of the City of Pleasanton that the trash control programs implemented in lieu of full trash capture

devices or systems will provide an equivalent level of trash load reduction to installing full trash capture devices. Applicants for development projects shall develop and submit a full trash capture equivalency plan to the City of Pleasanton for approval. The plan must include the planned trash control actions, projected trash reductions of the actions, implementation schedule, entities responsible for implementing the actions, and the plan to inspect and verify the effectiveness of the actions.

B. Maintenance access easements.

1. The Responsible Person must ensure access from the public right-of-way to full trash capture systems or devices for the purpose of inspection, maintenance, and repair by securing all the maintenance access easements needed on a permanent basis. Such access shall be sufficient for all necessary equipment materials and personnel. The maintenance access easement must be located such that the stormwater treatment systems are readily accessible for inspection purposes during regular working hours.

C. Operation and maintenance. Installed full capture trash systems or devices will be operated and maintained by the Responsible Person for the life of the project, following the manufacturer's recommendations for maintenance.

D. Inspection of systems. The authorized enforcement official shall have the authority to inspect the full trash capture system or device during construction and life of the project pursuant to Sections 9.14.170 - 9.14.280.

E. Inadequacy of the system.

1. If a full trash capture system or device is found to be inadequate by virtue of physical evidence of operational failure, even though it was built as called for in the approved stormwater management plan, it shall be corrected by the Responsible Person before the development project is finalized and accepted.
2. If a full trash capture system or device is found to be inadequate by virtue of physical evidence of operational failure at any point during its operating life, it shall be corrected by the Responsible Person. If the Responsible Person fails to act, the City of Pleasanton may pursue corrective actions or enforcement pursuant to Sections 9.14.170 - 9.14.280

F. Additional measures. The provisions of this section shall not prohibit an authorized enforcement official from requiring a discharger to take additional measures to achieve the objectives of this chapter or any permit.

§ 9.14.160 **Stormwater Maintenance Agreements**

- A. It is a violation of this code for any Responsible Person to fail to properly operate and maintain any approved full capture trash device, stormwater treatment facilities, hydromodification management facilities and/or source control BMPs on the Responsible Person's property. Stormwater treatment systems which do not have a Stormwater Management Maintenance Agreement must be maintained as required by the manufacturer's guidelines and/or to ensure intended functioning of the system(s)
- B. Prior to the issuance of any permit for land development activity, development projects required to install full trash capture or LID/GSI systems shall develop and execute a Stormwater Management Maintenance Agreement for the property. The Stormwater Management Maintenance Agreement, also known as the Operation and Maintenance Agreement, shall run with the land, and shall be recorded in the Office of the Alameda County Clerk-Recorder. Provisions in the Stormwater Management Maintenance Agreement are fully enforceable under the City of Pleasanton Municipal Code. Enforcement action, as detailed in Sections 9.14.170 - 9.14.280, may be taken for failure to meet any of the requirements of the Stormwater Management Maintenance Agreement.
- C. The Stormwater Management Maintenance Agreement must be entered into between the Responsible Person and the City of Pleasanton. Responsibility for the operation and maintenance of the stormwater treatment systems shall remain with the Responsible Person and shall pass to any successor Responsible Person. If portions of the land are sold or otherwise transferred, legally binding arrangements shall be made to pass the inspection and maintenance responsibility to the appropriate successors in title, and notification of the successor must be provided to the City of Pleasanton.
- D. The Responsible Person shall bear responsibility for major repair or replacement of any facilities installed in the public Right-of-Way as a condition of project approval.
- E. Maintenance of stormwater treatment systems shall be performed and completed in accordance with the Stormwater Management Maintenance Agreement. The Stormwater Management Maintenance Agreement shall be irrevocable and shall obligate all current and future Responsible Persons to bear all costs for the annual maintenance, replacement, and record keeping of all stormwater treatment systems.
- F. Site plans and operations and maintenance plans for recording shall show at a minimum:
  - 1. Location of on-site full trash capture, stormwater treatment, and HM systems.



2. Location of off-site/public stormwater full trash capture, stormwater treatment, and HM systems.
  3. A note to reference any stormwater treatment systems stating: "As part of the original construction of the Development, stormwater treatment systems were installed within the Development in connection with the Development's drainage system. Neither the Association nor any Responsible Person shall do any work, construct any improvement, place any landscaping, or otherwise perform any action whatsoever which alters or interferes with the drainage pattern for any Lot or any portion of the Common Areas, except to the extent such alteration in drainage pattern is approved in writing by the City of Pleasanton."
  4. A note to reference the Stormwater Management Maintenance Agreement: "The on-site stormwater treatment systems shall be inspected and maintained as detailed in the Stormwater Management Maintenance Agreement".
  5. The extent of watercourse buffer, if any, on the subject property by the parcel's boundary landmarks and a label of the watercourse buffer.
  6. Provide a note to reference any watercourse buffer stating: "There shall be no clearing, grading, construction or disturbance of vegetation except as permitted by the City of Pleasanton."
  7. A note to reference any protective covenants governing all watercourse buffer areas stating: "Any watercourse buffer shown hereon is subject to protective covenants which may be found in the land records and which restrict disturbance and use of these areas."
- G. Annual Report. A report of the annual inspection and maintenance activities completed on the stormwater treatment systems shall be submitted to the City of Pleasanton by October 31 of each year. The annual inspection report shall include all completed inspection and maintenance forms for the reporting period. The annual inspection shall also include a record of the volume of all accumulated sediment and trash removed from the stormwater treatment systems.
- H. Transfer of Property. When a property subject to a Stormwater Management Maintenance Agreement is sold, conveyed, or otherwise transferred to another entity, the Responsible Person shall provide written notice of said document to the transferee and provide the City of Pleasanton a copy of such notice.
- I. Inspection of systems. The authorized enforcement official shall have the authority to inspect full capture trash devices, stormwater treatment facilities, hydromodification management facilities and/or source control BMPs pursuant to

Sections 9.14.170 - 9.14.280.

J. Inadequacy of the system.

1. If a full capture trash device, stormwater treatment facility, hydromodification management facility and/or source control BMP is found to be inadequate by virtue of physical evidence of operational failure at any point during its operating life, it shall be corrected by the Responsible Person. If the Responsible Person fails to act, the City of Pleasanton may pursue corrective actions or enforcement pursuant to Sections 9.14.170 - 9.14.280

§ 9.14.170 **Authority to inspect and sample.**

A. General Procedures.

1. The authorized enforcement official has authority to conduct inspections related to purposes of implementing this chapter on private or public property. Inspections shall be based upon such reasonable selection processes as may be deemed necessary to carry out the objectives of the chapter, including, but not limited to, visual evidence of an actual or potential violation of any provision of this chapter, complaints received, knowledge or physical evidence of subject activities or other pollutant sources and waste discharges, routine inspections, random sampling, sampling in areas with evidence of stormwater pollution, contamination, illicit connections, discharge of non-stormwater. .
2. The authorized enforcement official may enter such building or premises at all reasonable times to inspect the same, to inspect and copy records related to stormwater compliance, take measurements, or perform any duty imposed upon the official by this chapter; provided that:
  - a. If such building or premises is occupied, the authorized enforcement official shall first present proper credentials and request entry; and
  - b. If such building or premises is unoccupied, the authorized enforcement official shall first make a reasonable effort to locate the Responsible Person having charge or control of the building or premises and request entry
3. Any such request for entry shall state that the Responsible Person or occupant has the right to refuse entry and that in the event such entry is refused, inspection may be made only upon issuance of a search warrant by a duly authorized magistrate. In the event the Responsible Person refuses entry after such request has been made, or in the event that the Responsible Person for the building or premises cannot be located, an inspection/abatement warrant authorizing entry shall be obtained prior to the City of Pleasanton's entry onto the premises. the official is hereby empowered to seek assistance from any court of competent jurisdiction in obtaining such warrant authorizing entry.
4. Routine or area inspections shall be based upon such reasonable selection

processes as may be deemed necessary to carry out the objectives of this chapter, including but not limited to random sampling and/or sampling in areas with evidence of stormwater contamination, illicit discharges, discharge of non-stormwater to the stormwater system, or similar factors.

- B. Authority to Sample and Establish Sampling Devices. The City of Pleasanton shall have the right to establish on any property such devices as are necessary to conduct sampling or metering operations. During all inspections as provided herein, the official may take any samples deemed necessary to aid in the pursuit of the inquiry or in the recordation of the activities on-site.
- C. Notification of Spills. As soon as any Person in charge of a facility or responsible for emergency response for a facility has knowledge of any confirmed or unconfirmed release of materials, pollutants or waste which may result in pollutants or nonstormwater discharges entering the MS4, such Person shall notify the City of Pleasanton of the occurrence by contacting (925) 931-5500 during normal working hours or (925) 931-5100 after normal working hours and confirming the notification by correspondence to the same.
- D. Follow-Up Action. In accordance with Section 9 and Section 13, and following City of Pleasanton inspection, the City of Pleasanton may require that any Person in charge of a facility or responsible for emergency response for a facility that has knowledge of any confirmed or unconfirmed release of materials, pollutants or waste which may result in pollutants or non-stormwater discharges entering the MS4, take appropriate action to prevent discharge of pollutants or wastes, including, but not limited to, implementation of appropriate BMPs, as described in Section 13, and/or installation of full trash capture systems or devices
- E. Requirement to Test or Monitor. An authorized enforcement official may request that any Person engaged in any activity and/or owning or operating any facility which may cause or contribute to stormwater pollution or contamination, illicit discharges, and/or discharge of non-stormwater to the stormwater system, undertake such monitoring activities and/or analyses and furnish such reports as the official may specify. The burden, including costs, of these activities, analyses and reports shall bear a reasonable relationship to the need for the monitoring, analyses and reports and the benefits to be obtained. The recipient of such request shall undertake and provide the monitoring, analyses and/or reports requested.

(Ord. 1572 § 2, 1992; Ord. 2000 § 1, 2009; Ord. 2019 § 1, 2011)

**§ 9.14.180 Violations constituting misdemeanors or infractions.**

Unless otherwise specified by ordinance, the violation of any provision of this chapter, or failure to comply with any of the mandatory requirements of this chapter shall constitute a misdemeanor; except that notwithstanding any other provisions of this chapter, any such violation constituting a misdemeanor under this chapter may, in the discretion of the the City of Pleasanton, be charged and prosecuted as an infraction.

(Ord. 1572 § 2, 1992)

**§ 9.14.190 Penalty for violation.**

- A. Upon conviction of a misdemeanor, a person shall be subject to payment of a fine or imprisonment, or both, not to exceed the limits set forth in California Government Code Section 36901.
- B. Upon conviction of an infraction, a person shall be subject to payment of a fine, not to exceed the limits set forth in California Government Code Section 36900. After a third conviction for a violation of the same provision subsequent violations within a twelve (12) month period, subsequent violations of that same provision within a twelve (12) month period may be charged as a misdemeanor.

(Ord. 1572 § 2, 1992)

**§ 9.14.200 Continuing violation.**

Unless otherwise provided, a person shall be deemed guilty of a separate offense for each and every day during any portion of which a violation of this chapter is committed, continued or permitted by the person and shall be punishable accordingly as herein provided.

(Ord. 1572 § 2, 1992)

**§ 9.14.210 Concealment.**

Causing, permitting, aiding, abetting or concealing a violation of any provision of this chapter shall constitute a violation of such provision.

(Ord. 1572 § 2, 1992)

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

Any person who violates any provision of this chapter, any provision of any permit issued pursuant to this chapter, or who discharges waste or wastewater which causes pollution, or who violates any cease and desist order, prohibition or effluent limitation, may also be in violation of the Federal Clean Water Act and/or Porter-Cologne Act and may be subject to the sanctions of those Acts, including civil and criminal penalty. Any enforcement action authorized under this code may also include notice to the violator of such potential liability.

(Ord. 1572 § 2, 1992)

**§ 9.14.230 Violations deemed a public nuisance.**

- A. In addition to the penalties hereinbefore provided, any condition caused or permitted to exist in violation of any of the provisions of this chapter is a threat to the public health, safety and welfare, and is declared and deemed a nuisance. Such condition may be summarily abated and/or restored by any authorized

enforcement official pursuant to 9.14.260 of the City of Pleasanton Municipal Code, and/or civil action to abate, enjoin or otherwise compel the cessation of such nuisance may be taken by the City of Pleasanton's city attorney.

- B. The cost of such abatement and restoration shall be borne by the Responsible Person for the property, and the cost thereof shall be a lien upon and against the property. The procedures of 9.28 of the Pleasanton Municipal Code shall be followed for any such lien.
- C. If any violation of this chapter constitutes a seasonal and recurrent nuisance, the City of Pleasanton city council shall so declare. Thereafter such seasonal and recurrent nuisance shall be abated every year without the necessity of any further hearing.

(Ord. 1572 § 2, 1992)

**§ 9.14.240 California Code of Civil Procedure Section 1094.6.**

The provisions of Section 1094.6 of the California Code of Civil Procedure are applicable to judicial review of the City of Pleasanton decisions pursuant to this chapter.

(Ord. 1572 § 2, 1992)

**§ 9.14.190 Civil actions.**

In addition to any other remedies provided in this section, any violation of this section may be enforced by civil action brought by the City of Pleasanton. In any such action, the City of Pleasanton may seek and the court shall grant, as appropriate, any or all of the following remedies:

- A. A temporary and/or permanent injunction;
- B. Assessment of the violator for the costs of any investigation, inspection or monitoring survey which led to the establishment of the violation, and for the reasonable costs of preparing and bring legal action under this subsection;
- C. Costs incurred in removing, correcting or terminating the adverse effects resulting from the violation;
- D. Compensatory damages for loss or destruction to water quality, wildlife, fish and aquatic life. Assessments under this subsection shall be paid to the City of Pleasanton to be used exclusively for costs associated with monitoring and establishing stormwater discharge pollution control systems and/or implementing or enforcing the provisions of this chapter; and
- E. Any applicable attorney's fees.

(Ord. 1572 § 2, 1992)

**§ 9.14.250 Administrative enforcement powers.**

In addition to the other enforcement powers and remedies established by this chapter, an authorized enforcement official has the authority to utilize the following administrative remedies set forth in the City of Pleasanton Municipal Code, in addition to any or all of the following that apply:

- A. **Cease and Desist Orders.** When an authorized enforcement official finds that a discharge has taken place or is likely to take place in violation of this chapter, the official may issue an order to cease and desist such discharge, or practice, or operation likely to cause such discharge and direct that those Persons not complying shall: (1) comply with the requirement; (2) comply with a time schedule for compliance; and/or (3) take appropriate remedial or preventive action to prevent the violation from recurring.
- B. **Notice to Clean.** Whenever an authorized enforcement official finds any oil, earth, dirt, grass, weeds, dead trees, tin cans, rubbish, refuse, waste or any other material of any kind, in or upon the sidewalk abutting or adjoining any parcel of land or upon any parcel of land or grounds, which may result in an increase in pollutants entering the MS4 or a non-stormwater discharge to the MS4, the official may give notice to the Responsible Person, to remove such oil, earth, dirt, grass, weeds, dead trees, tin cans, rubbish, refuse, waste or other material, in any manner that he or she may reasonably provide. The recipient of such notice shall undertake the activities as described in the notice.
- C. **Verbal Warning or Written Warning.** When an authorized enforcement official finds that a Discharger has violated, or continues to violate, any provision of this chapter, or order issued hereunder, or any other stormwater standards or requirement, the authorized enforcement official may serve upon that Discharger a verbal or written warning notice or notice of violation. The notice includes required corrective actions to occur within a reasonably short and expedient time frame commensurate with the threat to water quality.
- D. **Stop Work Order.** Whenever an authorized enforcement official finds that a Discharger has performed work contrary to the provisions of this section, the authorized enforcement official may order the work stopped by notice in writing served on any Persons engaged in doing or causing the work to be done. Such work shall stop until the authorized enforcement official authorizes the work to proceed.
- E. **Withholding plan approvals or permits.** Whenever an authorized enforcement official finds that a Discharger has performed work contrary to the provisions of this section the City of Pleasanton may withhold the issuance of approvals or permits for ongoing or continued work at the property. Such actions by the City of Pleasanton may include, but are not limited to withholding final certificate of occupancy or acceptance of improvements until the violation has been corrected.
- F. **The hearing officer shall assess administrative costs against the violator when it**

finds that a violation has occurred, and that compliance has not been achieved within the time specified in the compliance order.

- G. The administrative costs may include any and all costs incurred by the city in connection with the matter before the hearing officer including, but not limited to, costs of investigation, staffing costs incurred in preparation for the hearing and for the hearing itself, and costs for all reinspections necessary to enforce the compliance order.

(Ord. 1572 § 2, 1992)

#### § 9.14.260 Abatement by City of Pleasanton

- A. If the violation has not been corrected pursuant to the requirements set forth in Section 29, the City of Pleasanton or a contractor designated by the authorized enforcement official 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. It shall be unlawful for any Responsible Person in possession of any premises to refuse to allow the authorized enforcement official or designated contractor to enter upon the premises for the purposes set forth above. In the event the Responsible Person in possession refuses the authorized enforcement official or designated contractor said entry, the authorized enforcement official is hereby empowered to seek assistance from any court of competent jurisdiction to obtain such entry

After abatement of the nuisance by the City of Pleasanton, the authorized enforcement official shall notify the Responsible Person of the cost of abatement, including administrative costs. The bill shall also state that failure to pay the abatement and administrative costs within 30 days from service of the bill may result in the recording of a lien and the placement of a special assessment against the property.

#### § 9.14.270 **Authority to arrest or issue citations.**

Authorized enforcement officials may issue a citation and notice to appear in the manner prescribed by Chapter 5c of Title 3, Part 2 of the Penal Code, or as the same may hereafter be amended. It is the intent of the City of Pleasanton city council that the immunities prescribed in Section 836.5 of the Penal Code be applicable to public officers or employees acting in the course and scope of employment pursuant to this chapter.

- B. Police officers, but not authorized enforcement officials, shall have and are hereby vested with the authority to arrest or cite 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 misdemeanor infractions as prescribed by Chapter 5, 5c, and 5d of Title 3, Part 2 of the Penal Code, or as the same may be hereinafter amended.

(Ord. 1572 § 2, 1992)

§ 9.14.280 **Remedies not exclusive.**

Remedies under this chapter are in addition to and do not supersede or limit any and all other remedies, civil or criminal. The remedies provided for herein shall be cumulative and not exclusive.

(Ord. 1572 § 2, 1992)

§ 9.14.290 **Coordination with Hazardous Materials Inventory and Response Program.**

The first revisions of the business plan for any facility subject to the City of Pleasanton's Hazardous Materials Inventory and Response Program shall include a program for compliance with this chapter, including the prohibitions on non-stormwater discharges and illicit discharges, and the requirement to reduce pollutants or wastes to the MEP.

(Ord. 1572 § 2, 1992)