

NOVATO SANITARY DISTRICT

ORDINANCE NO. 78

AN ORDINANCE AMENDING ORDINANCE NO. 70, THE
SANITARY CODE OF THE NOVATO SANITARY DISTRICT
ADOPTED APRIL 22, 1991

The Board of Directors of Novato Sanitary District of Marin County, California, does ordain as follows:

Section 1. Sections 910 and 911 of Ordinance 70, the Sanitary Code of the Novato Sanitary District, adopted April 22, 1991, shall be, and said sections are hereby, amended to read as follows, and Section 912 shall be, and said section is hereby, added as follows:

"Sec. 910. Civil Penalties. In addition to other charges provided for in this Ordinance, Section 54740 of the Government Code of the State of California provides that any person who violates any provision of this Ordinance, requirements, or conditions set forth in permits duly issued, or who discharges wastewater which causes pollution, or violates any prohibition, effluent limitation, national standard of performance, pretreatment or toxicity standard, may be assessed civil penalties of not less than One Thousand Dollars (\$1,000) nor more than Twenty-Five Thousand Dollars (\$25,000) for each offense. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties provided herein, the District may recover reasonable attorneys' fees, court costs, court reporters' fees and other expenses of litigation by appropriate suit at law against the person found to have violated this Ordinance or the orders, rules, regulations, and permits issued hereunder. The District may petition the superior court to impose, assess, and recover the sums assessed."

"Sec. 911. Civil Penalties Imposed by District. Section 54740.5 of the Government Code of the State of California provides that the District may issue an administrative complaint to any person who violates pretreatment standards or discharge requirements. The administrative complaint shall be served by personal delivery or certified mail on the person subject to the District's discharge requirements, and shall inform the person served that a hearing shall be conducted within 60 days after the person has been served. The hearing shall be before the Manager-Engineer, the hearing officer designated by the District Board of Directors. The person may waive the right to a hearing. The decision of the hearing officer may be appealed to the District Board of Directors within 30 days of notice of the hearing officer's decision.

Section 54740.5 of the Government Code of the State of California provides that the District may assess civil penalties against a person, if, after a hearing, or appeal, if any, it is found that pretreatment reporting or discharge requirements have been violated. Civil penalties may be imposed by the District as follows:

- (a) In an amount which shall not exceed Two Thousand Dollars (\$2,000) for each day for failing or refusing to furnish technical or monitoring reports.
- (b) In an amount which shall not exceed Three Thousand Dollars (\$3,000) for each day for failing or refusing to timely comply with any compliance schedule established by the District.
- (c) In an amount which shall not exceed Five Thousand Dollars (\$5,000) per violation for each day for discharges in violation of any waste discharge limitation, permit condition, or requirement issued, reissued, or adopted by the District.

- (d) In an amount which does not exceed Ten Dollars (\$10) per gallon for discharges in violation of any suspension, cease and desist order or other orders, or prohibition issued, reissued, or adopted by the District.
- (e) The amount of any civil penalties imposed under this section which have remained delinquent shall constitute a lien against the real property of the discharger from which the discharge originated resulting in the imposition of the civil penalty."

"Sec. 912. Falsifying Information. Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this Ordinance, or Non-Domestic Sewer Use Permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Ordinance, shall, upon conviction, be punished by a fine of not more than One Thousand Dollars (\$1,000) or by imprisonment for not more than thirty (30) days, or by both."

Section 2. If any section, subsection, sentence, clause or phrase of this Ordinance or the application thereof to any person or circumstance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance or the application of such provision to other persons or circumstances. The Board hereby declares that it would have passed this ordinance or any section, subsection, sentence, clause or phrase hereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared to be unconstitutional.

Section 3. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.

Section 4. Upon adoption this Ordinance shall be entered in full in the minutes of the District Board, shall be published once in the MARIN INDEPENDENT JOURNAL, a daily newspaper of general circulation published in the District, and shall be posted in three (3) public places in the District, and shall take effect on April 1, 1994.

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PASSED AND ADOPTED at a regular meeting of the Board of Directors of the Novato Sanitary duly held on the 28th day of February, 1994, by the following vote:

AYES, and in favor thereof, Members: Knutson, Quesada, Renati, Silveira and York

NOES, Members: None

ABSENT, Members: None

signature on file

President

ATTEST:

signature on file

Secretary