

ORDINANCE NO. 2742

AN ORDINANCE OF THE CITY OF REDLANDS AMENDING CHAPTERS 5.04 AND 13.54 OF THE REDLANDS MUNICIPAL CODE RELATING TO THE PAYMENT AND COLLECTION OF NATIONAL POLLUTANT DISCHARGE ELIMINATION (NPDES) PROGRAM FEES, AND THE REGULATION OF DISCHARGES INTO THE CITY'S STORM DRAIN SYSTEM

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

SECTION 1. Section 5.04.218, entitled "Issuance and Removal; Payment of NPDES Program Regulatory Fees," is hereby added to the Redlands Municipal Code to read as follows:

"5.04.218 ISSUANCE AND RENEWAL; PAYMENT OF NPDES PROGRAM REGULATORY FEES.

- A. Except as otherwise provided in this Section, as a condition to the issuance or renewal of a business license, the applicant shall pay to the City the National Pollutant Discharge Elimination System (NPDES) program regulatory fee, in the amount established by resolution of the City Council, pursuant to Chapter 13.54 of this Code."
- B. Any person whose sole place of business is his or her residence, and who is conducting such business pursuant to a valid Home Occupation Permit issued by the City, shall be exempt from payment of the NPDES program regulatory fee as a condition of issuance or renewal of a business license."

SECTION 2. Section 5.04.430 of the Redlands Municipal Code, entitled "Collection; License Deemed a Debt," is hereby amended to read as follows:

"Section 5.04.430 COLLECTION: LICENSE AND FEES DEEMED A DEBT: The amount of any license tax imposed by this Chapter and Chapter 5.08, and any other fees required to be paid as a condition of issuance of such license, shall be deemed a debt to the City; and any person, firm or corporation carrying on any trade, calling, profession or occupation mentioned in this Chapter or Chapter 5.08 of this Code without having a license from the City to do so, shall be liable to an action in the name of the City in any court of competent jurisdiction, for the amount of the license, and any fees required to be paid as a condition of issuance of such license."

SECTION 3. Section 5.04.540 of the Redlands Municipal Code, entitled "Revocation; Refund," is hereby amended to read as follows:

"5.04.540 REVOCATION; REFUND: If any license shall be revoked, or the term or duration of any license decreased in time, the amount of the license tax shall be

proportioned accordingly and the proportional part for the unexpired term repaid to the licensee within ten (10) days after written demand has been made, or at licensee's option credited on any license required of him. This section shall not apply to the payment of any litter abatement fee or NPDES program regulatory fees paid as a condition of issuance of a business license.

SECTION 4. Section 5.04.580 of the Redlands Municipal Code, entitled "Penalty for Delinquency," is hereby amended to read as follows:

"5.04.580 PENALTY FOR DELINQUENCY: All renewal license tax payments, and fees which are required to be paid as a condition of issuance of such license, shall be delinquent if not paid on or before the last day of the month next succeeding the expiration of a license. A ten percent (10%) penalty shall be added to the delinquent license tax and fees due. If still unpaid, additional penalties of ten percent (10%) shall be added on the first day of each succeeding month; provided, that the amount of such penalty shall not exceed fifty percent (50%) of the license tax and fees due."

SECTION 5. Section 13.54.140 of the Redlands Municipal Code, entitled "Authority to Inspect," is hereby amended to read as follows:

"13.54.140 AUTHORITY TO INSPECT:

A. Representatives of the City shall be authorized at all reasonable times to enter the premises of any user of the storm drain system to determine compliance with the provisions of this Chapter, and to:

1. Conduct inspection sampling, monitoring, and/or other authorized duties to enforce the provisions of this chapter;
2. Review any records, reports, test results, or other information required to enforce the provisions of this chapter. Such review may include the necessity to photograph, videotape, take measurements or copy any applicable information, and to require reports from industrial, commercial, and construction sites discharging into the Municipal Separate Storm Sewer System (MS4).
3. Inspect any wastes, chemicals, storage areas, storage containers, waste generating processes, treatment facilities, and discharge locations. Such inspection may include the necessity to photograph or videotape any applicable wastes, chemicals, storage areas, storage containers, waste generating processes, treatment facilities, and discharge locations.

B. Adequate identification shall be provided by the representative of the city when entering the premises of any user. If such entry is refused or cannot be obtained, the city shall have recourse to every remedy provided by law to secure lawful entry and inspection of the premises.

C. If the City has reasonable cause to believe that nonstorm water discharge conditions on or emanating from the premises are so hazardous, unsafe or dangerous as to require immediate inspection to safeguard the public health or safety, the City shall have the right to immediately enter and inspect the property, and may use any reasonable means required to effect such entry and make such inspection, whether the property is occupied or unoccupied and whether or not formal permission to inspect has been obtained.

D. Where a user has instituted security measures requiring proper identification and clearance before entry onto the premises, the user shall make all necessary arrangements with its security guards in order that, upon presentation of such identification, duly designated City personnel shall be permitted to enter the premises without delay for the purpose of performing their authorized duties. For facilities which require special clearances to conduct inspections, it shall be the responsibility of the user to obtain all necessary clearances on behalf of the City so that City inspections are not impaired.”

SECTION 6. Section 13.54.180 Of the Redlands Municipal Code, entitled “Best Management Practices,” is hereby amended to read as follows:

“13.54.180 BEST MANAGEMENT PRACTICES:

A. Any new construction activity shall use Best Management Practices (BMP) to prevent the discharge of pollutants to the maximum extent practicable. Any new industrial or commercial or other development activity, or development, must use BMPs or other steps to prevent discharge of pollutants to the MS4. For other premises exposed to storm water, the responsible person must use BMPs, if they exist, or other steps to reduce the discharge of pollutants to the maximum extent practicable, including the removal and lawful disposal of any solid waste or any other substance which, if it were to be discharged to the MS4, would be a pollutant, including fuels, waste fuels, chemicals, chemical wastes and animal wastes, from all parts of the premises exposed to storm water. Examples of suitable BMPs may be found in the California Stormwater Quality Association (CASQA) Stormwater Best Management Practice Handbook, and the City of Redlands’ Storm Water Guidance Handbook. Other BMPs may be utilized with the prior written approval of the City Engineer.

B. Best management practices as defined in section 13.54.020 of this Chapter shall be those practices which are standard practices in the City or those practices which are adopted by resolution of the City Council to reduce or eliminate pollution in the storm drainage system. Best management practices which are standard practices of the City are:

1. Street sweeping all public curbed streets as required by the City’s NPDES permit, and as otherwise established by the City;
2. Storm drain and catch basin cleaning and maintenance as needed;
3. Regular pavement repair and maintenance;

4. Spill prevention as practiced by all field divisions and as handled on an emergency basis by the fire department hazardous materials response team;
5. Household hazardous waste collection as administered by the fire department;
6. Storm drain facility inspection for illicit connections and/or illegal discharges.”

SECTION 7. Section 13.54.192 of the Redlands Municipal Code, entitled “Yearly Report Required,” is hereby added to read as follows:

“13.54.192 REPORT REQUIRED. All commercial, industrial and construction sites that employ BMPs to prevent or reduce pollution shall submit a yearly report to the City’s Municipal Utilities and Engineering Department detailing inspection dates, any maintenance preformed, and any repairs that were made to the BMPs used. The report shall also include a summary of the effectiveness of the BMPs used. This effectiveness shall be based on actual, not estimated, measurements. The report shall be filed by July 1st of each year, in hardcopy and electronic (PDF) format. The report must be prepared and signed by a California Registered Engineer, a Professional Hydrologist as certified by the American Institute of Hydrology, a Certified Professional in Erosion and Sediment Control (CPESC), a Certified Professional in Storm Water Quality (CPSWQ), or a Certified Erosion, Sediment and Storm Water Inspector (CESSWI).”

SECTION 8. Section 13.54.210 of the Redlands Municipal Code, entitled “Violations Deemed a Public Nuisance,” is hereby amended to read as follows:

“13.54.210 VIOLATIONS DEEMED A PUBLIC NUISANCE.

A. In addition to the penalties established by this Chapter, any threat to the public health, safety, and welfare shall be declared and deemed a public nuisance. Such public nuisance may be summarily abated and/or remediated or restored by the City, and/or the City may commence a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance.

B. The cost of such abatement, remediation, or restoration shall be borne by the owner of the property causing the violation. This cost may be recovered by forfeiture of permit deposits, through the use of security such as trust funds, bonds or other short term funding source, or by imposition of a lien upon and against the property, and such lien shall continue in existence until the same shall be paid. If the lien is not satisfied by the owner of the property within a prescribed amount of time after the completion by the City of the removal of the public nuisance and restoration and remediation of the property to its original condition, the lien may be recorded and entered in the same manner as a judgment.”

SECTION 9. Section 13.54.300 of the Redlands Municipal Code, entitled “Business Inspection fees,” is hereby amended to read as follows:

“13.54.300 NPDES PROGRAM REGULATORY FEES: NPDES Program regulatory fee shall be collected on an annual basis along with, and as a condition of issuance of, the City’s business license tax for those businesses requiring regular compliance inspections pursuant to this Chapter. Affected businesses shall include industrial businesses subject to the California statewide general NPDES permit for storm water discharges associated with industrial activities, commercial businesses listed in the area-wide water storm water runoff permit, and other industrial commercial sites/sources that the City determines may contribute a significant pollutant load to the municipal separate storm sewer system. The NPDES Program regulatory fee shall be established in an amount to pay for the City’s costs of inspection time, and for preparation of inspection reports, review of written storm water pollution prevention plans, storm water sampling activities, general program compliance, education and enforcement response and follow-up as needed. The NPDES Program regulatory fee shall be established by resolution of the City Council and shall be subject to periodic review and revision by resolution of the City Council.”

SECTION 10. Section 13.54.310 of the Redlands Municipal Code, entitled “Recovery of Additional Inspection Costs,” is hereby added to read as follows:

“13.54.310 RECOVERY OF ADDITIONAL INSPECTION COSTS. If any person fails to meet the requirements of the Storm Water Pollution Prevention Plan (SWPPP) and additional site inspections are therefore required, such persons shall be liable for the costs for such additional inspections incurred by the City. These costs may be recovered through the forfeiture of permit deposits, or through the requirement for additional inspection deposits to cover permit inspection and administration expenses. The City may also pursue any civil action deemed necessary against the owner contractor to recover excess SWPPP inspection and compliance costs.”

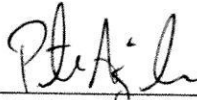
SECTION 11. Section 13.54.320 of the Redlands Municipal Code, entitled “Liens,” is hereby added to read as follows:

“Section 13.54.320 LIENS: Costs of enforcement of the Chapter, including but not limited to, costs of investigation, sampling and monitoring costs, and unpaid administrative fines and civil penalties, shall constitute a lien against the real property on which the violation occurs and on the real property of any person who violates the chapter until such lien is satisfied. The lien may be recorded and enforced in the same manner as a judgment lien.”

SECTION 12. The provisions of this ordinance are severable, and if any sentence, section or other part of this ordinance should be found to be invalid, such invalidity shall not affect the remaining provisions, and the remaining provisions shall continue in full force and effect.

SECTION 13. The City Council of the City of Redlands hereby determines that the adoption of this ordinance is exempt from review under the California Environmental Quality Act (“CEQA”) pursuant to State CEQA Guidelines Section 15061(b)(3).

SECTION 14. The Mayor shall sign this ordinance and the City Clerk shall certify to the adoption of this ordinance and cause it, or a summary of it, to be published once in the Redlands Daily Facts, a newspaper of general circulation within the City, and thereafter, this ordinance shall take effect in accordance with law.



Mayor of the City of Redlands

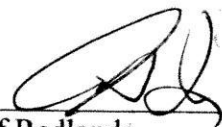
ATTEST:



City Clerk

I, Sam Irwin, City Clerk of the City of Redlands, hereby certify that the foregoing Ordinance No. 2742 was adopted by the City Council at a regular meeting thereof held on the 7th day of December, 2010, by the following vote:

AYES: Councilmembers Harrison, Bean, Foster, Gardner; Mayor Aguilar
NOES: None
ABSENT: None
ABSTAIN: None



City Clerk, City of Redlands