

ORDINANCE NO. 9343(N.S.)

AN ORDINANCE AMENDING THE COUNTY OF SAN DIEGO STORMWATER QUALITY MANAGEMENT ORDINANCE, THE GRADING ORDINANCE, THE GRADING AND CLEARING ORDINANCE, AND THE UNIFORM PUBLIC NUISANCE ABATEMENT PROCEDURE, RELATING TO CODE ENFORCEMENT

The Board of Supervisors of the County of San Diego ordains as follows:

Section 1. The Board of Supervisors finds and determines that there is a need to strengthen code enforcement options which will enhance stormwater protection and water quality in the County of San Diego. This ordinance will provide the County with additional code enforcement options for addressing violations of the Stormwater Quality Management Ordinance, the Grading Ordinance, and the Grading and Clearing Ordinance.

Section 2. Section 16.206.5 is hereby added to the San Diego County Code to read as follows:

SEC. 16.206.5 RECORDATION OF NOTICE OF PROCEEDINGS

Following the proper service of a Notice and Order to Abate, as specified in Section 16.206, the County Abatement Officer may cause a notice of the initiation of public nuisance abatement proceedings to be recorded in the Office of the County Recorder, which reads substantially as follows:

NOTICE OF INITIATION OF PUBLIC NUISANCE ABATEMENT PROCEEDINGS

Notice is hereby given that proceedings have been initiated by the County of San Diego under the Uniform Public Nuisance Abatement Procedure found at San Diego County Code section 16.201 and following concerning property at \_\_\_\_\_(Address)\_\_\_\_\_. The property is located within San Diego County Assessor's Parcel No. \_\_\_\_\_.

For information concerning the Public Nuisance Abatement proceedings and how they may impact the property, please contact the Director of Planning and Land Use, County of San Diego, 5201 Ruffin Road #B, San Diego, CA 92123.

The County Abatement Officer shall cause any recorded notice of the initiation of public nuisance abatement proceedings to be removed when the public nuisance abatement proceedings, including any appeals of the Notice and Order To Abate, and any work necessary to abate the nuisance, have been completed; provided however that if work to abate the nuisance is performed at County expense, the notice of the initiation of public nuisance abatement proceedings need not be removed until those costs have been paid or a lien for those costs has been recorded.

Section 3. Section 16.212 of the San Diego County Code is hereby amended to read as follows:

SEC. 16.212. NONCOMPLIANCE WITH ORDER TO ABATE.

Upon the failure, neglect or refusal to properly comply with the Order to Abate within the prescribed time period, the County Abatement Officer may cause to be done whatever work is necessary to abate the public nuisance and any property listed in the Order To Abate may be destroyed by the County. An account of the cost of abatement shall be kept for each separate assessor's parcel involved in the abatement.

When the County has completed the work of abatement, or has paid for such work, the actual cost thereof, together with an administrative cost, including reasonable attorney's fees, shall be charged to the owner of the property. To this amount shall be added the appeal fee, if it had been waived pursuant to Section 16.208 of this Code. The combined amounts shall be included in a bill and sent by mail to the owner, or his or her agent for payment, if not paid prior thereto. The bill shall apprise the owner that failure to pay the bill within fifteen (15) days from the date of mailing may result in a lien upon the property.

Section 4. Section 67.804 of the San Diego County Code is hereby amended to read as follows:

SEC. 67.804. GENERAL PROVISIONS.

(a) Responsibility for Administration. This Chapter shall be administered for the County of San Diego by its designated Authorized Enforcement Officials.

(b) Construction and Application. Interpretation of the meanings of parts of this Chapter shall assure consistency with the purpose and intent of this Chapter.

(c) Severability and Validity. If any section of this Chapter is declared invalid by a court of law, the remaining sections shall still be considered valid.

(d) False Statements. Any falsification or misrepresentation made to the County concerning compliance with this Chapter, including any voluntary disclosures and including any report that is so deficient or incomplete as to cause misunderstanding, and any withholding of information required to be submitted by or pursuant to this Chapter, is a violation of this Chapter.

(e) Inspections. County representatives may enter any property or premises subject to this Chapter for the purpose of determining compliance with this Chapter.

Section 5. Section 67.807 of the San Diego County Code is hereby amended to read as follows:

SEC. 67.807. REQUIRED ACTIVITIES.

(a) All Dischargers. All Dischargers shall implement BMPs to reduce pollutant discharges in Stormwater to the MEP.

(b) Construction Activities. Any person or entity performing construction activities in the County, and any owners of land on which construction activity is performed, is a Discharger for purposes of this Ordinance, and shall implement BMPs to prevent and reduce pollutant discharges in Stormwater to the MEP. These BMPs must provide for erosion control, sediment control, and the prevention of non-Stormwater discharges associated with construction activities. BMPs must address the following areas, and additional areas as necessary to prevent and reduce pollutant discharges to the MEP:

- (1) stabilization of exposed soils and sediment trapping;
- (2) protection of adjacent property;
- (3) control of off-site erosion;
- (4) stabilization of temporary conveyance channels and outlets;
- (5) protection of storm drain inlets;

- (6) minimization of transport of sediment by construction vehicles;
- (7) control of discharges from construction site dewatering devices;
- (8) prevention of non-Stormwater discharges;
- (9) inspection and maintenance of BMP control devices to ensure functioning at design capacity.

An Authorized Enforcement Official may prepare, maintain and disseminate guidance documents identifying pollution prevention and control practices for construction activities and other activities that have been determined by the Authorized Enforcement Official to be effective and practicable in specified circumstances. An Authorized Enforcement Official may take any such guidance into account when determining whether any practice proposed in a grading plan, a SWPPP, or any other submittal, is a BMP that will prevent or control pollution to the MEP.

(c) Post-Construction BMPs for Development and Redevelopment. Land development and redevelopment projects shall be designed to include and implement BMPs to ensure that pollutants and runoff from the development will be reduced to the MEP and will not cause or contribute to an exceedance of receiving water quality objectives. Natural BMPs, such as wetlands, grassed swales, biofilters, wet ponds, and vegetated filter strips, shall be utilized whenever practicable for post-construction BMPs that are proposed by a discharger.

(d) Stormwater Pollution Prevention Plan (SWPPP). An Authorized Enforcement Official may require the preparation of a SWPPP to reduce spills, leakage, and/or release of Pollutants. Any Discharger required to obtain approval of an SWPPP shall implement and maintain the BMPs specified in the approved SWPPP.

The SWPPP shall generally meet the requirements of the State NPDES General Construction or Industrial Permits, if applicable, and shall identify the BMPs that will be used by the Discharger to prevent or control pollution of Stormwater to the MEP.

(e) Surface Maintenance and Cleaning. Surfaces shall be cleaned and maintained free of dirt, litter and other pollutants, particularly just prior to each wet season. Waste material from cleaning surfaces such as sidewalks, driveways, parking lots, and other surfaces are to be disposed of in a legal manner.

(f) Notification of Spills. Spills or releases of Pollutants shall be reported to the appropriate agencies within 24 hours. If safe to do so, necessary actions shall be taken to contain and minimize the spill or release.

(g) Testing, Monitoring, and Mitigation. Testing, monitoring, and/or mitigation (similar to State SWPPP requirements in the State Construction or Industrial Permits) may be ordered if:

(aa) Illegal Discharges have not been eliminated after written notice from an Authorized Enforcement Official; or

(bb) Repeated violations have been documented by written notices from Authorized Enforcement Officials.

(h) Monitoring Elements. Monitoring ordered pursuant to Section 67.807(b)1. may include the following:

(aa) Routine visual monitoring of dry weather flows;

(bb) Routine visual monitoring of premises for spills or Pollutant discharges;

(cc) A log of monitoring dates, potential Pollution sources noted above, and mitigation measures taken; and/or

(dd) Laboratory analyses for pollutants, if determined to be necessary.

(i) Cessation of Monitoring. Required sampling, testing, monitoring, and/or mitigation may be discontinued after conditions requiring monitoring no longer exist and the Authorized Enforcement Official has been provided written notice prior to cessation. The required activity may not cease if written notice to continue is issued by an Authorized Enforcement Official.

(j) Mitigation. All violations of Section 67.805 must be mitigated to the satisfaction of the Authorized Enforcement Official. Failure to mitigate a violation may result in enforcement actions taken against the violator.

(k) Requirements Imposed by Other Agencies. Discharges subject to this Ordinance must also comply with any other local, state or federal requirements applicable to the activities they

are conducting. Failure to comply shall be a violation of this Chapter.

(1) SWPPP Requirements. Operations subject to this Chapter must comply with any SWPPP prepared pursuant to this section or to a State NPDES Construction or NPDES Industrial Activity Permit. Failure to comply shall be a violation of this Chapter.

Section 6. Section 67.809 of the San Diego County Code is hereby amended to read as follows:

SEC. 67.809 ENFORCEMENT

Violations of this Chapter are deemed a threat to public health, safety, and welfare; and are identified as a public nuisance. This Chapter grants Authorized Enforcement Officials authority to enforce this chapter and abate public nuisances as follows:

(a) Administrative Authorities.

1. Cease and Desist Orders. Issue written and/or verbal orders to stop Illegal Discharges and/or remove Illegal Connections.
2. Notice and Order to Clean, Test, or Abate. Issue written and/or verbal orders to perform activities listed in Section 67.807 if Pollutants are detected.
3. Public Nuisance Abatement. If actions ordered under Sections 67.809(a)1. and 2. are not performed, the enforcement agency (or its contractor) may abate any public nuisance pursuant to the Uniform Public Nuisance Abatement Procedure (Section 16.201 and following of this Code).
4. Stop Work Orders. Whenever any work is being done contrary to the provisions of this Chapter, or other laws implemented through the enforcement of this Chapter, an Authorized Enforcement Official may order the work stopped by notice in writing served on any person engaged in the doing or causing such work to be done, and any such person shall immediately stop such work until authorized by the Authorized Enforcement Official to proceed with the work.

(b) Judicial Authorities.

1. Arrest or Issue Citations. If use of any administrative authority in Section 9.1 is not effective, the assistance of a peace officer may be enlisted to arrest violators as provided in California Penal Code, Chapter 5, 5c, and 5d, Title 3, Part 2 (or as amended) and/or a citation and notice to appear as prescribed in Chapter 5c of Title 3, Part 2 of the Penal Code, including Section 853.5 of the Penal Code are applicable to Authorized Enforcement Officials acting in course and scope pursuant to this Chapter.
2. Injunctive Relief. Any violation of this Chapter may be enforced by a judicial action for injunctive relief.

Section 7. Section 67.809.5 is hereby added to the San Diego County Code to read as follows:

SEC. 67.809.5 VIOLATION OF FEDERAL OR STATE REQUIREMENTS

Any violation of an applicable federal or state-issued Storm Water Permit, or any failure to conform to an applicable storm water pollution prevention plan (SWPPP) prepared pursuant to such a permit or pursuant to this Chapter, or any failure to comply with storm water-related provisions of a County-issued grading permit or of a grading plan prepared to secure such a permit, is also a violation of this Chapter. Potentially applicable federal or state-issued Storm Water Permits and requirements include but may not be limited to the state Industrial Activities Storm Water General Permit (State Water Resources Control Board (SWRCB) Order 97-03-DWQ, National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000001); the state General Permit for Construction Activities Associated With Construction Activities (SWRCB Order 99-08-DWQ, NPDES General Permit No. CAS000002); the State Ocean Plan, Inland Surface Waters Plan, or Enclosed Bays and Estuaries Plan; the State Comprehensive Water Quality Control Plan for the San Diego Basin; any applicable U.S. Environmental Protection Agency or state-issued multi-sector, group, or general permit; and the stormwater-related provisions of any NPDES permit or state-issued Waste Discharge Requirements permit issued to a specific facility; each as it now exists or may hereafter be amended or superseded.

Section 8. Section 67.811 of the San Diego County Code is hereby amended to read as follows:

SEC. 67.811. PENALTIES.

- (a) For Violations. All pollution detection and abatement costs are in addition to other penalties, shall be borne by the property owner, and may be made a lien against the property in accordance with the Uniform Public Nuisance Abatement Procedure (Section 16.201 and following of this Code).
- (b) For Misdemeanors. Non-compliance with any part of this Chapter constitutes a misdemeanor and may be enforced and punished as prescribed in the Penal Code and Government Code of the State of California.
- (c) For Infractions. The enforcement agency may charge any violation of this Chapter as an infraction at its discretion. Infractions may be abated as a nuisance or enforced and punished as prescribed in the Penal Code and Government Code of the State of California.
- (d) For Civil Actions. In addition to other penalties and remedies permitted in this Chapter, a violation of this Chapter may result in civil actions. Except where a maximum monetary amount is specified, the following may also be awarded without monetary limitations in any civil action:
  - 1. Injunctive relief;
  - 2. Costs to investigate, inspect, monitor, survey, or litigate;
  - 3. Costs to place or remove soils or erosion control materials, costs to correct any violation, and costs to end any adverse effects of a violation;
  - 4. Compensatory damages for losses to the County or any other plaintiff caused by violations; and/or
  - 5. Restitution to third parties for losses caused by violations.
  - 6. Civil Penalties. As part of a civil action filed by the County to enforce provisions of this Chapter, a



court may assess a maximum civil penalty of \$2500 per violation of this Chapter for each day during which any violation of any provision of this Chapter is committed, continued, permitted or maintained by such person(s).

In determining the amount of any civil liability to be imposed pursuant to this Chapter, the superior court shall take into consideration the nature, circumstances, extent, and gravity of the violation or violations, whether any discharge caused by the violation is susceptible to cleanup or abatement, and, with respect to the violator, the ability to pay, the effect on ability to continue in business, any voluntary cleanup efforts undertaken, any prior history of violations, the degree of culpability, economic savings, if any, resulting from the violation, and such other matters as justice may require.

- (e) Penalties and Remedies Not Exclusive. Penalties and remedies under this Article may be cumulative and in addition to other civil and criminal remedies.

Section 9. Section 87.104.5 is hereby added to the San Diego County Code to read as follows:

SEC. 87.104.5 GENERAL PROVISIONS.

- (a) False Statements. Any falsification or misrepresentation made to the County concerning compliance with this division, including any voluntary disclosures and including any report that is so deficient or incomplete as to cause misunderstanding, and any withholding of information required to be submitted by or pursuant to this division, is a violation of this division.
- (b) Inspections. County representatives may enter any property or premises subject to this division for the purpose of determining compliance with this division.

Section 10. Section 87.212 of the San Diego County Code is hereby amended to read as follows:

SEC. 87.212. REVOCATION OF PERMIT.

The Director of Public Works shall have the power to revoke any permit granted under the provisions of this chapter if said Director determines that said permit was obtained by fraud, or that one or more of the conditions upon which said permit was granted have been violated, or that the permittee fails or refuses to correct a deficiency or a hazard upon the receipt of written notice and within the time specified in such notices; or that the permittee fails or refuses to perform any of the work required or fails or refuses to conform with any of the standards established by a use permit; or that the permittee fails to submit all material necessary for approval of a reclamation plan pursuant to Chapter 7 of this Division within 120 days from the date the Director of Planning and Land Use requests in writing that such reclamation plan be submitted. A request that the Director of Public Works revoke said grading permit may be made by any County Officer; the request for revocation shall be in writing, and shall set forth the grounds upon which revocation is sought.

If a permit is revoked no further work shall be done upon the site except the correction of hazards, and the completion of any work required by the permittee's agreement. Every agreement and every security required by this division shall remain in full force and effect notwithstanding any such revocation.

Any hearing held pursuant to this chapter shall be a public hearing, unless a public hearing is waived in writing by the permittee. Request for revocation shall be directed to the Director of Public Works, who shall fix a time and place for the hearing to be published once in a newspaper of general circulation published in the County of San Diego. Said Director shall also notify the permittee of the time and place set for said hearing. Any interested person may appear at said hearing and present evidence. At the conclusion of a hearing on a request for revocation said Director may deny the request for revocation, grant the request for revocation, or modify existing conditions of or add new conditions to said permit. The decision of the Director shall be final.

Section 11. Section 87.304 of the San Diego County Code is hereby amended to read as follows:

SEC. 87.304. STORM DAMAGE PRECAUTIONS.

- (a) All persons performing any grading operations shall remove all loose dirt from the grading site and provide adequate anti-erosion or drainage devices, debris basins, or other

safety devices and take all safety precautions reasonably necessary to protect persons and property. All such persons shall put into effect all safety precautions which in the opinion of the County Official are necessary.

- (b) The County Official may prepare, maintain and disseminate guidance documents identifying pollution prevention and control practices for construction activities and other activities that have been determined by the County Official to be effective and practicable in specified circumstances. The County Official may take any such guidance into account when determining whether any practice proposed in a grading plan, or any other submittal, is in compliance with this division.

Section 12. Section 87.423 of the San Diego County Code is hereby amended to read as follows:

SEC. 87.423. RESPONSIBILITY OF PERMITTEE - COMPLIANCE WITH PLANS AND REQUIREMENTS.

All permits issued hereunder shall be deemed to include the provision that the permittee, his agent, contractors and employees, shall carry out the proposed work in accordance with the approved plans and specifications, where such approval is required, and in compliance with any applicable storm water pollution prevention plan (SWPPP) prepared and maintained pursuant to federal or state requirements or a County directive, and in compliance with all the requirements of the permit and this division. Failure to carry out the work in accordance with approved plans and specifications, the applicable SWPPP, and in compliance with all the requirements of the permit and this division shall be a violation of this division.

Section 13. Section 87.713.5 is hereby added to the San Diego County Code to read as follows:

SEC. 87.713.5 VIOLATION OF FEDERAL OR STATE REQUIREMENTS

Any violation of an applicable federal or state-issued Storm Water Permit, or any failure to conform to an applicable storm water pollution prevention plan (SWPPP) prepared pursuant to such a permit or pursuant to this division or Chapter 8 of Division 7 of Title 6 of the San Diego County Code; or any failure to comply with storm water-related provisions of a County-issued grading permit or of a grading plan prepared to secure such a permit, is also a violation of this division.

Potentially applicable federal or state-issued Storm Water Permits and requirements include but may not be limited to the state Industrial Activities Storm Water General Permit (State Water Resources Control Board (SWRCB) Order 97-03-DWQ, National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000001); the state General Permit for Construction Activities Associated With Construction Activities (SWRCB Order 99-08-DWQ, NPDES General Permit No. CAS000002); the State Ocean Plan, Inland Surface Waters Plan, or Enclosed Bays and Estuaries Plan; the State Comprehensive Water Quality Control Plan for the San Diego Basin; any applicable U.S. Environmental Protection Agency or state-issued multi-sector, group, or general permit; and the stormwater-related provisions of any NPDES permit or state-issued Waste Discharge Requirements permit issued to a specific facility; each as it now exists or may hereafter be amended or superseded.

Section 14. Section 87.714 of the San Diego County Code is hereby amended to read as follows:

SEC. 87.714 VIOLATION -- MISDEMEANOR UNLESS CHARGED AS  
INFRACTION

- (a) Any person violating any provision of this division shall be deemed guilty of a misdemeanor unless, in the discretion of the prosecutor, it is charged as an infraction.
- (b) Each day on which a violation occurs or continues shall constitute a separate offense and may be charged and punished separately without awaiting conviction on any prior offense.
- (c) Paying a fine or serving a jail sentence shall not relieve any person from responsibility for correcting any condition which violates any provision of this division.

Section 15. Section 87.715 of the San Diego County Code is hereby amended to read as follows:

SEC. 87.715. ENFORCEMENT PROVISIONS

- (a) The County Official and the Director of Planning and Land Use, each agent or deputy thereof who is assigned to duties which include the enforcement of this division and any peace officer are responsible for enforcing the provisions

of this division and the following provision of State law and which is incorporated by reference herein: Penal Code Section 148.

- (b) Injunctive Relief. Any violation of this division may be enforced by a judicial action for injunctive relief.
- (c) Civil Penalties. As part of a civil action filed by the County to enforce provisions of this division, a court may assess a maximum civil penalty of \$2500 per violation of this division for each day during which any violation of any provision of this division is committed, continued, permitted or maintained by such person(s).

In determining the amount of any civil liability to be imposed pursuant to this division, the superior court shall take into consideration the nature, circumstances, extent, and gravity of the violation or violations, whether any discharge caused by the violation is susceptible to cleanup or abatement, and, with respect to the violator, the ability to pay, the effect on ability to continue in business, any voluntary cleanup efforts undertaken, any prior history of violations, the degree of culpability, economic savings, if any, resulting from the violation, and such other matters as justice may require.

- (d) Stop Work Orders. Whenever any work is being done contrary to the provisions of this division, or other laws implemented through the enforcement of this division, the County Official and the Director of Planning and Land Use, and each agent or deputy thereof who is assigned to duties which include the enforcement of this division, may order the work stopped by notice in writing served on any person engaged in the doing or causing such work to be done, and any such person shall immediately stop such work until authorized to proceed with the work.
- (e) Cost Recovery. In addition to other penalties and remedies permitted in this division, the following costs may be awarded without monetary limitations in any civil action:
  - (1) Costs to investigate, inspect, monitor, survey, or litigate;
  - (2) Costs to place or remove soils or erosion control materials; costs to correct any violation; and costs to end any adverse effects of a violation;

(3) Compensatory damages for losses to the County or any other plaintiff caused by violations; and/or

(4) Restitution to third parties for losses caused by violations.

Section 16. Grading and Clearing Ordinance Revisions. Ordinance No. 7415 (New Series), as amended by Ordinances Nos. 7460 (New Series), and 8847 (New Series), is further amended as follows:

a. Section 2 (c) is amended to read as follows:

(c) All grading and clearing shall conform to the conditions of the authorizing permit, the waiver, or the exemption. All permits, waivers or exemptions issued shall be deemed to include the provision that the permittee, his agent, contractors and employees, shall carry out the proposed work in accordance with the approved plans and specifications, where such approval is required, and in compliance with any applicable storm water pollution prevention plan (SWPPP) prepared and maintained pursuant to federal or state requirements or a County directive, and in compliance with all the requirements of the permit and this Ordinance. Failure to carry out the work in accordance with approved plans and specifications, the applicable SWPPP, and in compliance with all the requirements of the permit and this Ordinance shall be a violation of this Ordinance.

b. Section 2 (e) is amended to read as follows:

(e) Violations.

(1) Any grading or clearing which is done in violation of subsections (2)(b), (2)(c) or (2)(d) of this Ordinance shall be a misdemeanor punishable by a one thousand dollar (\$1000) fine. Each day or any portion of a day that any person violates or continues to violate this Ordinance constitutes a separate offense and may be charged and punished separately without awaiting conviction on any prior offense. The penalties imposed by this subsection are in addition to penalties imposed under the County Code of Regulatory Ordinances and the Zoning Ordinance.

(2) Injunctive Relief. Any violation of this Ordinance may be enforced by a judicial action for injunctive relief.

(3) Civil Penalties. As part of a civil action filed by the County to enforce provisions of this Ordinance, a court may assess a maximum civil penalty of \$2500 per violation of this Ordinance for each day during which any violation of any provision of this Ordinance is committed, continued, permitted or maintained by such person(s).

In determining the amount of any civil liability to be imposed pursuant to this division, the superior court shall take into consideration the nature, circumstances, extent, and gravity of the violation or violations, whether any discharge caused by the violation is susceptible to cleanup or abatement, and, with respect to the violator, the ability to pay, the effect on ability to continue in business, any voluntary cleanup efforts undertaken, any prior history of violations, the degree of culpability, economic savings, if any, resulting from the violation, and such other matters as justice may require.

(4) Revocation Of Permit. After holding a public hearing, the Director of Public Works, or the Director of Planning and Land Use, may revoke a grading permit or an administrative permit and require mitigation and/or rehabilitation of the site when said Director determines that any grading or clearing has been done in violation of subsections (2)(b), (2)(c) or (2)(d) of this Ordinance. The Director shall fix a time and place for the hearing to be published once in a newspaper of general circulation published in the County of San Diego. The Director shall also notify the permittee of the time and place set for said hearing. Any interested person may appear at said hearing and present evidence. At the conclusion of said hearing, the Director may deny the revocation, grant the revocation, or modify existing conditions of or add new conditions to said permit. The decision of the Director shall be final.

(5) Public Nuisance Abatement. In addition to any penalty prescribed for violation of this Ordinance, any grading or clearing done contrary to the provisions of this Ordinance is unlawful and a public nuisance. A public nuisance may be abated in accordance with the Uniform Public Nuisance Abatement Procedure contained in Chapter 2, Division 6, Title 1 (commencing with Section 16.201) of the San Diego County Code.

(6) Stop Work Orders. Whenever any work is being done contrary to the provisions of this Ordinance, or other laws implemented through the enforcement of this Ordinance, the Director of Public Works, or the Director of Planning and Land

Use, may order the work stopped by notice in writing served on any person engaged in the doing or causing such work to be done, and any such person shall immediately stop such work until authorized to proceed with the work.

(7) Cost Recovery. In addition to other penalties and remedies permitted in this Ordinance, a violation of this Ordinance may also result in the following costs being awarded without monetary limitations through civil action:

(i) Costs to investigate, inspect, monitor, survey, or litigate;

(ii) Costs to remove, correct, or end adverse effects; and/or

(iii) Compensatory damages for losses caused by violations.

(8) Violation Of Federal Or State Requirements. Any violation of an applicable federal or state-issued Storm Water Permit, or any failure to conform to an applicable storm water pollution prevention plan (SWPPP) prepared pursuant to such a permit or pursuant to this Ordinance, or any failure to comply with storm water-related provisions of a County-issued grading permit or of a grading plan prepared to secure such a permit, is also a violation of this Ordinance. Potentially applicable federal or state-issued Storm Water Permits include but may not be limited to the state Industrial Activities Storm Water General Permit (State Water Resources Control Board (SWRCB) Order 97-03-DWQ, National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000001); the state General Permit for Construction Activities Associated With Construction Activities (SWRCB Order 99-08-DWQ, NPDES General Permit No. CAS000002); any applicable U.S. Environmental Protection Agency or state-issued multi-sector, group, or general permit; and the stormwater-related provisions of any NPDES permit or state-issued Waste Discharge Requirements permit issued to a specific facility; each as it now exists or may hereafter be amended or superseded.

c. Section 4 is amended to read as follows:

Section 4. A decision by a County official that a violation of this ordinance has occurred may be appealed pursuant to Zoning Ordinance sections 7200-7206, except that any stop work order issued pursuant to section 2(e)(6) of this



Ordinance shall not be stayed pending an appeal if issued to prevent erosion or water contamination or to protect public health and safety.

Section 17. This ordinance shall take effect and be in force thirty days after its passage, and before the expiration of fifteen days after its passage, a summary hereof shall be published once with the names of the members of this Board voting for and against it in the San Diego Commerce, a newspaper of general circulation published in the County of San Diego.

PASSED, APPROVED AND ADOPTED this 23<sup>rd</sup> day of May, 2001.