

City of Manhattan Beach Municipal Code

Title 5 SANITATION AND HEALTH

Chapter 5.84 STORM WATER AND URBAN RUNOFF POLLUTION CONTROL

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5.84.010 Purpose and intent.

A. The purpose of this chapter is to ensure the future health, safety and general welfare of the citizens of the City and the water quality of the receiving waters of the County of Los Angeles and surrounding coastal areas by:

1. Reducing pollutants in storm water discharges to the maximum extent practicable;
2. Regulating illicit connections and illicit discharges and thereby reducing the level of contamination of storm water and urban runoff into the MS4; and
3. Regulating non-storm water discharges to the MS4.

B. The intent of this Chapter is to protect and enhance the quality of watercourses, water bodies, and wetlands within the City in a manner consistent with the Federal Clean Water Act, the California Porter-Cologne Water Quality Control Act and the municipal NPDES permit.

C. This chapter is also intended to provide the City with the legal authority necessary to control discharges to and from those portions of the MS4 over which it has jurisdiction as required by the municipal NPDES permit, and thereby fully and timely comply with the terms of the municipal NPDES permit while the CSWMP and the WMAP are being developed by the permittees under the municipal NPDES permit, and in contemplation of the subsequent amendment of this chapter or adoption by the City of additional provisions of this chapter to implement the subsequently adopted CSWMP and WMAP, or other programs developed under the municipal NPDES permit.

(§ 2, Ord. 1962, eff. May 1, 1997)

5.84.020 Definitions.

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Except as specifically provided herein, any term used in this chapter shall have the same meaning as that term is defined in the municipal NPDES permit, or if it is not specifically defined in the municipal NPDES permit, then as such term is defined in the Federal Clean Water Act, as amended, and/or the regulations promulgated thereunder. The following words and phrases shall have the following meanings when used in this chapter:

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

“Authorized enforcement officer” means the City Manager or his or her designee and any City official authorized to issue citations under the municipal Code.

“Best management practices (BMPs)” means activities, practices, facilities, and/or procedures that when implemented to their maximum efficiency will prevent or reduce pollutants in discharges. Examples of BMPs may include public education and outreach, proper planning of development projects, proper clean out of catch basin inlets, and proper sludge or waste handling and disposal, among others.

“City” means the City of Manhattan Beach.

“Good housekeeping practices” means common practices related to the storage, use, or cleanup of materials, performed in a manner that minimizes the discharge of pollutants. Examples include, but are not limited to, use of alternative and less environmentally harmful products, cleaning up spills and leaks, and storing materials in a manner that will contain any leaks or spills.

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

“Illicit discharge” means any discharge to the storm drain system that is prohibited under local, state or federal statutes, ordinances, codes or regulations. This includes all non-storm water discharges except discharges pursuant to a separate NPDES permit and discharges that are exempted or conditionally exempted in accordance with Section II of the municipal NPDES permit.

“Material” means any substance including, but not limited to: garbage and debris; lawn clippings, leaves, and other vegetation; biological and fecal waste; sediment and sludge; oil and grease; gasoline; paints, solvents, cleaners, and any fluid or solid containing chemicals.

“Municipal NPDES permit” means the “Waste Discharge Requirements for Municipal Storm Water and Urban Runoff Discharges Within the County of Los Angeles” (Order No. 96-054), dated July 15, 1996, issued by the California Regional Water Quality Control Board--Los Angeles Region, and any successor permit to that permit.

“Municipal separate storm sewer system” or “MS4” means streets, gutters, conduits, natural or artificial drains, channels and watercourses, or other facilities that are owned, operated, maintained or controlled by the City and used for the purpose of collecting, storing, transporting, or disposing of storm water.

“Non-storm water discharge” means any discharge to an MS4 that is not composed entirely of storm water.

“NPDES permit” means any waste discharge requirements issued by the Regional Board or the State Water Resources Control Board as an NPDES permit pursuant to California Water Code Sections 13370 et seq. (other than the municipal NPDES permit).

“Pollutant” means those pollutants defined in Section 502(6) of the Federal Clean Water Act (33 U.S.C. Section 1362(6)), or incorporated into California Water Code Section 13373. Examples of pollutants include, but are not limited to the following:
1. Commercial and industrial waste (such as fuels, solvents, detergents, plastic pellets, hazardous substances, fertilizers, pesticides, slag, ash, and sludge);

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2. Metals such as cadmium, lead, zinc, copper, silver, nickel, chromium; and non-metals such as phosphorus and arsenic;
3. Petroleum hydrocarbons (such as fuels, lubricants, surfactants, waste oils, solvents, coolants and grease);
4. Excessive eroded soils, sediment and particulate materials in amounts which may adversely affect the beneficial use of the receiving waters, flora or fauna of the State;
5. Animal wastes (such as discharge from confinement facilities, kennels, pens, recreational facilities, stables, and show facilities);
6. Substances having characteristics such as pH less than six (6) or greater than nine (9), or unusual coloration or turbidity, or excessive levels of fecal coliform, or fecal streptococcus, or enterococcus.

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

The term "pollutant" also shall not include any substance identified in this definition, if through compliance with the best management practices available, the discharge of such substance has been reduced or eliminated to the maximum extent practicable. In an enforcement action, the burden shall be on the person who is the subject of such action to establish the reduction or elimination of the discharge to the maximum extent practicable through compliance with the best management practices available.

"Regional Board" means the California Regional Water Quality Control Board--Los Angeles Region.

"Storm water runoff" means that part of precipitation (rainfall or snowmelt) which travels via flow across a surface to the MS4 or receiving waters from impervious, semipervious or pervious surfaces. When all other factors are equal, runoff increases as the perviousness of a surface decreases.

"Urban runoff" means surface water flow produced by non-storm water resulting from residential, commercial, and industrial activities involving the use of potable and nonpotable water.

(§ 2, Ord. 1962, eff. May 1, 1997)

5.84.030 Construction and application.

This chapter shall be construed to assure consistency with the requirements of the Federal Clean Water Act and acts amendatory thereof or supplementary thereto, applicable implementing regulations, and the municipal NPDES permit, and any amendment, revision or reissuance thereof.

(§ 2, Ord. 1962, eff. May 1, 1997)

5.84.040 Prohibited activities.

A. Illicit Discharges and Connections. It is a violation of this chapter to commence, establish, use, maintain, or continue any illicit connections to the MS4 or any illicit discharges to the MS4. This prohibition against illicit connections applies to the use, maintenance, or continuation of any illicit connection, whether that connection was established prior to or after the effective date of this chapter.

B. Littering. It is a violation of this chapter to throw, deposit, place, leave, maintain, keep, or permit to be thrown, deposited, placed, left, or maintained or kept, any refuse, rubbish, garbage, or any other discarded or abandoned objects, articles or accumulations, in or upon any street, alley, sidewalk, storm drain, inlet, catch basin conduit or drainage structure, business place, or upon any or private plot of land in the City, so that the same might be or become a pollutant. No person shall throw or deposit litter in any fountain, pond, lake, stream, or other body of water within the City. This subsection shall not apply to refuse, rubbish or garbage deposited in

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containers, bags or other appropriate receptacles which are placed in designated locations for regular solid waste pick up and disposal.

C. Disposal of Landscape Debris. It is a violation of this chapter to intentionally dispose of leaves, dirt, or other landscape debris into the MS4.

D. Non-Storm Water Discharges. The following non-storm water discharges into the MS4 are prohibited unless in compliance with a separate NPDES permit or pursuant to a discharge exemption by the Regional Board, the Regional Board's Executive Officer, or the State Water Resources Control Board:

1. The discharge of untreated wash waters to the MS4 when gas stations, auto repair garages, or other type of automotive service facilities are cleaned;
2. The discharge of untreated wastewater to the MS4 from mobile auto washing, steam cleaning, mobile carpet cleaning, and other such mobile commercial and industrial operations;
3. To the maximum extent practicable, discharges to the MS4 from areas where repair of machinery and equipment, including motor vehicles, which are visibly leaking oil, fluid or antifreeze, is undertaken;
4. Discharges of untreated runoff to the MS4 from storage areas of materials containing grease, oil, or other hazardous substances, and uncovered receptacles containing hazardous materials;
5. Discharges of commercial/residential swimming pool filter backwash to the MS4;
6. Discharges of untreated runoff from the washing of toxic materials from paved or unpaved areas to the MS4; provided, however, that non-industrial and non-commercial activities which incidentally generate urban runoff, such as the hosing of sidewalks, and the non-commercial hand-washing of cars, shall be excluded from this prohibition;
7. To the maximum extent practicable, discharges to the MS4 from washing impervious surfaces in industrial/commercial areas which results in a discharge of untreated runoff to the MS4, unless specifically required by State's, or the City's, or Los Angeles County's health and safety codes, or permitted under a separate NPDES permit;
8. Discharges from the washing out of concrete trucks into the MS4;
9. Discharges to the MS4 of any pesticide, fungicide, or herbicide, banned by the USEPA or the California Department of Pesticide Regulation; or
10. The disposal of hazardous wastes into trash containers used for municipal trash disposal where such disposal causes or threatens to cause a direct or indirect discharge to the MS4.

E. Discharges in Violation of the Municipal NPDES Permit. Any discharge that would result in or contribute to a violation of the municipal NPDES permit, either separately or in combination with other discharges, is prohibited. Liability for any such discharge shall be the responsibility of the person(s) causing or responsible for the discharge, and such person(s) shall defend, indemnify and hold harmless the City from all losses, liabilities, claims, or causes of actions in any administrative or judicial action relating to such discharge.

(§ 2, Ord. 1962, eff. May 1, 1997)

5.84.050 Exempted discharges, conditionally exempted discharges, or designated discharges.

Discharges from those activities specifically identified in, or pursuant to, Part 2, Section II.C of the municipal NPDES permit as being exempted discharges, conditionally exempted discharges, or designated discharges shall not be considered a violation of this chapter, provided that any applicable BMPs developed pursuant to the municipal NPDES permit are implemented to minimize any adverse impacts from such identified sources.

(§ 2, Ord. 1962, eff. May 1, 1997)

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5.84.060 Good housekeeping provisions.

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

A. **Septic Waste.** No person shall leave, deposit, discharge, dump, or otherwise expose any chemical or septic waste to precipitation in an area where a discharge to City streets or the MS4 may or does occur.

B. **Use of Water.** Runoff of water used for irrigation purposes shall be minimized to the maximum extent practicable. Runoff of water from the permitted washing down of paved areas shall be minimized to the maximum extent practicable.

C. **Storage of Materials, Machinery, and Equipment.** Machinery or equipment that is to be repaired or maintained in areas susceptible to or exposed to storm water, shall be placed in a manner so that leaks, spills and other maintenance-related pollutants are not discharged to the MS4.

D. **Removal and Disposal of Debris from Industrial/Commercial Motor Vehicle Parking Lots.** Industrial/commercial motor vehicle parking lots with more than twenty-five (25) parking spaces that are located in areas potentially exposed to storm water shall be swept regularly or other equally effective measures shall be utilized to remove debris from such parking lots, so as to prevent or minimize material or debris from running off the parking lot into the MS4.

E. **Food Wastes.** Food wastes generated by non-residential food service and food distribution sources shall be properly disposed of and in a manner so such wastes are not discharged to the MS4. For example: restaurant kitchen mats may not be washed or rinsed into the street or alley.

F. **Best Management Practices.** Best management practices shall be used in areas exposed to storm water for the removal and lawful disposal of all fuels, chemicals, fuel and chemical wastes, animal wastes, garbage, batteries, or other materials which have potential adverse impacts on water quality.

(§ 2, Ord. 1962, eff. May 1, 1997)

5.84.070 Requirements for industrial/commercial and construction activities.

Each industrial discharger, discharger associated with construction activity, or other discharger described in any general storm water permit addressing such discharges, as may be issued by the U.S. Environmental Protection Agency, the State Water Resources Control Board, or the Regional Board shall comply with all requirements of such permit. Each discharger identified in an individual NPDES permit shall comply with and undertake all activities required by such permit. Proof of compliance with any such permit may be required in a form acceptable to the authorized enforcement officer prior to the issuance of any grading, building or occupancy permits, or any other type of permit or license issued by the City.

(§ 2, Ord. 1962, eff. May 1, 1997)

5.84.080 Inspection authority.

A. **Authority to Inspect.** The City's Director of Public Works, building officials, community services officers and any other representatives thereof, are authorized and directed to enforce all provisions of this section.

B. **Right of Entry.** Whenever necessary to make an inspection to enforce any of the provisions of this chapter, or whenever an authorized enforcement officer has reasonable cause to believe that there exists in any building or upon any premises any condition which constitutes a violation of the provision of this chapter, the officer may enter such building or premises at all reasonable times to inspect the same or

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perform any duty imposed upon the officer by this chapter; provided, that: (i) if such building or premises be occupied, he or she shall first present proper credentials and request entry; and (ii) if such building or premises be unoccupied, he or she shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. Any such request for entry shall state that the property owner or occupant has the right to refuse entry and that in the event such entry is refused, inspection may be made only upon issuance of an inspection warrant. In the event the owner and/or occupant refuses entry after such request has been made, the officer is hereby empowered to seek assistance from any court of competent jurisdiction in obtaining such entry.

C. Authority to Conduct Samplings and Establishing Sampling Devices. With the consent of the owner or occupant or pursuant to an inspection warrant, any authorized enforcement officer may establish on any property such devices as necessary to conduct sampling and monitoring activities necessary to determining the concentrations of pollutants in storm water and/or non-storm water runoff. During the inspections as provided herein, the authorized enforcement officer may take any samples deemed necessary.

D. Requirement of Sample or Monitor. Any authorized enforcement officer may order that any person engaged in any activity and/or owning or operating any facility which may cause or contribute to storm water pollution or contamination, illicit discharges, and/or discharge of non-storm water to the storm water system, undertake such monitoring activities and/or analyses and furnish such reports as the officer may specify. All costs incurred for such activity shall be borne by the party ordered to do the sampling. In the event the owner or operator of a facility subject to a monitoring and/or analyses order fails to conduct required monitoring and/or analyses and furnish the required reports in the form required, the authorized enforcement officer may cause such monitoring and/or analyses and the cost, therefore, including the reasonable additional administrative costs incurred by the City shall be borne by the owner of the property and the cost thereof shall be, after notice and an opportunity for hearing, invoiced to the owner of the property. If the invoice is not paid within sixty (60) days of the issuance thereof, the costs shall be a lien upon and against the property and continue in existence until the same shall be paid. If the lien is not satisfied by the owner of the property within three (3) months after the completion by an authorized enforcement officer of the required monitoring and/or analyses and reports, the property may be sold in satisfaction thereof in a like manner as other real property is sold under execution.

E. Site Visits. The Public Works Director or authorized staff shall visit businesses as listed in the NPDES permit for the purpose of educating representatives of the businesses as to applicable storm water regulations, distribute educational materials, and provide advice for complying with the City's storm water ordinance, prohibitions and other legal requirements. These visits shall be at a frequency sufficient to be in compliance with the NPDES permit. The initial frequency shall be at least every two years, but may change depending on the requirements of the regulating agencies.

(§ 2, Ord. 1962, eff. May 1, 1997)

5.84.090 Enforcement.

A. Enforcement Procedure.

1. For the first failure to comply with any provision contained in this chapter, the Director of Public Works or any authorized enforcement officer, shall issue to the violator a written notice which includes the following information: (i) a description of the violation being committed; (ii) a specified time within which the violation must be corrected or within which the violator may file a written response to the Director

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disputing the existence of a violation; and (iii) a description of the penalties which may be imposed for continued noncompliance.

2. If the violator demonstrates that the violation does not exist, or has been corrected, no further action need be taken. If, however, the violation exists and is not corrected within the prescribed time, the Director of Public Works may thereafter pursue any of the enforcement remedies described below in this section.

B. Violation a Misdemeanor. Violation of this chapter shall be punishable as a misdemeanor, punishable as set forth in Section 1.04.010(A) of this Code. Provided, however, that any or all of the first three violations of this chapter committed within any consecutive twelve (12) month period may be charged as an infraction at the discretion of the City Prosecutor. Each day that a violation continues shall constitute a separate offense.

C. Violations Deemed a Public Nuisance.

1. Any condition caused or permitted to exist in violation of any of the provisions of this chapter is hereby determined to be a threat to the public health, safety and welfare, is declared and deemed a public nuisance and may be abated or restored by any authorized enforcement officer, and a civil or criminal action to abate, enjoin or otherwise compel the cessation of such nuisance may be brought by the City Attorney.

2. The cost of such abatement and restoration shall be borne by the owner of the property and the cost thereof shall be invoiced to the owner of the property, as provided by law or ordinance for the recovery of nuisance abatement costs.

3. If any violation of this chapter constitutes a seasonal and recurrent nuisance, the City Manager shall so declare. The failure of any person to take appropriate annual precautions to prevent storm water pollution after written notice of a determination under this paragraph shall constitute a public nuisance and a violation of this chapter.

D. Concealment. Causing, permitting, aiding, abetting, or concealing a violation of any provision of this chapter shall constitute a separate violation of such provision.

E. Civil Actions. In addition to any other remedies provided in this section, any violation of this chapter may be enforced by civil action brought by the City. In any such action, the City may seek, as appropriate, any or all of the following remedies:

1. A temporary and/or permanent injunction;
2. Assessment of the violator for the costs of any investigation, inspection, or monitoring survey which led to the establishment of the violation, and for the reasonable costs of preparing and bringing legal action under this subsection;
3. Costs incurred in removing, correcting, or terminating the adverse effects resulting from violation;
4. Compensatory damages for loss or destruction to water quality, wildlife, fish and aquatic life;
5. Attorney fees.

F. Administrative Enforcement Powers. In addition to the other enforcement powers and remedies established by this chapter, the authorized enforcement officer has the authority to utilize the following administrative remedies:

1. **Cease and Desist Orders.** When an authorized enforcement officer finds that a discharge has taken place or is likely to take place in violation of this chapter, the officer may issue an order to cease and desist such discharge, or practice, or operation likely to cause such discharge and direct that those persons not complying shall: (i) comply with the requirement, (ii) comply with a time schedule for compliance, and (iii) take appropriate remedial or preventive action to prevent the violation from recurring. Failure to comply with such an order shall constitute a separate violation of this chapter.

2. **Notice to Clean.** Whenever an authorized enforcement officer finds any oil, earth, debris, grass, weeds, dead trees, tin cans, rubbish, refuse, waste or any other material of any kind, in or upon the sidewalk abutting or adjoining any parcel of land, or upon any parcel of land or grounds, which may result in pollutants entering the

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MS4 or a non-storm water discharge to the MS4, he or she may give notice to the owner or occupant of the adjacent property to remove such oil, earth, debris, grass, weeds, dead trees, tin cans, rubbish, refuse, waste or other material, in any manner that he or she may reasonably provide. The recipient of such notice shall undertake the activities as described in the notice. Failure to comply with such a notice shall constitute a separate violation of this chapter.

G. **Permit Revocation.** To the extent the City makes a provision of this chapter or any identified BMP a condition of approval to the issuance of a permit or license, any person in violation of such condition is subject to the permit revocation procedures set forth in this Code.

H. **Remedies.** Remedies specified in this chapter are in addition to and do not supersede or limit any and all other remedies, civil or criminal, including remedies under the Federal Clean Water Act and/or Porter-Cologne Act. The remedies provided for in this section shall be cumulative and not exclusive.

I. **Citizen Reporting.** Members of the public are encouraged to report possible violations of this chapter to the City's Public Works Department.
(§ 2, Ord. 1962, eff. May 1, 1997)

5.84.100 Adoption of standard urban storm water mitigation plan.

Pursuant to the provisions of Section 50022.1 to 50022.10, inclusive of the Government Code of the State and subject to the particular additions, amendments and deletions set forth in this chapter, the rules, regulations, provisions, and conditions set forth in those certain Codes entitled "Standard Urban Storm Water Mitigation Plan for Los Angeles County and Cities in Los Angeles County," including the appendices therein contained, promulgated and published by the Los Angeles Regional Water Quality Control Board, one (1) full printed copy of which, printed as a plan in book form were by the Council ordered filed and which have been filed in the office of the City Clerk, expressly incorporated herein and made a part hereof as fully and for all intents and purposes as set forth herein at length, are hereby established and adopted as the rules, regulations, and provisions and conditions to be observed and followed in the development and redevelopment by the private sector and related subjects, items and matters as set forth in said plan, within the City. Subject to the additions, deletions and amendments set forth this chapter, said plan with its said appendices, is hereby established and adopted, and the same shall be designated, known and referred to as the "standard urban storm water mitigation plan" for the City.

(§ 2, Ord. 2017, eff. October 19, 2000)