

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTERS 29 AND 24A OF THE SANTA BARBARA COUNTY CODE

The Board of Supervisors of the County of Santa Barbara ordains as follows:

SECTION 1:

The following amendments are hereby made to the Santa Barbara County Code:

- 1) Chapter 29 of the Santa Barbara County Code is hereby renamed from “Sewers” to “Storm Drains and Sanitary Sewers”;
- 2) Chapter 24A entitled “Administrative Fines” is hereby amended as provided herein;
- 3) A new article, Article IV, is hereby added to Chapter 29 of the Santa Barbara County Code as provided herein.

SECTION 2:

Article IV is hereby added to Chapter 29 of the Santa Barbara County Code, as follows:

“Article IV. Storm Water Management and Discharge Control

Sec 29-40. Purpose.

The purpose of this article 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 article 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 article 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 article.

Sec 29-41. Definitions.

For the purposes of this article, the following words shall be defined as follows:

Authorized Enforcement Agency

The County of Santa Barbara Public Works Department, designated as the agency responsible for enforcement this article.

Authorized Non-Stormwater Discharges

Certain categories of discharges that are not composed entirely of storm water but which have not been found to pose a threat to local water quality. Authorized non-stormwater discharges (as defined in Water Quality Order No. 2003–0005–DWQ) 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 |
| Street wash water | |
| Discharges or flows from emergency fire fighting activities | |
| Uncontaminated ground water infiltration (as defined at 40 CFR Section 35.2005(b)(20)) to a storm drain system | |
| Any other discharge listed in 40 CFR Section 122.34(b)(3)(iii). | |

Notwithstanding the above, in the event that any authorized non-stormwater discharge is found by the Public Works Director or designee 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 schedules of 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 (40 CFR Section 122.2).

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 or a grading permit pursuant to the Santa Barbara County Grading, Erosion, and Sediment Control Ordinance (No. 4477 § 1), or any construction projects resulting in total land disturbance of one acre or more. Construction activity also includes the disturbance of less than one acre that is part of a larger common plan of development or sale that will ultimately disturb at least one acre. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition but do not include discing and other actions for preparing fields for planting or harvesting.

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.

Waste substances that can pose a substantial or potential hazard to human health or the environment when improperly managed. The definition of hazardous waste and regulations pertaining to hazardous waste refer to Chapters 10 through 32 of Division 4.5 of Title 22 of the California Code of Regulations.

Illegal Discharge.

Any direct or indirect non-storm water discharges to the storm drain system, except as exempted in this article. 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:

1. Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system, including, but not limited to, any conveyances 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,
2. Any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by 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) as it presently exists or may hereafter be renumbered or amended.

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 State Water Resources Control Board has 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.

All those “pollutants” defined in Section 502(6) of the federal Clean Water Act (33 U.S.C. Section 1362(6), or California Water Code Section 13373. “Pollutant” includes 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) except for naturally occurring petroleum seeping to the surface;
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 sewage, 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 affects 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.

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.

Regional Board

The Central Coast Regional Water Quality Control Board. “Regional Board” also means the Regional Board Executive Officer acting pursuant to a valid delegation of authority.

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 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.

Wastewater.

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

Waters of the United States

Surface watercourses and water bodies included in the definition of “waters of the United States” in 40 CFR Section 122.2. For purposes of this article, “waters of the United States” includes all natural waterways and definite channels and depressions in the earth that may carry water, even though such waterways may only carry water during rains and storms and may not carry water at and during all times and seasons.

Sec 29-42. Applicability.

This article 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.

Agricultural discharges are regulated by State Water Resources Control Board (SWRCB) and/or Regional Water Quality Control Board (RWQCB) pursuant to waiver and/or formal policy and therefore are exempt from this article 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.

In the event that any section of this article conflicts with any County or other enforceable standard for discharges, the more stringent standard shall apply.

Sec 29-43. Responsibility for Administration.

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

Sec 29-44. Severability.

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

Sec 29-45. Regulatory Consistency.

This article 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.

Sec 29-46. Ultimate Responsibility.

The standards set forth herein and promulgated pursuant to this article are minimum standards; therefore this article 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 article 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 article or any administrative decision lawfully made thereunder.

Sec 29.47. Discharge Prohibitions.

(a) Waste Disposal Prohibitions

No Person shall throw, deposit, leave, maintain, keep, or permit to be thrown, deposited, left or maintained in or upon any public or private property, driveway, parking area, street, 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 Person shall discharge or cause to be discharged into the storm drain system 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 article, 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 article, or are determined by the Director of Public Works to create a public nuisance, or are determined by the Regional Board to be a significant contributor of pollutants to the storm drain system.
 - ii. Discharges specified in writing by the Public Works Director 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 Public Works Director 10 days 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 U.S. Environmental Protection Agency, or Regional Board 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. Proof of waiver, discharge order or exemption shall be furnished to the Public Works Director upon request.

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 Person responsible for an illicit connection to the storm drain system comply with the requirements of this article 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 article. This prohibition expressly includes, without limitation, illicit connections made before the effective date of this article, 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 thirty days after the effective date of this article. If, subsequent to eliminating a connection found to be in violation of this article, 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 article if the responsible party connects a line that could convey sewage to the storm drain system, or allows such a connection to continue.

Sec 29-48. 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.

Sec 29-49. Requirement To Prevent, Control, and Reduce Storm Water Pollutants.

(a) The Public Works Director shall 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 technically feasible and the cost would not be prohibitive, as determined by the Director of Public Works, to prevent and reduce such pollutants.

Sec 29-50. 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 article, or whenever the Public Works Director has cause to believe that there exists, or potentially exists, or has occurred in or upon any premise any condition which constitutes a violation of this article, the Director may enter such premises at all reasonable times, provided prior notice has been given to the responsible party, 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 article as often as may be reasonably necessary to determine compliance with this article. 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 Santa Barbara County Public Works Department.
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 Santa Barbara County Public Works Department 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 article. 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 without the Director's consent. 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 article. A responsible party who is the operator of a facility with a NPDES permit to discharge storm water associated with industrial activity is in violation of this article if the responsible party denies the Public Works Director reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this article.

(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 article, 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 article 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.

Sec 29-51. Storm Drain System Protection and Remediation.

(a) Requirement to Maintain Storm Drain System

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 their property to prevent pollutants from being discharged into the publicly-owned storm drain system from their property.

(b) Requirement to Remediate

Whenever the Public Works Director finds that a discharge of pollutants is taking place or has occurred which will result in or has resulted in pollution of entering the storm drain system, the Public Works Director may require by written notice of violation, as provided by this article, to the owner of the property and/or the responsible party that the illegal discharge be discontinued immediately, or by a specified date but no less than 7 days, and if necessary, take measures to eliminate the source of the discharge to prevent the occurrence of future illegal discharges and restore the affected property within a specified time pursuant to the provisions of this article.

Sec 29-52. Notification of Spills.

(a) In addition to 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 pollutants, said responsible party shall notify the Santa Barbara County Public Works Department or responsible party or by phone or facsimile no later than the next business day.

(d) If the discharge of pollutants 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.

Sec 29-53. 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 article, the Santa Barbara County Public Works Department 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 attorneys' fees, court costs and other expenses associated with enforcement of this article, including sampling and monitoring expenses.

Sec 29-54. Appeal of Notice Of Violation

Subject to the provisions of Section 29-57, (Urgency Abatement), any responsible party receiving a Notice of Violation may appeal the determination of the Santa Barbara County Public Works Department. The filing of a Notice of Appeal shall not preclude the abatement by the Department of any discharge or nuisance. In order to appeal a determination, the responsible party must file a written Notice of Appeal which must be received by the Department-within 10 business days from the date on the Notice of Violation. Postmarks are not accepted in lieu of actual delivery. 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. A written decision of the Director of Public Works shall be issued within 30 days after the hearing, and shall be considered a “final administrative order” within the meaning of California Civil Code section 1094.5.

Sec 29-55. Enforcement Measures After Appeal

If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, then representatives of the Santa Barbara County Public Works Department shall be authorized to enter upon the subject private property, after providing notice to the Responsible Party, 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 to refuse to allow the Santa Barbara County Public Works Department or designated contractor to enter upon the premises for the purposes set forth above.

Sec 29-56. Cost Of Abatement of The Violation

- (a) Any responsible party violating any of the provisions of this article 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. The reasonable cost of abatement shall be reimbursed by the responsible party as provided herein.
- (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 90 days of the written notification, 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 Assessor so that the Assessor 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.

Sec 29-57. Urgency Abatement

- (a) The Director of Public Works is authorized to require immediate abatement of any violation of this article that, within the sole discretion of the Director, is found to constitute an imminent threat to the health, safety or well-being of the public. If any such violation is not abated immediately as directed by the Santa Barbara County Public Works Department, said agency is authorized to enter onto private property and to take any and all measures required to remediate the violation.

(b) Subject to appeal pursuant to Section 29-54, any cost or expense incurred as the result of such remediation undertaken by the County of Santa Barbara shall be fully reimbursed by the property owner and/or responsible party. The County may bring an action for recovery of such costs and expenses in the Superior Court. Any relief obtained under this section shall not prevent the Director of Public Works from seeking other and further relief or remedies authorized under this article or other applicable law.

Sec 29-58. 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 article. If a responsible party has violated or continues to violate the provisions of this article, the Public Works Director 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.

Sec 29-59. Administrative Fines

Any violation of the provisions of this article 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 article 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.

Sec 29-60. Compensatory Action

In lieu of enforcement proceedings, penalties, and remedies authorized by this article, the Santa Barbara County Public Works Department 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.

Sec 29-61. 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 article 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.

Sec 29-62. 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 article 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 article shall also include written notice to

the responsible party of such potential liability.

Sec 29-63. Criminal Prosecution.

Any responsible party who violates any provision of this Article is guilty of a misdemeanor, 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 for each violation.

Sec 29-64. Remedies Not Exclusive.

The remedies listed in this article are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the Santa Barbara County Public Works Department to seek cumulative remedies.

Sec 29-65. 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 3:

Section 24A-1 of the Santa Barbara County Code is hereby amended by the addition of the underlined text shown below:

“Sec. 24A-1. Administrative fines or penalties in addition to other remedies—Authority, definitions.

In addition to any other remedy allowed by this Code or applicable law, any violation of the provisions of Santa Barbara County Code chapters 6 [article III], 7, 10, 11, 14 [excluding the “potential for significant environmental damage” clause of § 14-8(c)(8)], 14C, 15, 16, 17, 18 [articles I, III, IV and V], 23 [article III], 25, 29 [articles II and IV], 34A, 34B and 35, shall be subject to an administrative fine or penalty, enforcement and collection proceedings, as set forth in this chapter and authorized by California Government Code section 53069.4. For purposes of this article, “director” shall include the treasurer-tax collector, the Director of Animal Services, the Director of Planning and Development, the Agricultural Commissioner, the Fire Chief, the Director of Public Works, the Director of Environmental Health, and their designees. Unless otherwise specified, “owner” shall include the owner of property upon which a violation of this article exists, the occupant of that property and any other party responsible for the violation. (Ord. No. 4296, § 1; Ord. No. 4454 § 1; Ord. No. 4493)

SECTION 4:

Section 24A-2 of the Santa Barbara County Code is hereby amended by the addition of the underlined text shown below:

Sec. 24A-2. Procedures.

(a) The treasurer-tax collector or his or her designee shall be responsible for implementing the procedures set forth in this chapter with respect to violations of chapter 6 [article III]. The director of animal services or his or her designee shall be responsible for implementing the procedures set forth in this chapter with respect to violations of chapter 7. The Director of Planning & Development or his or her designee shall be responsible for implementing the procedures, set forth in this chapter with respect to violations of chapters 10, 11, 14 [excluding the “potential for significant environmental damage” clause of § 14-8(c)(8)], 14C, 25, and 35 of the Santa Barbara County Code. The Agricultural Commissioner or designee shall be responsible for implementing the procedures set forth in this chapter with respect to violations involving native oak tree removal under chapter 14 of the Santa Barbara County Code.

The Fire Chief or his or her designee shall be responsible for implementing the procedures set forth in this chapter with respect to violations of chapters 15 and 18 [articles III, IV and V]. The Director of Environmental Health or his or her designee shall be responsible for implementing the procedures set forth in this chapter with respect to violations of chapters 16, 18 [article I], 29 [articles II and IV], 34A and 34B of the Santa Barbara County Code. The Director of Public Works or his or her designee shall be responsible for implementing the procedures set forth in this chapter with respect to violations of chapter 17, chapter 23 [article III] and chapter 29 (article IV) of the Santa Barbara County Code.

(b) Upon determining that a violation of any provision of chapters 6 [article III], 10, 11, 14 [excluding the “potential for significant environmental damage” clause of § 14-8(c)(8)], 14C, 15, 16, 17, 18 [articles I, III, IV and V], 23 [article III], 25, 29 [article II and IV], 34A, 348 or 35 of this Code exists with respect to any property, the director shall transmit a notice of violation to the owner by certified mail or by personal service by a public officer. The notice of violation shall specify:

(1) The conditions constituting violations on the property;

(2) A specified time period not less than thirty days from receipt of the notice of violation within which the violation must be abated;

(3) That, the conduct, activity or circumstances constituting the violation must be stopped immediately or immediate steps must be taken to make the correction.

(4) That, in the event the violation is not corrected by the expiration of the specified time period (“effective date of the notice of violation”), the owner shall be subject to an administrative fine under this chapter; and

(5) That the owner may submit in writing, to the director, any information relating to a determination of the existence of a violation or the amount of the fine to be imposed. If the director determines that an effort is being made to correct the violation, he or she may grant an additional period of time for correction of the violation.

(c) Notwithstanding (b), above, the director may require immediate correction of a violation if the violation creates an immediate danger to the health and safety of persons or property.

(d) The director may condition any building permit, grading permit or land use permit issued to remediate a violation to require that the work or project described in the permit be completed by a certain date or in a certain period of time. Failure to complete the work or project by

the date or within the time stated in a permit condition shall be good cause in the discretion of the director to:

- 1) Issue a stop work order, and/or
- 2) Suspend or revoke the permit, and/or
- 3) Impose administrative fines for the permit violation. (Ord. No. 4296, § 1; Ord. No. 4454, § 2; Ord. No. 4493)

SECTION 5:

Section 24A-3 of the Santa Barbara County Code is hereby amended by the addition of the underlined text shown below:

Sec. 24A-3. Amount of fine—General.

Any person who violates any provision of chapters 6 [article III], 7, 10, 11, 14 [excluding the “potential for significant environmental damage” clause of § 14-8(c)(8)], 14C, 15, 16, 17, 18 [articles, I, III, IV and V], 23 [article III], 25, 29 [articles II and IV], 34A, 34B or 35 of this Code, or any person who owns property upon which a violation exists, irrespective of whether that person caused the violation, shall be subject to an administrative fine up to the maximum amounts as set forth below. (Ord. No. 4296, § 1; Ord. No. 4454 § 3; Ord. No. 4493)

SECTION 5:

Section 24A-7 of the Santa Barbara County Code is hereby amended by the addition of the underlined text shown below:

Sec. 24A-7. Appeals.

(a) Any person upon whom an administrative fine is imposed by the director may appeal such fine pursuant to the procedures set forth in this section. The appellant must file a written appeal with the director within ten working days of personal service or the date of mailing of the notice of determination of fine. The written appeal shall contain:

(1) A brief statement setting forth the interest the appealing party has in the matter relating to the imposition of the penalty;

(2) A brief statement of the material facts which the appellant claims supports his or her contention that no administrative penalty should be imposed or that an administrative penalty of a different amount is warranted;

(b) An appeal of an administrative fine imposed for violations of chapter 6, (article III) shall be heard by the treasurer-tax collector as the hearing examiner. An appeal of an administrative fine imposed for violations of chapter 7 of this Code shall be heard by the director of animal services as the hearing examiner. An appeal of an administrative fine imposed for violations of chapters 10, 11, 14 [excluding the “potential for significant environmental damage” clause of § 14-8(c)(8)], 14C, 25 and/or chapter 35 of this Code shall be heard by the director of planning and development as the hearing examiner. An appeal of an administrative fine imposed for violations of chapter 14 involving native oak tree removal shall be heard by the agricultural commissioner as the hearing examiner. An appeal of an administrative fine imposed for violations of chapter 15 and chapter 18 [articles III, IV and V] of this Code shall be heard by the fire chief as the hearing examiner. An appeal of an administrative fine imposed for violations of chapters 16, 18 [article I], 29 [article II], 34A and/or

34B of this Code shall be heard by the director of environmental health as the hearing examiner. An appeal of an administrative fine imposed for violations of chapter 17, chapter 23 [article III] and/or chapter 29 (article IV) of this Code shall be heard by the director of public works as the hearing examiner. The administrative fine appeal hearing shall be set no sooner than twenty days and no later than forty-five days following a request for an appeal hearing. Notice of the appeal hearing shall be mailed at least twelve calendar days before the date set for the hearing. Failure to appear timely will cause the administrative fine to become a final order or decision.

(c) In reviewing the fine, the hearing examiner shall consider the factors set forth in section 24A-6(a) above, and shall uphold the fine imposed by the director or his or her designee, eliminate the fine, or modify it. The decision of the hearing examiner shall constitute the final administrative order or decision of the local agency within the meaning of Government Code section 53069.4(b)(1) and (c). The hearing examiner shall serve a copy of his or her written decision on the appellant by first class mail to the address provided by appellant in the written notice of appeal. The hearing examiner's decision shall be deemed served within two days after the date it was mailed to the address provided by the appellant. (Ord. No. 4296, § 1; Ord. No. 4454 § 4; Ord. No. 4493).

SECTION 6:

This Ordinance shall take effect and be in force thirty (30) days from the date of its passage and before the expiration of fifteen (15) days after its passage, it, or a summary of it, shall be published once, with the names of the members of the Board of Supervisors voting for and against the same in the Santa Barbara Newspress, a newspaper of general circulation published in the County of Santa Barbara.

PASSED, APPROVED, AND ADOPTED, this ____ day of _____, 2007 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

CHAIRPERSON, BOARD OF SUPERVISORS

ATTEST:

MICHAEL F. BROWN
CLERK OF THE BOARD

By: _____
Deputy

APPROVED AS TO FORM

SHANE STARK
COUNTY COUNSEL

By: _____
Deputy

APPROVED AS TO ACCOUNTING:

ROBERT GEISS
AUDITOR CONTROLLER

By: _____
Deputy