ORDINANCE NO. 1357

AN ORDINANCE REGULATING THE DISCHARGE OF POLLUTANTS INTO THE CITY'S STORM SEWER SYSTEMS AND WATER OF THE UNITED STATES BY AMENDING CHAPTER 4 OF TITLE 5 OF THE EL SEGUNDO MUNICIPAL CODE IN ITS ENTIRETY.

The Council of the City of El Segundo does ordain as follows:

SECTION 1: The City Council finds as follows:

A. The Federal Water Pollution Control Act (33 U.S.C. §§ 1251-1387; "Clean Water Act" or "CWA"), as implemented by the United States Environmental Protection Agency ("EPA"), requires that the city adopt plans and programs for stormwater quality management;

B. The 1972 amendments to the CWA prohibit the discharge of any Pollutant to waters of the United States from a point source unless the discharge is authorized by a permit issued pursuant to the National Pollutant Discharge Elimination System ("NPDES") required by 33 U.S.C. § 1342;

C. Municipal separate storm sewer systems ("MS4s") which convey urban runoff, including, without limitation, Storm Water runoff, are within the definition of point sources under the CWA;

D. Pursuant to the CWA, the EPA defined the term "Municipal separate storm sewer system" to mean a conveyance, or system of conveyances, including roads with drainage systems, municipal streets, curbs, gutters, catch basins, and storm drains owned or operated by a city, used for collecting Storm Water;

E. CWA § 1342(p) requires that the City obtain a permit for Storm Water and urban discharges through the City's MS4;

F. Section 1342(p) of the CWA further provides that NPDES permits will require controls to reduce the discharge of Pollutants to the maximum extent practicable, including management practices and such other provisions as may be appropriate for the control of Pollutants;

G. The EPA, in partial implementation of CWA § 1342(p) adopted final rules, known as the "Phase I and Phase II Storm Water Regulations" at several places in Parts 9, 122, 123, and 124 of Title 40 of the Code of Federal Regulations ("CFR");

H. The EPA defines "illicit discharges" to describe any discharge through a MS4 that is not covered by a NPDES permit and illicit discharges to MS4s that are not authorized under the CWA;

I. CWA § 1342(p)(3)(B), requires that NPDES permits for discharges from MS4s are include a requirement to "effectively prohibit" non-Storm Water discharges into MS4s;

J. CWA § 1342(p)(3)(B) further provides that NPDES permits must require controls to reduce the discharge of Pollutants to the maximum extent practicable, including management practices and such other provisions needed to control Pollutants;

K. In partial implementation of the CWA, the Phase I Storm Water Regulations and the California Water Code, the California Regional Regional Water Quality Control Board - Los Angeles ("RWQCB-LA") issued a National Pollutant Discharge Elimination System ("NPDES") Permit and Waste Discharge Requirements for Municipal Storm Water and Urban Runoff Discharges within the County of Los Angeles, Regional Board Order No. 01-182, NPDES No. Cas004001 (the "2001 Permit"), on December 13, 2001 to each city in Los Angeles County, including the City;

L. The city of El Segundo is a permittee under the 2001 Permit and therefore is required by federal and state law to implement all requirements of the 2001 Permit;

M. EPA regulations implementing the CWA and 2001 Permit require the City to demonstrate that it has the legal authority to control discharge of Pollutants to the MS4 by Storm Water, or by other methods;

N. Under the California Constitution and the California Government Code, the city of El Segundo has authority to define public nuisances and to protect the public health and safety of the residents of and visitors to the City, and the environment, by abating public nuisances;

O. The City has authority under the California Water Code to adopt and enforce ordinances imposing conditions, restrictions, and limitations with respect to any activity which might degrade the quality of waters of the state;

P. The City Council is obligated to take prudent steps to protect the City's property and its funds and taxpayers from exposure to liability, including the potentially enormous costs of litigation regarding natural resources allegedly damaged by pollutants allegedly transported through the City's storm drain system;

Q. This Ordinance is categorically exempt from review under the California Environmental Quality Act (Cal. Pub. Res. Code §§ 21000, et seq.; "CEQA"), CEQA regulations (Cal. Code Regs. tit. 14, §§ 15000, et seq.) and the City's Environmental Guidelines (City Council Resolution No. 3805, adopted March 16, 1993) since its adoption would generally implement measures to protect the environment. Accordingly, §§ 15301 (Class 1), 15304 (Class 4), 15305 (Class 5), 15307 (Class 7), 15308 (Class 8), 15309 (Class 9), and 15321 (Class 21) of the CEQA regulations exempt the Ordinance from further environmental review.

R. The City Council has carefully considered the Ordinance and finds that it complies with the requirements of applicable federal and state law, and further that it provides an acceptable program for the conservation of water resources within the City of El Segundo and protection of the health, safety, and general welfare of its citizens.

SECTION 2: Chapter 4 to Title 5 of the El Segundo Municipal Code ("ESMC") is amended in its entirety to read as follows:

"CHAPTER 4

STORM WATER AND URBAN RUNOFF POLLUTION CONTROL

5-4-10. **Purpose and Intent.** This chapter is adopted pursuant to the city's police powers for the purpose of protecting and enhancing the water quality of the City's watercourses, water bodies, and wetlands in a manner consistent with the Clean Water Act and the NPDES Permit, including, without limitation, any of its amendments or modifications. In addition, this chapter is intended to ensure the future health, safety, and general welfare of the citizens of the City of El Segundo by:

A. Controlling non-storm water discharges to the storm drain system.

B. Eliminating discharges to the storm water drain system from spills, dumping, or disposal of materials other than storm water.

C. Reducing pollutants in storm water discharges, including those pollutants taken up by storm water as it flows over urban areas, to the maximum extent practicable.

D. Reducing pollutants in storm water discharges in order to achieve applicable water quality objectives for surface waters in Los Angeles County.

5-4-20. **Limits of Chapter.** Nothing in this Chapter will be interpreted to:

A. Infringe any right or power guaranteed by the United States or California Constitutions, including any vested property right;

B. Require any action inconsistent with the General Plan, any applicable Specific Plan, vesting tentative map, or other provision of this Code;

C. Restrict otherwise lawful land use except as authorized by the laws of California, subject to the limitations of this Chapter.

5-4-30. **Definitions.** Unless the contrary is stated or clearly appears from the context, the following definitions will govern the construction of the words and phrases used in this chapter. Words and phrases not defined by this chapter have the meanings stated the NPDES Permit and if

not described therein, the Federal Water Pollution Control Act (33 U.S.C. §§ 1251 et seq.); regulations implementing the National Pollutant Discharge Elimination System; California Water Code § 13050; and any successor statutes or regulations.

A. "Automotive Service Facility" means a facility that is in any one of the following Standard Industrial Classification (SIC) codes: 5013, 5014, 5541, 7532-7534 or 7536-7539.

B. "Best Management Practice" ("BMP") means any schedule of activities, prohibition of practices, maintenance procedure, program, technology, process, siting criteria, operational methods of measures, or other management practices or engineered systems, which when implemented prevent, control, remove, or reduce pollution. BMPs include structural and nonstructural controls and operation and maintenance procedures which can be applied before, during and after pollution-producing activities.

C. "Commercial Development" means any development on private land that is not residential or a site of an industrial activity as defined in 40 C.F.R. § 122.26(b)(14). "Commercial Development" includes, without limitation, hospitals, laboratories and other medical facilities, educational institutions, recreational facilities, plant nurseries, multi-apartment buildings, car wash facilities, mini-malls and other business complexes, shopping malls, hotels, office buildings, public warehouses and other light industrial complexes not within the scope of 40 C.F.R. § 122.26(b)(14).

D. "Construction" means constructing, clearing, grading, or excavation that results in soil disturbance. Construction also includes structure demolition. It does not include routine maintenance to maintain original line and grade, hydraulic capacity, or original purpose of a facility; emergency construction activities required immediately to protect public health and safety; interior remodeling with no outside exposure of construction material or construction waste to storm water; mechanical permit work; or sign permit work.

E. "Discharge" means any release, spill, leak, pump, flow, escape, dumping or disposal, of any Pollutant, from any point source, into the environment, including waters of the United States, and City's MS4.

F. "Hazardous Materials" means any materials, wastes or mixture of wastes defined as a "Hazardous Substance" or "Hazardous Waste" pursuant to the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. §§ 6901 et seq., the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), 42 U.S.C. §§ 9601 et seq., or the Carpenter-Presley-Tanner Hazardous Substance Account Act, ("HSAA"), California Health and Safety Code §§ 25300, et seq., and all future amendments to any of them, or as defined by the California Integrated Waste Management Board. Where there is a conflict in the definitions employed by two or more

agencies having jurisdiction over hazardous or solid waste, the term "Hazardous Waste" will be construed to have the broader, more encompassing definition.

G. "Illicit Connection" means any device or artifice, excluding roof drains and other similar connections, connected to the MS4, without a permit, through or by which an Illicit Discharge may be discharged. Examples include channels, pipelines, pipes, conduits, inlets and outlets connected directly to the MS4.

H. "Illicit Discharge" means any discharge to the MS4 not composed entirely of Storm Water except discharges pursuant to a NPDES permit, Permitted Discharges (which are exempt or conditionally exempt in accordance with any applicable order of the RWQCB-LA) and discharges resulting from fire fighting activities. Illicit Discharge includes, without limitation, wash waters from the cleaning of Retail Gasoline Outlets, auto repair garages and similar Automotive Service Facilities; runoff from mobile auto washing, steam cleaning and mobile carpet cleaning, and other similar mobile commercial and industrial operations; discharges from areas where repair of machinery and equipment, including, without limitation motor vehicles that are visibly leaking oil, fluid or antifreeze, is undertaken; discharges of runoff to the MS4 from storage areas of materials containing grease, oil, or other Hazardous Substances, and uncovered receptacles containing Hazardous Materials; chlorinated or brominated swimming pool water and filter backwash; runoff from the washing of toxic materials from paved or unpaved areas; discharge of runoff from washing impervious surfaces at sites of industrial activity, unless specifically required by State or local health and safety codes; discharge of concrete or cement-laden wash water from concrete trucks, pumps, tools and equipment; litter; construction and demolition debris; fuel and chemical wastes; animal wastes; garbage, food and food processing wastes; cooking oil or grease; leaves, grass or other clippings, dirt or any other landscape debris or wastes; any pesticide, fungicide, or herbicide banned by or not registered with the United States Environmental Protection Agency or the California Department of Pesticide Regulation; wash or rinse water from any Restaurant or Automotive Service Facility floor mats; any liquid used as a cooling fluid in any radiator of any engine; batteries; and any other materials or solid waste which has potential adverse effects on water quality of receiving waters. "Illicit Discharge" also includes any other discharge to the MS4 that is prohibited by this Code, or any state or federal law.

I. "Industrial/Commercial Facility" means any facility which is the site of the production, manufacture, storage, transportation, distribution, exchange or sale of goods or commodities, and any facility involved or used in providing professional and non-professional services. This category of facilities includes, without limitation, any facility defined by the SIC. Facility

ownership (federal, state, municipal, private) and profit motive of the owner or operator of the facility are not factors in this definition.

J. "Municipal Separate Storm Sewer System" or "MS4" means a conveyance or system of conveyances including municipal streets, alleys, catch basins, curbs, gutters, ditches, man-made channels, storm drains, conduits, or other facilities owned, operated, maintained or controlled by City and used for the purpose of collecting, storing, transporting or disposing of Storm Water, which are not part of a Publicly Owned Treatment Works, and which discharges directly or indirectly (through another agency's MS4) to waters of the United States.

K. "Non-Storm Water Discharge" means any discharge to a MS4 not composed entirely of Storm Water.

L. "NPDES" means the "National Pollutant Discharge Elimination System" established the Clean Water Act at 33 U.S.C. § 1342 and any successor, or related, statute or regulation.

M. "Permitted Discharge" means the following non-storm water discharges: Discharges covered by a separate individual or general NPDES permit; natural flows, including natural springs and rising ground water, flows from riparian habitats or wetlands, stream diversions, permitted by the State Board, uncontaminated ground water infiltration [as defined by 40 CFR § 35.2005(20)]; flows from emergency fire fighting activity; flows incidental to urban activities, including reclaimed and potable landscape irrigation runoff, potable drinking water supply and distribution system releases (consistent with American Water Works Association guidelines for dechlorination and suspended solids reduction practices), drains for foundations, footings, and crawl spaces, air conditioning condensate, dechlorinated/debrominated swimming pool discharges, dewatering of lakes and decorative fountains, non-commercial car washing by residents or by non-profit organizations, and sidewalk rinsing.

N. "Pollutant" has the same meaning as in 33 U.S.C. § 1362(6), or incorporated into California Water Code § 13373, discharged into water but does not mean uncontaminated Storm Water, potable water or reclaimed water generated by a lawfully permitted water treatment facility, or any substance, the discharge of which into the MS4, through BMP was reduced to the maximum extent practicable. Subject to the foregoing, "Pollutant" also includes, without limitation, wash waters from the cleaning of Retail Gasoline Outlets, auto repair garages and similar Automotive Service Facilities; runoff from mobile auto washing, steam cleaning and mobile carpet cleaning, and other similar mobile commercial and industrial operations; discharges from areas where repair of machinery and equipment, including, but not limited to motor vehicles which are visibly leaking oil, fluid or antifreeze, is undertaken; discharges of

runoff to the MS4 from storage areas of materials containing grease, oil, or other Hazardous Substances, and uncovered receptacles containing Hazardous Materials; chlorinated or brominated swimming pool water and filter backwash; runoff from the washing of toxic materials from paved or unpaved areas; discharge of runoff from washing impervious surfaces at sites of industrial activity, unless specifically required by State or local health and safety codes; discharge of concrete or cement-laden wash water from concrete trucks, pumps, tools and equipment; litter; construction and demolition debris; fuel and chemical wastes; animal wastes; garbage, food and food processing wastes; cooking oil or grease; leaves, grass or other clippings, dirt or any other landscape debris or wastes; any pesticide, fungicide, or herbicide banned by or not registered with the United States Environmental Protection Agency or the California Department of Pesticide Regulation; wash or rinse water from any Restaurant or Automotive Service Facility floor mats; any liquid used as a cooling fluid in any radiator of any engine; batteries; and any other materials or solid waste which has potential adverse effects on water quality of receiving waters.

O. "Responsible Person" means the owner, occupant, or other person in charge of day-to-day operations of premises located within the City;

P. "Restaurant" means a facility where prepared food and beverages are sold for consumption, including stationary lunch counters and refreshment stands selling prepared food and beverages for immediate consumption (see SIC Code 5812).

Q. "Retail Gasoline Outlet" means any facility engaged in selling gasoline and lubricating oils.

R. "SIC" means Standard Industrial Classification.

S. "Solid Waste" has the same meaning as in Public Resources Code § 40191 and any successor statute or regulation.

T. "Storm Water" means Storm Water runoff, snow melt runoff, and surface runoff and drainage.

U. "Storm Water Pollution Prevention Plan" or "SWPPP" means a plan, as required by a State General Permit issued by the State Water Resources Control Board ("SWRCB"), identifying potential Pollutant sources and describing the design, placement and implementation of BMPs, to effectively prevent non-Storm Water Discharges and to reduce Pollutants in Storm Water Discharges during activities covered by the General Permit.

V. "Structural Best Management Practice" or "Structural BMP" means any structural facility designed and constructed to mitigate the adverse impacts of

urban runoff pollution (e.g., a canopy, structural enclosure). This category may include both Treatment Control BMPs and Source Control BMPs.

W. "Treatment Control Best Management Practice" or "Treatment Control BMP" means any engineered system designed to remove pollutants by simple gravity setting of particulate pollutants, filtration, biological uptake, media adsorption or any other physical, biological, or chemical process.

X. "Wet Season" means the period beginning on October 1st and ending at midnight on April 15th, annually.

5-4-40. **Illicit Discharges Prohibited.** It is unlawful for any person to cause any Illicit Discharge to enter the MS4 unless such discharge: (1) is authorized by an NPDES permit; or (2) is associated with emergency fire fighting activities; or (3) is a Permitted Discharge that is exempt or conditionally exempt in accordance with an applicable order of the California Regional Water Quality Control Board - Los Angeles. No Pollutant in Storm Water may be discharged to the MS4 unless the Pollutant has been reduced to the maximum extent practicable.

5-4-50. **Illicit Connections Prohibited.** It is unlawful for any person to use or allow the use of any Illicit Connection to convey an Illicit Discharge or any Pollutant to the MS4 from premises of which that person is an owner or is the person in charge of day-to-day activities. Illicit Connections are prohibited by the Clean Water Act, NPDES MS4 Storm Water Permits issued by the California Regional Water Quality Control Board - Los Angeles and this Chapter. The Responsible Person for premises at which an Illicit Connection is located must obtain a permit for, or remove, the Illicit Connection within one hundred and eighty (180) days of confirmation of discovery of the Illicit Connection.

5-4-60. **Control of Pollutants from Sites of Industrial Activity.**

A. It is unlawful for any person or entity required under federal or state law to comply with the requirements for a NPDES General Industrial Activities Storm Water Permit (GIASP) for a facility or activity in the City to operate such facility or activity in the City which discharges to the City's MS4 without complying with all applicable requirements for a General Industrial Activities Storm Water Permit.

B. Any person or entity in the City required to have a GIASP for a facility or activity in the City which discharges to the City's MS4 must retain at such facility or activity the following documents which evidence compliance with GIASP requirements: (i) a copy of the Notice of Intent to comply with the General Industrial Activities Storm Water Permit; (ii) a waste discharge identification number (WDID) issued by the California Water Resources Control Board; (iii) a Storm Water Pollution Prevention Plan (SWPPP) (iv) any required Storm Water quality data; and (v) a plan containing urban runoff Best Management Practices (BMPs).

C. Any person or entity in the City required to have a GIASP for a facility or activity in the City which discharges to the City's MS4, upon request from a duly authorized officer of the City, must make available to the City for review, copying and inspection all of the documents described in this Section during any City Storm Water-related educational program or inspection and demonstrate compliance with the GIASP, including, without limitation, demonstration of the adequacy of, and compliance with, any required SWPPP and all applicable BMPs.

5-4-70. **Spills, Dumping and Disposal Prohibited.**

A. It is unlawful for any person to dump, deposit, release, spill, leak, pump, pour, emit, empty, discharge, inject, bury or dispose into the environment any Solid Waste or liquid waste, including any Pollutant, in or upon any part of the MS4, or upon any public or private premises in the City, or to cause, suffer, or permit any Solid Waste or liquid waste or other Pollutant to come to be located upon, in, on or under any premises in the City, except in an authorized or permitted solid waste container or at an authorized or permitted solid waste facility or publicly owned or privately owned treatment works.

B. It is unlawful for any person to dispose of leaves, grass or other clippings, dirt or any other landscape debris into any part of the MS4.

C. It is unlawful for any person to dispose of any pesticide, fungicide, or herbicide banned by, or not registered with, the United States Environmental Protection Agency or the California Department of Pesticide Regulation, or its successor, into any part of the MS4.

D. It is unlawful for any person to dispose any Hazardous Materials into any trash receptacle accessible to the public.

E. It is unlawful for any person to pour oil or grease, or the residue of oil or grease onto any parking lot, or any part of the MS4.

F. It is unlawful for any person to place any washout water or other liquid in any container for the disposal of Solid Waste.

G. It is unlawful for any person to wash Restaurant or Automotive Service Facility floor mats in any place where the wash or rinse water may flow into any part of the MS4.

5-4-80. **Best Management Practices Required.** The Responsible Person must implement Best Management Practices as follows:

A. Responsible Persons for parking lots with more than twenty-five (25) parking spaces exposed to Storm Water which parking lots are associated with industrial or commercial activities, according to the United States Office of Management and SIC must use BMPs to reduce the discharge of Pollutants to the maximum extent practicable. Such measures may include regular sweeping or other measures, if effective.

B. Responsible Persons of premises where machinery or other equipment is repaired or maintained, at facilities or activities associated with industrial or commercial activities, according to the United States Office of Management and SIC must use BMPs or other steps to prevent discharge of maintenance related or repair related Pollutants to the MS4.

C. 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.

5-4-90. **Construction Activity Storm Water Measures.**

A. Each person applying to the City for a grading or building permit for projects for which compliance with regulations governing State Construction Activity Storm Water Permits ("GCASPs") is required, must submit satisfactory proof to City (i) that a Notice of Intent (NOI) to comply with the GCASP was filed and (ii) that a Storm Water Pollution Prevention Plan has been prepared, before the City can issue any grading or building permit on the construction project. A copy of the NOI and the SWPPP must be maintained on-site during grading and construction and be made available for inspection, review and copying upon the request of any City inspector.

B. It is unlawful for any person or entity required under federal or state law to comply with the requirements for a State Construction Activity Storm Water Permits (GCASP) for construction activity in the City to conduct, authorize or permit construction activities in the City at any facility which discharges to the City's MS4 without complying with all applicable requirements for a GCASP.

C. Each person applying for a grading or building permit for any project for which compliance with regulations governing State Construction Activity Storm Water Permits is not required, must submit to the City for information, and implement, a grading and construction activity runoff control program adequate to accomplish all of the following:

1. Retain on-site the sediments generated on or brought to the project site, using Treatment Control or Structural BMPs;

2. Retain construction-related materials and wastes, spills and residues at the project site and prevent discharges to streets, drainage facilities, the MS4, receiving waters or adjacent properties;

3. Contain non-Storm Water runoff from equipment and vehicle washing at the project site; and

4. Control erosion from slopes and channels through use of effective BMPs, such as limitation of grading during the wet season, inspection of graded areas during rain events; planting and maintenance of vegetation on slopes, if any, and covering any slopes susceptible to erosion.

5. Persons generating or producing pavement sawcutting wastes in any street, curb or sidewalk in the City must recover and properly dispose of such sawcutting wastes, and in no case may such wastes be permitted or suffered to enter any part of the MS4, including, without limitation, any storm drain.

6. Persons performing street and road maintenance in any street in the City must manage street and road maintenance materials in a manner that prevents such materials from being discharged to the MS4.

7. It is unlawful for any person to wash any concrete truck or any part of any concrete truck, including, without limitation, any chute, pump or tools, in any place in the City except an area designated for that purpose by the City, if the City has designated such a place. It is unlawful for any person to permit or allow any concrete rinseate or washwater from any truck, pump, tool or equipment to enter any drain, open ditch, street or road or any catch basin or any other part of the MS4.

5-4-100. **Violations**. Violation of any provision of this Chapter, any Storm Water Pollution Prevention Plan, any provision of any permit issued pursuant to this Chapter, or any Administrative Compliance Order issued pursuant to this Chapter is a misdemeanor.

5-4-110. **Notices of Violation; Administrative Orders; and Enforcement**.

A. The Public Works Director, or designee, is authorized to enforce this Chapter through any lawful means including, without limitation, issuing Notices of Violation and Administrative Compliance Orders. Such actions may be used to achieve compliance with the provisions of this Chapter, any approved Storm Water Pollution Prevention Plan or any permit issued pursuant to this Chapter. Failure to comply with the terms and conditions of such a Notice of Violation or an Administrative Order is a violation of this Chapter.

B. The City Attorney is authorized to enforce this Chapter, through all administrative, civil, and criminal means available.

5-4-120. **Nuisance**. Violating any provision of this Chapter is a public nuisance and may be abated by the City in accordance with this Code.

5-4-130. **Remedies not Exclusive.** The remedies listed in this Chapter are not exclusive of any other remedies available to the City under any applicable federal, state or local law and it is within the discretion of the City to seek cumulative remedies.

5-4-140. **Inspections; Searches.** Whenever necessary to make an inspection to enforce any provisions of this Chapter, the enforcement officer for the City may enter any property in the City regulated by this Chapter in a manner authorized by State law and take samples; inspect, review and copy records relevant to any Illicit Connection, Illegal Discharge or the Discharge of any Pollutant. The owner or other person in charge of day-to-day activities at the premises, upon request of any City inspector, must make available for inspection, review and copying any required GIASP, GCASP, NoI, BMPs, SWPPP and any permit relevant to the reduction of the Discharge of any Pollutant to the maximum extent practicable.

5-4-150. **Fees.** The City Council may establish fees for the services provided under this Chapter by resolution."

SECTION 3: Repeal or amendment of any provision of the ESMC will not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before this Ordinance's effective date. Any such repealed part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Ordinance.

SECTION 4: If any part of this Ordinance or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this Ordinance are severable.

SECTION 5: The City Clerk is directed to certify the passage and adoption of this Ordinance; cause it to be entered into the City of El Segundo's book of original ordinances; make a note of the passage and adoption in the records of this meeting; and, within fifteen (15) days after the passage and adoption of this Ordinance, cause it to be published or posted in accordance with California law.

PASSED AND ADOPTED this 18th day of Feb., 2003.

Mike Gordon, Mayor

ATTEST:

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS
CITY OF EL SEGUNDO)

I, Cindy Mortesen, City Clerk of the City of El Segundo, California, do hereby certify that the whole number of members of the City Council of said City is five; that the foregoing Ordinance No. 1357 was duly introduced by said City Council at a regular meeting held on the 4th day of February, 2003, and was duly passed and adopted by said City Council, approved and signed by the Mayor, and attested to by the City Clerk, all at a regular meeting of said Council held on the 18th day of February, 2003, and the same was so passed and adopted by the following vote:

AYES:	Gordon, Jacobs, Gaines, McDowell, Wernick
NOES:	None
ABSENT:	None
ABSTAIN:	None

Cindy Mortesen, City Clerk

APPROVED AS TO FORM:
Mark D. Hensley, City Attorney

By:
Karl H. Berger
Assistant City Attorney