

ORDINANCE NUMBER 1194

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PERRIS, CALIFORNIA, REVISING PERRIS MUNICIPAL CODE CHAPTER 14.22 RELATING TO STORMWATER MANAGEMENT AND DISCHARGE CONTROLS

WHEREAS, enacting an ordinance establishing stormwater and urban runoff management and discharge control is a condition of the National Pollutant Discharge Elimination System ("NPDES") laws which are set forth in 33 USCS § 1342; and

WHEREAS, on November 13, 1995, the City Council of the City of Perris adopted Ordinance Number 1018, which was codified as Chapter 14.22 of the Perris Municipal Code, to establish stormwater and urban runoff management and discharge controls consistent with the City's previous NPDES Permit No. CAS 618033 (Board Order No. 96-30) ("Prior Permit"); and

WHEREAS, a new NPDES Permit, Board Order No. R8-2002-0011 ("New Permit"), was adopted by the State of California Santa Ana Regional Water Quality Control Board ("Board") on October 25, 2002; and

WHEREAS, the New Permit renews the Prior Permit and designates the Riverside County Flood Control and Water Conservation District as the Principal Permittee and designates the County of Riverside and the incorporated cities of Beaumont, Calimesa, Canyon Lake, Corona, Hemet, Lake Elsinore, Moreno Valley, Murrieta, Norco, Perris, Riverside, and San Jacinto as Co-Permittees; and

WHEREAS, the New Permit requires all Co-Permittees to revise their respective stormwater ordinances and related regulations and codes to ensure consistency with the New Permit; and

WHEREAS, the adoption of this Ordinance is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to the Section 15307 of the CEQA Guidelines; and

WHEREAS, the City Council desires to update its Stormwater Ordinance to be in compliance with both the Prior Permit and the New Permit;

THE CITY COUNCIL OF THE CITY OF PERRIS HEREBY ORDAINS AS FOLLOWS:

Section 1. The above recitals are all true and correct, and incorporated herein by this reference.

Section 2. Chapter 14.22 of the Perris Municipal Code and Ordinance Number 1018 are hereby revised and rescinded in their entirety.

Section 3. A new Chapter 14.22 of the Perris Municipal Code is hereby added to read, in its entirety, as follows:

“Chapter 14.22

Stormwater/Urban Runoff Management and Discharge Control

Sections:

- 14.22.010 Title.**
- 14.22.020 Purpose ad intent.**
- 14.22.030 Definitions.**
- 14.22.040 Applicability**
- 14.22.050 Prohibited discharges.**
- 14.22.060 Exemptions from discharge prohibitions.**
- 14.22.070 Discharge in violation of permit.**
- 14.22.080 Reduction of pollutants contacting or entering stormwater required.**
- 14.22.090 Water Quality Management Plan required for new development and significant redevelopment.**
- 14.22.100 Stormwater Conveyance System protection.**
- 14.22.110 Authority to inspect.**
- 14.22.120 Containment, cleanup, and notification of spills.**
- 14.22.130 Testing, monitoring or mitigation requirements.**
- 14.22.140 Enforcement.**
- 14.22.150 Violations deemed a public nuisance.**

14.22.010 Title.

This chapter shall be known as the City of Perris Stormwater/Urban Runoff Management and Discharge Control Ordinance and may be so cited.

14.22.020 Purpose and intent.

The purpose of this chapter is to ensure the environmental protection and public health, safety, and general welfare of City residents by:

- A. Prohibiting non-stormwater discharges into the Stormwater Conveyance System; and
- B. Eliminating discharges into the stormwater conveyance system from spills, dumping or disposal of materials other than stormwater or permitted or exempted discharges; and
- C. Reducing pollutants in stormwater discharges, including those pollutants taken up by stormwater as it flows over urban areas (urban runoff), to the maximum extent practicable; and

- D. Reducing pollutants in stormwater discharges to achieve applicable water quality objectives for receiving waters within the City and Santa Ana River Watershed.

The intent of this Ordinance is to protect and enhance the water quality of the City of Perris water courses, water bodies, groundwater, wetlands, and regional receiving waters in a manner pursuant to and consistent with the Federal Clean Water Act (33 USC § 1342), and California Regional Water Quality Control Board NPDES Permit No. CAS 618033, Order No. R8-2002-0011 and any amendment, revision or re-issuance thereof.

14.22.030 Definitions.

When used in this ordinance, the following terms shall have the meanings ascribed to them in this section:

- A. “Basin Plan” means the Water Quality Control Plan for the Santa Ana River Basin approved by the State Water Resources Control Board, together with subsequent amendments.
- B. “Best Management Practices” (BMP) means any activities, prohibitions, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices designed to prevent or reduce, to the maximum extent practicable, the discharge of pollutants directly or indirectly to the Stormwater Conveyance System and/or Receiving Waters. BMPs also include treatment requirements, operating procedures, and practices to control site runoff, spillage or leaks, sludge or waste disposal and drainage from raw materials storage.
- C. “Building Permit” means a permit issued pursuant to Title 16 of the Perris Municipal Code.
- D. "City" shall mean the City of Perris.
- E. “Clean Water Act” means the Federal Water Pollution Control Act enacted by Public Law 92-500, as amended by Public Laws 95-217, 95-576, 96-483, and 95-117 (33 USCS §§ 1251, *et seq.*), and any subsequent amendments.
- F. "Coordinator" means the City's Stormwater Pollution Prevention Coordinator.
- G. “County health officer” means the health officer of the County of Riverside Department of Health or designee.
- H. “Development” means:
 - 1. The placement or erection of any solid material or structure on land, in water, or under water;

2. The discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste;
3. The grading, removing, dredging, mining, or extraction of any materials;
4. A change in the density or intensity of the use of land, including, but not limited to, a subdivision pursuant to the Subdivision Map Act (Government Code §§ 66410, *et seq.*) and any other division of land, including lot splits, except where the division of land is brought about in connection with the purchase of such land by a public agency for public recreational use;
5. A change in the intensity of the use of water or of access to water;
6. The construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public or municipal entity; or
7. The removal or harvesting of vegetation to prepare land to be graded. (Government Code § 65927).

As used in this Subsection H, “structure” includes, but is not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line.

- I. "Director" means the Director of Public Works for the City, or his or her designee.
- J. “Employee training program” means a documented employee training program for all persons responsible for implementing a water quality management plan. The employee training program shall include, but is not limited to, all of the following topics:
 1. Laws, regulations, and local ordinances associated with stormwater pollution prevention, and an overview of the potential impacts of polluted stormwater on the receiving waters of the Riverside County region.
 2. Proper handling of all materials and wastes to prevent spillage.
 3. Mitigation of spills including spill response, containment and cleanup procedures.
 4. Visual monitoring of all effluent streams to ensure that no illicit discharges enter the Stormwater Conveyance System.
 5. Discussion of the differences between the Stormwater Conveyance System and the sanitary sewer system.
 6. Identification of all on-site connections to the Stormwater Conveyance System.
 7. Preventive maintenance and good housekeeping procedures.
 8. Material management practices employed by the facility to reduce or eliminate pollutant contact with stormwater discharge.

- K. “Enforcement agency” means the City or its authorized agents charged with ensuring compliance with this chapter.
- L. “Enforcement official” means the City's code enforcement supervisor or his or her designee.
- M. “Hazardous materials” means any substance or mixture of substances which is toxic, corrosive, flammable, an irritant, a strong sensitizer, or generates pressure through decomposition, heat or other means, if such a substance or mixture of substances may cause, or contribute to, substantial injury, serious illness or harm to humans, domestic livestock, wildlife, or deterioration of receiving water quality or the environment.
- N. “Illicit connection” means any physical connection (pipe, facility, or other device) to the Stormwater Conveyance System permitted or un-permitted by the City, the Riverside County Flood Control District or any other agency, which allows illegal discharges either directly or indirectly into a Stormwater Conveyance System.
- O. “Illegal discharge” means any discharge to the Stormwater Conveyance System that is not composed entirely of stormwater or stormwater runoff, or that is expressly prohibited by federal, state, or local regulations, laws, codes, or ordinances, or that degrades the quality of receiving waters in violation of California Regional Water Quality Control Board NPDES Permit No. CAS 618033, Order No. R8-2002-0011 and any amendment, and the Riverside County Plan standards.
- P. “Maximum Extent Practicable” (MEP) means, with respect to Best Management Practices (BMPs), an individual BMP or group of BMPs which reduces or eliminates the discharge of a pollutant of concern, which has a cost of implementation reasonably related to the pollution control benefits achieved and which is technologically feasible.
- Q. “National Pollution Discharge Elimination System (NPDES) Permit” means a permit issued by the Regional Water Quality Control Board or the State Water Resources Control Board pursuant to Chapter 5.5, Division 7 of the California Water Code, to control discharges from point sources to waters of the United States, including, but not limited to:
 - 1. California Regional Water Quality Control Board NPDES Permit No. CAS 618033, Order No. R8-2002-0011 and any amendment, revision or re-issuance thereto;
 - 2. General Permit for Stormwater Discharges Associated with Industrial Activities (NPDES No. CAS 000001, Order No. 97-03-DWQ);

3. NPDES General Permit for Stormwater Discharges Associated with Construction Activity (Permit No. 99-08-DWQ, NPDES General Order No. CAS 000002); and
 4. California Regional Water Quality Control Board, Santa Ana Region, General De-Watering Permits.
- R. “Non-stormwater discharge” means any discharge to the Stormwater Conveyance System that is not entirely composed of stormwater.
- S. “NPDES General Permit” means a permit issued by the State Water Resources Control Board, including, but not limited to:
1. NPDES General Permit for Stormwater Discharges Associated with Industrial Activities (NPDES No. CAS 000001, Order No. 97-03-DWQ); and
 2. NPDES General Permit for Stormwater Discharges Associated with Construction Activity (Permit No. 99-08-SWQ, NPDES General Order No. CAS 000002).
- T. “Parking lot” means an open area, other than a street or other public way, used for the parking of motorized vehicles, whether for a fee or free, to accommodate clients or customers or to accommodate residents of multi-family dwellings.
- U. “Person” means any individual, organization, business trust, company, partnership, entity, firm, association, corporation, or public agency, including the State of California and the United States of America.
- V. “Pollutant” means and includes, but is not limited to, solid waste, sewage, garbage, medical waste, wrecked or discarded equipment, radioactive materials, dredged spoil, rock, sand, sediment, silt, industrial waste, and any organic or inorganic substance defined as a pollutant under 40 C.F.R. 122.2 the presence of which degrades the quality of the Receiving Waters in violation of the Basin Plan standards such as fecal coliform, fecal streptococcus, enterococcus, volatile organic carbon, surfactants, oil and grease, petroleum hydrocarbons, total organic carbon, lead, copper, chromium, cadmium, silver, nickel, zinc, cyanides, phenols, fertilizers, pesticides, herbicides and other biocides.
- A pollutant also includes any contaminant which degrades the quality of the Receiving Waters in violation of the Basin Plan standards by altering any of the following parameters: pH, total suspended and settle-able solids, biochemical oxygen demand (BOD), chemical oxygen demand (COD), nutrients, temperature and other narrative standards of the Basin Plan.
- W. “Premises” means any building, lot parcel, real estate, land or portion of land whether improved or unimproved.

- X. “Receiving Waters” means surface bodies of water, which serve as receiving points for discharges from the stormwater conveyance system and their tributary creeks, reservoirs, lakes and estuaries, including, but not limited to, the San Jacinto River, Lake Elsinore, and Canyon Lake.
- Y. “Stormwater” means surface runoff and drainage associated with storm events and snow melt that flows across a surface to the Stormwater Conveyance System or Receiving Waters.

For the purposes of this chapter, stormwater runoff and drainage from areas that are in a natural state, have not been significantly disturbed or altered, either directly or indirectly, as a result of human activity, and the character and type of pollutants naturally appearing in the runoff have not been significantly altered, either directly or indirectly, as a result of human activity, shall be considered “unpolluted” and shall satisfy the definition of “stormwater” in this chapter.

- Z. “Stormwater Conveyance System” means private, natural and publicly owned facilities within the City by which stormwater may be conveyed to Receiving Waters of the United States, including any roads with drainage systems, streets, catch basins, curbs, gutters, ditches, pipes, natural and man-made channels or storm drains.
- AA. “Stormwater Pollution Prevention Plan” (SWPPP) means a document which describes the on-site program activities to eliminate or reduce to the maximum extent practicable, pollutant discharges to the stormwater conveyance system primarily through the application and use of BMPs during the construction phase of a project.
- AB. "Stormwater runoff" means surface runoff and drainage associated with rain storm events and snow melt.
- AC. “System” means “Stormwater Conveyance System,” as defined herein.
- AD. "Urban runoff" means water, other than stormwater, that flows from a person's property onto adjacent property, also referred to as nuisance water.
- AE. “Wet season” means the period of time between October 1 through May 31.
- AF. “Water Quality Management Plan” (WQMP) means a document, prepared in a manner pursuant to and consistent with this chapter and the Riverside County Water Quality Management Plan For Urban Runoff: Santa Ana River and Santa Margarita River Region (September 17, 2004), found in Appendix O of the Riverside County Drainage Area Management Plan (July, 2005), and any amendment, revision or re-issuance thereof, as determined by the Coordinator. Said document shall describe the measures intended to eliminate or reduce to the maximum extent practicable, pollutant discharges to the Stormwater Conveyance

System primarily through the application and use of on-site site design, source control, and treatment control BMPs after the construction phase (post-construction) of a project.

- AG. “Wetlands” means areas that are inundated or saturated by surface or groundwaters at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

14.22.040 Applicability.

This chapter shall be interpreted to assure consistency with the requirements of the federal Clean Water Act and acts amendatory thereof or supplementary thereto, applicable implementing regulations, and California Regional Water Quality Control Board NPDES Permit No. CAS 618033, Order No. R8-2002-0011 and any amendment, revision or re-issuance thereof.

14.22.050 Prohibited discharges.

The release of non-stormwater discharges into the Stormwater Conveyance System or to any other conveyance system which discharges into Receiving Waters is prohibited, except as specified in Section 14.22.060.

14.22.060 Exemptions from discharge prohibitions.

- A. The prohibition of discharges shall not apply to any discharge regulated under a NPDES permit issued to the discharger and administered by the State of California pursuant to Chapter 5.5, Division 7, of the California Water Code, provided that the discharger is in compliance with all requirements of the permit and all other applicable laws and regulations. Proof of compliance with such permit may be required, in a form acceptable to the Director, prior to or as a condition of a subdivision map, site plan, building permit, or development improvement plan; upon inspection of the facility; during any enforcement proceeding or action; or in upon the reasonable request of the enforcement officer.
- B. Discharges from the following activities will not be considered a source of pollutants to the Stormwater Conveyance System or Receiving Waters and are exempt from the definition of non-stormwater discharge when properly managed as required by applicable federal, state and local laws, regulations or codes:
1. Discharges from potable water line flushing and other potable water sources;
 2. Emergency water flows (i.e., flows necessary for the protection of life and property). However, appropriate BMPs shall be considered where practicable when not interfering with emergency public health and safety issues;

3. Discharges from landscape irrigation, lawn/garden watering;
4. Air conditioning condensate;
5. Diverted stream flows;
6. Rising groundwaters or natural springs;
7. Groundwater infiltration (as defined in Board Order No. R8-2002-0011 NPDES NO. CAS 618033);
8. Passive foundation drains;
9. Passive footing drains;
10. Foundation and footing drains;
11. Water from crawl space pumps;
12. Non-commercial vehicle washing, (e.g. residential car washing excluding engine degreasing) and car washing fundraisers by non-profit organizations);
13. Flows from riparian habitats and wetlands;
14. Dechlorinated swimming pool discharges; or
15. Waters not otherwise containing "waste" as defined in Water Code § 13050 (d).

- C. The prohibition of discharges shall not apply to any discharge which the enforcement official, the county health officer, the Regional Water Quality Control Board, or the U.S. Environmental Protection Agency determines, and states in writing, is necessary for the protection of the environment, water quality, and public health and safety.

14.22.070 Discharge in violation of permit.

Any discharge that would result in or contribute to a violation of NPDES Permit No. CAS 618033, Order No. R8-2002-0011 and any amendment, revision or re-issuance to it, either separately considered or when combined with other discharges, is prohibited. Liability for any such discharge shall be the responsibility of the person(s) causing or responsible for the discharge.

14.22.080 Reduction of pollutants contacting or entering stormwater required.

- A. It is unlawful for any person not to utilize best management practices to the maximum extent practicable to eliminate or reduce pollutants entering the City's Stormwater Conveyance System.
- B. When the enforcement official determines, in accordance with Section 14.22.130, that a person in the course of conducting any activity, including, but not limited to, the business related activities listed in this Subsection below, causes, has the potential to cause, or contributes to a violation of the water quality standards set forth in the Basin Plan; or conveys pollutants to Receiving Waters or the City's Stormwater Conveyance System, that may cause or contribute to the deterioration

of water quality, then the enforcement official may require the person to develop and implement a Water Quality Management Plan. After inspection and documenting the site conditions which resulted in or have the potential to result in a violation of water quality standards, the enforcement official may require any person conducting one of the activities listed in this Subsection below to submit a Water Quality Management Plan to the Director for review and approval. Upon approval of such plan, said person shall implement and/or retroactively install site design, source control, and treatment control BMPs, to the maximum extent practicable. This subsection applies to all of the following activities:

1. Persons conducting maintenance, storage, manufacturing, assembly, equipment operations, vehicle loading, and/or cleanup activities partially or wholly out of doors.
2. Persons conducting automobile, airplane, boat, and/or equipment mechanical service, repair, maintenance, fueling, cleaning and/or parking; marinas; mobile automobile or other vehicle washing and/or parking; retail or wholesale fueling; mobile carpet, drape or furniture cleaning; pest control services; eating and drinking establishments; cement mixing, repair or cutting; masonry; painting and coating; surface or building washing or cleaning services, including power washing or steam cleaning; botanical or zoological gardens and exhibits; landscaping; nurseries and greenhouses; golf courses, parks and other recreational areas/facilities; cemeteries; pool and fountain cleaning; and port-a-potty servicing.
3. Persons owning or operating a parking lot or an impervious surface that is used for commercial or industrial purposes or to provide parking for a residential development of 10 dwelling units or more (such as pavement at a service station or paved private streets and roads) used for automobile-related or similar purposes shall clean those surfaces as frequently and as thoroughly as is necessary, in accordance with best management practices, to prevent the discharge of pollutants into the City's Stormwater Conveyance System. Sweeping or cleaning residue from parking lots or impervious surfaces shall not be swept or otherwise made or allowed to go into any Stormwater Conveyance System, gutter, or roadway, but must be disposed of in accordance with regional solid waste procedures and regulations.
4. Persons owning or operating a parking lot or an impervious surface that is used for commercial or industrial purposes or to provide parking for a residential development of 10 dwelling units or more shall clean those surfaces as frequently and as thoroughly as is necessary to prevent the discharge of pollutants to the Stormwater Conveyance System to the maximum extent practicable, but not less than once prior to each wet season. Sweeping or cleaning residue from parking lots or impervious surfaces shall not be swept or otherwise made or allowed to go into the gutter or roadway.

5. Businesses classified under the following Standard Industrial Classifications (issued by the U.S. Department of Labor) concern the City as the sites on which these types of businesses are operating may have underground storage tanks, above-ground storage tanks with a capacity of 55 gallons or more, or 500 pounds or more of hazardous materials stored on site; or the site may produce greater than five to 10 gallons of hazardous waste water (as defined by the Riverside County Department of Environmental Compliance) per week. In addition, restaurants and other eating establishments are included on this because of the potential of pollution through cleaning materials, and wash water. The list includes: 5800 Eating and/or Drinking Places; 5810 Eating & Drinking Place; 5812 Eating Place; 5813 Drinking Place; 7500 Automotive Repair, Services, and Parking; 7530 Automotive Repair Shops; 7532 Top, Body, and Upholstery Repair Shops & Paint Shops; 7538 General Automotive Repair Shops; 7542 car washes; 7549 Automotive Services, except repair and car washes; 3500 Industrial & Commercial Machinery & Computer Equip; 7999 Amusement Recreation; 3700 Transportation Equipment; 700 Agricultural Services; 7030 Camps and Recreational Vehicle Parks; 4953 Refuse Systems; 5540 Gasoline Service Station; 5511 Motor Vehicle Dealers (New and Used); 5541 Gasoline Service Stations; 5530 Auto and Home Supply Stores; 5571 Motorcycle Dealers; 7832 Motion Picture Theater; 3200 Stone, Clay, Glass, and Concrete Products; 3999 Manufacturing Industries; 4200 Motor Freight Transportation and Warehousing; 2451 Mobile Homes; 2300 Apparel and Other Textile Products; 1700 Construction Special Trade; 5920 Liquor & Deli; 5961 Catalog and Mail Order House; 1600 Construction; 1623 Stone, Clay, Glass, and Concrete Products; 8410 Museums and Art Galleries; 279 Animal specialties not elsewhere classified; 4500 Transportation by air; 7210 Laundry, Cleaning, and Garment Service; 7330 Mailing, Reproduction, Commercial Art; 2099 Food Preparations, not elsewhere classified; 5100 Wholesale Trade-Durable Goods; 1700 Construction Special Trade; 7699; Repair Shops and Related Services; 8000 Health Services; 3699 Electric Machine/Equipment/Supplies, not elsewhere classified; 5088 Transportation Equipment & Supplies; 5460 Retail Bakeries; 5410 Grocery Stores; 5400 Food Stores; 5499 Miscellaneous Food Stores; 5421 Meat & Fish Markets, Including Freezer Provisions; 5420 Meat and Fish Market; 5411 Grocery Stores.
- C No person shall stand or park any vehicle on any street for the purpose of washing, greasing, repairing, and/or maintaining the vehicle, except for repairs necessitated by an emergency.
- D No person shall stand or park any vehicle on any street, if such vehicle is determined by the enforcement official to be leaking fluids such as oils or other

fluids that contribute or have the potential to contribute a significant amount of pollutants into the Stormwater Conveyance System or the Receiving Waters.

- E. Persons conducting an activity or activities that the enforcement official determines may contribute a significant amount of pollutant load to the Stormwater Conveyance System, and/or a tributary to a Clean Water Act Section 303(d) impaired water body, where the site or source generates pollutants for which the water body is impaired; and/or any person within or directly adjacent to or discharging directly to Receiving Waters may also be subject to Subsection B.
- F. In order to reduce the risk of contamination of stormwater and the discharge of non-stormwater or pollutants to the City's Stormwater Conveyance System, the enforcement official may require a person conducting activities not listed in Subsections B, C, D and E, above, to implement best management practices to the maximum extent practicable, if the enforcement official determines that the activity has the potential to discharge pollutants or is known to discharge pollutants into the Stormwater Conveyance System or Receiving Waters.

14.22.090 Water Quality Management Plan required for new development and significant redevelopment.

- A. It shall be unlawful for any person to commence any development or significant redevelopment project for which discretionary approval is sought from the City or the Redevelopment Agency of the City, until a project specific WQMP has been reviewed and approved. Development, as contemplated in this Section and as described in more detail below, includes, but is not limited to, physically altering a lot or parcel, constructing a new building, adding to or altering an existing building, any new use, dividing land pursuant to the Subdivision Map Act (Government Code §§ 66410, *et seq.*) or any other division of land, including lot splits, obtaining a land use entitlement permit, obtaining a building permit or a certificate of occupancy, obtaining a grading permit, or undertaking an intensification of use.
 - 1. For the purposes of this chapter, "significant redevelopment" includes the addition or creation of 5,000 or more square feet of impervious surface on an existing developed site. Significant redevelopment includes, but is not limited to, constructing additional buildings and/or structures, extending the existing footprint of a building, and constructing impervious or compacted soil parking lots. However, when significant redevelopment will result in an increase of less than 50 percent of the existing impervious surfaces of an existing developed site and the existing developed site had received all necessary discretionary land use approvals prior to the adoption of the WQMP, the WQMP need only apply to the addition, and not to the existing development. Nevertheless, if the redevelopment will result in an increase of more than 50 percent of the impervious surface, the

WQMP shall be required for the entire development. Moreover, significant redevelopment does not include routine maintenance activities that are conducted to maintain original line and grade, hydraulic capacity, the original purpose of a previously constructed facility or emergency actions required to protect the public health and safety.

2. “New Development” is defined to include the construction of new:
 - a. Residential development of 10 dwelling units or more, including single-family and multi-family dwelling units, condominiums, or apartments.
 - b. Industrial and commercial development if the land area represented by the proposed map or permit is 100,000 square feet or more (land area is based on acreage disturbed) including, but not limited to, non-residential developments such as hospitals, educational institutions, recreation facilities, mini-malls, hotels, office buildings, warehouses, and light industrial and heavy industrial facilities.
 - c. Automotive repair shops [Standard Industrial Classification (SIC) codes 5013, 7532, 7533, 7534, 7537, 7538, and 7539].
 - d. Restaurants (SIC code 5812) with a project site of 5,000 square feet or more.
 - e. Hillside development that creates 10,000 square feet or more of impervious surface(s) including developments in areas with known erosive soil conditions or where natural slope is 25 percent or more.
 - e. Developments creating 2,500 square feet or more of impervious surface that is adjacent to (within 200 feet) or discharging directly into areas designated in the Basin Plan as waters supporting habitats necessary for the survival and successful maintenance of plant or animal species designated under state or federal law as are, threatened, or endangered species (denoted in the Basin Plan as the “RARE” beneficial use) or water bodies listed on Section 303(d) of the Clean Water Act's list of impaired water bodies. “Discharging directly to” means urban runoff from a subject development or redevelopment site that flows directly into one of the aforementioned water bodies. Urban runoff is considered a direct discharge unless it first flows through (a) a municipal separate storm sewer system (MS4) that has been formally accepted by and is under control and operation of a municipal entity; (b) a separate conveyance system where there is co-mingling of flows with offsite sources; or (c) a tributary or segment of a water body that is not designated with “RARE” beneficial uses nor listed in Section 303(d) before reaching the water body or segment which is designated as RARE or listed in Section 303(d).

- f. Parking lots, including additions to existing parking lots, of 5,000 square feet or more of impervious surface exposed to urban runoff. For the purposes of this chapter, “parking lot” is defined as a site or facility for the temporary storage of motor vehicles, and as further defined in Section 14.22.030(R).

- B. The City Council of the City shall adopt a resolution, which may be amended from time to time, establishing the rates for the filing of a project specific WQMP to reimburse the City for services rendered.

- C. Development proposals, as described in Subsection A, which are submitted to the City prior to December 31, 2004, that have not obtained a final set of conditions of approval as of October 1, 2006, shall be required to submit a preliminary WQMP for review and approval, prior to the City's consideration of the first discretionary approval of the project (land use entitlement permit); and a final WQMP, prior to the issuance of grading permits. The preliminary and final WQMP shall be prepared pursuant to and consistent with this chapter and the Riverside County Water Quality Management Plan for Urban Runoff: Santa Ana River and Santa Margarita River Region (September 17, 2004), and any amendment, revision or re-issuance thereof, as determined by the Coordinator.

- D. Approved Developments, as described in Subsection A, which have obtained discretionary approval (land use entitlement permits) prior to December 31, 2004, that have not obtained a grading permit, building permit or certificate of occupancy as of October 1, 2006, shall be required to submit for review and approval a final WQMP prior to the issuance of grading permits. The form and content of the final WQMP shall be approved by the Coordinator and shall be consistent with this chapter and the Riverside County WQMP (September 17, 2004); and the selection and design of stormwater quality controls, including, but not limited to, hydrologic conditions of concern, site design, source control, and treatment control BMPs shall be prepared pursuant to and consistent with Riverside County Supplement A New Development Guidelines (April 1996), and the Riverside County Drainage Area Management Plan Section 6.4.4, and any amendment, revision or re-issuance thereof.

- E. Development proposals, as described in Subsection A, which are submitted to the City on or after January 1, 2005, shall be required to submit a preliminary WQMP for review and approval prior to the City's consideration of the first discretionary approval for the project (land use entitlement permit); and a final WQMP, prior to the issuance of grading permits. The preliminary and final WQMP shall be prepared pursuant to and consistent with this chapter and the Riverside County Water Quality Management Plan for Urban Runoff: Santa Ana River and Santa Margarita River Region (September 17, 2004), and any amendment, revision or re-issuance thereof, as determined by the Coordinator.

- F. Any final WQMP required in Subsections C and E above shall be submitted for review and approval to the Engineering Administration Division of the Department. The final project-specific WQMP shall include a final set of WQMP Conditions of Approval and shall be prepared pursuant to and consistent with this chapter and the Riverside County Water Quality Management Plan for Urban Runoff: Santa Ana River and Santa Margarita River Region (September 17, 2004), and any amendment, revision or re-issuance thereof, as determined by the Coordinator.
- G. When the Coordinator determines that a proposal for a development not listed in Subsection A has the potential to (1) cause, or contribute to a violation of the water quality standards set forth in the Basin Plan, or (2) convey pollutants to Receiving Waters or the City's Stormwater Conveyance System that may cause or contribute to the deterioration of water quality, the Coordinator may require the developer to prepare and submit for review and approval a final WQMP prior to the issuance of grading permits.
- H. **Development, Grading or Construction Activities.** Any person engaged in development, grading or construction within the City shall utilize best management practices to prevent pollutants from entering the Stormwater Conveyance System by complying with all applicable local ordinances, including the Grading and Erosion Control Section found in Chapter 15 of this Code, the standard specifications for public works construction when performing public works, and applicable provisions of the NPDES General Permit for Stormwater Discharges Associated with Construction Activity issued by the State Water Resources Control Board (Permit No. 99-08-DWQ, NPDES General Order No. CAS 000002), and California Regional Water Quality Control Board NPDES NO. CAS 618033, Order No. R8-2002-0011, and any subsequent amendments. In order to reduce the risk of contamination of stormwater and the discharge of non-stormwater or pollutants into the City's Stormwater Conveyance System, the enforcement official may require the person conducting the development, grading or construction activities to implement a SWPPP and/or best management practices to the maximum extent practicable.

14.22.100 Stormwater Conveyance System protection.

Every person owning property through which a Stormwater Conveyance System passes, and such person's lessee or tenant, shall keep and maintain that part of the system within the property free of trash, debris, excessive vegetation, and other obstacles which would pollute, contaminate or significantly retard the flow of water through the system. Every person shall maintain existing privately owned stormwater conveyance structures within or adjacent to a system, so that such structures will not become a hazard to the use, function or physical integrity of the system. No person shall remove healthy bank vegetation beyond that actually necessary for such maintenance which shall be accomplished in a manner that minimizes the vulnerability of the system to erosion. Every person shall be responsible for maintaining that portion of the system

that is within their property lines in order to protect against erosion and degradation of the system originating or contributed from their property. No person shall commit or cause to be committed any of the following acts, unless a written permit has first been obtained from the enforcement official, and the appropriate state or federal agencies, if applicable:

- A. Discharge pollutants into or connect any pipe or channel to the system;
- B. Modify the natural flow of water in a system;
- C. Carry out development within thirty feet from the center line of any system or twenty feet from the edge of a system, whichever is the greater distance;
- D. Deposit in, plant in, or remove any material from a system, including its banks, except as required for necessary maintenance;
- E. Construct, alter, enlarge, connect to, change or remove any structure in a system;
or
- F. Place any loose or unconsolidated material along the side of or within a system or so close to the side as to cause a diversion of the flow, or to cause a probability of such material being carried away by stormwaters passing through the system.
- G. The requirements of this Section shall not supersede any requirements set forth by the California Department of Fish and Game Stream Alteration Permit process.

14.22.110 Authority to inspect.

- A. At any reasonable time, after complying with to the notice requirements set forth in Section 1.12.010, whenever reasonable cause exists to believe that this chapter is being violated, the enforcement official shall have the authority to conduct an inspection to ascertain whether the purposes of this chapter are being met. Other than in the case of an emergency, an inspection may only be made after the designated City representative has presented proper credentials and the owner, occupant, and or facility operator authorizes entry. If the City representative is unable to locate the owner or another person having charge or control of the premises, or the owner, occupant, and/or facility operator refuses the request for entry, the City may seek assistance from any court of competent jurisdiction to obtain entry. During the inspection, the enforcement official shall comply with all reasonable security safety, and sanitation measures. In addition, the enforcement official shall comply with reasonable precautionary measures specified by the owner, occupant, and/or facility operator. After obtaining legal entry, the representative of the City may:
 - 1. Inspect the premises at all reasonable times.
 - 2. Take samples or install devices to conduct sampling or metering operations necessary to enforce this chapter or any applicable NPDES

- Permit, including taking samples from the property of any person which any authorized City representative reasonably believes is currently or has in the past caused or contributed to an illegal stormwater discharge to the Stormwater Conveyance System. Upon request by the property owner or his/her authorized representative, split samples shall be given to the person from whose property the samples were obtained.
3. Conduct tests, analyses and evaluations to determine whether a discharge of stormwater is an illegal discharge or whether the requirements of this chapter or any applicable NPDES Permit are met.
 4. Photograph any effluent stream, material or waste, material or waste container, container label, vehicle, waste treatment process, waste disposal site connection or condition suspected to contribute to stormwater pollution or constitute a violation of this chapter or any applicable NPDES Permit.
 5. Review and obtain a copy of the SWPPP, the Hazardous Materials Release Response Plan and Inventory, and/or any other documents, permits, manifests, logs or records that may be required of the facility by local, state or federal laws, regulations or codes to conduct operations or business on the premises.
 6. Require the facility operator to retain evidence, as instructed by the inspector, for a period not to exceed thirty days.
 7. Review and obtain copies of all stormwater monitoring data, including, but not limited to, WQMP's, SWPPP's, compiled by the facility, if such monitoring and/or plans are required of the facility.
- B. The enforcement official shall establish a municipal inspection program that describes site priority levels and inspection frequencies, consistent with and pursuant to Board Order No. R8-2002-0011 and NPDES Permit No. CAS618033 for all commercial and industrial facilities described in Section 14.22.080 Subsections B, E and F.
- C. The enforcement official shall establish a municipal inspection program that describes site priority levels and inspection frequencies, consistent with and pursuant to Board Order No. R8-2002-0011 and NPDES Permit No. CAS618033 for all commercial and construction site activities described in Section 14.22.090 Subsections A, G, and H.
- D. The City Council of the City shall adopt a resolution, which may be amended from time to time, establishing the rates for all commercial, industrial, and construction site inspection services rendered to reimburse the City for services rendered.

14.22.120 Containment, cleanup, and notification of spills.

Any person, owning or occupying any premises, who has knowledge of any release of materials, pollutants, or waste which may result in pollutants or non-stormwater discharges entering the City's Stormwater Conveyance System, shall immediately take all reasonable action to contain, minimize, and clean up such release. Such person shall also notify the City and any other appropriate agency of the occurrence as soon as possible, but no later than twenty-four (24) hours from the time of the incident's occurrence.

14.22.130 Testing, monitoring or mitigation requirements.

A. The enforcement official may require any person engaged in any activity and/or owning or operating any facility which causes or contributes to stormwater pollution or contamination, illegal discharges, prohibited discharges and/or discharge of non-stormwater to the Stormwater Conveyance System to perform monitoring, including physical and chemical monitoring and/or analyses and to furnish reports as the enforcement official may specify if:

1. The person, or facility owner or operator, fails to eliminate illegal or prohibited discharges within a specified time after receiving a written notice to do so by the enforcement official.
2. The enforcement official has documented repeated violations of this chapter or any NPDES Permit by the person or facility owner or operator which has caused or contributed to stormwater pollution.

It is unlawful for such person or facility owner or operator to fail or refuse to undertake and provide the monitoring, analyses, and/or reports specified. Specific monitoring criteria shall bear a relationship to the types of pollutants which may be generated by the person's activities or the facility's operations. If the enforcement official has evidence that a pollutant is originating from a specific premises, the enforcement official may require monitoring for that pollutant regardless of whether said pollutant may be generated by routine activities or operations. The person or facility owner or operator shall be responsible for all costs of these activities, analyses and reports.

B. Any persons required to monitor pursuant to Subsection A shall implement a stormwater monitoring program which includes, but is not limited to, all of the following:

1. Routine visual monitoring for dry weather flows.
2. Routine visual monitoring for spills which may pollute stormwater runoff.
3. A monitoring log including monitoring date, potential pollution sources, as noted in Subsections 1 and 2 immediately above, and a description of the mitigation measures taken to eliminate any potential pollution sources.

- C. The enforcement official may require a person, or facility owner or operator, to install or implement stormwater pollution reduction or control measures, including, but not limited to, a process modification to reduce the generation of pollutants if:
 - 1. The person, or facility owner or operator fails to eliminate illegal or prohibited discharges after receiving a written notice from the enforcement official.
 - 2. The person, or facility owner or operator, fails to implement a SWPPP, as required by the enforcement official.
 - 3. The enforcement official has documented repeated violations of this chapter or any NPDES Permit by any such person or facility owner or operator which has caused or contributed to stormwater pollution.
- D. If testing, monitoring or mitigation required pursuant to this chapter or any NPDES Permit are deemed no longer necessary by the enforcement official, any or all of the requirements contained in Subsections A, B, and C of this Section, may be ordered discontinued by the enforcement official.
- E. A stormwater monitoring program prepared and implemented pursuant to any state-issued NPDES General Permit shall be deemed to meet the requirements of a monitoring program for the purposes of this chapter.

14.22.140 Enforcement.

The enforcement official can exercise any code enforcement powers and procedures as provided in Chapter 1.16 of this Code. In addition to the general enforcement powers and procedures of this Code, the City and enforcement official have the authority to utilize the following administrative remedies as may be necessary to enforce this chapter:

- A. Cease and Desist Orders. When the enforcement official finds that a discharge has taken place or is likely to take place in violation of this chapter or any NPDES Permit, the enforcement official may issue an Order to Cease and Desist such discharge, practice, or operation likely to cause such discharge and direct that those persons not complying shall:
 - 1. Comply with the applicable provisions and policies of this chapter or any NPDES Permit.
 - 2. Comply with a time schedule for compliance.
 - 3. Take appropriate remedial or preventive action to prevent the violation from recurring.
- B. Notice to Clean, Test and/or Abate. Whenever the enforcement official finds any oil, earth, dirt, 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 an

increase in pollutants entering the City's Stormwater Conveyance System or a non-stormwater discharge into the City's Stormwater Conveyance System, the enforcement official may issue orders and give written notice to remove same in any reasonable manner. The recipient of such notice shall undertake the activities as described in the notice.

- C. **Stop Work Orders.** Whenever any work is being done contrary to the provisions of this chapter, the enforcement official may order the work stopped by giving written notice to any person engaged in performing or causing such work to be done, and any such person shall immediately stop such work until authorized by the enforcement official to proceed with the work.
- D. **Permit or License Suspension, Denial or Revocation.** Violations of this chapter may be grounds for permit or license suspension or revocation.
- E. **Injunction/Abatement of Public Nuisance.** Whenever a discharge into the Stormwater Conveyance System occurs in violation of the provisions of this chapter or otherwise threatens to cause a condition of contamination, pollution, or nuisance, the enforcement official may also cause the City to seek a petition to the Superior Court for the issuance of a preliminary or permanent injunction, or both, or an action to abate a public nuisance, as may be appropriate to restraining the continuance of the discharge.
- F. **Criminal Penalties.** In addition to any other remedy provided in this chapter, any person who violates any provision of this chapter or who fails to implement a stormwater monitoring plan, violates any cease and desist order or notice to clean and abate, or fails to adopt or implement a SWPPP or WQMP, or employee training programs as directed by the enforcement official, may be punished upon conviction by a fine not to exceed one thousand dollars (\$1,000.00) for each day in which such violation occurs, or imprisonment in the Riverside County Jail for a period not to exceed six months, or both.
- G. **Civil Penalties.** Any person who violates any of the provisions of this chapter or who fails to implement a stormwater monitoring plan, violates any cease and desist order or notice to clean and abate, or fails to adopt or implement a SWPPP or WQMP as directed by the enforcement official, may be liable for a civil penalty not to exceed two thousand five hundred (\$2,500) dollars for each day that such a violation exists. Moreover, the violator may be charged for the full costs of any investigation, inspection, or monitoring survey which led to the detection of any such violation, for abatement costs, and for the reasonable costs of preparing and bringing legal action under this Subsection. The violator may also be liable for compensatory damages for impairment, loss or destruction to water quality, wildlife, fish and aquatic life.

H. The enforcement official may take all appropriate legal steps to collect these obligations, including referral to the city attorney for commencement of a civil action to recover said funds. If collected as a lien, the enforcement official shall cause a notice of lien to be filed with the county recorder, inform the county auditor and county recorder of the amount of the obligation, a description of the real property upon which the lien is to be recovered, and the name of the agency to which the obligation is to be paid. Upon payment in full, the enforcement official shall file a release of lien with the county recorder.

14.22.150 Violations deemed a public nuisance.

In addition to other civil and criminal penalties provided herein, 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 and is declared and deemed a public nuisance, which may be summarily abated and/or restored as directed by the enforcement official in accordance with the procedures identified in Chapter 7.02 of this Code. A civil action to abate, enjoin or otherwise compel the cessation of such nuisance may also be taken by the City, if necessary. The full cost of such abatement and restoration shall be borne by the owner of the property and shall be a lien upon and against the property in accordance with the procedures set forth in Chapter 7.06."

Section 4. This Ordinance shall take effect thirty (30) days after its passage.

Section 5. If any section, subsection, subdivision, sentence, clause, phrase or portion of this Ordinance 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 remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portions 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 6. The City Clerk shall certify as to the passage and adoption of this Ordinance and shall cause the same to be posted at the designated locations in the City of Perris.

ADOPTED, SIGNED, and APPROVED this 11th day of July, 2006.

Mayor, Daryl R. Busch

ATTEST:

City Clerk, Judy L. Haughney

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) §
CITY OF PERRIS)

I, Judy L. Haughney, CITY CLERK OF THE CITY OF PERRIS, CALIFORNIA, DO HEREBY CERTIFY that the foregoing Ordinance Number 1194, introduced at a regular meeting of the City Council of the City of Perris held on the 27th day of June, 2006, was duly and regularly adopted by the City Council of the City of Perris at a regular meeting thereof held on the 11th day of July, 2006, and that it was so adopted by the following called vote:

AYES: Motte, Rogers, Yarbrough, Landers, Busch
NOES:
ABSENT:
ABSTAIN:

City Clerk, Judy L. Haughney