

ORDINANCE NO. 1093

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
BEAUMONT, CALIFORNIA AMENDING CHAPTER 13.24
CONCERNING STORMWATER/URBAN RUNOFF MANAGEMENT
AND DISCHARGE CONTROLS OF THE CITY OF BEAUMONT
MUNICIPAL CODE**

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BEAUMONT DOES
ORDAIN AS FOLLOWS:**

SECTION 1. CEQA. The City Council finds that the actions contemplated by this Ordinance are exempt from the California Environmental Quality Act (“CEQA”) pursuant to Section 15060 (c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

SECTION 2. Severability. The City Council hereby declares that if any provision, section, paragraph, sentence, or word of this Ordinance is rendered or declared to be invalid or unconstitutional by any final court action in a court of competent jurisdiction, or by reason of any preemptive legislation, such invalidity shall not affect the other provisions, sections, paragraphs, sentences or words of this Ordinance, and to this end the provisions of this Ordinance are severable. The City Council declares that it would have adopted this Ordinance irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the Ordinance enforced.

SECTION 3. Chapter 13.24 is hereby amended and restated in full to read as attached hereto as Exhibit “A”.

SECTION 4. Effective Date and Publication. The Mayor shall sign and the City Clerk shall certify to the passage of this Ordinance and cause the same or a summary thereof to be published within 15 days after adoption in accordance with Government Code Section 36933. This Ordinance shall take effect 30 days after adoption in accordance with Government Code Section 36937.

NOW, THEREFORE, BE IT ORDAINED that the City Council of the City of Beaumont, California, approves this amendment to the City Code.

INTRODUCED AND READ for the first time and ordered posted at a regular meeting of the City Council of the City of Beaumont, California, held on the 19TH day of September, 2017, by the following roll call vote:

AYES: Martinez, Lara, Carroll, White

NOES

ABSENT:

ABSTAIN: Orozco

PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council of the City of Beaumont, California, held on the 3rd day of October, 2017, by the following roll call vote:

AYES: Martinez, Lara, Carroll, White

NOES

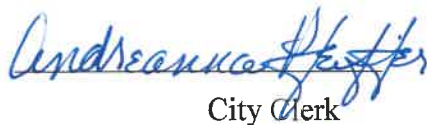
ABSENT: Orozco

ABSTAIN



Lloyd A. White, Mayor

Attest:



City Clerk

Approved as to form:



John O. Pinkney, City Attorney

EXHIBIT “A”

Chapter 13.24 STORMWATER/URBAN RUNOFF MANAGEMENT AND DISCHARGE CONTROLS

- 13.24.010 Purpose and intent.**
- 13.24.020 Definitions.**
- 13.24.030 Responsibility for administration.**
- 13.24.040 Regulatory consistency.**
- 13.24.050 Reduction of pollutants in stormwater runoff.**
- 13.24.060 Illicit connections or discharges.**
- 13.24.070 Non-stormwater discharges.**
- 13.24.080 Discharges in violation of permit.**
- 13.24.090 Permits and approvals.**
- 13.24.100 City authority to sample, inspect and monitor.**
- 13.24.110 Establishment of a fee.**
- 13.24.120 Orders by the city engineer.**
- 13.24.130 Notice of violation.**
- 13.24.140 Violations—Misdemeanors or infractions.**
- 13.24.150 Penalty for violation.**
- 13.24.160 Separate offenses.**
- 13.24.170 Violations deemed a public nuisance.**
- 13.24.180 Administrative enforcement powers.**
- 13.24.190 Civil actions.**
- 13.24.200 Severability.**

13.24.010 Purpose and intent.

A. The purpose of this chapter is to protect the health, safety and welfare of the public by:

1. Reducing pollutants in stormwater discharges to the maximum extent practicable;
2. Regulating illicit connections and discharges to the storm drain system; and
3. Regulating non-stormwater discharges to the storm drain system.

B. The intent of this chapter is to protect and enhance the water quality of watercourses, water bodies, groundwater and wetlands in a manner pursuant to and consistent with the Federal Clean Water Act, the State Porter-Cologne Water Quality Control Act and the conditions of any NPDES permit applicable to the city.

13.24.020 Definitions.

The terms as used in this chapter shall have the following meanings:

“Best management practices (BMPs)” mean any activities, prohibitions, practices, procedures, programs or other measures designed to prevent or reduce the discharge of pollutants directly or indirectly into waters of the United States. BMPs mean and include, but are not limited to, those measures specified in the California Stormwater Best Management Practice Handbooks for municipal, industrial/commercial, new development and redevelopment and construction activity and other measures approved by the city engineer.

“City” means the city of Beaumont.

“City engineer” means the city engineer of the city.

“Discharge” means, when used as a verb, to allow pollutants to directly or indirectly enter stormwater, or to allow stormwater or non-stormwater to directly or indirectly enter the MS4 or receiving waters from an activity or operation. When used as a noun, “discharge” means the pollutants, stormwater and non-stormwater that are discharged.

“Discharger” shall mean any person engaged in activities or operations, or owning facilities, which may result in pollutants entering stormwater, the MS4 or receiving waters. Dischargers include, but are not limited to, real property owners, occupants, tenants, lessees, contractors, developers, managers and employees.

“Green infrastructure” shall mean an array of products, technologies, and practices that use natural or engineered systems that mimic natural processes to enhance overall environmental quality. As a general principal, green infrastructure techniques use soils and vegetation to infiltrate, evapotranspire, and/or recycle stormwater runoff.

“Illicit discharge” shall mean any discharge to the MS4 that is not composed entirely of stormwater runoff except discharges made pursuant to a National Pollutant Discharge Elimination System (NPDES) permit or as otherwise authorized by the Santa Ana Regional Water Quality Control Board.

“Illicit connection” shall mean any physical connection to a MS4 which has not been permitted by the city, the Riverside County Flood Control and Water Conservation District or other appropriate public agency.

“Low impact development (LID)” shall mean any ecosystem-based approach to designing a hydrologically functional site that mimics predevelopment conditions.

“Low volume road” shall mean roads with traffic indexes less than or equal to six (6.0).

“Municipal NPDES permit” shall mean an area-wide NPDES permit issued to a

government agency or agencies for the discharge of stormwater from a MS4.

“Municipal separate storm sewer system (MS4)” shall mean any facility within the city limits by which stormwater may be conveyed to waters of the United States. MS4 includes, but is not limited to, any roads with drainage systems, streets, curbs, gutters, catch basins, natural and artificial channels, ditches, aqueducts, storm drains, inlets, conduit or other drainage structure.

“National pollutant discharge elimination system (NPDES) permit” shall mean a stormwater discharge permit issued by the Santa Ana Regional Water Quality Control Board or the State Water Resources Control Board in compliance with the Clean Water Act.

“Non-stormwater discharge” shall mean any discharge to the MS4 that is not entirely composed of stormwater.

“Person” shall mean any natural person, firm, association, club, organization, corporation, partnership, business trust, company or other entity which is recognized by law as the subject of rights or duties.

“Pollutant” shall mean anything which causes the deterioration of water quality such that it impairs subsequent and/or competing uses of the water. Pollutants may include, but are not limited to, paints, oil and other automotive fluids, soil, rubbish, trash, garbage, debris, refuse, waste, fecal matter, heavy metals, hazardous waste, chemicals, fresh concrete, yard waste from commercial landscaping operations, animal waste, materials that result from the process of constructing a building or structure, nauseous or offensive matter of any kind.

“Premises” shall mean any building, lot, parcel of land, land or portion of land whether improved or unimproved.

“Stormwater runoff” shall mean surface runoff and drainage associated with rainstorm events and snow melt.

13.24.030 Responsibility for administration.

This chapter shall be administered for the city by the city engineer. The city engineer may appoint and authorize one or more members of the city staff to act as his/her designee(s) to administer or enforce this chapter. In the context of this chapter, the phrase “city engineer” includes each and all persons designated by the city engineer to assist in the administration and enforcement of this chapter, as limited by the terms of the delegation.

13.24.040 Regulatory consistency.

This chapter shall be construed to assure consistency with the requirements of

the Clean Water Act, the Porter-Cologne Water Quality Control Act and acts amending or supplementary thereto, applicable implementing regulations and any existing or future municipal NPDES permits and any amendments or revisions thereto or reissuance thereof.

13.24.050 Reduction of pollutants in stormwater runoff.

A. In General. It is a violation of this chapter to throw, deposit, leave, maintain, keep or permit to be thrown, deposited, placed, left or maintained, any pollutant in or upon any street, alley, sidewalk, storm drain, inlet, catch basin, conduit or other drainage structures, business place or upon any public or private plot of land in the city. The only exception is where such pollutant is temporarily placed in an appropriate container with a spill containment system for later collection and removal. It is a violation of this chapter to cause or permit any dumpster, solid waste bin or similar container to leak such that any pollutant is discharged into any street, alley, sidewalk, storm drain, inlet, catch basin, conduit or other drainage structures, business place or upon any public or private plot of land in the city.

B. Construction Sites. Any person performing construction work in the city shall comply with the provisions of the ordinance codified in this chapter and other city ordinances for erosion and sediment control.

C. New Development and Redevelopment. New development or redevelopment projects shall control stormwater runoff so as to prevent any deterioration of water quality that would impair subsequent or competing uses of the water. The city engineer shall identify the BMPs that shall be implemented to prevent such deterioration and shall identify the manner of implementation. The BMPs may include, but are not limited to, the following and may, among other things, require new developments or redevelopments to do any of the following:

1. Increase permeable areas by leaving highly porous soil and low lying areas undisturbed; by incorporating landscaping, green roofs and open space into the project design; by using porous materials for or near driveways, drive aisles, parking stalls and low volume roads and walkways; and by incorporating detention ponds and infiltration pits into the project design.

2. Direct runoff to permeable areas by orienting it away from impermeable areas to swales, berms, green strip filters, gravel beds, rain gardens, pervious pavement or other approved green infrastructure and french drains; by installing rain-gutters oriented towards permeable areas; by modifying the grade of the property to divert flow to permeable areas and minimize the amount of stormwater runoff leaving the property; and by designing curbs, berms or other structures such that they do not isolate permeable or landscaped areas.

3. Maximize stormwater storage for reuse by using retention structures, subsurface areas, cisterns, or other structures to store stormwater runoff for reuse or

slow release.

4. Rain gardens may be proposed in-lieu of a water quality basin when applicable and approved by the city engineer.

D. Existing Development. Existing development shall control stormwater runoff so as to prevent any deterioration of water quality that would impair subsequent or competing uses of the water. The city engineer shall identify the BMPs that may be implemented to prevent such deterioration and shall identify the manner of implementation.

13.24.060 Illicit connections or discharges.

It is a violation of this chapter to establish, use, maintain or continue illicit connections to the storm drain system, or to commence or continue any illicit discharges to the storm drain system. This prohibition against illicit connections and discharges is expressly retroactive and applies to connections and discharges made in the past, regardless of whether permissible under the law or practices applicable or prevailing at the time of the connection or discharge.

13.24.070 Non-stormwater discharges.

The discharge of non-stormwater into the storm drain system is a violation of this chapter except as specified below.

A. The discharge prohibition shall not apply to any discharge regulated under an NPDES permit or waiver issued to the discharger and administered by the state of California under the authority of the EPA, provided that the discharger is in full compliance with all requirements of the permit or waiver and other applicable laws or regulations.

B. Discharges from the following activities will not be considered a violation of this chapter when properly managed: water line flushing and other discharges from potable water sources, landscape irrigation and lawn watering, irrigation water, diverted stream flows, rising groundwaters, infiltration to separate storm drains, uncontaminated pumped groundwater, foundation and footing drains, water from crawl space pumps, air conditioning condensate, springs, individual residential car washing, flows from riparian habitats and wetlands, swimming pool discharges or flows from fire fighting.

13.24.080 Discharges in violation of permit.

A. Municipal NPDES Permit. Any discharge that would result in or contribute to a violation of an existing or future municipal NPDES permit(s) or any amendment or revision thereto or reissuance thereof, either separately considered or when combined with other discharges, is a violation of this chapter and is

prohibited. Liability for any such discharge shall be the responsibility of the person(s) causing or responsible for the discharge, and such persons shall defend, indemnify and hold harmless the city in any administrative or judicial enforcement action relating to such discharge.

B. NPDES Permit for Industrial/Commercial and Construction Activity. Any industrial discharger, discharger associated with construction activity or other discharger subject to any NPDES permit issued by the United States Environmental Protection Agency, the State Water Resources Control Board, or the Santa Ana Regional Water Quality Control Board, shall comply with all requirements of such permit. Such discharges shall specifically comply with the following permits: the industrial stormwater general permit, and the dewatering general permit. Proof of compliance with said NPDES general permits may be required in a form acceptable to the city engineer prior to issuance of any city grading, building, or occupancy permits.

13.24.090 Permits and approvals.

Compliance with this chapter shall be a condition of every permit, license or approval granted or issued by the city. Failure to comply with the chapter shall be grounds for revocation of any such permit, license or approval.

13.24.100 City authority to sample, inspect and monitor.

A. Regulatory Inspections. The city engineer may inspect the premises of any discharger at reasonable times and in a reasonable manner to carry out the purposes of this chapter. If a discharger refuses to allow entry for inspection, an inspection warrant shall be obtained prior to inspection.

B. Scope of Inspections. Inspections may include all actions necessary to determine whether any illicit discharge/connection exist, whether the BMPs installed and implemented are adequate to comply with the chapter, whether those BMPs are being properly maintained and whether the discharger complies with other requirements of this chapter. This may include sampling, metering, monitoring, visual inspections and records review. Records, reports, analyses or other required information may be inspected and copied, and photographs may be taken for purposes of enforcement of this chapter.

13.24.110 Establishment of a fee.

The city council may establish a fee by resolution to recover the cost of inspection, sampling, metering and monitoring by the city engineer.

13.24.120 Orders by the city engineer.

The city engineer is authorized to issue cease and desist orders or stop-work orders to any person who is in violation of this chapter. Failure to comply with a written order of the city engineer shall be a violation of this chapter and shall be grounds for the imposition of civil penalties described in this chapter.

13.24.130 Notice of violation.

A. Whenever the city engineer finds that a person has violated a prohibition or failed to meet a requirement of this chapter, the city engineer may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:

1. The performance of monitoring, analyses and reporting;
2. The elimination of illicit connections or discharges;
3. That violating discharges, practices or operations cease and desist;
4. The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;
5. Payment of a fine to cover administrative and remediation costs; and
6. The implementation or maintenance of source control and treatment control BMPs.

B. If an abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. The notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by the city or a contractor designated by the city engineer and the expense thereof shall be charged to the violator pursuant to Chapter 8.32 of this code. A notice issued under this chapter shall identify the provisions of this chapter which have been violated and shall state the recipient has a right to appeal as set forth in Chapter 1.17 of this code.

C. The notice shall be served upon the recipient as set forth in Chapter 1.17 of this code.

13.24.140 Violations—Misdemeanors or infractions.

A violation of any provision of this chapter, or failure to comply with any of the mandatory requirements of this chapter, shall constitute an infraction. Repeated violations may be prosecuted as misdemeanors at the discretion of the city attorney.

13.24.150 Penalty for violation.

Upon conviction of a misdemeanor for violating any provision of this chapter, a person shall be subject to payment of a fine, or imprisonment, or both, not to exceed the limits set forth by law. Upon conviction of an infraction for violating any provision of this chapter, a person shall be subject to payment of a fine, not to exceed the limits set forth by law.

13.24.160 Separate offenses.

A person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this chapter is committed, continued or permitted.

13.24.170 Violations deemed a public nuisance.

The city council hereby declares that any violation of this chapter is a threat to the public health, safety and welfare, and is therefore a public nuisance which may be summarily abated. The cost of such abatement shall be borne by the owner of the premises and the cost thereof may be imposed as a lien upon the premises, and such lien shall continue in existence until it is paid.

13.24.180 Administrative enforcement powers.

In addition to any other enforcement powers and remedies established by this chapter, an authorized enforcement officer has the authority to issue administrative citations and fines for violations of this chapter pursuant to Chapter 1.17 of this code.

13.24.190 Civil actions.

In addition to any other remedies provided in this chapter, any violation of this chapter may be enforced by civil action brought by the city. In any such action, the city may seek, and the court may grant, as appropriate, any or all of the following remedies:

- A. A temporary and/or permanent injunction;
- B. Assessment of the violator for the costs of any investigation, 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 including, but not limited to, attorneys' fees;
- C. Costs incurred in removing, correcting or terminating the adverse effects resulting from the violation; or
- D. Compensatory damages for loss or destruction to water quality, wildlife, fish

and aquatic life.

13.24.200 Severability.

If any provision, clause, sentence or paragraph of the ordinance codified in this chapter or the application thereof to any person, establishment or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of that ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this chapter are hereby declared to be severable.