DATE: April 4, 2023

TO: Mayor and Council Members

FROM: Public Works Department

SUBJECT: Ordinance No. 23-09 - Stormwater Management and Discharge Control

RECOMMENDATION:
It is recommended that the Mayor and Council Members adopt Ordinance No. 23-09, regarding Stormwater Management and Discharge Control and amending Article 16 of Chapter 10 (Public Works) of the Inglewood Municipal Code to include additional revisions pursuant to the National Pollutant Discharge Elimination System permit requirements for the Municipal Separate Storm Sewer System.

BACKGROUND:
The City of Inglewood discharges stormwater to San Pedro Bay and Santa Monica Bay via two drainage systems: Dominguez Channel and Ballona Creek. The Federal Clean Water Act prohibits the discharge of pollutants to waters of the United States; therefore, stormwater generated from the City of Inglewood must meet National Pollutant Discharge Elimination System (NPDES) requirements before being discharged into Ballona Creek or Dominguez Channel. Low Impact Development (LID) helps to reduce pollutants by capturing rainwater (first 85th percentile in a 24-hour rain event, or 0.75-inch in a 24-hour rain event, whichever is greater) and storing it on site. The discharge is in accordance with a permit issued under the NPDES Permit.

The Municipal Separate Storm Water System (MS4) Permit was implemented by the California Regional Water Quality Control Board (RWQCB), Los Angeles Region, on September 11, 2021, Order No. R4-2021-0105. The NPDES Permit contains requirements to establish legal authority to enforce the City’s Stormwater Management and Discharge Control Ordinance, including participation in the Watershed Management Program (WMP). An updated legal authority must be established before May 8, 2023, when the updated WMP Plans are due to the RWQCB. The City is part of the Ballona Creek WMP and the Dominguez Channel WMP, both led by the City of Los Angeles (City of LA).


On March 21, 2023, the City Council found that the updated Stormwater Management and Discharge Control Ordinance was exempt from CEQA and introduced Ordinance No. 23-09.
DISCUSSION:
The proposed Stormwater Management and Discharge Control Ordinance includes provisions for LID. The provisions will require new development and redevelopment construction projects to incorporate building and landscaping features designed to retain or biofiltrate (treat and release) stormwater runoff. This requirement is intended to obtain multi-beneficial uses, such as recharging groundwater or re-using it for irrigation to prevent pollution of rivers and creeks and, ultimately, the ocean. The entire MS4 permit for Los Angeles County is available at the California State website: https://www.waterboards.ca.gov/losangeles/water_issues/programs/stormwater/municipal/

According to Regulation Order No. R4-2021-0105, Priority Development Projects subject to the LID requirements are as follows:

A. New Development:
   1. Projects equal to one acre or greater of the disturbed area and adding more than 10,000 square feet of impervious surface area (collectively over the entire project site)
   2. Industrial parks with 10,000 square feet or more of surface area
   3. Commercial malls with 10,000 square feet or more of surface area

B. Redevelopment: projects that create and/or replace 5,000 square feet or more of impervious surface (collectively over the entire project site) on any of the following:
   1. Existing sites with 10,000 square feet or more of impervious surface area
   2. Industrial parks with 10,000 square feet or more of surface area
   3. Commercial malls with 10,000 square feet or more of surface area

C. New Development and Redevelopment: projects that create and/or replace 5,000 square feet or more of impervious surface (collectively over the entire project site) and support one or more of the following uses:
   1. Restaurants (SIC 5812)
   2. Parking lots
   3. Automotive service facilities (SIC 5013, 5014, 5511, 5541, 7532-7534 and 7536-7539)
   4. Retail gasoline outlets with 5,000 square feet or more surface area.

D. New Development and Redevelopment: projects that create and/or replace 2,500 square feet or more of the impervious area; discharge stormwater that is likely to impact sensitive biological species or habitat; and are located in, directly adjacent to, or are discharging directly to an ASBS [Area of Special Biological Significance], “Sensitive Ecological Area” in Los Angeles County, or “Environmental Sensitive Area” in Ventura County.

E. Streets and roads constructed of 10,000 square feet or more impervious surface area. Consideration for Redevelopment Projects:
1. Where Redevelopment results in an alteration to more than fifty percent (50%) of impervious surfaces of a previously existing development, the entire project must be mitigated.

2. Where Redevelopment results in an alteration of less than fifty percent (50%) of impervious surfaces of a previously existing development, only the alteration must be mitigated, not the entire development.

3. Redevelopment does not include routine maintenance activities that are conducted to maintain the original line and grade, hydraulic capacity, original purpose of the 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 the additional area and maintains the original grade and alignment, is considered a routine maintenance activity. Redevelopment does not include repaving existing roads to maintain the original line and grade.

Per RWQCB Order No. R4-2021-0105, it is recommended that the City Council adopt the new updated Stormwater Management and Discharge Control Ordinance to bring the Inglewood Municipal Code Chapter 10 Article 16 up to date.

FINANCIAL/FUNDING ISSUES AND SOURCES:
Fines totaling up to $10,000 per day could be assessed if the Stormwater Management and Discharge Control Ordinance containing LID requirements is not adopted by the time the Watershed Management Plans (WMP) for Ballona Creek and Dominguez Channel are submitted to the Regional Board. The due date for the submittal is May 8, 2023.

DESCRIPTION OF ANY ATTACHMENTS:
Attachment No. 1 - Ordinance No. 23-09

PREPARED BY:
Thomas C. Lee, P.E., Principal Engineer-Water Resources
Rae Aldridge, Management Assistant to the Director

COUNCIL PRESENTER:
Louis A. Atwell, P.E., Assistant City Manager/PW Director
APPROVAL VERIFICATION SHEET

DEPARTMENT HEAD/
ASSISTANT CITY MANAGER APPROVAL:  
Louis A. Atwell, PW Director/Asst. City Mgr.

CITY MANAGER APPROVAL:  
Artie Fields, City Manager
Attachment No. 1
ORDINANCE NO. 23-09

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF INGLEWOOD, CALIFORNIA REGARDING STORMWATER MANAGEMENT AND DISCHARGE CONTROL AND AMENDING ARTICLE 16 OF CHAPTER 10 OF THE INGLEWOOD MUNICIPAL CODE TO INCLUDE ADDITIONAL REVISIONS PURSUANT TO THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT REQUIREMENTS FOR THE MUNICIPAL SEPARATE STORM SEWER SYSTEM.

THE CITY COUNCIL OF THE CITY OF INGLEWOOD DOES ORDAIN AS FOLLOWS:

Section 1. Findings and Intent.

A. The City is authorized by Article XI, Section 5 and Section 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 is a permittee under the California Regional Water Quality Control Board, Los Angeles Region ("LARWQCB") Order No. R4-2021-0105, issued on July 23, 2021 which establishes Waste Discharge Requirements for Municipal Separate Storm Sewer Systems (MS4) Discharges within the Coastal Watersheds of Los Angeles and Ventura Counties.

C. The City has the authority under the California Water Code and California Constitution to adopt and enforce ordinances imposing conditions, restrictions and limitations with respect to any activity that might degrade receiving waters.

D. The City is committed to a stormwater management program that protects water quality and water supply by employing watershed-based approaches that balance environmental and economic considerations.

E. This Ordinance amends and replaces Article 16 of Chapter 10 of the Inglewood Municipal Code in its entirety.

Section 2. CEQA. The City Council hereby finds, in the exercise of its independent judgment and analysis, that this Ordinance is exempt from the California Environmental Quality Act ("CEQA") because the LID requirements for new development and redevelopment are already in place and this Ordinance only makes minor adjustments to align the requirements
with the current municipal stormwater permit. The LID requirements will not have a significant
effect on the environment, and the adoption of this Ordinance and the timing thereof is
mandated by the action of the LARWQCB. In this case, the City is acting at the direction of the
LARWQCB and federal law to protect, maintain, restore and enhance natural resources and the
environment. To comply with the requirements of the LARWQCB, the City Council finds that
the adoption of this Ordinance is categorically exempt from CEQA requirements pursuant to
CEQA Guidelines Sections 15307 and 15308. Furthermore, this Ordinance will have no possible
significant effect on the environment, given that the provisions of this Ordinance provide
similar regulations as currently exist and will not in and of themselves cause any change in the
environment.

Section 3. Code Amendment. Article 16 (“Stormwater Management and Discharge
Control”) of Chapter 10 (“Public Works”) of the Inglewood Municipal Code is hereby deleted in
its entirety and replaced with the following:

“Article 16. STORMWATER MANAGEMENT AND DISCHARGE CONTROL

10-200. Title.

10-201. Findings.


10-203. Definitions.

10-204. Prohibited Activities.

10-205. Exempted Discharges, Conditionally Exempted Discharges, or Designated
Discharges.

10-206. Requirements for Existing Properties.

10-207. Requirements for Industrial/Commercial and Construction Activities.

10-208. Low Impact Development Requirements for New Development and
Redevelopment.

10-209. Fees.


10-211. Enforcement.

10-212. City Not Liable.
10-200. Title.
This Article shall be known and may be cited as the “Stormwater Management and Discharge
Control Ordinance.”

10-201. Findings.
A. Congress has determined that pollutants contained in stormwater and urban
runoff are responsible for the environmental degradation of oceans, lakes, rivers, and other
waters of the United States.
B. In 1987, Congress amended the Clean Water Act of 1972 to reduce pollutants
discharged into the waters of the United States by extending National Pollutant Discharge
Elimination System ("NPDES") requirements to regulate stormwater and urban runoff
discharge into municipal storm drain systems.
C. Stormwater and urban runoff flows from individual properties onto streets, then
through storm drains to coastal waters.
D. The City is a co-permittee under the Municipal NPDES Permit issued by the
California Regional Water Quality Control Board, Los Angeles Region, which also serves as a
NPDES Permit under the Federal Clean Water Act. As a co-permittee, the City is required to
implement procedures with respect to the entry of non-stormwater discharges into the
municipal stormwater system.
E. In order to control the quantity and quality of stormwater and urban runoff to
the maximum extent practicable in a cost-effective manner, the adoption of reasonable
regulations, as set forth herein, is essential.

A. The purpose of this Article is to ensure the future health, safety and general
welfare of the citizens of the City and the water quality of the Ballona Creek and Dominguez
Channel watersheds and surrounding coastal areas by:
   1. Reducing pollutants in stormwater discharges to the maximum extent
      practicable;
   2. Regulating illicit connections and illicit discharges and thereby reducing the
      level of contamination of stormwater and urban runoff into the municipal
stormwater system; and

3. Regulating non-stormwater discharges into the municipal stormwater system.

B. This Article is also intended to provide the City with the legal authority necessary to control discharges to and from those portions of the municipal stormwater system over which it has jurisdiction as required by the Municipal NPDES Permit in order to protect and enhance the quality of watercourses, water bodies, and wetlands within the City in a manner consistent with the Federal Clean Water Act and the Municipal NPDES Permit.

C. This Article also sets forth requirements for the construction and operation of certain new development, redevelopment, and other “projects,” as further defined herein, which are intended to ensure compliance with the stormwater mitigation measures prescribed in the current version of the Municipal NPDES Permit approved by the Regional Water Quality Control Board, Los Angeles Region.

D. This Article authorizes the Authorized Enforcement Officer to define and adopt applicable Best Management Practices and other stormwater pollution control measures, cite infractions, and impose fines.

10-203. Definitions.

Except as specifically provided herein, any term used in this Article shall be defined as that term is 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, and/or the regulations promulgated thereunder. To the extent that any definition of a term contained in this Article conflicts with the corresponding definition contained in the current Municipal NPDES Permit, the definition contained in the Municipal NPDES Permit shall control. The following words and phrases shall have the following meanings for purposes of this Article:

A. “Area Susceptible to Runoff” means any surface directly exposed to precipitation or in the path of runoff caused by precipitation which path leads off the parcel on which the surface is located.

B. “Authorized Enforcement Officer” means the Director of the Department of Public Works or designee.
C. "Automotive Service Facility" means a facility that is categorized in any one of the following Standard Industrial Classification (SIC) codes: 5013, 5014, 5511, 5541, 7532-7534, and 7536-7539. 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.


E. "Best Management Practices (BMPs)" means practices or physical devices or systems designed to prevent or reduce pollutant loading from stormwater or non-stormwater discharges to receiving waters. Examples of BMPs may include, but are not limited to, public education and outreach, proper planning of development projects, proper cleaning of catch basin inlets, and proper sludge- or waste-handling and disposal, among others.

F. "Biofiltration" means a LID BMP that reduces stormwater pollutant discharges by intercepting rainfall on vegetative canopy or groundcover, 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 Article 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.

G. "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 two-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 this Article, 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.

H. "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.

I. "City" means the City of Inglewood.

J. "Clean Water Act (CWA)" means the Federal Water Pollution Control Act of
1972, as later 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 accords with a
NPDES Permit.

K. "Construction Activity" means any construction or demolition activity, clearing,
grading, grubbing, or excavation or any other activity that results in land disturbance.
Construction does not include emergency construction activities required to immediately
protect public health and safety or Routine Maintenance, further defined herein, which are
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.

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

M. "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.

N. "Director" means the City’s Director of Public Works or the Director’s designee.

O. "Discharge" when used without further qualification of the term means the
release of a pollutant or pollutants from the MS4.

P. "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 determines whether a proposal conforms with applicable statutes, ordinances, or regulations.

Q. “General Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities” or “General Construction Activities Stormwater Permit” means the general NPDES Permit adopted by the State Board which authorizes the discharge of stormwater from construction activities under certain conditions.

R. “General Industrial Activities Stormwater Permit” or “Statewide General Permit for Stormwater Discharges Associated with Industrial Activities” means the general NPDES Permit issued by the State Board, which authorizes the discharge of stormwater from certain industrial activities under certain conditions.

S. “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 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.

T. “Illicit Connection” means any man-made conveyance that is connected to the storm drain system without a permit, excluding gutters, roof-drains and other similar connections. Examples of illicit connections include channels, pipelines, conduits, inlets, or outlets that are connected directly to the storm drain system.

U. “Illicit Discharge” means any discharge to the MS4 that is prohibited under local, State or Federal statutes, ordinances, codes or regulations. This includes all nonstormwater discharges, except authorized non-stormwater discharges; conditionally exempt non-stormwater discharges; and non-stormwater discharges resulting from natural flows specifically identified in the Municipal NPDES Permit.

V. “Industrial Park” means land development that is set aside for industrial development. Industrial parks are typically located close to transport facilities, especially where more than one transport modalities coincide, including highways, railroads, airports, and
navigable rivers. This term includes office parks, which have offices and light industry.

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

X. "Low Impact Development (LID)" means the implementation of systems and practices that use or mimic natural processes to: 1) infiltrate and recharge, 2) evapotranspire and/or 3) harvest and use precipitation near to where it falls to earth.

Y. "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.

Z. "Municipal NPDES Permit" or "MS4 Permit" means the "Waste Discharge Requirements and National Pollutant Discharge Elimination System (NPDES) Permit for Municipal Separate Storm Sewer System (MS4) Discharges within the Coastal Watersheds of Los Angeles County and Ventura Counties" issued by the Regional Board, and any successor permit. In the event of any discrepancy between this Chapter and its citation to a part of the Municipal NPDES Permit, as amended or reissued, then the Director shall be authorized to resolve any such discrepancies so that this Chapter remains consistent with the requirements of the permit.

AA. "Municipal Separate Storm Sewer System (MS4)" or "Municipal Stormwater System" means a conveyance or system of conveyances, including 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, 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;
2. Designed or used for collecting or conveying stormwater;

3. Which is not a combined sewer; and

4. Which is not part of a publicly owned treatment works (POTW) as defined at 40 C.F.R. Section 122.2 (40 C.F.R. Section 122.26(b)(8)).

BB. "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 Sections 307, 402, 318, and 405. The term includes an "approved program."

CC. "Natural Drainage System" means an unimproved drainage system (e.g., channelized or armored). The clearing or dredging of a natural drainage system does not convert it into an improved drainage system.

DD. "New Development" means land disturbing activities; structural development, including construction or installation of a building or structure, creation of impervious surfaces; and land subdivision.

EE. "NPDES Permit" means any waste discharge requirements issued by the California Regional Water Quality Control Board, Los Angeles Region or the State Water Resources Control Board as an NPDES Permit pursuant to Water Code Section 13370.

FF. "Parking Lot" means a land area or facility for the parking or storage of motor vehicles used for businesses, commerce, industry, or personal use.

GG. "Pollutant" means those pollutants defined in Section 502(6) of the CWA (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.

The term “pollutant” shall not include uncontaminated stormwater, potable water or reclaimed water generated by a lawfully permitted water treatment facility.

The term “pollutant” also shall not include any substance identified in this definition if through compliance with the BMPs available, the discharge of such substance has been reduced or 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 reduction or elimination of the discharge to the maximum extent practicable through compliance with the BMPs available.

HH. “Project” means all development, redevelopment, and land disturbing activities. The term is not limited to “project” as defined under CEQA (Public Resources Code Section 21065).

II. “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 in conjunction with requirements of the County Public Health Department.

JJ. “Receiving Water” means “water of the United States” into which waste and/or pollutants are or may be discharged.

KK. “Redevelopment” means land-disturbing activity that results in the creation, addition or replacement of impervious surface area on an already developed site for all project categories. “Redevelopment” includes, but is not limited to, the following activities that meet the minimum standards set forth in this definition: (1) the expansion of a building footprint; (2)
the addition or replacement of a structure; (3) the replacement of an impervious surface that
is not part of a routine maintenance activity; and (4) land-disturbing activities related to
structural or impervious surfaces. “Redevelopment” does not include routine maintenance
activities that are conducted to maintain original line and grade, hydraulic capacity, original
purpose of facility or an emergency redevelopment activity that is required to protect public
health and safety.

LL. “Regional Board” means the Los Angeles Regional Water Quality Control Board.

MM. “Restaurant” means establishments primarily engaged in the retail sale of
prepared food and drinks for on-premise or immediate consumption. Caterers and industrial
and institutional food service establishments are also included in this industry. (SIC code 5812).

NN. “Retail Gasoline Outlet” means any facility engaged in selling gasoline and
lubricating oils. (SIC code 5541 and NAICS 447110 and 447190).

OO. “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, regrade dirt or gravel roadways and shoulders
   and perform 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.

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

QQ. “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.

RR. “Source Control BMP” means any schedule of activities, prohibition of practices, maintenance procedures, managerial practices or operational practices that aim to prevent stormwater pollution by reducing the potential for contamination at the source of pollution.

SS. “Storm Drain System” means any facility or any parts of the facility, including streets, gutters, conduits, natural or artificial drains, channels and watercourse that are used for the purpose of collecting, storing, transporting or disposing of stormwater and are located within the City.

TT. “Stormwater” means runoff and drainage related to precipitation events (pursuant to 40 C.F.R. Section 122.26(b)(13); 55 Fed. Reg. 47990, 47995 (Nov. 16, 1990)).

UU. “Stormwater Runoff” or “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. When all other factors are constant, runoff increases as the perviousness of a surface decreases.

VV. “Structural BMP” means any structural facility designed and constructed to mitigate the adverse impacts of stormwater and urban runoff pollution (e.g., canopy, structural enclosure). Structural BMPs may include both treatment control BMPs and source control BMPs.

WW. “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.

XX. “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.
10-204. **Prohibited Activities.**

A. Illicit Discharges and Connections. No person shall commence, establish, use, maintain, or continue any illicit connections to the MS4 or any illicit discharges to the MS4. This prohibition against illicit connections applies to the use, maintenance, or continuation of any illicit connection, whether that connection was established prior to, or after the effective date of the ordinance codified in this Article.

B. Littering. No person shall 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, or any animal feces, in or upon any street, alley, sidewalk, parkway, storm drain, inlet, catch basin, conduit or drainage structure, business place, 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, lake, stream, or other body of water within the City. This subsection shall not apply to refuse, rubbish or garbage deposited in containers or other appropriate receptacles which are placed in designated locations for regular solid waste pick up and disposal.

C. Animal Waste. No person owning or having control or custody of any animal shall permit such animal to defecate and to allow the feces to remain upon any public or private property of another unless said person immediately removes and properly disposes of the feces in a trash receptacle in sanitary manner.

D. Disposal of Landscape Debris. No person shall intentionally dispose of leaves, dirt or other landscape debris into a storm drain.

E. Industrial Activities. No person shall conduct any industrial activity in the City without obtaining all permits required by State or Federal law, including an NPDES general industrial activity stormwater permit when required. Persons conducting industrial activities within the City should refer to the most recent edition of the “Industrial/Commercial Best Management Practices Handbook,” produced and published by the Stormwater Quality Task Force, for specific guidance on selecting BMPs for reducing pollutants in stormwater discharges from industrial activities.

F. Non-Stormwater Discharges. All non-stormwater discharges into the MS4 are
prohibited unless those flows are:

1. In compliance with a separate NPDES Permit;
2. Pursuant to a discharge exemption by the Regional Board, the Regional Board’s Executive Officer, or the State Water Resources Control Board;
3. Associated with emergency firefighting activities (i.e., flows necessary for the protection of life or property);
4. Natural flows as defined in the Municipal NPDES Permit;
5. Conditionally exempt non-stormwater discharges as defined in accordance with the Municipal NPDES Permit; or
6. Authorized as a temporary non-stormwater discharge by USEPA pursuant to Section 104(a) or 104(b) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).

G. Prohibited discharges include, but are not limited to:

1. The discharge of wash waters to the MS4 from commercial auto washing or when gas stations, auto repair garages, or other type of automotive service facilities are cleaned;
2. The discharge of water to the MS4 from mobile auto washing, steam cleaning, mobile carpet cleaning, and other such mobile commercial and industrial operations;
3. Discharges to the MS4 from areas where repair of machinery and equipment, including motor vehicles, which are visibly leaking oil, fluid, or antifreeze, is undertaken;
4. Discharges of runoff to the MS4 from storage areas of materials containing grease, oil, or other hazardous substances, and uncovered receptacles containing hazardous materials;
5. Discharges of commercial/residential swimming pool water to the MS4 without a City permit;
6. Discharges of runoff from the washing of toxic materials from paved or unpaved areas to the MS4;
7. Discharges to the MS4 from washing impervious surfaces in industrial/commercial areas, unless specifically required by the State’s, or the City’s, or Los Angeles County’s health and safety codes, or permitted under a separate NPDES Permit;

8. Discharges to the MS4 from the washing out of concrete or cement laden wash water from concrete trucks, pumps, tools, and equipment;

9. Discharges to the MS4 of any pesticide, fungicide, or herbicide banned by the USEPA or the California Department of Pesticide Regulation or a product registered under the Federal Insecticide, Fungicide and Rodenticide Act to any waste stream that may ultimately be released to waters of the United States unless specifically authorized under an NPDES Permit. This requirement is not applicable to products used for lawn and agricultural purposes;

10. The disposal of hazardous wastes into trash containers used for municipal trash disposal where such disposal causes or threatens to cause a direct or indirect discharge to the MS4.

H. 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.

10-205. Exempted Discharges, Conditionally Exempted Discharges, or Designated Discharges.

Discharges from those activities specifically identified in, or pursuant to the Municipal NPDES Permit (presently located at Part III.A.1-4) as being exempted discharges, conditionally exempted discharges, or designated discharges shall not be considered a violation of this Article, provided that any such discharges are consistent with the Municipal NPDES Permit and:

A. Applicable conditions and BMPs developed pursuant to the Municipal NPDES
 Permit are implemented to minimize any adverse impacts from such identified sources;
B. The discharger meets all notification, reporting and recordkeeping requirements; and
C. The discharger has conducted all applicable monitoring requirements.

10-206. Requirements for Existing Properties.

Owners and occupants of property within the City shall comply with the following requirements:

A. Septic Waste. No person shall leave, deposit, discharge, dump, or otherwise expose any chemical or septic waste to precipitation in an area where discharge to City streets or storm drains system may or does occur.
B. Use of Water. Runoff of water used for irrigation purposes shall be minimized to the maximum extent practicable. Runoff of water from the permitted washing down of impervious areas shall be minimized to the maximum extent practicable and diverted so that flow is directed to landscaped areas for infiltration where possible.
C. Storage of Materials, Machinery, and Equipment. Machinery or equipment that is to be repaired or maintained in areas susceptible to or exposed to stormwater, shall be placed in a manner so that pollutants are not discharged to the municipal stormwater system.
D. Removal and Disposal of Debris and Residue and Other Materials.

1. Nonresidential motor vehicle parking lots with more than twenty-five parking spaces that generate runoff shall be swept regularly or other equally effective measures will be utilized to remove oil, chemicals, debris or other polluting materials from such parking lots. Sweeping and collection of debris is encouraged for trash disposal.

2. Food and liquid wastes generated by nonresidential food service and food distribution sources shall be disposed of in a manner so such wastes are not discharged to the municipal stormwater system.

3. BMPs shall be used in areas exposed to stormwater 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.

E. Maintenance of Structural BMPs. Structural BMPs required by the City, County of Los Angeles, or any State or Federal agency shall be properly operated and maintained, as specified by an approved Stormwater Mitigation Plan or otherwise determined by the Authorized Enforcement Officer. Records and documentation of such maintenance shall be provided to the Director upon request.

10-207. Requirements for Industrial/Commercial and Construction Activities.

A. Every person responsible for industrial and commercial facilities or operations, or owning commercial or industrial facilities or property which will, or may, result in pollutants entering stormwater, the storm drain system, or receiving waters, shall first obtain any required NPDES stormwater permit.

B. Each industrial discharger, discharger associated with construction activity, or other discharger described in any general NPDES 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 and this Article’s provisions. 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 NPDES Permit may be required in a form acceptable to the Authorized Enforcement Officer, or designated representative, prior to the issuance of any grading, building or occupancy permits, or any other type of permit or license issued by the City.

C. Non-stormwater discharges to the MS4 from industrial, commercial, or construction activities in violation of any applicable NPDES Permit or the provisions of this Article are prohibited.

D. Industrial and commercial dischargers and dischargers associated with construction activities shall implement effective BMPs, including source control BMPs, in accordance with Table 6 of the Municipal NPDES Permit unless a particular pollutant generating activity does not occur on a facility’s site. For construction sites of less than one acre, an effective combination of erosion and sediment control BMPs from Table 7 and/or Table 8 and all applicable requirements of the Municipal NPDES Permit shall be implemented.
10-208. Low Impact Development Requirements for New Development and Redevelopment.

A. Objective. The provisions of this Section establish requirements for construction activities and facility operations of development and redevelopment projects to comply with the current Municipal NPDES Permit, to lessen the water quality impacts of development by using smart growth practices and integrate LID practices and standards for stormwater pollution mitigation through means of infiltration, evapotranspiration, biofiltration, and rainfall harvest and use. LID shall be inclusive of new development and/or redevelopment requirements.

B. Scope. This Section contains requirements for stormwater pollution control measures in development and redevelopment projects and authorizes the City to further define and adopt stormwater pollution control measures, and to develop LID principles and requirements, including, but not limited to, the objectives and specifications for integration of LID strategies. Except as otherwise provided herein, the City shall administer, implement and enforce the provisions of this Section.

C. Applicability. This Section applies to the new development and redevelopment projects listed in Part VIII.F.1. of the Municipal NPDES Permit which are subject to City conditioning and approval for the design and implementation of post-construction controls and other BMPs to mitigate stormwater pollution prior to completion of the project(s). In addition to the planning priority projects listed in Part VIII.F.1a-b, the following shall also apply:

1. 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.

2. 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.

3. 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.

D. LID Standards Manual. The Director shall prepare, maintain, and update, as deemed necessary and appropriate, a manual ("LID Standards Manual"), which shall include urban and stormwater runoff quantity and quality control development principles and technologies for achieving compliance with the provisions of this Section. The LID Standards Manual shall also include technical feasibility and implementation parameters, as well as other rules, requirements, and procedures as the Director deems necessary, for implementing the provisions of this Article.

E. Specific Requirements.

1. Street and road construction of ten thousand square feet or more of impervious surface are exempt from the New Development/Redevelopment Project Performance Criteria of the Municipal NPDES Permit but shall follow the City’s Green Streets Manual to the maximum extent practicable, consistent with the City’s Green Streets Policy.

2. New Development and Redevelopment Projects. Unless otherwise exempted in this Article or in the Municipal NPDES Permit, the site for every new development and redevelopment project shall comply with the Municipal NPDES Permit and 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 in accordance with the requirements set forth in the Municipal NPDES Permit and the LID Standards Manual. The project applicant shall prepare and submit a Stormwater Mitigation Plan, which shall implement set LID standards and practices for stormwater pollution mitigation consistent with this Article and the LID Standards Manual, to the Director for review and approval. The Stormwater Mitigation Plan shall provide documentation to demonstrate compliance with the
Municipal NPDES Permit on the plans and permit application submitted to the City, and shall comply with the following:

a. Retain stormwater runoff on-site for the Stormwater Quality Design Volume (SWQDV) defined as the runoff from:
   i. The 85th percentile twenty-four-hour runoff event as determined from the Los Angeles County 85th percentile precipitation isohyetal map; or
   ii. The volume of runoff produced from a three-fourths-inch, twenty-four-hour rain event, whichever is greater.

b. Minimize hydromodification impacts to natural drainage systems as defined in the Municipal NPDES Permit.

F. Technical Infeasibility.

1. Some relief, as outlined later in this Section, from the Municipal NPDES Permit requirements may be granted for technical infeasibility. To demonstrate technical infeasibility, the project applicant must demonstrate that the project cannot reliably retain one hundred percent of the SWQDV on-site, even with the maximum application of green roofs and rainwater harvest and use, and that compliance with the applicable post-construction requirements would be technically infeasible by submitting a site-specific hydrologic and/or design analysis conducted and endorsed by a registered professional engineer, geologist, architect, and/or landscape architect. Technical infeasibility may result from conditions including the following:

a. The infiltration rate of saturated in-situ soils is less than three-tenths-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 on-site;

b. Locations where seasonal high groundwater is within five to ten feet of surface grade;

c. Locations within one hundred feet of a groundwater well used for
drinking water;

d. Brownfield development sites or other locations where pollutant mobilization is a documented concern;

e. Locations with potential geotechnical hazards;

f. Smart growth and infill or redevelopment locations where the density and/or nature of the project would create significant difficulty for compliance with the on-site volume retention requirement.

2. If partial or complete on-site retention is technically infeasible, the project site may biofiltrate one and one-half times the portion of the remaining SWQDv that is not reliably retained on-site. Biofiltration BMPs must adhere to the design specifications provided in the Municipal NPDES Permit.

a. Additional alternative compliance options such as off-site infiltration and groundwater replenishment projects may be available to the project site. The applicant for the project should contact the Authorized Enforcement Officer to determine eligibility.

3. The remaining SWQDv that cannot be retained or biofiltered on-site must be treated on-site to reduce pollutant loading. BMPs must be selected and designed to meet pollutant-specific benchmarks as required by 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:

a. Two-tenths of an inch per hour; or

b. The one-year, one-hour rainfall intensity as determined from the most recent Los Angeles County isohyetal map, whichever is greater.

G. Exemptions from LID Requirements. The provisions of this Section do not apply to any of the following:

1. A development involving only emergency construction activity required
to immediately protect public health and safety;

2. Infrastructure projects within the public right-of-way, excluding street and road construction of ten thousand square feet or more of impervious surface;

3. A development or redevelopment involving only activity related to gas, water, cable, or electricity services on private property;

4. A development or redevelopment involving only resurfacing and/or re-striping of permitted parking lots, where the original line and grade, hydraulic capacity, and original purpose of the facility is maintained;

5. A project not requiring a City building, grading, demolition or other permit for construction activity.

H. City Review and Approval.

1. Prior to the issuance of a permit for a new development or redevelopment project, the City shall evaluate the proposed project using the Municipal NPDES Permit, and erosion and grading requirements of the City Building Official or Authorized Enforcement Officer to determine: (i) its potential to generate the flow of pollutants into the MS4 after construction; and (ii) how well the Stormwater Mitigation Plan for the proposed project meets the goals of this Article. 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 General Permit for the project, in order to minimize the flow of pollutants into the MS4.

I. Issuance of Discretionary Permits. No discretionary permit may be issued for any new development or redevelopment project identified in this Section until the Authorized Enforcement Officer confirms that the project plans, including the Stormwater Mitigation Plan, comply with the applicable LID requirements of this Article. 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 stormwater quality control requirements, the entire project must be mitigated. 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 stormwater
quality control requirements, only the alteration must be mitigated, and not the entire
development.

J. Issuance of Certificates of Occupancy. As a condition for issuing a certificate of
occupancy for a project subject to this Article, the Director shall require facility operators or
owners to build all BMPs that are shown on the approved project plans and to submit an owner
signed certification statement stating that the site and all LID BMPs will be maintained in
compliance with the Stormwater Mitigation Plan and other applicable regulatory requirements.

K. Transfer of Properties Subject to Requirement for Maintenance of BMPs.

1. The transfer or lease of a property subject to a requirement for
maintenance of BMPs shall include conditions requiring the transferee and its successors and
assigns to either: (a) assume responsibility for maintenance of any existing BMP; or (b) replace
an existing 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 BMPs at least
once a year and retain proof of inspection.

2. For residential properties where the LID 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. 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.

3. If LID 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.

10-209. Fees.
Fees for plan reviews, inspections, violations, corrections, and tasks associated with this Article
may be established by resolution of the City Council.

The provisions of this Article will not be construed or operated 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.

10-211. Enforcement.
A. Violations Deemed a Public Nuisance.
   1. A violation of any provision of this Article is declared to be a public nuisance,
      and the City Attorney is authorized to abate such violation by means of a civil
      action in addition to whatever other remedies are available to the City under
      this Code and other applicable laws, rules or regulations. Additionally, the
      following conditions shall be considered a public nuisance:
      a. Any failure to comply with any applicable requirement of this Article or
         the Municipal NPDES Permit; or
      b. 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
      c. Any failure to properly operate and maintain any structural or treatment
         control BMP on a property in accordance with an approved Stormwater Mitigation Plan,
         approved LID plan, or approved SWPPP (stormwater pollution prevent plan) or similar type of
         approved water quality improvement plan, this Article, or the Municipal NPDES Permit.
   2. The above listed conditions are hereby determined to be a threat to the
      public health, safety and welfare, are declared and deemed a public nuisance, and may be
      abated or restored by any Authorized Enforcement Officer, and an administrative, civil or
      criminal action to abate, enjoin or otherwise compel the cessation of such nuisance may be
      brought by the City Attorney.
   3. The cost of such nuisance 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. If any violation
of this Article constitutes a seasonal and recurrent nuisance, the Authorized Enforcement
Officer shall so declare. The failure of any person to take appropriate annual precautions to
prevent stormwater pollution after written notice of a determination under this Section shall
constitute a public nuisance and a violation of this Article.

B. Inspections.

1. Whenever necessary to make an inspection to enforce any of the
provisions of this Article, or whenever an Authorized Enforcement Officer has reasonable cause
to believe that there exists on any construction site any condition which constitutes a violation
of the provisions of this Article, the Authorized Enforcement Officer may, upon consent or upon
obtaining an inspection warrant, enter such construction site at all reasonable times to inspect
the same or perform any duty imposed upon the Officer by this Article.

2. Routine or area inspections shall be based upon such reasonable
selection process as may be deemed necessary to carry out the objectives of this Article,
including, but not limited to, random sampling and/or sampling in areas with evidence of
stormwater contamination, discharges of non-stormwater to the MS4, discharges which are
not pursuant to an NPDES Permit, or similar factors.

3. Right to Inspect. Prior to commencing any inspection as herein below
authorized, the Authorized Enforcement Officer shall obtain either the consent of the owner,
authorized representative or the occupant of the property or shall obtain an administrative
inspection warrant or criminal search warrant.

4. Entry to Inspect. The Authorized Enforcement Officer may enter
property to investigate the source of any discharge to any public street, inlet, gutter, storm
drain or any other part of the MS4 located within the jurisdiction of the City.

5. Compliance Assessments. The Authorized Enforcement Officer may
inspect property for the purpose of verifying compliance with this Article, including, but not
limited to: (a) identifying products produced, processes conducted, chemicals used and
materials stored on or contained within the property; (b) identifying point(s) of discharge of all
wastewater, process water systems and pollutants; (c) investigating the natural slope at the
location, including drainage patterns and man-made conveyance systems; (d) establishing the
location of all points of discharge from the property, whether by surface runoff or through a storm drain system; (e) locating any illicit connection or the source of prohibited discharge; (f) evaluating compliance with any permit issued relating to a discharge to the stormwater drainage system.

6. Portable Equipment. For purposes of verifying compliance with this Article, the Authorized Enforcement Officer may inspect any vehicle, truck, trailer, tank truck or other mobile equipment.

7. Records Review. The Authorized Enforcement Officer may inspect all records of the owner or occupant of property relating to chemicals or processes presently or previously occurring on-site, including material and/or chemical inventories, facilities maps or schematics and diagrams, material safety data sheets, hazardous waste manifests, business plans, pollution prevention plans, State general permits, stormwater pollution prevention plans, monitoring program plans and any other record(s) relating to illicit connections, prohibited discharges, or any other source of contribution or potential contribution of pollutants to the stormwater drainage system.

8. Sample and Test. The Authorized Enforcement Officer may inspect, sample and test any area runoff, soils area (including groundwater testing), process discharge, materials within any waste storage area (including any container contents), and/or treatment system discharge for the purpose of determining the potential for contribution of pollutants to the stormwater drainage system. The Authorized Enforcement Officer may investigate the integrity of all storm drain and sanitary sewer systems, any legal nonconforming connection or other pipelines on the property using appropriate tests, including, but not limited to, smoke and dye tests or video surveys. The Authorized Enforcement Officer may take photographs or video tape, make measurements or drawings, and create any other record reasonably necessary to document conditions on the property.

9. Monitoring. The Authorized Enforcement Officer may erect and maintain monitoring devices for the purpose of measuring or sampling any discharge or potential source of discharge to the stormwater drainage system.

10. Test Results. The owner or occupant of property subject to inspection shall,
on submission of a written request, receive copies of all monitoring and test results conducted
by the Authorized Enforcement Officer.

C. Concealment. Causing, permitting, aiding, abetting, or concealing a violation of
any provision of this Article shall constitute a violation of such provision.

D. Civil Actions. In addition to any other remedies provided in this Section, any
violation of this Article may be enforced by civil action brought by the City. In any such action,
the City may seek, and the court shall grant, 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.

4. Compensatory damages for loss or destruction to water quality, wildlife, fish
and aquatic life.

E. Administrative Enforcement Powers. In addition to the other enforcement
powers and remedies established by this Article, any 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 Article, 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: (a) comply with the
requirement; (b) comply with a time schedule for compliance; and (c) 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 sidewalk abutting or adjoining any parcel of land, or upon any parcel
of land or grounds, which may result in pollutants entering the municipal storm drain system
or a non-stormwater discharge to the storm drain system, he or she 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 he or she may
reasonably provide. The recipient of such notice shall undertake the activities as described in
the notice.

F. Cost Recovery.

1. The City is entitled to recover any and all costs associated with
compliance with this Article, including, but not limited to, clean-up and abatement of illicit
discharges, including, but not limited to, sewage releases; detection and elimination of illicit
discharges and connections, smoke, dye testing, and manual or video reconnaissance; capping
or physical removal of an illicit connection; inspections; installation of structural BMPs; and the
deployment of trash receptacles.

2. Any person who negligently or knowingly violates any provision of this
Article, undertakes to conceal any violation of this Article, or continues any violation of this
Article after notice thereof, shall reimburse the City for any and all costs incurred by the City in
responding to, investigating, assessing, monitoring, treating, cleaning, removing, or
remediating any illicit discharge, illicit connection, or pollutant discharged to the MS4 causing
or threatening to cause a receiving water exceedance, or remediating any violation of this
Article. Such costs owed to the City include all administrative expenses and all legal expenses,
including costs and attorneys’ fees, in obtaining compliance and in litigation including all costs
and attorneys’ fees on any appeal.

3. Any person acting in violation of this Article may also be acting in
violation of the Clean Water Act or the California Porter-Cologne Act (California Water
Code Section 13000 et seq.) and 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.

G. Misdemeanor. Any person who negligently or knowingly violates any provision
of this Article, undertakes to conceal any violation of this Article, continues any violation of this
Article after notice thereof, or violates the terms, conditions and requirements of any permit issued pursuant to this Article, shall be guilty of a misdemeanor punishable by a fine of up to one thousand dollars ($1,000.00) or by imprisonment for a period of not more than six months, or both.

H. Infraction. Any person who may otherwise be charged with a misdemeanor as a result of a violation of this Article may be charged at the discretion of the prosecuting attorney, and cited by the City, with an infraction punishable by a fine of not more than one hundred dollars ($100.00) for the first violation, two hundred fifty dollars ($250.00) for the second violation and five hundred dollars ($500.00) for each additional violation thereafter.

I. Restitution. 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, or, in the case of a violator who is a minor, by the minor’s parent or lawfully designated guardian or custodian. Restitution may include the amount of any award.

J. Separate Violations. Each separate discharge in violation of this Article and each day a violation of this Article exists, without correction, shall constitute a new and separate violation punishable as a separate infraction, misdemeanor and/or civil violation.

K. Penalties. Violation of this Section may be punishable as provided in Articles 2 and 3 of Chapter 1 of this Code.

L. Permit Revocation. To the extent the City makes a provision of this Article 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.

M. Remedies. Remedies under this Article 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.

10-212. City Not Liable.

A. Nothing contained in this Article is intended to nor shall it be construed as creating or establishing the basis for any liability on the part of the City, or its officers, employees or agents for any injury or damage resulting from the failure of responsible parties to comply with the provisions of this Article, or as a result of any inspection, notice, order,
B. The Director of Public Works or any City employee charged with the enforcement of this Article, acting in good faith and without malice on behalf of the City, shall not be personally liable for any damage that may accrue to persons or property as a result of any act required by the City, or by reason of any act or omission in the discharge of these duties. Any suit brought against the Director of Public Works or other City employee because of an act or omission performed in the enforcement of any provisions of this Article shall be defended by the City.

C. Nothing in this Article shall impose any liability on the City or any of its officers or employees for clean up or any harm relating to sites containing hazardous materials, wastes or contaminated soil.”

Section 4. Severability. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance or the application thereof to any person or place, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remainder of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each and every section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.
Section 5. Certification and Publication. The City Clerk shall certify to the passage of this ordinance and shall cause same to be published in accordance with state law, and this ordinance shall become effective 30 days after its passage.

Introduced at a regular meeting of the Inglewood City Council, this 21st day of March ______, 2023.

Passed and Adopted at a regular meeting of the Inglewood City Council, this 4th day of April ________, 2023.

APPROVED:

_____________________
James T. Butts, Jr.,
Mayor

ATTEST:

_____________________
Aisha L. Thompson,
City Clerk