

Santa Barbara County Stormwater Management and Discharge Control Ordinance

ORDINANCE NO. _____

SECTION 1. PURPOSE/INTENT.

The purpose of this Ordinance is to provide for the health, safety, and general welfare of the citizens of Santa Barbara County through the regulation of non-storm water discharges to the storm drainage system (also known as the “municipal separate storm sewer system” or “MS4”), to the maximum extent practicable as required by federal and state law. This Ordinance establishes methods for controlling the introduction of pollutants into the storm drain system in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process. The objectives of this Ordinance are:

- (1) To regulate the contribution of pollutants by any Person to the storm drain system
- (2) To prohibit Illicit Connections and Discharges to the storm drain system
- (3) To establish legal authority to carry out all inspection, surveillance monitoring and enforcement procedures necessary to ensure compliance with this Ordinance

SECTION 2. DEFINITIONS.

For the purposes of this Ordinance, the following shall mean:

Authorized Enforcement Agency.

The County of Santa Barbara Public Works Department, designated as the agency to enforce this Ordinance.

Authorized Non-Stormwater Discharges.

Includes certain categories of discharges that are not composed entirely of storm water but are not found to pose a threat to water quality. Examples of authorized non-stormwater discharges include:

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| Potable water line flushing | Unpolluted pumped groundwater |
| Landscape irrigation | Foundation Drains |
| Diverted stream flows | Discharges from potable water sources |
| Rising ground waters | Air conditioning condensate |
| Irrigation water | Springs |
| Water from crawl space pumps | Footing drains |
| Lawn watering | Individual residential car washing |
| Flows from riparian habitats and wetlands | Dechlorinated swimming pool discharges |

Discharges or flows from emergency fire fighting activities

Uncontaminated ground water infiltration (as defined at 40 CFR Section 35.2005(20)) to a storm drain system.

If any authorized non-stormwater discharge is found to cause or contribute to any failure to meet water quality standards or cause or substantially contribute to a condition of nuisance or pollution, the discharge is deemed pollution and is prohibited whether or not it appears on this list.

Best Management Practices (BMPs).

Includes activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent, control, reduce or remove the discharge of pollutants directly or indirectly to stormwater, receiving waters, or storm drain system. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage as determined by the Director of Public Works.

Clean Water Act.

The federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

Construction Activity.

Activities subject to NPDES Construction Permits. These include construction projects resulting in land disturbance of 1 acre or more. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

Hazardous Materials.

Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or substantially contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Hazardous waste (DTSC definition)

Waste substances that can pose a substantial or potential hazard to human health or the environment when improperly managed. Hazardous waste possesses at least one of these four characteristics: ignitability, corrosivity, reactivity or toxicity; or appears on special U.S. EPA lists. Illegal Discharge. Any direct or indirect non-storm water discharges to the storm drain system, except as exempted in Section 8 of this Ordinance. An Illegal Discharge does not include Permitted Non-Stormwater Discharges that comply with permit and waste discharge requirements specified by the Regional Water Quality Control Board (hereinafter, Regional Board).

Illicit Connections.

An illicit connection is defined as either of the following:

Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system, including, but not limited to, any conveyances that allow any non-storm water discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency; or,

Any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

Illicit Discharge.

See illegal discharge.

Industrial Activity.

Activities subject to NPDES Industrial Permits as defined in 40 CFR, Section 122.26 (b)(14).

MS4.

Municipal separate storm sewer system. See storm drain system.

National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permit. A permit issued by EPA (or by a State under authority delegated pursuant to 33 USC § 1342(b)) that authorizes the discharge of pollutants to Waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis. The California Regional Water Quality Control Board, Central Coast Region and the State Water Resources Control Board have adopted general storm water discharge permits, including but not limited to the General Construction Activity and General Industrial Activity permits.

Non-Storm Water Discharge.

Any discharge to the storm drain system that is not composed entirely of storm water.

Nuisance.

“Nuisance” includes anything which is injurious to human health, or is indecent or offensive to the senses and interferes with the comfortable enjoyment of life, or property, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, creek, bay, stream, canal, or basin, or any public park, square, street, or highway. The extent of annoyance or damage inflicted upon the individual or group of individuals may be unequal. A nuisance may be the result of the storage, removal, transport, processing, spillage, deposit or disposal of: liquid, solid, gaseous, radioactive or infectious substance into or onto an area that may cause contamination, or pollutants to enter into Waters of the United States.

Person.

Any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.

Permitted Non-Stormwater Discharge

Any non-stormwater discharge that is regulated through an NPDES permit, discharge exemption or waiver, issued to the discharger by the EPA, (or by a State under authority delegated pursuant to 33 USC § 1342(b)) that authorizes the discharge of pollutants to Waters of the United States.

Pollutant.

Those “pollutants” defined in Section 502(6) of the federal Clean Water Act (33 U.S.C. Section 1362(6)), or incorporated into California Water Code Section 13373. “Pollutant” means anything that causes or substantially contributes to pollution. Examples of pollutants include, but are not limited to the following:

1. Commercial and industrial waste (such as paints, varnishes, detergents, plastic pellets, hazardous substances, fertilizers, pesticides, slag, ash and sludge);
2. Metals, dissolved and particulate metals, such as cadmium, lead, zinc, copper, silver, nickel, chromium, and nonmetals such as phosphorus and arsenic;
3. Petroleum hydrocarbons (such as fuels, lubricants, surfactants, oils, solvents, coolants, grease and other automotive fluids);
4. Excessive eroded soils, sediment and particulate materials in amounts which may adversely affect the beneficial use of receiving waters, flora or fauna;
5. Human wastes such as septic effluent or gray water discharge;
6. Animal wastes (such as occur in confinement facilities, kennels, pens, recreational facilities, stables, and show facilities) which are not adequately controlled and disposed of;
7. Residential hazardous substances or wastes;
8. Substances having characteristics such as pH less than 6 or greater than 9, or unusual coloration or turbidity, or levels of fecal coliform, fecal streptococcus, enterococcus, or pathogens that represent potential for adverse effects on human health;
9. Otherwise lawful materials such as pesticides, herbicides, and fertilizers, whose improper use or storage causes or contributes to pollution
10. Non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects;
11. Wastes and residues that result from constructing a building or structure and which are not controlled so as to prevent migration offsite;

The term “pollutant” shall not include uncontaminated storm water, potable water, reclaimed water generated by a lawfully permitted water treatment facility, short term discharge associated with a

legitimate emergency response, or a discharge pursuant to and in compliance with a National Pollutant Discharge Elimination System permit or waiver.

Pollution.

The human-made or human-induced alteration of the quality of waters by waste to a degree which unreasonably affects, or has the potential to unreasonably affect, either the waters for beneficial uses or the facilities which serve these beneficial uses. (California Water Code, Section 13050) or “man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.” (Clean Water Act Section 502(19)).

Porter-Cologne Act.

The Porter-Cologne Water Quality Control Act and as amended California Water Code, Section 3000 et seq.

Premises.

Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

Public Nuisance.

A public nuisance is one which affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal.

Public Works Director

The appointed Director of the County of Santa Barbara Public Works Department or designee.

Responsible Party.

Every owner, tenant, lessee, agent, occupant or other person answerable for the day-to-day operation or otherwise in charge of any residential, commercial or industrial premises in the county, including the proprietor or manager of any commercial premises.

Storm Drain System.

Also commonly known as MS4 or municipal separate storm sewer system. Publicly-owned facilities by which storm water is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, ditches, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures which are within the unincorporated areas of the county and not part of a publicly owned treatment works as defined at 40 CFR Section 122.26(b)(8).

Storm Water.

Any surface flow, runoff, or drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

Storm Water Pollution Prevention Plan.

A document which describes the Best Management Practices and activities to be implemented by a responsible party or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to a storm drain system to the maximum extent practicable.

Wastewater.

“Wastewater” means any water or other liquid, other than uncontaminated storm water, discharged from a facility.

Watercourse.

A natural or artificial channel, above or below ground, through which water may flow.

SECTION 3. APPLICABILITY.

This Ordinance shall apply to all discharges entering the storm drain system generated on any developed and/or undeveloped lands lying within the unincorporated area of the county, unless explicitly exempted by a federal, state or local authorized enforcement agency for such discharges or regulated under a valid NPDES permit or RWQCB Waste Discharge Requirements (WRSD), provided that all relevant permit conditions are met to the satisfaction of the appropriate regulatory authority.

Agricultural discharges that the SWRCB or RWQCB have determined to allow pursuant to waiver or formal policy are exempt from the discharge prohibitions established by this ordinance provided compliance with all relevant permit, waiver or policy conditions established by the SWRCB or RWQCB are maintained to the satisfaction of SWRCB or RWQCB. Agricultural discharges not allowed by these two agencies shall be subject to the provisions of this Ordinance.

SECTION 4. RESPONSIBILITY FOR ADMINISTRATION.

The Public Works Director shall administer, implement, and enforce the provisions of this Ordinance. Any powers granted or duties imposed upon the authorized enforcement agency may be delegated in writing by the Director of the authorized enforcement agency to persons or entities acting in the beneficial interest of or in the employ of the County of Santa Barbara.

SECTION 5. SEVERABILITY.

The provisions of this Ordinance are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this Ordinance or the application thereof to any person, responsible party, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this Ordinance.

SECTION 6. REGULATORY CONSISTENCY

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

SECTION 7. ULTIMATE RESPONSIBILITY.

The standards set forth herein and promulgated pursuant to this Ordinance are minimum standards; therefore this Ordinance does not intend nor imply that compliance by any responsible party will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants into or upon Waters of the United States caused by said responsible party. This Ordinance shall not create liability on the part of the County of Santa Barbara or any agent or employee thereof for any damages that result from any discharger's reliance on this Ordinance or any administrative decision lawfully made thereunder.

SECTION 8. DISCHARGE PROHIBITIONS.

(a) Waste Disposal Prohibitions

No responsible party shall throw, deposit, leave, maintain, keep, or permit to be thrown, deposited, left or maintained in or upon any public or private property, driveway, parking area, street, road, alley, sidewalk, component of the storm drain system, any refuse, rubbish, garbage, litter, or other discarded or abandoned objects, and accumulations, so that the same may cause or contribute to

pollution. Wastes deposited in proper waste receptacles for the purposes of routine collection are exempted from this prohibition.

(b) Prohibition of Illegal Discharges.

1. No responsible party shall discharge or cause to be discharged into the storm drain system or watercourses any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than storm water.
2. The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited except as described as follows:
 - i. Authorized non-storm water discharges will not be considered a source of pollutants to the storm drain system and are exempt from discharge prohibitions established by this Ordinance, when properly managed to ensure that potential pollutants are not present. Therefore such discharges shall not be considered illegal discharges unless determined to cause a violation of the provisions of the federal Clean Water Act, Porter-Cologne Act, or this Ordinance, or are determined by the Director of Public Works to create a public nuisance.
 - ii. Discharges specified in writing by the authorized enforcement agency as being necessary to protect public health and safety or discharges as a result of emergency operations by a public agency.
 - iii. Dye testing is an allowable discharge, but requires a written notification to the authorized enforcement agency prior to the time of the test.
3. The prohibition shall not apply to any non-storm water discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval from that enforcement agency has been granted for any discharge to the storm drain system.
4. The Director of Public Works may exempt in writing other non-storm water discharges that are demonstrated not to be a source of pollutants to the storm drain system.
5. The owner of a property demonstrated to be the source of a non-storm water discharge or source of pollution shall be considered responsible for the control or abatement of that non-storm water discharge or pollution even if that discharge or pollution enters the public storm drain system after crossing another property or properties.

(c) Prohibition of Illicit Connections.

1. The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited.
2. The Public Works Director may require by written notice that a responsible party responsible for an illicit connection to the storm drain system comply with the requirements of this Ordinance to eliminate or secure approval for the connection by a specified date, regardless of whether or not the connection or discharges to it had been established or approved prior to the effective date of this Ordinance. This

prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under County Code or practices applicable or prevailing at the time of connection.

3. Notwithstanding subsection 2., such illicit connections must be eliminated not later than July 1, 2006. If, subsequent to eliminating a connection found to be in violation of this Ordinance, the responsible party can demonstrate that an illegal discharge could no longer occur, said responsible party shall request written approval from the Director of Public Works to reconnect, prior to any reconnection being made. The reconnection or reinstallation of the connection shall be at the responsible party's expense.
4. A responsible party is considered to be in violation of this Ordinance if the responsible party connects a line that would convey sewage to the storm drain system, or allows such a connection to continue.

SECTION 9. INDUSTRIAL OR CONSTRUCTION ACTIVITY DISCHARGES.

Any responsible party subject to an industrial or construction activity NPDES storm water discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the Director of Public Works prior to the allowing of discharges to the storm drain system, or as a condition of a subdivision map, site plan, building permit, or development or improvement plan; upon inspection of a facility; during any enforcement proceeding or action; or for any other reasonable cause.

SECTION 10. REQUIREMENT TO PREVENT, CONTROL, AND REDUCE STORM WATER POLLUTANTS .

(a) The County may adopt requirements identifying appropriate Best Management Practices to control the volume, flow rate, and potential pollutant load of storm water runoff from residential, commercial, or industrial activities and processes carried on within the unincorporated area of the county, as may be appropriate to minimize the generation, transport and discharge of pollutants.

(b) Notwithstanding the presence or absence of requirements pursuant to subsection (a), any responsible party engaged in activities or operations, or owning facilities, premises or property which will or may result in pollutants entering storm water or the storm drain system, shall implement Best Management Practices to the extent they are technologically achievable and economically feasible, as determined by the Director of Public Works, to prevent and reduce such pollutants.

SECTION 11. MONITORING OF DISCHARGES

(a.) Applicability.

This section applies to all premises that have discharges to the storm drain system associated with residential, commercial, or industrial activity, including construction activity.

(b) Authority to Access, Inspect, Monitor and/or Sample on Premises.

1. Whenever necessary to make an inspection to enforce any provision of this Ordinance, or whenever the Public Works Director has cause to believe that there exists, or potentially exists, in or upon any premise any condition which constitutes a violation of this Ordinance, the Director may enter such premises at all reasonable times to inspect the same to determine compliance with regulations governing storm water.
2. The Director shall be permitted to enter and inspect premises subject to regulation under this Ordinance as often as may be necessary to determine compliance with this Ordinance. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the authorized enforcement agency.
3. A responsible party shall allow the Director of Public Works ready access to all parts of the premises for the purposes of inspection, photographing, sampling and the performance of any additional duties as defined by state and federal law.
4. When a facility is subject to permitting requirements for storm water discharge, facility operators shall allow the Director of Public Works ready access to all parts of the facility for the purposes of inspection, photographing, sampling, and examination and copying of records that must be kept under the conditions of an NPDES permit to discharge storm water.
5. The Director of Public Works shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the authorized enforcement agency to conduct monitoring and/or sampling of the facility's storm water discharge.
6. The Public Works Director may require by written notice of requirement that any responsible party engaged in any activity and/or owning or operating any facility which, based on reasonable evidence, may cause or contribute to storm water pollution, illegal discharges, and/or non-storm water discharges to the storm drain system, to undertake at said responsible party's expense such monitoring and analyses and furnish such reports to the Director of Public Works as deemed necessary to determine compliance with this Ordinance. The sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at said responsible party's own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy. Calibration records shall be maintained and readily available for inspection by the Director of Public Works for three years.
7. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected, monitored and/or sampled shall be promptly removed by the operator at the oral or written request of the Director of Public Works and shall not be replaced. The costs of clearing such access shall be borne by the operator.
8. Unreasonable delays in allowing the Director of Public Works ready access to a permitted facility is a violation of a storm water discharge permit and of this Ordinance. A responsible party who is the operator of a facility with a NPDES permit to discharge storm water associated with industrial activity commits an offense if the responsible party denies the authorized enforcement agency reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this Ordinance.

(c) Authority to Obtain an Inspection Warrant

1. If the Director of Public Works has been refused access to any part of the premises from which stormwater is discharged, and he/she is able to demonstrate probable cause to believe that there may be a violation of this Ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this Ordinance or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the Director of Public Works may seek issuance of an inspection warrant from any court of competent jurisdiction.

SECTION 12. WATERCOURSE PROTECTION.

(a) Requirement to Maintain Watercourse

1. Every responsible party owning property through which an element of the storm drain system passes, or such responsible party's lessee, shall keep and maintain that part of the storm drain system within the property free of trash, debris, vegetation waste, and other materials that would pollute or contaminate the flow of water through the watercourse.

(b) Requirement to Remediate.

1. Whenever the Public Works Director finds that a discharge of pollutants is taking place or has occurred which will result in or has resulted in pollution of storm water, the storm drain system, the Public Works Director may require by written notice of violation, as provided by this Ordinance, to the owner of the property and/or the responsible party that the pollution be remediated and the affected property restored within a specified time pursuant to the provisions of this Ordinance.

SECTION 13. NOTIFICATION OF SPILLS.

(a) Notwithstanding other requirements of law, as soon as any responsible party responsible for property, a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into storm water or the storm drain system, said responsible party shall take all necessary steps to ensure the discovery, containment, and cleanup of such release.

(b) In the event of such a release of hazardous materials said responsible party shall immediately notify emergency response agencies of the occurrence via emergency dispatch services.

(c) In the event of a release of non-hazardous materials, said responsible party shall notify the authorized enforcement agency in responsible party or by phone or facsimile no later than the next business day.

(d) If the discharge of materials emanates from a commercial or industrial establishment, the responsible party shall also retain an on-site written record of the discharge, clean up, and remediation, and the actions taken to prevent its recurrence. Such records shall be retained and available for review by the Director of Public Works for at least three years.

SECTION 14. ENFORCEMENT.

Notice of Violation.

(a) Whenever the Director of Public Works finds that a responsible party has violated a prohibition or failed to meet a requirement of this Ordinance, the authorized enforcement agency may order compliance by written notice of violation to the responsible party. Such notice may require without limitation:

1. The elimination of illicit connections or discharges;
2. That violating discharges, practices, or operations shall cease and desist;
3. The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property;
4. Payment of a fine to cover administrative and remediation costs;
5. The implementation of source control and/or treatment BMPs, and
6. The performance of monitoring, analyses, and reporting.

(b) If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the responsible party fail to abate the violation, remediate or restore the affected area within the established deadline, the Director of Public Works may order the work to be completed by a designated governmental agency or a contractor and the expense thereof shall be charged to the responsible party.

(c) The Director of Public Works may recover all attorney's fees, court costs and other expenses associated with enforcement of this Ordinance, including sampling and monitoring expenses.

SECTION 15. APPEAL OF NOTICE OF VIOLATION

Notwithstanding the provisions of Section 19, (Urgency Abatement), any responsible party receiving a Notice of Violation may appeal the determination of the authorized enforcement agency. The Director of Public Works must receive the notice of appeal within 10 business days from the date on the Notice of Violation. Hearing on the appeal before the Director of Public Works shall take place within 15 days from the date of receipt of the notice of appeal. The decision of the Director of Public Works shall be final.

SECTION 16. ENFORCEMENT MEASURES AFTER APPEAL

If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, or, in the event of an appeal, within 30 days of the decision of the Director of Public Works upholding the decision of the authorized enforcement agency, then representatives of the authorized enforcement agency shall enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any responsible party responsible party to refuse to allow the authorized enforcement agency or designated contractor to enter upon the premises for the purposes set forth above.

SECTION 17. COST OF ABATEMENT OF THE VIOLATION

(a) Any responsible party violating any of the provisions of this Ordinance shall become liable to the County of Santa Barbara by reason of such violation if said violation is abated by the County or by a contractor working under direction from the County.

(b) Within 30 days after abatement of the violation, the responsible party will be notified of the charge of costs in conjunction with the abatement, including administrative costs. The responsible party may file a written protest objecting to the amount of the charge within 10 business days.

(c) If the amount due is not paid within a timely manner as determined by the Director of Public Works or by the expiration of the time in which to file an appeal (whichever is longer), the amount due shall become a special charge against the property and shall constitute a lien on the property for the amount of the charge. A copy of the charge by the Director of Public Works shall be turned over to the County Auditor so that the auditor may enter the amounts of the charge against the parcel as it appears on the current assessment roll, and the tax collector shall include the amount of the charge on the bill for taxes levied against the parcel of land.

SECTION 18 URGENCY ABATEMENT

(a) The Director of Public Works is authorized to require immediate abatement of any violation of this Ordinance that constitutes an immediate threat to the health, safety or well-being of the public. If any such violation is not abated immediately as directed by the authorized enforcement agency, said agency is authorized to enter onto private property and to take any and all measures required to remediate the violation.

(b) Any expense related to such remediation undertaken by the County of Santa Barbara shall be fully reimbursed by the property owner and/or responsible party. Any relief obtained under this section shall not prevent the Director of Public Works from seeking other and further relief authorized under this Ordinance.

SECTION 19. INJUNCTIVE RELIEF

It shall be unlawful for any responsible party to violate any provision or fail to comply with any of the requirements of this Ordinance. If a responsible party has violated or continues to violate the provisions of this Ordinance, the authorized enforcement agency may petition for a preliminary or permanent injunction restraining the responsible party from activities which would create further violations or compelling the responsible party to perform abatement or remediation of the violation.

SECTION 20. ADMINISTRATIVE FINES

Any violation of the provisions of this Ordinance by any responsible party is a misdemeanor and is punishable as provided in Chapter 1, Section 1-7 of the Santa Barbara County Code. Any violation of the provisions of this Ordinance by any responsible party is also subject to administrative fines as provided in Chapter 24A of the Santa Barbara County Code. These remedies are not exclusive of any other remedies available under other federal, state or local laws and it is within the discretion of the Director of Public Works to seek cumulative remedies.

SECTION 21. COMPENSATORY ACTION

In lieu of enforcement proceedings, penalties, and remedies authorized by this Ordinance, the authorized enforcement agency may impose upon a responsible party, alternative compensatory obligations, including but not limited to storm drain stenciling, attendance at compliance workshops, creek cleanup, or other actions deemed appropriate by the Director of Public Works.

SECTION 22. VIOLATIONS DEEMED A PUBLIC NUISANCE

In addition to the enforcement processes and penalties provided herein before, any condition caused or permitted to exist in violation of any of the provisions of this Ordinance is a threat to public health, safety, and welfare, and is declared and deemed a public nuisance, and may be summarily abated or restored at the responsible party's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken or caused to be taken by the Director of Public Works.

SECTION 23. ACTS POTENTIALLY RESULTING IN A VIOLATION OF THE FEDERAL CLEAN WATER ACT AND/OR CALIFORNIA PORTER-COLOGNE ACT

Any responsible party who violates any provision of this Ordinance or any provision of any requirement issued pursuant to this chapter may also be in violation of the federal Clean Water Act and/or the Porter-Cologne Act and may be subject to the sanctions of those acts including civil and criminal penalties. Any enforcement action authorized under this Ordinance shall also include written notice to the responsible party of such potential liability.

SECTION 24. CRIMINAL PROSECUTION

Any responsible party who has violated or continues to violate this Ordinance shall be liable to criminal prosecution to the fullest extent of the law, and shall be subject to a criminal penalty of one hundred dollars (\$100.00) per violation per day and/or imprisonment for a period of time not to exceed one year.

SECTION 25. REMEDIES NOT EXCLUSIVE

The remedies listed in this Ordinance are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the authorized enforcement agency to seek cumulative remedies.

SECTION 26. LIABILITY

The Director or any other person acting under authorization of the Director, if acting in good faith and within the course and scope of his or her employment, shall not thereby be liable personally, and shall be relieved from all personal liability for any damage that may accrue to person or property as the result of or by reason of any act or omission occurring in the good faith discharge of such duties. Any suit brought against the Director or his or her agents or employees because of such act or omission performed in good faith in the enforcement of any provision of this article, shall be

defended by the County of Santa Barbara.

SECTION 27. ADOPTION OF ORDINANCE

This Ordinance shall be in full force and effect 30 days after its final passage and adoption.

PASSED AND ADOPTED this ____ day of _____, 20__, by the following vote: