



NEW BUSINESS

National Pollutant Discharge Elimination Systems (NPDES) – Draft Ordinance No. 1045 Amending Chapter 52: Storm Water Runoff

RECOMMENDATION

That the City Council Receive and File the Draft of Ordinance No. 1045 amending Chapter 52: Storm Water Runoff of the Santa Fe Springs Municipal Code to expand the applicability of the existing Standard Urban Stormwater Mitigation Plan (SUSMP) requirements by Imposing Low Impact Development (LID) strategies on projects that require building permits and/or encroachment permits and direct staff to return with a final Ordinance No. 1045 in October 2013 for council approval.

BACKGROUND

On December 28, 2012 the City's new National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer Systems (MS4), Order No. R4-2012-0175 (MS4 Permit) permit became effective despite strong opposition from many of the cities within the County.

As was discussed during the March 26, 2013 City Council Meeting this Permit greatly increases the City's requirements for compliance. Among other things, it specifically;

- introduced Numerical Effluent Limitations as the ultimate standard,
- established new monitoring requirements, and
- introduced the Concept of **Watershed Management Programs (WMP)**

In an effort to comply with the new Permit, the City of Santa Fe Springs joined with several other neighboring cities to form the Lower San Gabriel Watershed Group (LSGRWG).

The new MS4 permit requires permittees that elect to participate in a WMP or Enhanced Watershed Management Program (EWMP) to:


"Demonstrate that there are LID ordinances in place and/or commence development of a LID ordinance(s) meeting the requirements of this Order's Planning and Land Development Program within 60 days of the effective date of the Order and have a draft policy within 6 months of the effective date of the Order."

After much debate and discussion, the LSGRWG elected to pursue a WMP for permit compliance and has been actively working with our consultants to develop a draft Ordinance to meet the June 28, 2013 deadline.

The draft Ordinance addresses onsite retention and treatment requirements for Development and Redevelopment projects. It is primarily based on the City of Los Angeles' LID Ordinance but has been modified to include the MS4 Permit requirements. Whenever and wherever possible or appropriate the definitions from the MS4 Permit have been included in the draft Ordinance for consistency.

Subsequently, the Draft Ordinance No. 1045 and Chapter 52 are provided as Attachments A and B for your information and consideration.

Staff is currently working on further modifications to the draft and plans to have a final Ordinance brought back for City Council approval in October of this year. In accordance with the new permit an Ordinance must be adopted prior to December 28, 2013.



Thaddeus McCormack
City Manager

Attachment:

Attachment A: Draft Ordinance No. 1045

Attachment B: Chapter 52

ORDINANCE NO. 1045

AN ORDINANCE AMENDING CHAPTER 52: STORM WATER RUNOFF OF THE CITY OF SANTA FE SPRINGS MUNICIPAL CODE TO EXPAND THE APPLICABILITY OF THE EXISTING STANDARD URBAN STORMWATER MITIGATION PLAN (SUSMP) REQUIREMENTS BY IMPOSING LOW IMPACT DEVELOPMENT (LID) STRATEGIES ON PROJECTS THAT REQUIRE BUILDING PERMITS AND/OR ENCROACHMENT PERMITS

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SANTA FE SPRINGS as follows:

- (A) The City of Santa Fe Springs is authorized by Article XI, §5 and §7 of the State Constitution to exercise the police power of the State by adopting regulations to promote public health, public safety and general prosperity.
- (B) The City of Santa Fe Springs has authority under the California Water Code to adopt and enforce ordinances imposing conditions, restrictions and limitations with respect to any activity which might degrade the quality of waters of the State.
- (C) The City of Santa Fe Springs is a permittee under 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," issued by the California Regional Water Quality Control Board--Los Angeles Region," (Order No. R4-2012-0175) which also serves as an NPDES Permit under the Federal Clean Water Act (NPDES No. CAS004001), as well as Waste Discharge Requirements under California law (the "Municipal NPDES permit"). In order to participate in a Watershed Management Program and/or Enhanced Watershed Management Program, the Municipal NPDES permit requires permittees to develop and implement a LID Ordinance.
- (D) The City of Santa Fe Springs has applied an integrated approach to incorporate wastewater, stormwater and runoff, and recycled water management into a single strategy through its Integrated Resources Plan.
- (E) The City of Santa Fe Springs is committed to a stormwater management program that protects water quality and water supply by employing watershed-based approaches that balance environmental, social, and economic considerations.
- (F) Urbanization has led to increased impervious surface areas resulting in increased water runoff causing the transport of pollutants to downstream receiving waters.

- (G) The City of Santa Fe Springs needs to take a new approach to managing rainwater and urban runoff while mitigating the negative impacts of development and urbanization.
- (H) LID is widely recognized as a sensible approach to managing the quantity and quality of storm water and non-stormwater runoff by setting standards and practices to maintain or restore the natural hydrologic character of a development site, reduce off-site runoff, improve water quality, and provide groundwater recharge.
- (I) It is the intent of the City of Santa Fe Springs to replace the existing SUSMP requirements by providing stormwater and rainwater LID strategies for Development and Redevelopment projects as defined under "Applicability." Where there are conflicts between this Ordinance and previously adopted SUSMP or LID Manuals, the standards in this Ordinance shall prevail.

Chapter 52: Storm Water Runoff of the City of Santa Fe Springs Municipal Code is amended in its entirety to read as follows:

Definitions.

Except as specifically provided herein, any term used in this Chapter shall be defined as that term in the current Municipal NPDES permit, or if it is not specifically defined in either the Municipal NPDES permit, then as such term is defined in the Federal Clean Water Act, as amended, and/or the regulations promulgated thereunder. If the definition of any term contained in this chapter conflicts with the definition of the same term in the current Municipal NPDES permit, then the definition contained in the Municipal NPDES permit shall govern. The following words and phrases shall have the following meanings when used in this chapter:

Automotive Service Facility means a facility that is categorized in any one of the following Standard Industrial Classification (SIC) and North American Industry Classification System (NAICS) codes. For inspection purposes, permittees need not inspect facilities with SIC codes 5013, 5014, 5541, 5511, provided that these facilities have no outside activities or materials that may be exposed to stormwater (Source: Order No. R4-2012-0175).

Basin Plan means the Water Quality Control Plan, Los Angeles Region, Basin Plan for the Coastal Watersheds of Los Angeles and Ventura Counties, adopted by the Regional Water Board on June 13, 1994 and subsequent amendments (Source: Order No. R4-2012-0175).

Best Management Practice (BMP) means practices or physical devices or systems designed to prevent or reduce pollutant loading from stormwater or non-stormwater discharges to receiving waters, or designed to reduce the volume of stormwater or non-stormwater discharged to the receiving water (Source: Order No. R4-2012-0175).

Biofiltration means a LID BMP that reduces stormwater pollutant discharges by intercepting rainfall on vegetative canopy, and through incidental infiltration and/or evapotranspiration, and filtration. Incidental infiltration is an important factor in achieving the required pollutant load reduction. Therefore, the term “biofiltration” as used in this Ordinance is defined to include only systems designed to facilitate incidental infiltration or achieve the equivalent pollutant reduction as biofiltration BMPs with an underdrain (subject to approval by the Regional Board’s Executive Officer). Biofiltration BMPs include bioretention systems with an underdrain and bioswales (Modified from: Order No. R4-2012-0175).

Bioretention means a LID BMP that reduces stormwater runoff by intercepting rainfall on vegetative canopy, and through evapotranspiration and infiltration. The bioretention system typically includes a minimum 2-foot top layer of a specified soil and compost mixture underlain by a gravel-filled temporary storage pit dug into the in-situ soil. As defined in the Municipal NPDES permit, a bioretention BMP may be designed with an overflow drain, but may not include an underdrain. When a bioretention BMP is designed or constructed with an underdrain it is regulated by the Municipal NPDES permit as biofiltration (Modified from: Order No. R4-2012-0175).

Bioswale means a LID BMP consisting of a shallow channel lined with grass or other dense, low-growing vegetation. Bioswales are designed to collect stormwater runoff and to achieve a uniform sheet flow through the dense vegetation for a period of several minutes (Source: Order No. R4-2012-0175).

City means the City of Santa Fe Springs.

Clean Water Act (CWA) means the Federal Water Pollution Control Act enacted in 1972, by Public Law 92-500, and amended by the Water Quality Act of 1987. The Clean Water Act prohibits the discharge of pollutants to Waters of the United States unless the discharge is in accordance with an NPDES permit.

Commercial Malls means any development on private land comprised of one or more buildings forming a complex of stores which sells various merchandise, with interconnecting walkways enabling visitors to easily walk from store to store, along with parking area(s). A commercial mall includes, but is not limited to: mini-malls, strip malls, other retail complexes, and enclosed shopping malls or shopping centers (Source: Order No. R4-2012-0175).

Construction Activity means any construction or demolition activity, clearing, grading, grubbing, or excavation or any other activity that result in land disturbance. Construction does not include emergency construction activities required to immediately protect public health and safety or routine maintenance activities required to maintain the integrity of structures by performing minor repair and restoration work, maintain the original line and grade, hydraulic capacity, or original purposes of the facility. See “Routine Maintenance” definition for further explanation. Where clearing, grading or excavating of underlying soil takes place during a repaving operation, State General Construction Permit coverage by the State of California General Permit for Storm Water Discharges Associated with Industrial Activities or for Stormwater Discharges

Associated with Construction Activities is required if more than one acre is disturbed or the activities are part of a larger plan (Source: Order No. R4-2012-0175).

Control means to minimize, reduce or eliminate by technological, legal, contractual, or other means, the discharge of pollutants from an activity or activities (Source: Order No. R4-2012-0175).

Development means construction, rehabilitation, redevelopment or reconstruction of any public or private residential project (whether single-family, multi-unit or planned unit development); industrial, commercial, retail, and other non-residential projects, including public agency projects; 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 (Source: Order No. R4-2012-0175).

Directly Adjacent means situated within 200 feet of the contiguous zone required for the continued maintenance, function, and structural stability of the environmentally sensitive area (Source: Order No. R4-2012-0175).

Discharge means any release, spill, leak, pump, flow, escape, dumping, or disposal of any liquid, semi-solid, or solid substance.

Disturbed Area means an area that is altered as a result of clearing, grading, and/or excavation (Source: Order No. R4-2012-0175).

Flow-through BMPs means modular, vault type "high flow biotreatment" devices contained within an impervious vault with an underdrain or designed with an impervious liner and an underdrain (Modified from: Order No. R4-2012-0175).

General Construction Activities Storm Water Permit (GCASP) means the general NPDES permit adopted by the State Board which authorizes the discharge of stormwater from construction activities under certain conditions.

General Industrial Activities Storm Water Permit (GIASP) means the general NPDES permit adopted by the State Board which authorizes the discharge of stormwater from certain industrial activities under certain conditions.

Green Roof means a LID BMP using planter boxes and vegetation to intercept rainfall on the roof surface. Rainfall is intercepted by vegetation leaves and through evapotranspiration. Green roofs may be designed as either a bioretention BMP or as a biofiltration BMP. To receive credit as a bioretention BMP, the green roof system planting medium shall be of sufficient depth to provide capacity within the pore space volume to contain the design storm depth and may not be designed or constructed with an underdrain (Source: Order No. R4-2012-0175).

Hazardous Material(s) means any material(s) defined as hazardous by Division 20, Chapter 6.95 of the California Health and Safety Code.

Hillside means a property located in an area with known erosive soil conditions, where the development contemplates grading on any natural slope that is 25% or greater and where grading contemplates cut or fill slopes (Source: Order No. R4-2012-0175).

Hydromodification means the alteration of the hydrologic characteristics of coastal and non-coastal waters, which in turn could cause degradation of water resources. Hydromodification can cause excessive erosion and/or sedimentation rates, causing excessive turbidity, channel aggradation and/or degradation. (Source: GCASP)

Impervious Surface means any man-made or modified surface that prevents or significantly reduces the entry of water into the underlying soil, resulting in runoff from the surface in greater quantities and/or at an increased rate, when compared to natural conditions prior to development. Examples of places that commonly exhibit impervious surfaces include parking lots, driveways, roadways, storage areas, and rooftops. The imperviousness of these areas commonly results from paving, compacted gravel, compacted earth, and oiled earth.

Industrial Park means land development that is set aside for industrial development. Industrial parks are usually located close to transport facilities, especially where more than one transport modalities coincide: highways, railroads, airports, and navigable rivers. It includes office parks, which have offices and light industry (Source: Order No. R4-2012-0175).

Infiltration BMP means a LID BMP that reduces stormwater runoff by capturing and infiltrating the runoff into in-situ soils or amended onsite soils. Examples of infiltration BMPs include infiltration basins, dry wells, and pervious pavement (Source: Order No. R4-2012-0175).

LID means Low Impact Development. LID consists of building and landscape features designed to retain or filter stormwater runoff (Source: Order No. R4-2012-0175).

MS4 means Municipal Separate Storm Sewer System (MS4). The MS4 is a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains):

- (i) 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, stormwater, 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;
- (ii) Designed or used for collecting or conveying stormwater;
- (iii) Which is not a combined sewer; and
- (iv) Which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR §122.2.

(40 CFR § 122.26(b)(8)) (Source: Order No. R4-2012-0175)

National Pollutant Discharge Elimination System (NPDES) means the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under CWA §307, 402, 318, and 405. The term includes an “approved program” (Source: Order No. R4-2012-0175).

Natural Drainage System means a drainage system that has not been improved (e.g., channelized or armored). The clearing or dredging of a natural drainage system does not cause the system to be classified as an improved drainage system (Source: Order No. R4-2012-0175).

New Development means land disturbing activities; structural development, including construction or installation of a building or structure, creation of impervious surfaces; and land subdivision (Source: Order No. R4-2012-0175).

Non-Stormwater Discharge means any discharge to a municipal storm drain system that is not composed entirely of stormwater (Source: Order No. R4-2012-0175).

Parking Lot means land area or facility for the parking or storage of motor vehicles used for businesses, commerce, industry, or personal use, with a lot size of 5,000 square feet or more of surface area, or with 25 or more parking spaces (Source: Order No. R4-2012-0175).

Person means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, state, governmental entity or any other legal entity, or their legal representatives, agents or assigns. The masculine gender shall include the feminine and the singular shall include the plural where indicated by the context.

Planning Priority Projects means development projects subject to Permittee conditioning and approval for the design and implementation of post-construction controls to mitigate stormwater pollution, prior to completion of the project(s) (Modified from: Order No. R4-2012-0175).

Pollutant means any “pollutant” defined in Section 502(6) of the Federal Clean Water Act or incorporated into the California Water Code Sec. 13373. Pollutants may 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 soil, sediment, and particulate materials in amounts that 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 6 or greater than 9, 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. The term is not limited to "Project" as defined under CEQA (Pub. Resources Code §21065) (Source: Order No. R4-2012-0175).

Rainfall Harvest and Use means a LID BMP system designed to capture runoff, typically from a roof but can also include runoff capture from elsewhere within the site, and to provide for temporary storage until the harvested water can be used for irrigation or non-potable uses. The harvested water may also be used for potable water uses if the system includes disinfection treatment and is approved for such use by the local building department (Source: Order No. R4-2012-0175).

Receiving Water means "water of the United States" into which waste and/or pollutants are or may be discharged (Source: Order No. R4-2012-0175).

Redevelopment means land-disturbing activity that results in the creation, addition, or replacement of 5,000 square feet or more of impervious surface area on an already developed site. 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 routine maintenance activity; and land disturbing activity 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 (Source: Order No. R4-2012-0175).

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

Restaurant means a facility that sells prepared foods and drinks for consumption, including stationary lunch counters and refreshment stands selling prepared foods and drinks for immediate consumption (SIC Code 5812) (Source: Order No. R4-2012-0175).

Retail Gasoline Outlet means any facility engaged in selling gasoline and lubricating oils (Source: Order No. R4-2012-0175).

Routine Maintenance

Routine maintenance projects include, but are 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. Includes road shoulder work, regrading dirt or gravel roadways and shoulders and performing ditch cleanouts.
4. Update existing lines* and facilities to comply with applicable codes, standards, and regulations regardless if such projects result in increased capacity.
5. Repair leaks

Routine maintenance does not include construction of new** lines or facilities resulting from compliance with applicable codes, standards and regulations.

* Update existing lines includes replacing existing lines with new materials or pipes.

** New lines are those that are not associated with existing facilities and are not part of a project to update or replace existing lines (Source: Order No. R4-2012-0175).

Significant Ecological Areas (SEAs) 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.
8. Special areas (Source: Order No. R4-2012-0175).

Site means land or water area where any “facility or activity” is physically located or conducted, including adjacent land used in connection with the facility or activity (Source: Order No. R4-2012-0175).

Storm Drain System means any facilities or any part of those facilities, including streets, gutters, conduits, natural or artificial drains, channels, and watercourses that are used for the purpose of collecting, storing, transporting or disposing of stormwater and are located within the City of Santa Fe Springs.

Storm Water or Stormwater means water that originates from atmospheric moisture (rain or snow) and that falls onto land, water, or other surfaces. Without any change in its meaning, this term may be spelled or written as one word or two separate words.

Stormwater Runoff means that part of precipitation (rainfall or snowmelt) which travels across a surface to the storm drain system or receiving waters.

SUSMP means the Los Angeles Countywide Standard Urban Stormwater Mitigation Plan. The SUSMP was required as part of the previous Municipal NPDES Permit (Order No. 01-182, NPDES No. CAS004001) and required plans that designate best management practices (BMPs) that must be used in specified categories of development projects.

Urban Runoff means surface water flow produced by storm and non-storm events. Non-storm events include flow from residential, commercial, or industrial activities involving the use of potable and non-potable water.

STORMWATER POLLUTION CONTROL MEASURES FOR DEVELOPMENT PLANNING AND CONSTRUCTION ACTIVITIES

(A) Objective. The provisions of this section contain requirements for construction activities and facility operations of Development and Redevelopment projects to comply with the current "Municipal NPDES permit," lessen the water quality impacts of development by using smart growth practices, and integrate LID design principles to mimic predevelopment hydrology through infiltration, evapotranspiration and rainfall harvest and use. LID shall be inclusive of previously adopted SUSMP requirements.

(B) Scope. This Section contains requirements for stormwater pollution control measures in Development and Redevelopment projects and authorizes the City of Santa Fe Springs to further define and adopt stormwater pollution control measures, to develop LID principles and requirements, including but not limited to the objectives and specifications for integration of LID strategies, and to grant waivers or alternate compliance as allowed by the Municipal NPDES permit and collect fees from projects granted exceptions. Except as otherwise provided herein, the City of Santa Fe Springs shall administer, implement and enforce the provisions of this Section. Guidance documents supporting implementation of requirements in this Ordinance are hereby incorporated by reference, including SUSMP and LID Manuals.

(C) Applicability. The following Development and Redevelopment projects, termed "Planning Priority Projects," shall comply with the requirements of Chapter 52: Storm Water Runoff:

- (1) All development projects equal to 1 acre or greater of disturbed area that adds more than 10,000 square feet of impervious surface area.
- (2) Industrial parks 10,000 square feet or more of surface area.

- (3) Commercial malls 10,000 square feet or more of surface area.
- (4) Retail gasoline outlets with 5,000 square feet or more of surface area.
- (5) Restaurants (Standard Industrial Classification (SIC) of 5812) with 5,000 square feet or more of surface area.
- (6) Parking lots with 5,000 square feet or more of impervious surface area, or with 25 or more parking spaces.
- (7) Streets and roads construction of 10,000 square feet or more of impervious surface area.
- (8) Automotive service facilities (Standard Industrial Classification (SIC) of 5013, 5014, 5511, 5541, 7532-7534 and 7536-7539) 5,000 square feet or more of surface area.
- (9) Projects located in or directly adjacent to, or discharging directly to an Environmentally Sensitive Area (ESA), where the development will:
 - a. Discharge stormwater runoff that is likely to impact a sensitive biological species or habitat; and
 - b. Create 2,500 square feet or more of impervious surface area
- (10) Single-family hillside homes.
- (11) Redevelopment Projects
 - a. Land disturbing activity that results in the creation or addition or replacement of 5,000 square feet or more of impervious surface area on an already developed site on Planning Priority Project categories.
 - b. 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-construction stormwater quality control requirements, the entire project must be mitigated.
 - c. Where Redevelopment results in an alteration of less than fifty percent of impervious surfaces of a previously existing development, and the existing development was not subject to post-construction stormwater quality control requirements, only the alteration must be mitigated, and not the entire development.
 - d. Redevelopment does not include routine maintenance activities that are conducted to maintain original line and grade, hydraulic capacity, original purpose of facility or emergency redevelopment activity required to protect

public health and safety. Impervious surface replacement, such as the reconstruction of parking lots and roadways which does not disturb additional area and maintains the original grade and alignment, is considered a routine maintenance activity. Redevelopment does not include the repaving of existing roads to maintain original line and grade.

- e. Existing single-family dwelling and accessory structures are exempt from the Redevelopment requirements unless such projects create, add, or replace 10,000 square feet of impervious surface area.

(12) Any other project as deemed appropriate by the City Manager.

(D) Effective Date. The Planning and Land Development requirements contained in this Ordinance shall become effective 60 days from the adoption of the Ordinance. This includes Planning Priority Projects that are discretionary permit projects or project phases that have not been deemed complete for processing, or discretionary permit projects without vesting tentative maps that have not requested and received an extension of previously granted approvals within 90 days of adoption of the Ordinance. Projects that have been deemed complete within 90 days of adoption of the Ordinance are not subject to the requirements of this Chapter.

(E) Stormwater Pollution Control Requirements. The Site for every Planning Priority Project shall be designed to control pollutants, pollutant loads, and runoff volume to the maximum extent feasible by minimizing impervious surface area and controlling runoff from impervious surfaces through infiltration, evapotranspiration, bioretention and/or rainfall harvest and use.

(1) A new single-family hillside home development shall include 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.

(2) Street and road construction of 10,000 square feet or more of impervious surface 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.

- (3) The remainder of Planning Priority Projects shall prepare a LID Plan to comply with the following:
- a. Retain stormwater runoff onsite for the Stormwater Quality Design Volume (SWQDv) defined as the runoff from:
 - i. The 85th percentile 24-hour runoff event as determined from the Los Angeles County 85th percentile precipitation isohyetal map; or
 - ii. The volume of runoff produced from a 0.75 inch, 24-hour rain event, whichever is greater.
 - b. Minimize hydromodification impacts to natural drainage systems as defined in the Municipal NPDES Permit.
 - c. When, as determined by the City of Santa Fe Springs, 100 percent onsite retention of the SWQDv is technically infeasible, partially or fully, the infeasibility shall be demonstrated in the submitted LID Plan. The technical infeasibility may result from conditions that may include, but are not limited to:
 - i. The infiltration rate of saturated in-situ soils is less than 0.3 inch per hour and it is not technically feasible to amend the in-situ soils to attain an infiltration rate necessary to achieve reliable performance of infiltration or bioretention BMPs in retaining the SWQDv onsite.
 - ii. Locations where seasonal high groundwater is within five to ten feet of surface grade;
 - iii. Locations within 100 feet of a groundwater well used for drinking water;
 - iv. Brownfield development sites or other locations where pollutant mobilization is a documented concern;
 - v. Locations with potential geotechnical hazards;
 - vi. Smart growth and infill or redevelopment locations where the density and/ or nature of the project would create significant difficulty for compliance with the onsite volume retention requirement.
 - d. If partial or complete onsite retention is technically infeasible, the project Site may biofiltrate 1.5 times the portion of the remaining SWQDv that is not reliably retained onsite. Biofiltration BMPs must adhere to the design specifications provided in the Municipal NPDES Permit.
 - i. Additional alternative compliance options such as offsite infiltration may be available to the project Site. The project Site should contact the City of Santa Fe Springs to determine eligibility.

- e. The remaining SWQDv that cannot be retained or biofiltered onsite must be treated onsite to reduce pollutant loading. BMPs must be selected and designed to meet pollutant-specific benchmarks as required per the Municipal NPDES Permit. Flow-through BMPs may be used to treat the remaining SWQDv and must be sized based on a rainfall intensity of:
 - i. 0.2 inches per hour, or
 - ii. The one year, one-hour rainfall intensity as determined from the most recent Los Angeles County isohyetal map, whichever is greater.

- f. A Multi-Phased Project may comply with the standards and requirements of this section for all of its phases by: (a) designing a system acceptable to the City of Santa Fe Springs to satisfy these standards and requirements for the entire Site during the first phase, and (b) implementing these standards and requirements for each phase of Development or Redevelopment of the Site during the first phase or prior to commencement of construction of a later phase, to the extent necessary to treat the stormwater from such later phase. For purposes of this section, "Multi-Phased Project" shall mean any Planning Priority Project implemented over more than one phase and the Site of a Multi-Phased Project shall include any land and water area designed and used to store, treat or manage stormwater runoff in connection with the Development or Redevelopment, including any tracts, lots, or parcels of real property, whether developed or not, associated with, functionally connected to, or under common ownership or control with such Development or Redevelopment.

(E) Other Agencies of the City of Santa Fe Springs. All City of Santa Fe Springs departments, offices, entities and agencies, shall establish administrative procedures necessary to implement the provisions of this Article on their Development and Redevelopment projects and report their activities annually to the Los Angeles Regional Water Quality Control Board.

(F) Validity. If any provision of this Ordinance is found to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect remaining provisions of this Ordinance are declared to be severable.

(G) Certification. The Deputy City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy.

READ and ACKNOWLEDGED on First Reading on the _____ day of _____, 2013.

PASSED, APPROVED AND ADOPTED on the Second Reading by Council of the City of Santa Fe Springs at a regular meeting held this _____ Day of October, 2013 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

MAYOR

ATTEST:

DEPUTY CITY CLERK

CHAPTER 52: STORM WATER RUNOFF

Section

General Provisions

- 52.01 Purpose and intent
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GENERAL PROVISIONS

§ 52.01 PURPOSE AND INTENT.

The purpose of this chapter is to protect the health, safety and general welfare of the citizens of the city, and to reduce the quantity of pollutants being discharged to the waters of the United States by:

(A) Eliminating non-stormwater discharges to the municipal storm drain system.

(B) Eliminating pollutants in stormwater and urban runoff to the maximum extent practicable.

(C) Eliminating the contribution of pollutants to the MS4 by stormwater discharges associated with industrial activity, unless permitted under a separate NPDES permit.

(D) Prohibiting illicit discharges and illicit connections to the MS4 and requiring removal of illicit connections.

(E) Controlling spills, dumping, or disposal of materials to the MS4.

(F) Protecting and enhancing the quality of the waters of the United States in a manner consistent with the provisions of the Clean Water Act. ('64 Code, § 11B-1) (Ord. 851, passed 6-8-95; Am. Ord. 915, passed 1-12-01)

§ 52.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

40 CFR. Title 40 of the Code of Federal Regulation.

AUTHORIZED ENFORCEMENT OFFICER.

The Director of Public Works of the city, including any person designated by the Director to enforce the provisions of this chapter.

AUTOMOTIVE REPAIR SHOP. A facility that is categorized in any one of the following Standard Industrial Classification Codes: 5013, 5014, 5541, 7532-7534 or 7536-7539.

BEST MANAGEMENT PRACTICES (BMPS).

Any activities, prohibitions, practices, procedures, programs or other measures designed to prevent or reduce the discharge of pollutants directly or indirectly into waters of the United States. BMPs shall include, but are not limited to, those measures specified in the California Stormwater Best Management Practice Handbooks for Municipal, Industrial/Commercial and Construction Activity; and those measures identified by the City Engineer and/or the Public Works Director.

CEQA. The California Environmental Quality Act, Cal. Pub. Res. Code §§ 21000 et seq., and the regulations thereunder.

CITY. The City of Santa Fe Springs.

CLEAN WATER ACT or CWA. The Federal Water Pollution Control Act, amended in 1977 as the Clean Water Act (Title 33 U.S.C. 1251 et seq.), and amended in 1987 to establish new controls on industrial and municipal stormwater discharges, and any and all subsequent amendments thereto.

CODE. The Municipal Code of the City of Santa Fe Springs.

CONSTRUCTION ACTIVITY. Clearing, grading or excavation that results in soil disturbance. **CONSTRUCTION ACTIVITY** does not include routine maintenance to maintain original line and grade, hydraulic capacity, or original purpose of the facility; nor does it include emergency construction activities required to immediately protect public health and safety.

CONTROL. To minimize, reduce or eliminate (by technological, legal, contractual or other means) the discharge of pollutants from an activity or activities.

DECHLORINATED/DEBROMINATED SWIMMING POOL DISCHARGES. Swimming pool discharges which have no measurable chlorine or bromine and do not contain any detergents, wastes or additional chemicals not typically found in swimming pool water. The term **SWIMMING POOL DISCHARGES** does not include swimming pool filter backwash.

DIRECTOR. The City of Santa Fe Springs Director of Public Works, or his or her designee.

DISCHARGE. Any release, spill, leak, disposal, flow, escape, leaching (including subsurface migration or deposition to groundwater), dumping or discarding of any liquid, semi-solid or solid substance, or combination thereof.

DISTURBED AREA. That area altered as a result of clearing, grading, and/or excavation of earth.

ENVIRONMENTALLY SENSITIVE AREA (ESA). 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 (Cal. Pub. Res. Code § 30107.5). Areas subject to stormwater 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 a permittee as environmentally sensitive.

HAZARDOUS SUBSTANCE. Any hazardous substance as that term is defined under Cal. Health and Safety Code §§ 25281(g), 25501(o) and 25501.1, and pursuant to Title 42, § 9601(14) of the United States Code; any **HAZARDOUS WASTE** as defined under Title 42, § 6903(5) of the United States Code, and under Cal. Health and Safety Code § 25550(p); any **HAZARDOUS MATERIAL** as defined under Cal. Health and Safety Code § 25501(n); any chemical the Governor of California has identified as one known to cause cancer or reproductive toxicity, pursuant to Cal. Health and Safety Code, § 25249.8; and any crude oil or refined or unrefined petroleum product, or any fraction or derivative thereof, and any asbestos or asbestos-containing material. The term **HAZARDOUS SUBSTANCE** includes any amendments to the above-referenced statutes and regulations.

HAZARDOUS WASTE. A hazardous substance or hazardous material that is to be discharged, discarded, recycled or processed.

HILLSIDE PROPERTY. Property located in an area with known erosive soil conditions, where the development contemplates grading on any natural slope that is 25% or greater.

ILLICIT CONNECTION. Any direct or indirect physical connection to the municipal storm drain system that has not been permitted by the city, the county, or the Los Angeles Regional Water Quality Control Board.

ILLICIT DISCHARGE. 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-stormwater discharges except discharges made pursuant to a National Pollutant Discharge Elimination System (NPDES) permit, discharges that are listed within this chapter as exempt and discharges authorized by the Regional Board Executive Officer.

ILLICIT DISPOSAL. Any disposal of materials or wastes, either intentional or unintentional, that can pollute storm water or urban runoff.

IMPERVIOUS SURFACE. Any surface that prevents or significantly reduces the entry of water into the underlying soil, resulting in runoff from the surface in greater quantities and/or at an increased rate when compared to natural conditions prior to development. This includes, but is not limited to: parking lots, driveways, roadways, storage areas, and rooftops. The imperviousness of these areas commonly results from the use of paving or compacted gravel.

INDUSTRIAL ACTIVITY. As defined in 40 CFR 122.26(b)(14), which refers to 11 categories of activities required to obtain a National Pollutant Discharge Elimination System (NPDES) permit for storm water discharges associated with industrial activity as required by 40 CFR 122.26(c). See Phase I Facilities therein.

INDUSTRIAL OR COMMERCIAL FACILITY. Any facility involved or used in either the production, manufacture, storage, transportation, distribution, exchange or sale of goods or commodities; and any facility involved or used in providing professional and nonprofessional services. This includes, but is not limited to, any facility defined by the Standard Industrial Classifications (SIC). Profit motive and ownership (federal, state, municipal, private) of the facility are not factors in this definition.

MAXIMUM EXTENT PRACTICABLE (MEP). The standard for implementation of storm water management programs to reduce pollutants in storm water. *MEP* refers to storm water management programs taken as a whole: the maximum extent possible, taking into account equitable consideration and competing facts. This includes, but is not limited to: the gravity of the problem, public health risk, societal concerns, environmental benefits, pollutant removal effectiveness, regulatory compliance, public acceptance, implementability, cost and technical feasibility. Section 402(p)(3)(B)(iii) of the Clean Water Act (33 USC 1251 et seq.) declares that municipal permits, ". . . shall require controls to reduce the discharge of pollutants to the maximum extent practicable, including management practices, control techniques and system, design and engineering methods, and such other provisions as the Administrator or the State determines appropriate for the control of such pollutants."

MS4. A "Municipal Separate Storm Sewer System" as used and referred to in the Clean Water Act, and the regulations thereunder.

MUNICIPAL NPDES PERMIT. An area-wide NPDES permit issued to a government agency or agencies permitting the discharge of storm water from an MS4.

MUNICIPAL SEPARATE STORM SEWER (MS4). See **STORM DRAIN SYSTEM**.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM. A permit issued by the USEPA, SWRCB or CRWQCB pursuant to the Clean Water Act (33 USC 1251 et seq.) that authorizes, and requires the reduction of pollutants in, discharges to United States waters.

NEW DEVELOPMENT PROJECT. A development project involving land disturbing activities, structural development (including the construction or installation of a new building or structure) and the creation of impervious surfaces resulting in one or more of the following new developments:

- (1) Ten or more unit homes (includes single family homes, multifamily homes, condominiums, and apartments);
- (2) A 100,000 or more square feet of impervious surface area industrial/commercial development (one acre or more starting on March 10, 2003);
- (3) Automotive service facilities (SIC 5013, 5014, 5541, 7532-7534, and 7536-7539);
- (4) Retail gasoline outlets;
- (5) Restaurants (SIC 5812);
- (6) Parking lots with 5,000 square feet or more of surface area or with 25 or more parking spaces;
- (7) Redevelopment projects in subject categories that meet Redevelopment thresholds as defined in this section;
- (8) Projects located in or directly adjacent to or discharging directly to an ESA, which meet thresholds as set forth in the city's Municipal NPDES Permit; and

(9) Those projects that require the implementation of a site-specific plan to mitigate post-development stormwater for new development not requiring a SUSMP but which may potentially have adverse impacts on post-development stormwater quality, where the following project characteristics exist:

- (a) Vehicle or equipment fueling areas;
- (b) Vehicle or equipment maintenance areas, including washing and repair;

(c) Commercial or industrial waste handling or storage;

(d) Outdoor handling or storage of hazardous materials;

(e) Outdoor manufacturing areas;

(f) Outdoor food handling or processing;

(g) Outdoor animal care, confinement, or slaughter; or

(h) Outdoor horticulture activities.

NON-STORMWATER DISCHARGE/RUNOFF.

Any discharge to a municipal storm drain system that is not composed entirely of stormwater.

NPDES. See **NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM.**

NPDES CONSTRUCTION PERMIT. A permit issued by the Regional Water Quality Control Board to owners/developers for construction activity on sites five or more acres in size, to prevent sediment and other pollutants from entering the storm drain system.

NPDES INDUSTRIAL PERMIT. A permit issued by the Regional Water Control Board to owners/operators of specific categories of industrial facilities identified in federal regulations, to discharge stormwater into the storm drain system.

NUISANCE. Anything that meets all of the following requirements:

(1) Is injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use of property so as to interfere with the comfortable enjoyment of life or property;

(2) Affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal; and

(3) Occurs during, or as a result of, the treatment or disposal of wastes.

PERSON. Any natural person, firm, association, club, organization, corporation, partnership, sole proprietorship, business trust, company or other entity recognized by law as the subject of rights or duties.

POLLUTANT. Those pollutants defined in § 502(6) of the Federal Clean Water Act (33 USC 1362(6)), or incorporated into the Cal. Water Code § 13373. The term shall not include uncontaminated stormwater, potable water, or reclaimed water generated by a lawfully permitted water treatment facility. The term shall also not include any substance identified in this definition, if through compliance with the Best Management Practices available, the discharge of such substance has been eliminated to the maximum extent practicable. In an enforcement action, the burden shall be on the person who is the subject of such action to establish the elimination of the discharge to the maximum extent practicable through compliance with the Best Management Practices available. Examples of pollutants include, but are not limited to, the following:

(1) Artificial materials, chips or pieces of man-made materials (such as floatable plastics, paper, cartons, or pieces of metal);

(2) Commercial and industrial waste (such as fuels, solvents, detergents, plastic pellets, hazardous substances, fertilizers, pesticides, slag, ash, and sludge);

(3) Household waste (such as trash, paper, plastics, lawn clippings and yard wastes, animal fecal materials, excessive pesticides, herbicides and fertilizers; used oil and fluids from vehicles, lawn mowers and other common household equipment);

(4) Metals (such as cadmium, lead, zinc, copper, silver, nickel, chromium) and nonmetals (such as phosphorus and arsenic);

(5) Petroleum hydrocarbons (such as fuels, lubricants, surfactants, waste oil, solvents, coolants, and grease);

(6) Excessive eroded soils, sediment and particulate materials in amounts that may adversely affect the beneficial use of the receiving waters, flora or fauna of the state;

(7) Animal wastes (such as discharge from confinement facilities, kennels, pens, recreational facilities, stables and show facilities);

(8) Substances having characteristics such as pH less than 6 or greater than 9, or unusual coloration or turbidity; or excessive levels of fecal coliform, fecal streptococcus, or enterococcus;

(9) Waste materials and wastewater generated on construction sites and by construction activities (such as painting and staining; use of sealants, glues or limes; excessive pesticides, fertilizers or herbicides; use of wood preservatives and solvents; disturbance of asbestos fibers, paint flakes or stucco fragments; application of oils, lubricants, hydraulic, radiator or battery fluids; construction equipment washing, concrete pouring and cleanup washwater or use of concrete detergents; steam cleaning or sand blasting residues; use of chemical degreasing or diluting agents; and super chlorinated water generated by potable water line flushing);

POTABLE WATER SOURCES. Flows from drinking water distribution systems, including flows from: system failures, pressure releases, system maintenance, well development and testing, fire hydrant flow testing and flushing; dewatering of pipes, reservoirs, vaults and wells.

PREMISES. Any building, structure, fixture or improvement on land and any lot, parcel of land, or portion of land, whether improved or unimproved.

PROPER DISPOSAL. The act of disposing of material(s) in a lawful manner to ensure protection of water quality and beneficial uses of receiving waters.

RECEIVING WATERS. All service water bodies within the permit area.

REDEVELOPMENT. A land disturbing activity that results in the creation, addition, or replacement of at least 5,000 square feet or more of impervious surfaces on an already developed site. **REDEVELOPMENT** includes, but is not limited to, the expansion of a building footprint or addition or replacement of a structure; replacement of impervious surface 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. Existing single-family structures are exempt from the redevelopment requirements.

REGIONAL BOARD. The California Regional Water Quality Control Board, Los Angeles Region.

RESTAURANT. A stand-alone facility that sells prepared foods and drinks for immediate consumption, including stationary lunch counters and refreshments stands, selling prepared foods and drinks for immediate consumption.

RETAIL GASOLINE OUTLET. Any retail facility engaged in selling gasoline and lubricating oils.

RUNOFF. Any runoff, including stormwater and dry weather flows, that reaches a receiving water body or subsurface. During dry weather, it is typically comprised of many base flow components, either uncontaminated or contaminated with pollutants.

SOURCE CONTROL BMPS. Operational practices that prevent pollution by reducing potential pollutants at the source.

STATE BOARD. The State Water Resources Control Board.

STORM DRAIN SYSTEM. Streets, gutters, conduits, natural or artificial drains, channels and watercourses, or other facilities that are owned, operated, maintained or controlled by any permittee and used for the purpose of collecting, storing, transporting or disposing of storm water.

STORMWATER. Water originating in atmospheric moisture (rainfall or snowmelt) and falling onto land, water or other surfaces.

STORMWATER POLLUTION PREVENTION PLAN (SWPPP). A plan required by and for which contents are specified in the state's General Permit for Storm Water Discharges Associated with Industrial Activities, and the General Permit for Storm Water Discharges Associated with Construction Activities. Its purpose is to help identify the sources of pollution that affect the quality of stormwater discharges from a site, and to describe and ensure the implementation of practices to reduce pollutants in stormwater discharges.

STORMWATER RUNOFF. Surface runoff and drainage associated with rain or other precipitation events.

USEPA. The United States Environmental Protection Agency.

WATERSHED MANAGEMENT AREA PLAN. A plan for implementation of permit requirements based on the Countywide Storm Water Management Plan ("SWMP"), but further addressing specific issues involving pollutants of concern and Best Management Practices unique to the specific Watershed Management Area. (Ord. 915, passed 1-12-01; Am. Ord. 929, passed 9-26-02)

§ 52.03 ILLICIT DISCHARGES AND CONNECTIONS.

(A) Except as otherwise permitted herein, all non-stormwater discharges to the municipal storm drain system are prohibited.

(B) No person shall cause, facilitate, or permit any illicit discharge to the municipal storm drain system.

(C) No person shall cause, facilitate or permit any discharge of washwaters to the municipal storm drain system in the performance of any maintenance or cleaning of a gas station, auto or truck repair garage or other similar auto or truck service facility.

(D) No person shall cause, facilitate or permit any discharge of untreated wastewater to the municipal storm drain system from any mobile auto washing, steam cleaning, mobile carpet cleaning, or other similar mobile commercial and/or industrial operation.

(E) All persons shall use Best Management Practices (BMPs) to avoid, to the maximum extent practicable, any discharge to the municipal storm drain system, from property owned or operated by the person, where there has been an unmitigated release or a threat of release of leaking oils or other petroleum fluids, including but not limited to: used oils, transmission oils, waste oils, cutting oils, kerosene, diesel, gasoline or antifreeze, from any machinery and/or equipment, including motor vehicles located in or on industrial sites or facilities within the city.

(F) No person shall discharge, cause, facilitate or permit to be discharged any chlorinated/brominated swimming pool water or filter backwash to the municipal storm drain system.

(G) No person shall use, store, maintain or discharge or cause, facilitate or permit to be discharged, any hazardous or toxic substance in an area that creates a release or a threat of a release of such hazardous or toxic substances into the municipal storm drain system.

(H) No person shall discharge, or cause, facilitate or permit to be discharged into the municipal storm drain system any untreated wastewater from the washing or cleaning of concrete trucks.

(I) No person shall discharge, or cause, facilitate or permit to be discharged any leaves, dirt or other landscape debris, or construction debris into the municipal storm drain system.

(J) No person shall discharge, or cause, facilitate or permit to be discharged any pesticide, fungicide or herbicide presently banned by the United States Environmental Protection Agency or the California Department of Pesticide Regulation into the municipal storm drain system.

(K) No person shall discharge, or cause, facilitate or permit to be discharged nonstormwater or stormwater from property it owns, operates, or maintains, that causes or contributes to a violation of a Water Quality Standard or a Water Quality Objective, as established by state or federal law.

(L) No person shall discharge or cause, facilitate or permit to be discharged nonstormwater or stormwater, from property it owns, operates or maintains, that causes or contributes to a condition of nuisance.

(M) All owners or operators of industrial and/or commercial property shall use BMPs in the use, maintenance, repair and operation of all machinery and equipment utilized on such property, in order to minimize and eliminate the discharge of pollutants to the municipal storm drain system.

(N) All owners and operators of industrial and/or commercial motor vehicle parking lots containing more than 25 parking spaces shall conduct regular sweeping and other similar measures to minimize the discharge of pollutants and other debris in the municipal storm drain system.

(O) Except as otherwise permitted under federal, state or local law, no owner or operator of an industrial or commercial premise within the city shall discharge or cause, facilitate or permit to be discharged any non-stormwater runoff into the municipal storm drain system.

(P) The discharge of any food or food processing wastes is prohibited.

(Q) The discharge of any fuel and chemical wastes, animal wastes, garbage, batteries and other materials that have potential adverse impacts on water quality is prohibited.

(R) No person shall construct, utilize, maintain, operate or permit the existence of any illicit connection on any premises owned or operated by such person. Any illicit connection constructed, utilized, maintained, operated or permitted to be operated on any premises owned or operated by any person, shall be terminated and removed and/or otherwise sealed in a manner approved by the Director.

(S) Exempted discharges. The following non-stormwater discharges are not considered illicit discharges, and are not prohibited by this chapter:

- (1) Natural springs and rising groundwater;
- (2) Flows from riparian habitats or wetlands;
- (3) Stream diversions, permitted by the State Board;
- (4) Uncontaminated groundwater infiltration [as defined by 40 CFR 35.2005(20)];
- (5) Flows from emergency firefighting activities;
- (6) Reclaimed and potable landscape irrigation runoff;
- (7) Potable drinking water supply and distribution system releases (consistent with American Water Works Association guidelines for dechlorination and suspended solids reduction practices);
- (8) Drains for foundations, footings, and crawl spaces;
- (9) Air conditioning condensate;
- (10) Dechlorinated/debrominated swimming pool discharges;
- (11) Dewatering of lakes and decorative fountains;
- (12) Non-commercial car washing by residents or by non-profit organizations;
- (13) Sidewalk rinsing.

(T) Any person who violates the terms of this section shall immediately commence all appropriate response action to investigate, assess, remove and/or remediate any pollutants discharged as a result of the

violation, and shall reimburse the city or other appropriate governmental agency, for all costs incurred in investigating, assessing, monitoring and/or removing, cleaning up, treating or remediating any pollutants resulting from the violation, including all reasonable attorneys' fees and environmental and related consulting fees incurred in connection therewith.

(U) In order to control the spilling, dumping or disposal of materials into the MS4, the following are prohibited:

- (1) Littering;
- (2) The disposal of leaves, dirt or other landscape debris into a storm drain;
- (3) The discharge to the MS4 of any pesticide, fungicide or herbicide banned by the ISOPIA or the California Department of Pesticide Regulation; and
- (4) The disposal of hazardous wastes into trash containers used for municipal trash disposal so as not to cause a discharge to the MS4. (Ord. 915, passed 1-12-01; Am. Ord. 929, passed 9-26-02) Penalty, see § 52.99

§ 52.04 ILLICIT DISPOSAL.

No person or company shall spill, dump, dispose or place any material, other than storm water runoff, into any storm drain system, unless specifically permitted.

Penalty, see § 52.99

§ 52.05 CONSTRUCTION SITES REQUIRING A BUILDING PERMIT AND/OR A GRADING PLAN.

(A) Any person or company engaging in construction activity that requires an NPDES construction permit must demonstrate possession of such permit before grading and/or building permits can be issued. The NPDES permit shall be retained on site and shall be shown to city officers or inspectors at their request.

(B) The following Best Management Practices shall apply to all construction sites:

(1) Runoff sediment and construction waste from construction sites and parking areas shall not leave the site to enter the storm drain system.

(2) Any sediments or other materials which are tracked off the site shall be removed the same day as they are tracked off the site. Where determined necessary by the Building Official or his designated representative, a sediment barrier or erosion control measure shall be installed.

(3) Excavated soil shall be located on the site in a manner that eliminates the possibility of sediments running into the street or adjoining properties. Soil stock piles shall be covered if required by the erosion control plan until the soil is either used or removed.

(4) No washing of construction or other industrial vehicles shall be allowed adjacent to a construction site. No runoff from washing vehicles on a construction site is allowed to leave the site.

(5) All construction sites are inspected to detect and prevent erosion or runoff of waste building materials from leaving the site and entering the storm drainage system.

(6) Notification is presented to the construction site superintendent with information on construction site BMP's and attendant fines.

(7) Erosion control plans are required for all grading projects in accordance with the Los Angeles County Building Code.
('64 Code, § 11B-5) (Ord. 851, passed 6-8-95)
Penalty, see § 52.99

§ 52.06 INDUSTRIAL SITE ACTIVITY.

All persons or companies engaged in industrial activity in the city shall acquire an NPDES industrial permit before discharging any non-storm water run-off

into the storm drain system. The NPDES permit shall be retained on site and shall be shown to city officers or inspectors at their request.

Penalty, see § 52.99

§ 52.07 NUISANCE; ABATEMENT.

(A) In addition to the penalties provided in this chapter, any condition caused or permitted to exist in violation of any of the provisions of this chapter is a threat to the public health, safety and welfare, is declared and deemed a nuisance, may be summarily abated and/or restored by any authorized enforcement officer and/or civil action to abate, enjoin or otherwise compel the cessation of such nuisance may be taken by city.

(B) 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. If the invoice is not paid within 60 days, a lien shall be placed upon and against the property. If the lien is not satisfied within three months, the property may be sold in satisfaction thereof in a like manner as other real property is sold under execution.

(C) If any violation of this subchapter constitutes a seasonal recurrent nuisance, the Director of Public Works shall so declare. Thereafter such seasonal and recurrent nuisance shall be abated every year without the necessity of any further hearing.

('64 Code, § 11B-7(b)) (Ord. 851, passed 6-8-95)

§ 52.08 REIMBURSEMENT TO CITY OF EXPENSES.

In any administrative or civil proceeding under this chapter in which the city prevails, the city shall be awarded all costs of investigation, administrative overhead, out-of-pocket expenses, cost of suit and reasonable attorney fees.

('64 Code, § 11B-7(b)) (Ord. 851, passed 6-8-95)

§ 52.09 FEES.

Fees to be charged for plan checking, monitoring and any other activities carried out by the city under this chapter shall be set by the City Council by resolution or minute action.

('64 Code, § 11B-9) (Ord. 851, passed 6-8-95)

ADMINISTRATION AND ENFORCEMENT**§ 52.20 RESPONSIBILITY FOR ADMINISTRATION.**

The responsibility for the administration, oversight and implementation of this chapter is delegated to the Director, and his or her authorized agent, deputy or representative.

(Ord. 915, passed 1-12-01)

§ 52.21 NOTIFICATION.

(A) *Immediate notification.* Any person who intentionally, negligently or otherwise violates any provision of this chapter resulting in a discharge of a pollutant or pollutants to the municipal storm drain system shall immediately:

(1) Notify the Director, or his or her designee, by telephone or in person; and

(2) Identify:

(a) The location of the discharge;

(b) The date and time of the discharge;

(c) The type, concentration and volume of pollutant discharged; and

(d) Any corrective action taken.

(B) *Written notification.* Written notification of such discharge information shall thereafter be

provided to the Director, or his or her designee, within 48 hours of the discharge.

(C) *Written report.* Within ten calendar days after any such discharge of a pollutant or pollutants, all persons violating this chapter shall file a detailed written report with the Director. This report should describe:

(1) The cause of the discharge;

(2) The date and time of the discharge;

(3) The type, concentration and volume of pollutant discharged;

(4) The location of the discharge;

(5) Any specific information necessary in connection with the location to fully explain the potential impacts from the discharge; and

(6) Any corrective action or other measures taken in connection with the discharge, including any measures taken to prevent similar discharges in the future. Submission of this written report shall not be deemed a waiver or release of any person for liability, fines or other obligations imposed under this chapter, or otherwise in this code, or under state or federal law.

(Ord. 915, passed 1-12-01) Penalty, see § 52.99

§ 52.22 LITTERING.

(A) No person shall discharge (or cause or permit to be discharged) any refuse, hazardous or infectious waste into the municipal storm drain system. This includes: discharges into any street, alley, alleyway, sidewalk, inlet, catch basin, or drainage structure or facility that are part of this system; and discharges onto any public or private property. The following exceptions apply:

(1) The discarding, depositing, disposal or placement of such waste material into containers, barrels and/or bins used for its proper containment and transportation; and

(2) The disposal of such waste at properly licensed and permitted solid and/or hazardous waste facilities.

(B) Any person violating § 52.22(A) shall:

(1) Immediately cause the proper collection and abatement of such waste materials, and

(2) Remedy and cleanup any premises and/or any portion of the municipal storm drain system directly or indirectly affected by such discharge.

(C) Any and all costs and expenses incurred by the city in assessing and abating a violation of this section may be assessed against all violating persons. This includes all administrative expenses, legal fees and other costs incurred by the city in assessing and abating the discharge; and in enforcing the terms of this section, including litigation fees and costs. (Ord. 915, passed 1-12-01) Penalty, see § 52.99

§ 52.23 USE OF DISCONTINUED OR BANNED CHEMICALS.

No person shall use or apply on any public or private property within the city any pesticide, herbicide or fungicide, the manufacture of which has been prohibited by the United States Environmental Protection Agency and/or the California Department of Pesticide Regulation. (Ord. 915, passed 1-12-01) Penalty, see § 52.99

§ 52.24 POLLUTANT SOURCE REDUCTION.

(A) *Treatment systems.* All persons who own, operate or maintain stormwater clarifiers, separators, sediment ponds and other stormwater treatment systems shall at all times maintain such systems in good working order and repair. This maintenance requirement shall be understood to include any maintenance activities necessary to prevent the breeding of vectors. Such systems shall be constructed and installed in a manner so as to at all times permit easy and safe access for proper maintenance, repair and inspection.

(B) *New development, redevelopment and construction.*

(1) *Copies of documents.* All persons engaged in construction activity within the city requiring a state construction activity stormwater permit shall have at the construction site available for review (1) a copy of the notice of intent for the state construction activities stormwater permit; (2) the waste discharge identification number issued by the State Water Resources Control Board; and (3) copies of the stormwater pollution prevention plan and stormwater monitoring plan as required by the permit.

(2) All persons engaged in construction activity within the city shall implement Best Management Practices to avoid, to the maximum extent practicable, the discharge of pollutants to the MS4, in accordance with the city's grading manual, as developed and updated by the City Engineer, and, when applicable, in accordance with a grading plan approved by the Director for such project.

(3) All applicants for construction projects equal to or greater than one acre and less than five acres shall prepare and submit a Local Stormwater Pollution Prevention Plan to the Director for review and approval prior to the issuance of any permits.

(4) Projects involving a single family hillside home shall be required to do the following:

(a) Conserve natural areas;

(b) Protect slopes and channels;

(c) Provide storm drain system stenciling and signage; and

(d) Divert roof runoff and surface flow to vegetated areas before discharge unless the diversion would result in slope instability; and direct surface flow to vegetated areas before discharge unless the diversion would result in slope instability.

(5) *Urban runoff mitigation plan.*

(a) All applicants for New Development and Redevelopment projects shall submit an Urban Runoff Mitigation Plan with their project

applications to the city. The Urban Runoff Mitigation Plan shall be submitted to the Director for review and approval and shall comply with all requirements of the city's Municipal NPDES Permit, including any applicable standard urban stormwater mitigation plan (SUSMP) or other similar plan, developed as a part of or pursuant to the city's Municipal NPDES Permit. Copies of the city's current Municipal NPDES Permit and any applicable SUSMP or other similar plan, are on file with the City Clerk and the Director for review.

(b) The Urban Runoff Mitigation Plan shall be designed to reduce projected runoff for the project through incorporation of design elements or principles, in accordance with the requirements set forth in the city's municipal NPDES permit and any applicable SUSMP or other similar plan. Applicants shall refer to the most recent edition of the Construction Best Management Practices Handbook, produced and published by the Stormwater Quality Task Force, for specific guidance on selecting Best Management Practices for reducing pollutants in stormwater runoff from urbanized areas. Urban runoff mitigation plans may include the development of a regional approach as a means of complying with Best Management Practices and any applicable numerical design standard or requirement, where such a regional approach is to be approved by both the Director and the Regional Board.

(6) *Numerical design criteria.* Post-construction Treatment Control BMPs for projects must incorporate, at a minimum, either a volumetric or flow based treatment control design standard, or both, as identified below to mitigate (infiltrate, filter or treat) stormwater runoff:

(a) *Volumetric treatment control BMP.*

1. The 85th percentile 24-hour runoff event determined as the maximized capture stormwater volume for the area, from the formula recommended in Urban Runoff Quality Management, WEF Manual of Practice No. 23/ASCE Manual of Practice No. 87 (1998); or

2. The volume of annual runoff based on unit based on unit basin storage water quality volume, to achieve 80% or more volume treatment by the method recommended in California Stormwater Best Management Practices Handbook Industrial/Commercial (1993); or

3. The volume of runoff produced from a 0.75 inch storm event, prior to its discharge to a stormwater conveyance system; or

4. The volume of runoff produced from a historical record based reference 24-hour rainfall criterion for treatment (0.75 inch average for the Los Angeles County area) that achieves approximately the same reduction in pollutant loads achieved by the 85th percentile 24-hour runoff event.

(b) *Flow based treatment control BMP.*

1. The flow of runoff produced from a rain event equal to at least 0.2 inches per hour intensity; or

2. The flow of runoff produced from a rain event equal to at least two times the 85th percentile hourly rainfall intensity for Los Angeles County; or

3. The flow of runoff produced from a rain event that will result in treatment of the same portion of runoff as treated using volumetric standards above.

(7) *Applicability of numerical design criteria.* The numeric design criteria listed above shall apply to the following categories of projects required to design and implement postconstruction treatment controls to mitigate stormwater pollution:

(a) Single-family hillside residential developments of one acre or more of surface area;

(b) Housing developments (includes single family homes, multifamily homes, condominiums, and apartments) of ten units or more;

(c) A 100,000 square feet or more impervious surface area industrial/commercial development;

(d) Automotive service facilities (SIC 5013, 5014, 5541, 7532-7534 and 7536-7539) [5,000 square feet or more of surface area];

(e) Retail gasoline outlets [5,000 square feet or more of impervious surface area and with projected Average Daily Traffic (ADT) of 100 or more vehicles]. Subsurface Treatment Control BMPs which may endanger public safety (i.e., create an explosive environment) are considered not appropriate;

(f) Restaurants (SIC 5812) [5,000 square feet or more of surface area];

(g) Parking lots 5,000 square feet or more of surface area or with 25 or more parking spaces;

(h) Projects located in, adjacent to or discharging directly to an ESA that meet threshold conditions identified above; and

(i) Redevelopment projects in subject categories that meet Redevelopment thresholds.

(8) *City review and plan approval.*

(a) Prior to the issuance of a permit for a New Development or Redevelopment project, the city shall evaluate the proposed project using the applicable SUSMP and the guidelines and BMP list approved by the Regional Board, and erosion and grading requirements of the City Building Official or Director to determine (i) its potential to generate the flow of pollutants into the municipal storm drain system both during and after construction; and (ii) how well the Urban Runoff Mitigation Plan for the proposed project meets the goals of this chapter. Each plan will be evaluated on its own merits according to the particular characteristics of the project and the site to be developed. Based upon the review, the city may impose conditions upon the issuance of the building permit, in addition to any required by the state construction activities stormwater permit for the

project, in order to minimize the flow of pollutants into the municipal storm drain system.

(b) No grading permit for developments requiring coverage under the state general construction permit shall be issued unless the applicant can show that a notice of intent to comply with the state construction activities storm waste permit has been filed and that a stormwater pollution prevention plan has been prepared for the project.

(c) If no building permit has been issued or no construction has begun on a project within a period of one hundred eighty days of approval of an Urban Runoff Mitigation Plan, the Urban Runoff Mitigation Plan for that project shall expire. The Director may extend the time by written extension for action by the applicant for a period not to exceed 180 days upon written request by the applicant showing that circumstances beyond the control of the applicant prevented the construction from commencing. In order to renew the Urban Runoff Mitigation Plan, the applicant shall resubmit all necessary forms and other data and pay a new plan review fee.

(d) Stormwater runoff containing sediment, construction waste or other pollutants from the construction site and parking areas shall be reduced to the maximum extent practicable. The following Best Management Practices shall apply to all construction projects within the city, and shall be required from the time of demolition of existing structures or commencement of construction until receipt of a Certificate of Occupancy:

1. Sediment, construction waste, and other pollutants from construction activities shall be retained on the construction site to the maximum extent practicable;

2. Structural controls such as sediment barriers, plastic sheeting, detention ponds, dikes, filter beams 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 sediments running onto the street, drainage

facilities or adjacent properties. Soil piles shall be covered with plastic or similar material 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 or other vehicles is permitted to run off the construction site, or to otherwise enter the municipal storm drain system.

(e) As a condition to granting a construction permit, the city may set reasonable limits on the clearing of natural vegetation from construction sites, in order to reduce the potential for soil erosion. These limits may include, but are not limited to, regulating the length of time soil is allowed to remain bare or prohibiting bare soil.

(f) The Director may require, prior to the issuance of any building or grading permit, preparation of appropriate wet weather erosion control, stormwater pollution prevention or other plans consistent with countywide development construction guidance provisions and the goals of this chapter.

(9) *Development construction requirements.* Runoff from construction activity at all construction sites shall meet the following minimum requirements:

(a) Sediments generated on the project site shall be retained using adequate Treatment Control or Structural BMPs;

(b) Construction-related materials, wastes, spills, or residues shall be retained at the project site to avoid discharge to streets, drainage facilities, receiving waters, or adjacent properties by wind or runoff;

(c) Non-stormwater runoff from equipment and vehicle washing and any other activity shall be contained at the project site; and

(d) Erosion from slopes and channels shall be controlled by implementing an

effective combination of BMPs (as approved in Regional Board Resolution No. 99-03), such as the limiting of grading scheduled during the wet season; inspecting graded areas during rain events; planting and maintenance of vegetation on slopes; and covering erosion susceptible slopes.

(10) *Transfer of properties subject to requirement for maintenance of structural and treatment control BMPs.*

(a) 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) replace an existing structural or treatment control BMP with new control measures or BMPs meeting the then current standards of the city and the SUSMP. 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.

(b) For residential properties where the structural or treatment control BMPs are located within a common area which will be maintained by a homeowner's association, language regarding the responsibility for maintenance shall be included in the project's conditions, covenants and restrictions (CC&Rs). Printed educational materials will be required to accompany the first deed transfer to highlight the existence of the requirement and to provide information on what stormwater management facilities are present, signs that maintenance is needed, and how the necessary maintenance can be performed. The transfer of this information shall also be required with any subsequent sale of the property.

(c) 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.

(Ord. 915, passed 1-12-01; Am. Ord. 929, passed 9-26-02) Penalty, see § 52.99

§ 52.25 INSPECTION AND ENFORCEMENT.

(A) *Inspections.* The City Manager or the Director (or any designee thereof) may enter upon and inspect any private premises for the purposes of verifying compliance with the terms and conditions of this chapter. Such inspections may include, but are not limited to:

(1) Identifying products produced, processes conducted; chemicals and materials used, stored or maintained on the subject premises;

(2) Identifying points of discharge for all waste water, non-stormwater, processed water systems and pollutants;

(3) Investigating the natural slope of the premises, including drainage patterns and man-made conveyance systems;

(4) Establishing locations of all points of discharge from the premises, whether by surface runoff or through a storm drain system;

(5) Locating any illicit connection or illicit discharge;

(6) Identifying all vehicles, trucks, trailers, tanks or other mobile equipment;

(7) Reviewing all records (of the owner or occupant of public or private property) relating to chemicals or processes presently or previously stored or occurring on the property. This includes: materials and/or chemical inventories, facilities maps of schematics and diagrams, material safety data sheets, hazardous waste manifests, business plans, pollution prevention plans, state general permits, stormwater pollution prevention plans; and any and all records relating to illicit connections, illicit discharges, or any other source (or potential source) of contribution of pollutants to the municipal storm drain system;

(8) To determine the potential for contribution of pollutants to the municipal storm drain system, inspecting, sampling and testing: any area runoff, soils area (including groundwater testing), process discharge materials with any waste storage

area (including any container contents), and/or treatment system discharges;

(9) Inspecting the integrity of all storm drain and sanitary sewer systems, and any connection to other pipelines on the property. This includes: the use of dye and smoke tests, video surveys, photographs or videotapes, the taking of measurements, drawings or any other records reasonably necessary to document conditions as they exist on the premises;

(10) The institution and maintenance of monitoring devices for the purpose of measuring any discharge, or potential source of discharge, to the municipal storm drain system;

(11) Evaluating compliance with this chapter or the Clean Water Act.

(B) *Enforcement.*

(1) Any violation of this chapter is a misdemeanor and shall be punishable by either a fine of up to \$1,000 or six months in the county jail, or both.

(2) At the discretion of the prosecuting attorney, any person, who may otherwise be charged with a misdemeanor as a result of a violation of this chapter, may also be charged with an infraction punishable by a fine of not more than:

(a) \$100 for the first violation,

(b) \$200 for the second violation, and

(c) \$250 for each additional violation thereafter.

(3) As a part of any sentence or other penalty imposed, or the award of any damage, the court may also order that restitution be paid to the city or any injured person. In the case of a violator who is a minor, the minor's parent, lawfully designated guardian or custodian shall pay such restitution. Restitution may include the amount of any reward.

(4) An imminent danger shall include, but is not limited to, exigent circumstances created by the

discharge of pollutants, where such discharge presents a significant and immediate threat to public health or safety, or to the environment. In the event any violation of this chapter constitutes an imminent danger, the City Manager or Director of Public Works (or any authorized agent thereof) may:

(a) Enter upon the premises from which the violation emanates,

(b) Abate the violation and danger created, and

(c) Restore any premises affected by the alleged violation, without notice to or consent from the owner or occupant of the premises.

(5) Violations of this chapter may further be deemed to be a public nuisance, which may be abated by administrative, civil or criminal action, in accordance with the terms and provisions of this code and state law.

(6) All costs and fees incurred by the city as a result of any violation of this chapter that constitutes a nuisance, including all administrative fees and expenses and legal fees and expenses, shall become a lien against the subject premises from which the nuisance emanated and a personal obligation against the owner, in accordance with Cal. Gov't Code §§ 38773.1 and 38773.5. The owner of record of the premises subject to any lien shall receive notice of the lien prior to recording, as required by Cal. Gov't Code § 38773.1. The City Attorney is authorized to collect nuisance abatement costs or to enforce a nuisance lien (in an action brought for money judgment, or by delivery to the County Assessor of a special assessment against the premises), in accordance with the conditions and requirements of Cal. Gov't Code § 38773.5.

(7) Any person acting in violation of this chapter may also be acting in violation of the Clean Water Act or the California Porter-Cologne Act (California Water Code §§ 13000 et seq.), the regulations thereunder, and other laws and regulations, and may be subject to damages, fines and penalties, including civil liability under such other laws. The City Attorney is authorized to file a citizen's

suit pursuant to the Clean Water Act, seeking penalties, damages, and orders compelling compliance and appropriate relief.

(8) The City Attorney is authorized to file in a court of competent jurisdiction a civil action, seeking an injunction against any violation or threatened or continuing violation of this chapter. Any temporary, preliminary or permanent injunction issued pursuant hereto may include an order for reimbursement to the city for:

(a) All costs of inspection, investigation, monitoring, treatment, abatement, removal or remediation undertaken by, or at the expense of the city; and

(b) All legal expenses and fees and any and all costs incurred relating to the restoration or remediation of the environment.

(9) Each separate discharge in violation of this chapter, and each day a violation of this chapter exists without correction, shall constitute a new and separate violation punishable as a separate infraction, misdemeanor and/or civil violation.

(10) The city may utilize any and all other remedies as otherwise provided by law. (Ord. 915, passed 1-12-01; Am. Ord. 929, passed 9-26-02)

§ 52.99 PENALTY.

The violation of any provision of this chapter, or failure to comply with any of the requirements of this chapter, shall constitute a misdemeanor and shall be punished by imprisonment and/or by a fine for the length of time and the amount allowed pursuant to California law; except that, notwithstanding any other provisions of this chapter, any such violation constituting a misdemeanor under this chapter may, at the discretion of the authorized enforcement officer, be charged and prosecuted as an infraction. ('64 Code, § 11B-7(a)) (Ord. 851, passed 6-8-95)

Cross reference:

Additional penalties, see § 52.25(B)