

Summary of Ordinance No. 2012

This is a summary of Ordinance No. 2012 which amends Title VIII (Planning and Zoning) of the Fremont Municipal Code by the addition of Chapter 11, entitled “Storm Water Management and Discharge Control.” This ordinance was adopted by the City Council of the City of Fremont on June 16, 1992 and became effective on July 16, 1992. Simply stated, the ordinance says, **ONLY CLEAN WATER MAY BE DISCHARGED TO THE CITY’S STORM DRAIN SYSTEM.**

Article I – Purpose and Intent

The purpose of this chapter is to ensure the future health, safety, and general welfare of City of Fremont citizens by reducing to the maximum extent practicable non-storm water and other pollutants discharges to the City storm drain system.

It is also to protect and enhance the water quality of our watercourses, water bodies, and wetlands in a manner pursuant to and consistent with the Federal Clean Water.



Article II

Discharges that are prohibited in the ordinance:

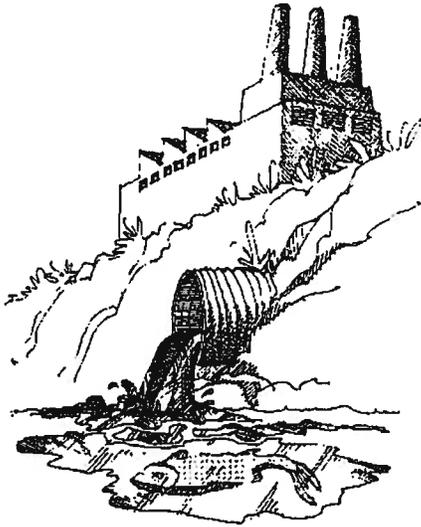
All materials other than water and most non-storm water discharges to the City storm drain system are prohibited. Such discharges through existing connections to the storm drain system or discharges allowed in the past are now

prohibited. These materials cannot be placed in a storm drain facility (inlet or channel), washed or hosed off pavement and sidewalks to the storm drain, or placed where it can be picked up by rain water and carried to the storm drain system.

Anyone engaged in activities which may result in pollutants entering the City storm drain system shall undertake all practical measures to reduce such pollutants. This includes good housekeeping practices like dry sweeping outside areas and properly disposing of wastes. Materials that cannot be recycled or reused must be taken to an appropriate landfill or disposed of as a hazardous waste. **Examples of common violations are:**

- Automotive fluids including used oil, antifreeze, brake fluid, transmission fluid, and gasoline from dumping or leakage.
- Metals found in vehicle exhaust, weathered paint, tires, motor oil, and industrial wastes, such as metal plating wastes.
- Pesticides, herbicides, and fertilizers from lawns, gardens, farms, and improper disposal.
- Soil erosion from hillsides and construction activities.
- Biological contaminants from litter, organic matter, and animal wastes. This includes leakage from dumpsters.
- Lawn clippings, leaves, and other garden debris swept into the street gutter.
- Litter such as food wrappers, newspapers, cans, bottles, etc.

- Paints, solvents, insecticides, soaps, and other household chemicals.
- Construction materials such as saw cut slurry, stockpiled materials, excess concrete, and asphalt.
- Chlorinated swimming pool water.
- Detergents and wastes removed by washing activities such as car washes, mobile carpet cleaners, etc. Even biodegradable soaps are toxic and prohibited.



Discharges allowed in the ordinance:

Discharges from the following activities *are* allowed *when properly managed*:

- Water line flushing and other discharges from potable water sources.
- Landscape irrigation and lawn watering.
- Irrigation water, diverted stream flows, rising ground waters, or natural springs.
- Ground water infiltration to separate storm drains.

- Uncontaminated pumped ground water.
- Foundation and footing drains or water from crawl space pumps.
- Air conditioning condensation.
- Individual residential car washing.
- De-chlorinated swimming pool discharges.
- Flows from fire fighting.

Requirements for select situations include:

- Businesses with a paved area shall clean such areas as frequently and thoroughly as practicable in a manner that does not result in discharge of pollutants to the City storm drain system.
- Every person owning property through which a watercourse passes must keep the watercourse reasonably free of trash, debris, excessive vegetation, and other obstacles which would cause pollution or significantly retard the flow of water.
- Where best management practices (BMPs) for any type of activity or operation have been adopted by a government agency, every person undertaking such activity or operation shall use these BMPs to reduce or eliminate pollution discharge to the City's storm drain system.
- All persons in charge of a facility or responsible for emergency response have a personal responsibility to train their personnel and maintain notification procedures to assure immediate notification is provided to City of any suspected or actual release of pollutants or waste into the City storm drain system.

Article III – Enforcement Personnel Have Authority

- To gain access to a property whenever it is necessary to make an inspection to enforce the ordinance, after going through the proper channels.
- To obtain Inspection Warrants.
- To sample and establish sampling devices.
- Bring civil action against a violator such as injunction and assessment of costs of the inspection sampling, abatement, and for damages.
- To issue citations.
- Administrative actions such as issuing Cease and Desist orders and a Notice to Clean.

- Determine the violation is a threat to the public’s health, safety, and welfare and declaring it a nuisance to cause it to be abated as set forth in the ordinance.

Penalties set forth in the ordinance:

The violation of any provision of this chapter, or failure to comply with any of the mandatory requirements of this chapter shall constitute a misdemeanor.

Any person violating or failing to comply with the provisions of this ordinance could be subject to payment of a fine, or imprisonment, as set forth in California Government Code Section 36901.

In addition, any violation of this ordinance may be enforced by civil action brought by the City.

This document is a summary of Ordinance No. 2012. Anyone who has questions or wishes to obtain the complete ordinance should contact the City of Fremont Environmental Services, Clean Water Program, at (510) 494-4570. Located at 39550 Liberty Street, 2nd floor. Hours are Monday through Friday from 8:00 a.m. to 5:00 p.m.

