

# City of Brisbane

## Agenda Report

TO: Honorable Mayor and City Council

FROM: Randy Breault, Director of Public Works/City Engineer via City Manager

SUBJECT: Amendments to Title 13 “Public Services” of the Municipal Code

DATE: October 20, 2016

### **City Council Goals:**

To develop plans and pursue opportunities to protect natural resources. (#8)

### **Purpose:**

The changes proposed in this ordinance will assist staff with mitigating the flow of vehicle fluids into the San Francisco Bay, which is consistent with the city’s desire to provide stewardship of the natural environment.

### **Recommendation:**

Introduce Ordinance 610, waiving first reading, amending Title 13 of the Municipal Code concerning “Storm Water Management and Discharge Control”.

### **Background:**

Chapter 13.06 of the Municipal Code is consistent with the requirements of the federal Clean Water Act, and its enforcement locally by the State Water Resources Control Board and its Regional Water Quality Control Board, both pursuant to the California Porter-Cologne Water Quality Control Act.

One area the chapter does not presently address is the pollution potential from leaking vehicles. The ordinance proposes to include specific language prohibiting the unreasonable discharge of vehicle fluids. Additionally, the ordinance includes language that identifies responsibility for clean-up of accidentally discharged waste, and a duty to notify the city if the discharger is unable to clean-up the waste. Lastly, in the event where the city’s administrative citations are not adequate to compel a vehicle owner to comply with the prohibition on discharging vehicle fluids, towing of the offending vehicle will be available as an enforcement mechanism.

**Discussion:**

With the city's storm sewer system directly connected to the bay, it is fortunate that the majority of vehicle owners are responsible, and when notified about leaking vehicle fluids tend to take appropriate action to mitigate the issue. Unfortunately, staff does regularly deal with owners who have neither the intent nor means to adequately maintain their vehicles, and much time is spent chasing the "gross" leakers.

**Fiscal Impact:**


This item is not intended to be revenue producing, and because staff already actively addresses the owners of leaking vehicles, it is not expected to have any additional demand on existing city resources.

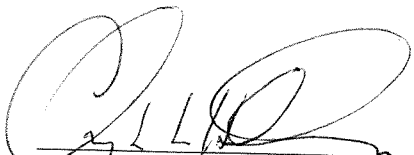
**Measure of Success**

A city gutter system that remains generally free of egregious quantities of vehicle fluids, and thus, the reduction of pollutants into the bay.

**Attachments:**

Ordinance No. 610

  
\_\_\_\_\_  
Director of Public Works/City Engineer

  
\_\_\_\_\_  
Clay Holstine, City Manager

**ORDINANCE NO. 610**

**AN ORDINANCE OF THE CITY OF BRISBANE  
AMENDING TITLE 13 OF THE MUNICIPAL CODE  
PERTAINING TO STORM WATER MANAGEMENT AND  
DISCHARGE CONTROL**

**The City Council of the City of Brisbane hereby ordains as follows:**

**SECTION 1:           The following sections are added to Chapter 13.06 of Title 13 of the  
Municipal Code:**

**§13.06.135 - Discharge of vehicle fluids prohibited.**

No person shall park a vehicle on a highway, as defined in Section 360 of the California Vehicle Code, or on private or public property unless the vehicle is maintained so as to prevent unreasonable leakage of oil, water or other fluids from the vehicle onto the highway.

**§13.06.142 - Clean-up of spilled or accidentally discharged wastes.**

Any person delivering, hauling, disposing, storing, discharging or otherwise handling hazardous materials or potentially polluting substances, solid or liquid, such as, but not limited to the following: fuel oil, gasoline, solvents, industrial liquids or fluids, milk, grease trap and catch-basin wastes, oil or petroleum wastes, shall immediately clean up any such spilled materials or substances to prevent such materials or substances becoming a hazard to health or safety or, directly or indirectly, permitting such materials or substances to enter the city's storm sewer system.

**§13.06.144 - Duty of notification.**

Spills or accidental releases of hazardous materials or potentially polluting substances that cannot adequately be cleaned by the responsible person to

prevent such materials or substances from becoming a hazard to health or safety, or to prevent such materials or substances from direct or indirect entry to the city's storm sewer system, shall be reported immediately to the city by the responsible person by telephoning 911, and confirming the notification by written correspondence to the City of Brisbane Public Works Department.

**§13.06.285 - Towing of vehicles responsible for unreasonable leakage.**

In addition to any other remedies provided to the Director of Public Works under the penalty provisions of this Code for violations of the Code, if the city's Director of Public Works or his/her designee determines that a specific vehicle's unreasonable leakage of oils, water or other fluids creates or continues to create an imminent discharge of hazardous materials or pollutants to the city's storm sewer system, the Director, after taking reasonable steps to determine and/or notify the registered owner of the vehicle that the ordinance has been violated may request the Brisbane Police Department to tow and impound said vehicle.

**SECTION 2:** If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Brisbane hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases may be held invalid or unconstitutional.

**SECTION 3:** This Ordinance shall be in full force and effect thirty days after its passage and adoption.

\* \* \* \*

/

/

/

/

/

The above and foregoing Ordinance was regularly introduced and after the waiting time required by law, was thereafter passed and adopted at a regular meeting of the City Council of the City of Brisbane held on the \_\_\_\_\_ day of \_\_\_\_\_, 2016, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
Clifford R. Lentz, Mayor

ATTEST:

\_\_\_\_\_  
Sheri Marie Spediacci, City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_