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Chapter 8.32 STORM WATER MANAGEMENT AND POLLUTION CONTROL ^[5]



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8.32.010 Title.

This chapter shall be known as the "City of Rolling Hills Storm Water Management and Pollution Control Ordinance."

(Ord. No. 334, § 3(Exh. A), 6-24-2013)

8.32.020 Findings.

- A. The Federal Clean Water Act (33 U.S.C. Sections 1251, et seq.) provides for the regulation and reduction of pollutants discharged into the waters of the United States by extending National Pollutant Discharge Elimination System (hereinafter "NPDES") requirements to storm water and dry weather runoff discharge into storm drain systems.
- B. Storm water and dry weather runoff flows from individual properties in the City into natural drainage courses and storm drains owned by other agencies prior to reaching surface waters also known as receiving waters.
- C. The City of Rolling Hills is a co-permittee under the Municipal NPDES Permit authorized by the Federal Clean Water Act. As a co-permittee, the City is required to maintain adequate legal authority within its respective jurisdiction to control pollutant discharges and to require the use of control measures to prevent or reduce the discharge of pollutants to achieve water quality standards.
- D. In order to control, in a cost-effective manner, the quantity and quality of storm water and dry weather runoff to the maximum extent practicable, the adoption of reasonable regulations, as set forth herein, is essential.
- E. The City of Rolling Hills is a unique, low density residential community where development consists of single-family residential homes on large estate-size lots; the only nonresidential development in the City consists of City administration buildings, a fire station, water reservoirs, and a public school campus.

- F. All roadways in the City are privately owned and maintained by the Rolling Hills Community Association. The City of Rolling Hills does not own or operate a municipal separate storm sewer system. Natural drainage courses within the City are located on private property.
- G. Properties with geologic instability throughout the City and the hillside topography of the entire community make it difficult and in some instances hazardous for property owners to have storm water retention on site if such retention will result in absorption of water in slide planes.
- H. All the properties within the City limits are under the constraints and limitations of CC&Rs of the Rolling Hills Community Association.

(Ord. No. 334, § 3(Exh. A), 6-24-2013)

8.32.030 Purpose and intent.

- A. The purpose of this chapter is to comply with the Federal Clean Water Act, the California Porter-Cologne Water Quality Control Act, and the Municipal NPDES Permit by:
 1. Reducing pollutants in storm water discharge to the maximum extent practicable;
 2. Regulating illicit connections and illicit discharges and thereby reducing the level of contamination of storm water and dry weather runoff into receiving waters; and
 3. Regulating non-storm water discharges to the storm sewer system.
- B. The intent of this chapter is to:
 1. Protect and enhance the quality of watercourses, water bodies, and wetlands within the City in a manner consistent with the Federal Clean Water Act, the California Porter-Cologne Water Quality Control Act and the Municipal NPDES Permit;
 2. Provide the City with the legal authority necessary to implement and enforce the requirements contained in 40 CFR § 122.26(d)(2)(i)(A—F) and in the Municipal NPDES Permit to the extent they are applicable in the City of Rolling Hills; and
 3. Set forth compliance measures for the construction and operation of storm water mitigation measures required for certain "New Development" and "Redevelopment", and other projects (as further defined herein) as prescribed in the current version of the Municipal NPDES Permit approved by the Regional Water Quality Control Board-Los Angeles Region, and on file in the office of the City Clerk of this City. This chapter authorizes the City Manager or his/her designee to serve as an authorized enforcement officer to define and adopt applicable Best Management Practices (BMPs) and other storm water pollution control measures, to grant emergency self-waivers, as necessary, and to cite infractions and to impose fines pursuant to this chapter. Except as otherwise provided herein, the authorized enforcement officer shall administer, implement, and enforce the provisions of this section.

(Ord. No. 334, § 3(Exh. A), 6-24-2013)

8.32.040 Definitions.

Except as specifically provided herein, any term used in this chapter shall be defined as that term defined in the current Municipal NPDES Permit, or if it is not specifically defined in the Municipal NPDES Permit, then as such term is defined in the Federal Clean Water Act, as amended, and/or the regulations promulgated thereunder. The following definitions apply to this chapter only:

"Area susceptible to runoff" means any surface directly exposed to precipitation or in the path of runoff caused by precipitation.

"Authorized enforcement officer" means the City Manager or his or her designee. "Best Management Practices (BMPs)" means practices or physical devices or systems designed to prevent or reduce pollutant loading from storm water or non-storm water discharges to receiving waters, or designed to reduce the volume of storm water or non-storm water discharged to the receiving water. Examples of BMPs may include public education and outreach, proper planning of development projects, and proper sludge- or waste-handling and disposal, among others.

"City" means the City of Rolling Hills.

"Construction" means any construction or demolition activity, clearing, grading, grubbing, excavation, or any other activities that result in soil disturbance. Construction includes structure teardown and demolition. It does not include routine maintenance activities required to maintain the integrity of structures by performing minor repair and restoration work, original line and grade, hydraulic capacity, or original purpose of facility; emergency construction activities required to immediately protect public health and safety (including fire prevention); clearing and grubbing of vegetation for landscape maintenance and fire prevention which is not associated with a larger construction project; interior remodeling with no outside exposure of construction material or construction waste to storm water; mechanical permit work; or sign permit work. See "Routine Maintenance" definition below.

"Construction General Permit" means the NPDES General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities, Order No. 2009-0009-DWQ (NPDES No. CAS000002), adopted September 2, 2009, and any successor permit to that permit.

"Control" means to minimize, reduce, eliminate, or prohibit by technological, legal, contractual or other means, the discharge of pollutants from an activity or activities.

"Development" means any construction, rehabilitation, redevelopment or reconstruction of any public or private residential project or mass grading for future construction. It does not include routine maintenance to maintain original line and grade, hydraulic capacity, or original purpose of facility, nor does it include emergency construction activities required to immediately protect public health and safety.

"Directly Adjacent" means situated within two hundred feet of the contiguous zone required for the continued maintenance, function, and structural stability of the environmentally sensitive area.

"Director" means the City Manager or his or her designee.

"Discharge" means when used without qualification the "discharge of a pollutant."

"Discharging directly" means outflow from a drainage conveyance system that is composed entirely or predominantly of flows from the subject, property, development, subdivision, or industrial facility, and not commingled with the flows from adjacent lands.

"Discharge of a Pollutant" means: any addition of any "pollutant" or combination of pollutants to "waters of the United States" from any "point source" or, any addition of any pollutant or combination of pollutants to the waters of the "contiguous zone" or the ocean from any point source other than a vessel or other floating craft which is being used as a means of transportation. The term discharge includes additions of pollutants into waters of the United States from: surface runoff which is collected or channeled by man; discharges through pipes, sewers, or other conveyances owned by a State, municipality, or other person which do not lead to a treatment works; and discharges through pipes, sewers, or other conveyances,

leading into privately owned treatment works.

"Discretionary project" is defined in the same manner as Section 15357 of the Guidelines For Implementation Of The California Environmental Quality Act contained in Title 14 of the California Code Of Regulations, as amended, and means a project which requires the exercise of judgment or deliberation when the City decides to approve or disapprove a particular activity, as distinguished from situations where the City merely has to determine whether there has been conformity with applicable statutes, ordinances, or regulations.

"Disturbed Area" means an area that is altered as a result of clearing, grading, and/or excavation, unless solely for the purposes of landscape maintenance or fire prevention.

"Environmentally Sensitive Area" ("ESA") means an area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which would be easily disturbed or degraded by human activities and developments (California Public Resources Code § 30107.5). Areas subject to storm water mitigation requirements are areas designated as Significant Ecological Areas by the County of Los Angeles (Los Angeles County Significant Areas Study, Los Angeles County Department of Regional Planning (1976) and amendments); an area designated as a Significant Natural Area by the California Department of Fish and Game's Significant Natural Areas Program, provided that area has been field verified by the Department of Fish and Game; an area listed in the Basin Plan as supporting the Rare, Threatened, or Endangered Species (RARE) beneficial use; and an area identified by the City as environmentally sensitive.

"Good housekeeping practices" means common practices related to the storage, use or cleanup of materials, performed in a manner that minimizes the discharge of pollutants. Examples include, but are not limited to, purchasing only the quantity of materials to be used at a given time, use of alternative and less environmentally harmful products, cleaning up spills and leaks, and storing materials in a manner that will contain any leaks or spills.

"Hillside" means property located in an area with known erosive soil conditions, where the development contemplates grading on any natural slope that is twenty-five percent or greater and where grading contemplates cut or fill slopes.

"Illicit connection" means any human-made conveyance that is connected to the storm drain system without a permit, excluding roof-drains and other similar type connections. Examples include channels, pipelines, conduits, inlets or outlets that are connected directly to the storm drain system.

"Illicit discharge" means any discharge to the storm drain system that is prohibited under local, state or federal statutes, ordinances, codes or regulations. The term illicit discharge includes all non-storm water discharges except authorized non-storm water discharges; conditionally exempt non-storm water discharges; and non-storm water discharges resulting from natural flows specifically identified in the Municipal NPDES Permit.

"Infiltration" means the downward entry of water into the surface of the soil.

"Inspection" means entry and the conduct of an on-site review of structures and devices on a property, at reasonable times, to determine compliance with specific municipal or other legal requirements. The steps involved in performing an inspection, include, but are not limited to:

1. Pre-inspection documentation research;
2. Request for entry;
3. Interview of property owner, resident and/or occupant(s);
4. Property walk-through;
5. Visual observation of the condition of property;
6. Examination and copying of records as required;
7. Sample collection (if necessary or required);
8. Exit discussion (to discuss preliminary evaluation) as appropriate; and
9. Report preparation, and if appropriate, recommendations for coming into compliance.

"Low Impact Development (LID)" means building or landscape features designed to retain or filter storm water runoff.

"Material" means any substance including, but not limited to: garbage and debris; lawn clippings, leaves and other vegetation; biological and fecal waste; sediment and sludge; oil and grease; gasoline; paints, solvents, cleaners and any fluid or solid containing chemicals.

"Municipal NPDES Permit" means the "Waste Discharge Requirements for Municipal Separate Storm Sewer System (MS4) Discharges within the Coastal Watersheds of Los Angeles County, Except Those Discharges Originating from the City of Long Beach MS4" (Order No. R4-2012-0175), NPDES Permit No. CAS004001, effective December 28, 2012, issued by the California Regional Water Quality Control Board—Los Angeles Region, and any successor permit to that permit.

"Municipal separate storm sewer system" or "MS4" means a conveyance or system of conveyances (consisting of roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains):

1. Owned or operated by a state, city, town borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA that discharges to waters of the United States;
2. Designed or used for collecting or conveying storm water;
3. Which is not a combined sewer; and
4. Which is not part of a Publicly Owned Treatment Works (POTW) as defined in 40 CFR 122.2.

"Natural Drainage Systems" means all drainages that have not been improved (e.g., channelized or armored with concrete, shotcrete, or rip-rap) or drainage systems that are tributary to a natural drainage system.

"New development" means land disturbing activities; structural development, including construction or installation of a building or structure, creation of impervious surfaces; and land subdivision. "New development is not land disturbing activities solely involving landscaping or fire prevention.

"Non-storm water discharge" means any discharge into the MS4 or from the MS4 into a receiving water that is not composed entirely of storm water.

"NPDES" or "National Pollutant Discharge Elimination System" means the national program for issuing, modifying, and revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under Clean Water Act Section 307, 402, 318, and 405.

"Pollutant" means those "pollutants" defined in Section 502(6) of the Federal Clean Water Act (33 U.S.C. Section 1362(6)), or incorporated into California Water Code Section 13373. Examples of pollutants include, but are not limited to the following:

1. Commercial and industrial waste (such as fuels, solvents, detergents, plastic pellets, hazardous substances, fertilizers, pesticides, slag, ash and sludge);
2. Metals such as cadmium, lead, zinc, copper, silver, nickel, chromium; and non-metals such as phosphorus and arsenic;
3. Petroleum hydrocarbons (such as fuels, lubricants, surfactants, waste oils, solvents, coolants and grease);
4. Excessive eroded soils, sediment and particulate materials in amounts which may adversely affect the beneficial use of the receiving waters, flora or fauna of the State;
5. Animal wastes (such as discharge from confinement facilities, kennels, pens, recreational facilities, stables and show facilities);
6. Substances having characteristics such as pH less than six or greater than nine, or unusual coloration or turbidity, or excessive levels of fecal coliform, or fecal streptococcus, or enterococcus.

"Project" means all development, redevelopment, and land disturbing activities excluding landscaping projects.

"Rain event" means a rainfall event that produces more than 0.1 inch of precipitation in twenty-four hours unless specifically stated otherwise.

"Redevelopment" means, land-disturbing activity that results in the creation, addition, or replacement of ten thousand square feet or more of impervious surface on existing single family dwelling and accessory structures or the creation, addition, or replacement of five thousand square feet or more of impervious surface area on an already developed site for non-single family projects. Redevelopment includes, but is not limited to: the expansion of a building footprint; addition or replacement of a structure; replacement of impervious surface area that is not part of a routine maintenance activity; and land disturbing activities related to structural or impervious surfaces. It does not include routine maintenance to maintain original line and grade, hydraulic capacity, or original purpose of facility, nor does it include emergency construction activities required to immediately protect public health and safety.

"Regional Board" means the California Regional Water Quality Control Board-Los Angeles Region.

"Routine Maintenance" includes, but is not limited to projects conducted to:

1. Maintain the original line and grade, hydraulic capacity, or original purpose of the facility;
2. Perform as needed restoration work to preserve the original design grade, integrity and hydraulic capacity of flood control facilities;
3. Carry out road shoulder work, regrading dirt or gravel roadways and shoulders and performing ditch cleanouts;
4. Update existing lines and facilities, including the replacement of existing lines with new

- materials or pipes, to comply with applicable codes, standards, and regulations regardless if such projects result in increased capacity;
5. Repair leaks;
 6. Conduct landscaping activities without changing existing or natural grades; and
 7. Conduct disking and grubbing for fire prevention.

Routine maintenance does not include construction of new lines or facilities resulting from compliance with applicable codes, standards and regulations. New lines are those that are not associated with existing facilities and are not part of a project to update or replace existing lines.

"Runoff" means any runoff including storm water and dry weather flows from a drainage area that reaches a receiving water body or subsurface. During dry weather it is typically comprised of base flow either contaminated with pollutants or uncontaminated, and nuisance flows.

"Significant Ecological Area" means an area that is determined to possess an example of biotic resources that cumulatively represent biological diversity, for the purposes of protecting biotic diversity, as part of the Los Angeles County General Plan. Areas are designated as SEAs, if they possess one or more of the following criteria:

1. The habitat of rare, endangered, and threatened plant and animal species;
2. Biotic communities, vegetative associations, and habitat of plant and animal species that are either one of a kind, or are restricted in distribution on a regional basis;
3. Biotic communities, vegetative associations, and habitat of plant and animal species that are either one of a kind or are restricted in distribution in Los Angeles County;
4. Habitat that at some point in the life cycle of a species or group of species, serves as a concentrated breeding, feeding, resting, migrating grounds and is limited in availability either regionally or within Los Angeles County;
5. Biotic resources that are of scientific interest because they are either an extreme in physical/geographical limitations, or represent an unusual variation in a population or community;
6. Areas important as game species habitat or as fisheries;
7. Areas that would provide for the preservation of relatively undisturbed examples of natural biotic communities in Los Angeles County; and
8. Special areas.

"Simple LID BMP" means a BMP constructed above ground on a single-family residential home that can be readily inspected by a homeowner or inspector. Simple LID BMPs do not require an operation and maintenance plan per the Municipal NPDES Permit. Examples of such BMPs include, but are not limited to, vegetated swales, rain barrels and above ground cisterns, rain gardens, and pervious pavement.

"Site" means the land or water area where any "structure or activity" is physically located or conducted, including adjacent land used in connection with the structure or activity.

"Source control BMP" means any schedule of activities, prohibition of practices, maintenance procedures, managerial practices or operational practices that aim to prevent storm water pollution by reducing the potential for contamination at the source of pollution.

"Storm water" means storm water runoff and surface runoff and drainage related to precipitation

events (pursuant to 40 CFR § 122.26(b)(13); 55 Fed. Reg. 47990, 47996 (Nov. 16, 1990)).

"Structural BMP" means any structural facility designed and constructed to mitigate the adverse impacts of storm water and dry weather runoff pollution (e.g. canopy, structural enclosure). Structural BMPs may include both treatment control BMPs and source control BMPs.

"Treatment" means the application of engineered systems that use physical, chemical, or biological processes to remove pollutants. Such processes include, but are not limited to, filtration, gravity settling, media adsorption, biodegradation, biological uptake, chemical oxidation and UV radiation.

"Treatment control BMP" means any engineered system designed to remove pollutants by simple gravity settling of particulate pollutants, filtration, biological uptake, media adsorption or any other physical, biological, or chemical process.

(Ord. No. 334, § 3(Exh. A), 6-24-2013)

8.32.050 Construction and application.

This chapter shall be construed to assure consistency with the requirements of the Federal Clean Water Act and acts amendatory thereof or supplementary thereto, applicable implementing regulations, and the Municipal NPDES Permit, and any amendment, revision or reissuance thereof.

(Ord. No. 334, § 3(Exh. A), 6-24-2013)

8.32.060 Prohibited activities.

- A. Illicit Discharges. It is prohibited to discharge pollutants into natural drainage courses.
- B. Littering. No person shall intentionally throw, deposit, place, leave, maintain, keep or permit to be thrown, deposited, placed, left or maintained or kept, any refuse, rubbish, garbage, or any other discarded or abandoned objects, articles or accumulations, on or upon any roadway, driveway, trail, canyon, storm drain, inlet, catch basin conduit or drainage structure, or upon any private plot of land in the City, so that the same might be or become a pollutant. No person shall throw or deposit litter in any fountain, pond, stream or other body of water within the City. This subsection shall not apply to refuse, rubbish or garbage deposited in containers, bags or other appropriate receptacles which are placed in designated locations for regular solid waste pick up and disposal.
- C. Disposal of Landscape Debris. It is prohibited to intentionally dispose of leaves, dirt, or other landscape debris into the MS4 or into natural drainage courses.
- D. No person shall intentionally dispose of manure or any animal waste into the MS4 or into natural drainage course.
- E. Non-Storm Water Discharges. All non-storm water discharges into the municipal storm sewer system are prohibited unless those flows are: in compliance with a separate NPDES Permit; pursuant to a discharge exemption by the Regional Board, the regional board's executive officer, or the State Water Resources Control Board; associated with emergency firefighting activities (i.e., flows necessary for the protection of life or property); natural flows as defined in the Municipal NPDES Permit; conditionally exempt non-storm water discharges as defined in accordance with the Municipal NPDES Permit; or authorized as a temporary non-storm water discharge by USEPA pursuant to sections 104(a) or 104(b) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). Prohibited discharges include, but are not limited to:

1. The discharge of runoff from mobile auto washing, steam cleaning, mobile carpet cleaning, and other such mobile commercial and industrial operations (excluding non-commercial car washing by residents and non-profit organizations);
 2. Discharges from areas where repair of machinery and equipment, including motor vehicles, which are visibly leaking oil, fluid or antifreeze, is undertaken;
 3. Discharges of runoff from areas where materials containing grease, oil, or other hazardous substances (e.g., motor vehicle parts) are stored, and discharges from uncovered receptacles containing hazardous materials;
 4. The discharge of chlorinated/brominated swimming pool water and filter backwash;
 5. Discharges of runoff from the washing of toxic materials from paved or unpaved areas;
 6. Discharges from the washing out of concrete or cement laden wash water from concrete trucks, pumps, tools, and equipment;
 7. Discharges of any pesticide, fungicide, or herbicide, banned by the USEPA or the California Department of Pesticide Regulation;
 8. Discharge of any food or food processing wastes;
 9. Discharge of any fuel and chemical wastes, animal wastes, garbage, batteries, and other materials that have potential adverse impacts on water quality; and
 10. The disposal of hazardous wastes into trash containers that causes a direct or indirect discharge to the municipal storm water system.
- F. Discharges in Violation of the Municipal NPDES Permit. Any discharge that would result in or contribute to a violation of the Municipal NPDES Permit, either separately or in combination with other discharges, is prohibited. Liability for any such discharge shall be the responsibility of the person(s) causing or responsible for the discharge, and such person(s) shall defend, indemnify and hold harmless the City from all losses, liabilities, claims or causes of actions in any administrative or judicial action relating to such discharge.

(Ord. No. 334, § 3(Exh. A), 6-24-2013)

8.32.070 Exempted discharges, or conditionally exempted discharges or designated discharges.

Discharges from those activities specifically identified in, or pursuant to, the Municipal NPDES Permit as being exempted discharges, or conditionally exempted discharges, shall not be considered a violation of this chapter; provided, that any applicable BMPs developed pursuant to the Municipal NPDES Permit are implemented to minimize any adverse impacts from such identified sources and that required conditions outlined in the Municipal NPDES Permit are met prior to discharge.

(Ord. No. 334, § 3(Exh. A), 6-24-2013)

8.32.080 Good housekeeping provisions.

Owners and occupants of property within the City shall implement Best Management Practices to prevent or reduce the discharge of pollutants to the municipal storm water system to the maximum extent practicable. Treatment and structural Best Management Practices shall be properly operated and maintained to prevent the breeding of vectors. Implementation includes, but is not limited to:

- A. **Septic Waste.** No person shall leave, deposit, discharge, dump or otherwise expose any chemical or septic waste to precipitation.

- B. **Use of Water.** Runoff of water used for irrigation purposes shall be minimized to the maximum extent practicable. Runoff of water from the conditionally exempt washing down of paved areas shall be minimized to the maximum extent practicable. Conditionally exempt non-storm water discharges of roadway/driveway wash water only include those discharges resulting from use of high pressure, low volume spray washing using only potable water with no cleaning agents. Conditionally exempt non-storm water discharges of roadway/driveway wash water do not include hosing of any driveway or roadway with a garden hose with a pressure nozzle.
- C. **Storage of Materials, Machinery, and Equipment.** Machinery or equipment that is to be repaired or maintained in areas susceptible to or exposed to storm water, shall be placed in a manner so that leaks, spills and other maintenance-related pollutants are not discharged to the MS4.
- D. **Removal and Disposal of Debris from Institutional Motor Vehicle Parking Lots.** Institutional motor vehicle parking lots with more than twenty-five parking spaces that are located in areas potentially exposed to storm water shall have debris removed in an effective manner regularly from such parking lots.
- E. **Best Management Practices.** Best Management Practices shall be used in areas exposed to storm water for the removal and lawful disposal of all fuels, chemicals, fuel and chemical wastes, animal wastes, garbage, batteries, or other materials which have potential adverse impacts on water quality.

(Ord. No. 334, § 3(Exh. A), 6-24-2013)

8.32.090 Requirements for construction activities.

- A. Each industrial discharger, discharger associated with construction activity, or other discharger described in any general storm water permit addressing such discharges, as may be issued by the U.S. Environmental Protection Agency, the State Water Resources Control Board, or the Regional Board, shall comply with all requirements of such permit. Each discharger identified in an individual NPDES permit shall comply with and undertake all activities required by such permit. Proof of compliance with any such permit may be required in a form acceptable to the Authorized Enforcement Officer prior to the issuance of any grading, building or occupancy permits, or any other type of permit or license issued by the City.
- B. Storm water runoff containing sediment, construction materials or other pollutants from the construction site and any adjacent staging, storage or parking areas shall be reduced to the maximum extent practicable. The following shall apply to all construction projects within the City, regardless of project size, and shall be required from the time of land clearing, demolition, or commencement of construction until final approval:
 - 1. Sediment, construction wastes, trash and other pollutants from construction activities shall be reduced to the maximum extent practicable.
 - 2. Structural controls such as sediment barriers, plastic sheeting, detention ponds, filters, berms, and similar controls shall be utilized to the maximum extent practicable in order to minimize the escape of sediment and other pollutants from the site.
 - 3. All excavated soil shall be located on the site in a manner that minimizes the amount of sediment running onto the street, drainage facilities or adjacent properties. Soil piles not actively in use shall be bermed or covered with plastic or similar materials until the soil is either used or removed from the site.

4. No washing of construction or other vehicles is permitted adjacent to a construction site. No water from the washing of construction vehicle or equipment on the construction site is permitted to run off the construction site and enter the municipal storm water system.
 5. Trash receptacles must be situated at convenient locations on construction sites and must be maintained in such a manner that trash and litter does not accumulate on the site nor migrate off site. Trash receptacles must be covered at the end of each business day and during rain events.
 6. Erosion from slopes and channels must be controlled through the effective combination of Best Management Practices.
- C. Construction sites where the construction activity covers less than one acre must implement an effective combination of erosion and sediment control BMPs from the Municipal NPDES Permit to prevent erosion and sediment loss, and the discharge of construction wastes.
- D. The owner or authorized representative of the owner must certify in a form acceptable to the Director or duly authorized representative that Best Management Practices to control runoff from construction activity at all construction sites will be implemented prior to the issuance of any Building or Grading permit.
- E. Construction sites where the construction activity covers one acre or more must adhere to the requirements set forth in the Municipal NPDES Permit and the Construction General Permit. A Storm Water Pollution Prevention Plan (SWPPP) for construction sites of one acre or greater shall be developed by a Qualified SWPPP Developer (QSD) consistent with the Municipal NPDES Permit. The SWPPP must include all elements required by the Construction General Permit. SWPPPs must be prepared in accordance with their calculated risk level per the Construction General Permit. Such plans must be submitted to the City for review and approval prior to the issuance of building or grading permits.
- F. BMPs selected for erosion and sediment control shall be detailed in the SWPPP. BMPs shall be selected from the Municipal NPDES Permit, as applicable, and, at a minimum, shall include those BMPs specified in Attachments C, D, and E of the Construction General Permit based on the project risk level. Selected BMPs must be selected, designed, implemented, and maintained in accordance with the BMP technical standards presented in the latest version of the California Stormwater Quality Association (CASQA) Stormwater Best Management Practice Handbook for Construction; or Caltrans Stormwater Quality Handbook, Construction Site Best Management Practices Manual and addenda.
- G. Roadway paving and repair projects must implement at a minimum the BMPs listed in the Municipal NPDES Permit. Roadway paving or repair projects greater than one acre in size shall also abide by the Construction General Permit, and implement all necessary BMPs as required for coverage under the Construction General Permit.

8.32.095 Planning and Land Development Program requirements for New Development and Redevelopment projects.

- A. The following New Development and Redevelopment projects are required to comply with the Municipal NPDES Permit:
1. Development projects, including the construction of new single family residential homes, equal to one acre or greater of disturbed area and adding more than ten thousand square feet of impervious area;
 2. Parking lots with five thousand square feet or more of impervious area or with twenty-five or

- more parking spaces;
3. Single family hillside residential developments or redevelopments;
 4. Redevelopment projects in subject categories that meet Redevelopment thresholds (pursuant to the Municipal NPDES Permit), which include:
 - (a) Land-disturbing activities which create, add, or replace ten thousand square feet or more of impervious surface area on lots developed with single family dwellings and/or accessory structures; and
 - (b) Land-disturbing activities which create, add, or replace five thousand square feet or more of impervious surface area on an already developed site excluding lots developed with single family dwellings and accessory structures.
 - (c) Where Redevelopment results in an alteration to more than fifty percent of impervious surfaces of a previously existing development, and the existing development was not subject to post-development storm water quality control requirements, the entire Project must be mitigated.
 - (d) Where Redevelopment results in an alteration to less than fifty percent of impervious surfaces of a previously existing development, and the existing development was not subject to post-development storm water quality control requirements, only the alteration must be mitigated, and not the entire development.
 5. Roadway construction with ten thousand square feet or more of impervious surface area shall follow USEPA guidance regarding Managing Wet Weather with Green Infrastructure: Green Streets (December 2008 EPA-833-F-08-009) to the maximum extent practicable.
 6. Any New Development or Redevelopment project located in or directly adjacent to or discharging directly into a Significant Ecological Area (as defined herein), where the development will:
 - (a) Discharge storm water that is likely to impact a sensitive biological species or habitat; and
 - (b) Create two thousand five hundred square feet or more of impervious surface area.

EXCEPTIONS: The following do not constitute New Development or Redevelopment:

 1. Routine maintenance activities conducted to maintain original line and grade, hydraulic capacity, original purpose of facility, or emergency redevelopment activity required to protect public health and safety.
 2. Discretionary permit projects or phased project applications which have been deemed complete by February 8, 2013, and which have not received an extension of time.
 3. Discretionary permit projects with a valid vesting tentative map.
- B. Incorporation of Planning and Land Development Program requirements into Project Plans.
1. New Development and Redevelopment projects are required to control pollutants and runoff volume from the project site by minimizing the impervious surface area and controlling runoff through infiltration, bioretention, and/or rainfall harvest and use, in accordance with the standards set forth in the Municipal NPDES Permit.
 2. An applicant for a New Development or a Redevelopment Project identified in Section 8.32.095(A) of this chapter shall incorporate into the applicant's project plans a Post Construction Storm Water Mitigation Plan which includes those Best Management Practices necessary to control storm water pollution from the completed project. Structural or Treatment

- Control BMPs (including, as applicable, post-construction Treatment Control BMPs) set forth in project plans shall meet the design standards set forth in the current Municipal NPDES Permit.
3. To the extent that the City may lawfully impose conditions, mitigation measures, or other requirements on the development or construction of a single-family home in a hillside area, a single-family hillside home Development or Redevelopment project shall implement mitigation measures to:
 - (a) Conserve natural areas;
 - (b) Protect slopes and channels;
 - (c) Provide storm drain system stenciling and signage;
 - (d) Divert roof runoff to vegetated areas before discharge unless the diversion would result in slope instability; and
 - (e) Direct surface flow to vegetated areas before discharge unless the diversion would result in slope instability.
 4. New Development/Redevelopment Project Performance Criteria: Post-construction control BMPs to mitigate stormwater pollution are required for all new development and redevelopment projects identified in Section 8.32.095(A) of this chapter unless alternative measures are allowed as provided in the Municipal NPDES Permit. BMPs must be implemented to retain on-site the Stormwater Quality Design Volume (SWQDv), defined as runoff from either:
 - (a) Three-quarter-inch, twenty-four-hour rain event; or
 - (b) The eighty-fifth percentile, twenty-four-hour event, as determined from the Los Angeles County eighty-fifth percentile precipitation isohyetal map, whichever is greater.

BMPs shall meet the design specifications and on-site retention potential outlined in the Municipal NPDES Permit.

For projects unable to retain one hundred percent of the SWQDv on-site due to technical infeasibility as defined in the Municipal NPDES Permit, projects must implement alternative compliance measures in accordance with the Municipal NPDES Permit.

Single family hillside home development projects are exempt from the New Development/Redevelopment Project Performance Criteria of the Municipal NPDES Permit unless they create, add or replace ten thousand square feet of impervious surface area.

5. Hydromodification Control Criteria.
 - (a) All non-exempt New Development and Redevelopment projects located within natural drainage systems as defined in [Section 8.32.040](#) of this chapter must implement hydrologic control measures to prevent accelerated downstream erosion and to protect stream habitat in natural drainage systems. Projects exempt from hydromodification controls are listed in the Municipal NPDES Permit.
 - (b) The following New Development and Redevelopment projects must include one, or a combination of, hydromodification control BMPs, Low Impact Development (LID) strategies, or stream and riparian buffer restoration measures:
 - i. Projects on single family lots that create, add, or replace ten thousand square feet or more of impervious surface area are required to implement LID BMPs in accordance with parts B.1 through B.4 of this Section. Single family homes implementing such BMPs will satisfy the hydromodification control requirements of the Municipal NPDES Permit.

- ii. Projects on non-single family lots disturbing an area greater than one acre but less than fifty acres within natural drainage systems must demonstrate one of the following:
 - a. The project has been designed to retain on-site, through infiltration, evapotranspiration, and/or harvest and use, the storm water volume from the runoff of the ninety-fifth percentile, twenty-four-hour storm; or
 - b. The runoff flow rate, volume, velocity, and duration for the post-development condition do not exceed the pre-development condition for the two-year, twenty-four-hour rainfall event; or
 - c. The erosion potential (Ep) in the receiving water channel will approximate one, as determined by a Hydromodification Analysis Study and the equation presented in Attachment J of the Municipal NPDES Permit, or other approved equations.

C. Issuance of Final Approval. As a condition for issuing final approval for New Development or Redevelopment projects identified in Section 8.32.095(A), the Authorized Enforcement Officer shall require property owners or their representative(s) to build all the storm water pollution control Best Management Practices and structural or treatment control BMPs that are shown on the approved project plans and to submit a signed certification statement stating that the site and all structural or treatment control BMPs will be maintained in compliance with the Municipal NPDES Permit and other applicable regulatory requirements including the following words: "SHOULD THE ABOVE REPRESENTATION BE INCORRECT, WE UNDERSTAND AND ACKNOWLEDGE THAT WE ARE RESPONSIBLE FOR THE COST OF CORRECTING ANY DEFICIENCY IN THE PERFORMANCE OF THE ABOVE CONDITION AS WELL AS PAYMENT OF APPLICABLE ADMINISTRATIVE AND/OR CIVIL REMEDIES. WE UNDERSTAND THAT THE CITY WILL RELY ON THE REPRESENTATIONS CONTAINED IN THIS STATEMENT AS HAVING ACHIEVED OUR OBLIGATION FOR COMPLIANCE WITH STORM WATER REQUIREMENTS AND SIGN THIS CERTIFICATION VOLUNTARILY, WITHOUT PURPOSE OF EVASION AND OF OUR OWN FREE WILL AND WITH FULL KNOWLEDGE OF ITS SIGNIFICANCE."

With the exception of Simple LID BMPs (as defined in Section 8.32.040) implemented on lots developed with single family residences, project owners shall provide an operation and maintenance plan, monitoring plan where required, and verification of ongoing maintenance provisions for LID practices, Treatment Control BMPs, and Hydromodification Control BMPs including but not limited to: final map conditions, legal agreements, covenants, conditions or restrictions, CEQA mitigation requirements, conditional use permits, and/or other legally binding maintenance agreements. These maintenance records must be kept on site for treatment BMPs implemented on single family residences.

- D. Transfer of Properties Subject to Requirement for Maintenance of Structural and Treatment Control BMPs.
 1. The transfer or lease of a property subject to a requirement for maintenance of structural and treatment control BMPs shall include conditions requiring the transferee and its successors and assigns to either (a) assume responsibility for maintenance of any existing structural or treatment control BMP or (b) to replace an existing structural or treatment control BMP with new control measures or BMPs meeting the then current standards of the City and the Municipal NPDES Permit. Such requirement shall be included in any sale or lease agreement or deed for such property. The condition of transfer shall include a provision that the successor property owner or lessee conduct maintenance inspections of all structural or treatment control BMPs at least once a year and retain proof of inspection.

2. If structural or treatment control BMPs are located within an area proposed for dedication to a public agency, they will be the responsibility of the developer until the dedication is accepted.
- E. CEQA. Provisions of this section shall be complementary to, and shall not replace, any applicable requirements for storm water mitigation required under the California Environmental Quality Act.

(Ord. No. 334, § 3(Exh. A), 6-24-2013)

8.32.100 Enforcement.

- A. Violations Deemed a Public Nuisance.
1. Any condition caused or permitted to exist in violation of:
 - (a) Any of the provisions of this chapter; or
 - (b) Any failure to comply with any applicable requirement of the Municipal NPDES Permit, an approved Post-Construction Storm Water Mitigation Plan, or an approved SWPPP with respect to a property; or
 - (c) Any false certification or verification, or any failure to comply with a certification or verification provided by a project applicant or the applicant's successor in interest; or
 - (d) Any failure to properly operate and maintain any structural or treatment control BMP on a property in accordance with an approved SWPPP and/or Post-Construction Storm Water Mitigation Plan or the Municipal NPDES Permit, is determined to be a threat to the public health, safety and welfare, is declared and deemed a public nuisance, and may be abated or restored by any authorized enforcement officer, and a civil or criminal action to abate, enjoin or otherwise compel the cessation of such nuisance may be brought by the City Attorney.
 2. The cost of such abatement and restoration shall be borne by the owner of the property and the cost thereof shall be invoiced to the owner of the property, as provided by law or ordinance for the recovery of nuisance abatement costs.
 3. If any violation of this chapter constitutes a seasonal and recurrent nuisance, the City Manager shall so declare. The failure of any person to take appropriate annual precautions to prevent storm water pollution after written notice of a determination under this paragraph shall constitute a public nuisance and a violation of this chapter.
- B. Concealment. Causing, permitting, aiding, abetting or concealing a violation of any provision of this chapter shall constitute a violation of such provision.
- C. Civil Actions. In addition to any other remedies provided in this section, any violation of this chapter may be enforced by civil action brought by the City. In any such action, the City may seek, as appropriate, any or all of the following remedies:
1. A temporary and/or permanent injunction;
 2. Assessment of the violator for the costs of any investigation, inspection or monitoring survey which led to the establishment of the violation, and for the reasonable costs of preparing and bringing legal action under this subsection;
 3. Costs incurred in removing, correcting or terminating the adverse effects resulting from violation; and
 4. Compensatory damages for loss or destruction to water quality, wildlife, fish and aquatic life.
- D. Administrative Enforcement Powers. In addition to the other enforcement powers and remedies established by this chapter, the authorized enforcement officer has the authority to utilize the following administrative remedies:
1. Cease and Desist Orders. When an authorized enforcement officer finds that a discharge has

taken place or is likely to take place in violation of this chapter, the officer may issue an order to cease and desist such discharge, or practice, or operation likely to cause such discharge and direct that those persons not complying shall: (i) comply with the requirement, (ii) comply with a time schedule for compliance, and (iii) take appropriate remedial or preventive action to prevent the violation from recurring.

2. Notice to Clean. Whenever an authorized enforcement officer finds any oil, earth, debris, grass, weeds, dead trees, tin cans, rubbish, refuse, waste or any other material of any kind, in or upon the roadway or trail abutting or adjoining any parcel of land, or upon any parcel of land or grounds, which may result in pollutants entering the MS4 or a non-storm water discharge to the MS4, the officer may give notice to the owner or occupant of the adjacent property to remove such oil, earth, debris, grass, weeds, dead trees, tin cans, rubbish, refuse, waste or other material, in any manner that the officer may reasonably provide. The recipient of such notice shall undertake the activities as described in the notice.

- E. Penalties. Violation of this chapter shall be punishable as a misdemeanor, punishable as set forth in Section 1.08.020(A) of this code. Each day that a violation continues shall constitute a separate offense.
- F. Permit Revocation. To the extent the City makes a provision of this chapter or any identified BMP a condition of approval to the issuance of a permit or license, any person in violation of such condition is subject to the permit revocation procedures set forth in this code.
- G. Remedies. Remedies specified in this chapter are in addition to and do not supersede or limit any and all other remedies, civil or criminal. The remedies provided for herein shall be cumulative and not exclusive.
- H. Authority to Carry Out Inspections, Conduct Samplings, and Establishing Sampling Devices. The Authorized Enforcement Officer may carry out all inspections, surveillance, and monitoring procedures necessary to determine compliance and noncompliance with the Municipal NPDES Permit, including the prohibition of non-storm water discharges into the MS4 and receiving waters. With the consent of the owner or occupant or pursuant to an inspection warrant, any Authorized Enforcement Officer may establish on any property such devices as necessary to conduct sampling and monitoring activities necessary to determining the concentrations of pollutants in storm water and/or non-storm water runoff. The inspections provided for herein may include but are not limited to:
 1. Inspecting efficiency or adequacy of construction or post construction BMPs;
 2. Inspection, sampling and testing any area runoff, soils in areas subject to runoff, and or treatment system discharges;
 3. Inspection of the integrity of all storm drain and sanitary sewer systems, including the use of smoke and dye tests and video survey of such pipes and conveyance systems;
 4. Inspection of all records of the owner, contractor, developer or occupant of public or private property relating to BMP inspections conducted by the owner, contractor, developer or occupant and obtaining copies of such records as necessary; and
 5. Identifying points of storm water discharge from the premises whether surface or subsurface and locating any illicit connection or discharge.

(Ord. No. 334, § 3(Exh. A), 6-24-2013)

8.32.110 No taking.

The provisions of this chapter shall not be construed or operate to deprive any property owner of substantially all of the market value of such owner's property or otherwise constitute an unconstitutional

taking without compensation.

(Ord. No. 334, § 3(Exh. A), 6-24-2013)

FOOTNOTE(S):

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Editor's note— Ord. No. 334, § 3(Exh. A), adopted June 24, 2013, amended ch. 8.32 in its entirety to read as herein set out. Former ch. 8.32, §§ 8.32.010—8.32.110, pertained to storm water and urban runoff pollution control, and derived from Ord. No. 267, § 1(part), adopted 1996; Ord. No. 284, §§ 1—6, adopted 2001; Ord. No. 289-U, §§ 1—8, 10—15, adopted 2002.

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