

ORDINANCE NO. 964

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA VERNE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AMENDING AND RESTATING IN ITS ENTIRETY CHAPTER 13.50 OF THE LA VERNE MUNICIPAL CODE PERTAINING TO STORM WATER AND URBAN RUNOFF POLLUTION CONTROL.

WHEREAS, the Congress of the United States has determined that pollutants in storm water and non-storm water runoff (also referred to as "urban runoff"), are responsible for the environmental degradation of oceans, lakes, rivers, and other waters of the United States; and,

WHEREAS, in 1987 Congress amended the Clean Water Act of 1972 to extend National Pollutant Discharge Elimination System (hereinafter "NPDES") permit requirements to regulate storm water and urban runoff discharge into municipal storm drain systems; and,

WHEREAS, a municipal NPDES permit allows cities and counties to discharge storm water and certain categories of non-storm water runoff from their jurisdictions into waters of the United States, provided that such municipalities implement a runoff management program; and,

WHEREAS, the State of California has been granted authority by the United States Environmental Protection Agency to administer the NPDES storm water program through the State Water Resources Control Board and its regional boards; and,

WHEREAS, on December 13, 2001, the regional board reissued the municipal NPDES permit, Order No. 01-182, NPDES Permit No. CAS004001, which contains additional and revised regulatory requirements and, therewith, the need for additional and revised legal authority.

NOW, THEREFORE, the City Council of the City of La Verne DOES ORDAIN as follows:

Section 1. The City Council HEREBY AMENDS and RESTATES in its entirety Chapter 13.50 of the La Verne Municipal Code entitled "Storm Water and Urban Runoff Pollution Control" which is attached hereto as Exhibit "A," and a part herein by reference.

Section 2. The City Council HEREBY FINDS and DETERMINES that adoption of this ordinance is categorically exempt from environmental review under section 15308 of the California Environmental Quality Act and City of La Verne environmental guidelines.

Section 3. The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published and posted pursuant to the provisions of the law in that regard, and this Ordinance shall take effect thirty (30) days after such passage and adoption.

APPROVED and ADOPTED this 2nd day of December, 2002.

/s/ JON BLICKENSTAFF

Mayor of the City of La Verne

ATTEST:

/s/ N. Kathleen Hamm

City Clerk

Division VI
Chapter 13.50

STORMWATER AND URBAN RUNOFF POLLUTION CONTROL

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13.50.010 Definitions.

The following words, phrases and terms as used in this chapter shall have the meanings ascribed to them in this section.

- A. "Authorized enforcement officer" shall refer to the director of public works, community development director, building official, city engineer or a designee.
- B. "Automotive service facilities" means an establishment providing a range of repair and maintenance service for motor vehicles including fueling, oil changing and other customary services for automobiles.

C. "Act" means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 USC 1251, et seq.

D. "Best management practice (BMP)" means stormwater and urban runoff pollution control practices designed to reduce the pollutants contained in discharges to receiving waters or subsurface groundwaters.

E. "Commercial activity" means any public or private activity not defined as an industrial activity in 40 CFR 122.26(b)(14), involved in the storage, transportation, distribution, exchange, or sale of goods and/or commodities or providing professional and/or nonprofessional services.

F. "Construction activity" means any clearing, grading, or excavation that results in soil disturbance. Construction activity does not include routine maintenance to maintain original line and grade, hydraulic capacity, or original purpose of a facility, nor does it include emergency construction activities required to immediately protect public health and safety.

G. "Environmentally sensitive area" means an area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which would be disturbed by human activities and developments (Public Resources Code § 30107.5). Areas subject to stormwater mitigation requirements are: areas designated as Significant Ecological Areas by the County of Los Angeles; an area designated as a Significant Natural Area by the California Department of Fish and Game's Natural Area's Program, provided that area has been field verified by the Department of Fish and Game; an area listed in the Basin Plan as supporting the "Rare, Threatened, or Endangered Species (RARE)" beneficial use; and an area identified by the City as environmentally sensitive.

H. "Good housekeeping practice" means a practice related to the storage, use, or cleanup of materials performed in a regular manner that minimizes the discharge of pollutants.

I. "Hazardous material" means any material defined as hazardous by Chapter 6.95 of the California Health and Safety Code.

J. "Hazardous substance" means any substance designated pursuant to 40 CFR 30. This also includes any unlisted hazardous substance which is a solid waste, as defined in 40 CFR 261.2, which is not excluded from regulation as hazardous waste under CFR 261.4(b), or is a hazardous substance under Section 101(14) of the Act, if it exhibits any of the characteristics identified in 40 CFR 261.20 through 261.24.

K. "Hazardous waste" means a hazardous material or hazardous substance that is to be discharged, discarded, recycled, or processed.

L. "Hillside" means property located in an area with known erosive soil conditions, where the development contemplates grading on any natural slope that is twenty-five (25) percent or greater and where grading contemplates cut or fill slopes.

M. "Illicit connection" means any human-made conveyance that is connected to the storm drain system without a permit, excluding roof drains that convey only stormwater.

N. "Illicit discharge" means any discharge to the storm drain system that is prohibited under local, state, or federal statutes, ordinances, codes or regulations. Illicit discharge includes all nonstormwater discharges pursuant conditionally exempted by such permit.

O. "Illicit disposal" means any disposal, either intentional or unintentional, of material(s), substance(s), or waste(s) that has the potential to pollute stormwater or urban runoff unless otherwise allowed by law.

P. "Industrial activity" means any public or private activity that is associated with any of the eleven categories of activities defined in 40 CFR 122.26(b)(14) and required to obtain an NPDES permit.

Q. "National pollutant discharge elimination system (NPDES)" permit means a permit issued by the United States Environmental Protection Agency (EPA), the State Water Resources Control Board (SWRCB), or a California Regional Water Quality Control Board (RWQCB) pursuant to the Act, that authorizes discharges to waters of the United States.

R. "New development" means land disturbing activities; structural development, including construction or installation of a building or structure, creation of impervious surfaces; and land subdivision.

S. "NPDES" means National Pollutant Discharge Elimination System.

T. "Parking lot" is a space within a building on public area designed for the temporary storage of motor vehicles with a lot size of 5,000 square feet or more of surface area, or with 25 or more spaces.

U. "Pollutant" means the same as defined in Section 502(6) of the Act or as incorporated into the California Water Code Section 13373. Pollutants include but are not limited to: commercial and industrial waste; metals and non-metals both soluble and non-soluble; petroleum hydrocarbons; eroded soils, sediment and particulate materials; animal wastes; and substances having acidic or corrosive characteristics, unusual coloration or turbidity, or excessive levels of fecal coliform, fecal streptococcus, or enterococcus.

V. "Redevelopment" means a land-disturbing activity that results in the creation, addition, or replacement of 5,000 square feet or more of impervious surface area on an already developed site.

W. "Regional Board" means the State Regional Water Quality Control Board.

X. "Restaurant" means an establishment which is engaged primarily in the business of preparing and serving meals for consumption including stationary lunch counters and refreshment stands selling prepared foods and drinks for immediate consumption.

Y. "Retail gasoline outlet" means any facility engaged in selling gasoline and lubricating oils.

Z. "Runoff" means any stormwater, non-stormwater discharges, or dry weather flows from a drainage area that reaches the storm drain system.

AA. "Standard Urban Stormwater Mitigation Plan (SUSMP)" means the Los Angeles Countywide Standard Urban Storm Water Mitigation Plan approved by the Regional Board. The SUSMP addresses storm water pollution from new development and redevelopment.

AB. "Storm drain system" within the city of La Verne means collectively any street, gutter, conduit, or natural or artificial drain, channel and water course, or other facility that is owned, operated, maintained, or controlled by the city of La Verne, county of Los Angeles or state of California used for the purpose of collecting, storing, transporting, or disposing of stormwater runoff.

AC. "SWPPP" means storm water pollution prevention plan.

AD. "Treatment control BMP" means any engineered system designed to remove pollutants by simple gravity settling of particulate pollutants, filtration, biological uptake, media absorption or any other physical, biological, or chemical process.

13.50.020 Purpose and intent.

A. The purpose of this chapter is to ensure the future health, safety, and general welfare of residents and businesses by:

1. Eliminating nonstormwater discharges to the municipal storm drain; and
2. Controlling the discharge from spills, dumping or disposal of materials other than stormwater to municipal storm drains; and
3. Reducing pollutants in stormwater discharges to the maximum extent possible.

B. The intent of this chapter is to protect and enhance the water quality of our watercourses, water bodies, wetlands, and receiving waters of the United States in a manner pursuant to and consistent with the Clean Water Act.

13.50.030 Construction and application of this chapter.

This chapter shall be construed to assure consistency with the requirements of the Federal Water Pollution Control Act, known as the Clean Water Act, and acts amendatory thereof or supplementary thereto, applicable implementing regulations, and existing and future NPDES permit and any amendment, revision, or re-issuance thereof.

13.50.040 Standards, guidelines and criteria.

The authorized enforcement officer may establish uniform minimum standards, guidelines, and criteria for the application of such standards, guidelines, and criteria to specific discharges, connections, and/or BMPs. The provisions of this section shall not prohibit the director of

public works from requiring a discharger from taking additional measures to achieve the objectives of this chapter or any permit.

13.50.050 Illicit discharges prohibited.

No person shall cause any nonstormwater discharge to enter the storm drain system unless such a discharge:

- A. Consists of stormwater; or
- B. Consists of nonstormwater that is authorized by an NPDES permit issued by the U.S. EPA, State Water Resources Control Board, or Regional Board; or
- C. Is associated with fire fighting activities; or
- D. Is otherwise in compliance with the requirements of this chapter.

13.50.060 Installation or use of illicit connections prohibited.

No person shall install, maintain or use any connection to the storm drain system or knowingly cause to be discharged or convey nonstormwater to the storm drain system unless the connection has been permitted by the director of public works upon application and approval of a public works permit.

13.50.070 Removal of illicit connection from the storm drain.

If any person fails to disconnect an illicit connection upon notification by the director of public works, or upon revocation of a public works permit authorizing such connection, the director of public works may disconnect such connection from the storm drain system. The director of public works may pursue the recovery of costs for such removal pursuant to Section 13.50.120 of this chapter.

13.50.080 Littering--Discharge of polluting or damaging substances prohibited.

A. No person shall throw, deposit, place, leave, maintain, litter, keep; or permit to be thrown, deposited, placed, left, maintained, or kept; any pollutant, refuse, rubbish, food waste, 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, place or business, or upon any public or private plot of land in the city; so that such materials might be or become a pollutant; except when placed in containers, bags, recycling bins, or other lawfully established waste disposal facilities protected from stormwater runoff.

B. No person shall dispose of hazardous substances, materials, or wastes into trash containers used for municipal trash disposal.

C. No person shall discharge to the storm drain system any pesticide, fungicide, or herbicide banned by the EPA or the California Department of Pesticide Regulation.

D. No person shall knowingly dispose or cause the accumulation of pollutants, leaves, dirt, or other landscape debris into a street, alley, catch basin, culvert, curb, gutter, inlet, ditch, natural

water course, flood control channel, canal, storm drain, or any fabricated or natural conveyance.

13.50.090 Urban stormwater runoff mitigation for construction activity.

No person shall commence any construction activity for which a permit or approval is required without implementing all urban stormwater runoff mitigation measures required by such a permit or approval.

13.50.093 Standard Urban Stormwater Mitigation Plan (SUSMP)

A. A Standard Urban Stormwater Mitigation Plan (SUSMP) shall be required for the following categories of new development or redevelopment:

1. Single family hillside home;
2. Ten or more unit homes including single family homes, multifamily homes, condominiums, and apartments;
3. A 100,000 or more square feet of impervious surface area industrial/commercial development;
4. Automotive service facilities;
5. Retail gasoline outlets;
6. Restaurants;
7. Parking lots 5,000 square feet or more of surface area or with 25 or more parking spaces;
8. Redevelopment projects that results in the creation, addition, or replacement of 5,000 square feet or more of impervious surface area on an already developed site; and
9. Projects located in or directly adjacent to or discharging directly to an environmentally sensitive area if the development would create 2,500 or more square feet of impervious area and would discharge storm water or urban runoff likely to impact a sensitive biological species or habitat.

B. All projects for development or redevelopment not requiring an SUSMP which have the potential to have adverse impacts on the post-development storm water flows from the site, shall include the submission of a site-specific plan adequate to mitigate post development storm water quality if the project has any one or more of the following characteristics:

1. A vehicle or equipment fueling area;
2. a vehicle or equipment maintenance area including washing and repair;

3. any commercial or industrial waste handling or storage area;
4. an area for outdoor handling or storage of hazardous materials;
5. an outdoor manufacturing area;
6. an area where outdoor food handling or processing occurs;
7. an area where outdoor animal care, confinement or slaughter occurs; or
8. an area of outdoor horticulture activity.

C. The authorized enforcement officer shall have the authority to grant a waiver to a development or redevelopment project from the requirements of the SUSMP and/or a structural or treatment control BMP, if the enforcement officer finds that:

1. inadequate space for treatment exists on a redevelopment project; or
2. soil conditions strongly disfavor the use of infiltration; or
3. the natural land surface where the BMP would be located lies above a known aquifer or less than ten (10) feet above an existing or potential source of drinking water.

Any request for waiver not falling within the foregoing categories shall be forwarded to the Regional Board for consideration.

13.50.100 Prohibited discharges from industrial or commercial activity.

The following discharges from industrial/commercial activities are prohibited unless permitted under a separate NPDES permit issued by the Regional Board:

- A. Discharge of wash waters to the storm drain system from the cleaning of gas stations, auto repair garages, or other types of auto repair facilities;
- B. Discharge of wastewater to the storm drain system from other mobile auto washing, steam cleaning, mobile carpet cleaning, and other such mobile commercial and industrial operations;
- C. Discharge to the storm drain system from areas where repair of machinery and equipment, including motor vehicles, which are visibly leaking oil, fluids, or coolants is undertaken;
- D. Discharge of runoff to the storm drain system from storage areas or materials containing grease, oil, or other hazardous substances, and uncovered receptacles containing hazardous substances or materials;
- E. Discharge of commercial/institutional/municipal swimming pool filter backwash to the storm drain system;

F. Discharge of runoff from the washing of toxic materials from paved or unpaved areas to the storm drain system; or

G. Discharge from washing out of concrete trucks to the storm drain system.

H. Discharge of runoff from washing of impervious surfaces in industrial/commercial areas to the storm drain system.

13.50.110 Industrial and commercial sources required to obtain an NPDES permit.

Any industrial/commercial sources required to have an NPDES permit shall retain on-site, and upon request, make immediately available to the director of public works the following documents in evidence of compliance with permit requirements, where required:

A. A copy of a permit or notice of intent to comply with a general permit to discharge stormwater associated with industrial activity as submitted to the state board or report of waste discharge as submitted to a regional board of jurisdiction;

B. A waste discharge identification number issued by the state board or copy of the NPDES permit issued by a regional board;

C. An SWPPP, monitoring program plan, or group monitoring plan;

D. Stormwater quality data for the most recent monitoring plan;

E. Evidence of facility self-inspection as required by the NPDES permit.

13.50.120 Public sources required to obtain an NPDES permit.

Any publicly-operated facility required to have an NPDES permit shall retain on-site, and upon request, make immediately available to the authorized enforcement officer the following documents in evidence of compliance with permit requirements, where required:

A. A copy of a permit or notice of intent to comply with a general permit to discharge stormwater associated with industrial activity as submitted to the state board or report of waste discharge as submitted to a regional board of jurisdiction;

B. A waste discharge identification number issued by the state board or copy of the NPDES permit issued by a regional board;

C. A SWPPP, monitoring program plan, or group monitoring plan;

D. Stormwater quality data for the most recent monitoring plan;

E. Evidence of facility self-inspection as required by the NPDES permit.

13.50.130 Notification of uncontrolled discharges required.

A. In the event or discovery of an uncontrolled discharge to the storm drain system, the discharger shall immediately notify the public works department by telephone. If the uncontrolled discharge may be considered hazardous material, hazardous substance, or hazardous waste, the discharger shall immediately notify the fire department in addition to the public works department. The notification shall include location of the discharge, type of materials discharged, estimated concentration and volume of the discharge, and corrective actions taken to contain or minimize the effects of the discharge.

B. Within ten calendar days from the first discovery of the uncontrolled discharge, the discharger shall submit to the director of public works a detailed, written report describing the cause of the discharge, corrective action taken, measures to be taken to prevent future occurrences, and measures taken to remediate the effects of the discharge. Such notification shall not relieve the discharger of liability or fines incurred as a result of the uncontrolled discharge.

13.50.140 Good housekeeping provisions.

Any owner or occupant of any property within the city shall comply with the following good housekeeping requirements:

A. No person shall leave, deposit, discharge, dump, or otherwise expose any chemical, fuel, animal waste, garbage, batteries, or septic waste in an area where actual or potential discharge to city streets or storm drain system may occur. Any spills, discharge, or residues shall be removed immediately and disposed of properly.

B. Runoff of water for residential property landscape irrigation, air conditioning condensate, water line flushing, foundation/footing drains, individual residential car washing, dechlorinated swimming pool discharges, and/or sidewalk washing shall be conducted in a manner not in violation of other provisions of this code.

C. Runoff of water from the washing down of paved areas in industrial/commercial areas is prohibited unless specifically required by federal, state, local, health, or safety codes and not in violation of any other provisions of this code. Runoff of water from the authorized washing down of the paved areas shall be minimized to the maximum extent practicable.

D. Objects, such as motor vehicle parts, containing grease, oil, or other hazardous substances, and unsealed receptacles containing hazardous materials, shall not be stored in areas susceptible to runoff.

E. Any machinery or equipment which is to be repaired or maintained in areas susceptible to runoff shall be placed in a confined area to contain leaks, spills, or discharges.

F. All motor vehicle parking lots with more than 25 parking spaces and located in areas susceptible to runoff shall have debris removed by sweeping or other equally effective measure, at a minimum, on a monthly basis. Such debris shall be collected and properly disposed. Parking lots are not required to be swept for a one-month period following any day on which precipitation of one inch or more occurs.

13.50.150 BMPs for construction activities.

All BMPs required as a condition of any approval for construction activity shall be maintained in full force and effect during the term of the project, unless otherwise authorized by the authorized enforcement officer, the community development director, or building official.

13.50.160 BMPs for industrial/commercial facilities.

All industrial/commercial facilities, regardless of any requirement to file a notice of intent with the state board, shall implement BMPs to the extent practicable following the guidelines published in the California Storm Water Best Management Practices Handbook, Industrial/Commercial, by the Storm Water Quality Task Force. Minimum BMPS applicable to all industrial/commercial facilities include, but are not limited to:

- A. Termination of all nonstormwater discharges to the storm drain system that is not specifically authorized by an NPDES permit; and
- B. Exercising general good housekeeping practices; and
- C. Incorporating regular scheduled preventative maintenance into operations; and
- D. Maintaining spill prevention and control procedures; and
- E. Implementing soil erosion control; and
- F. Posting on-site storm drains to indicate that they are not to receive liquid or solid wastes; and
- G. Implementing regular cleaning of the on-site storm drain system; and
- H. Insuring that stormwater runoff is routed around operating, processing, fueling, cleaning, and storage areas.

13.50.170 Installation of structural BMPs.

No person shall install a structural BMP for the purpose of treating, neutralizing, disposing of, monitoring, or diverting to the sanitary sewer system any runoff without the approval of the authorized enforcement officer. Such facilities may be subject to plan review, application and issuance of a public works permit.

13.50.180 Enforcement--Powers and duties.

The director of public works shall have primary responsibility for the enforcement of the regulations in the chapter. The director of public works may enter into agreements with other departments, at the approval of the city manager, for the purpose of implementing various sections of this chapter. Nothing in this chapter shall prevent the director of public works from efforts to obtain voluntary compliance by way of warning, notice, or educational means.

13.50.190 Obstructing access to facilities prohibited.

No object, whether a permanent structure, a temporary structure, or any object which is difficult to remove, shall be located on any storm drain easement or placed in such a position as to interfere with the ready and easy access to any facility conveying stormwater or urban runoff as described in this chapter unless authority is granted by the authorized. Any such obstruction, upon request of the director of public works or his or her designee, shall be immediately removed by the violator at no expense to the city, and shall not be replaced.)

13.50.200 Inspection to ascertain compliance--Access required.

A. The director of public works or his or her designee (authorized enforcement officer), may inspect, as often as necessary, any storm drain, storm drain connection, street, gutter, yard, plant, storage facility, building, BMP, NPDES permit, SWPPP, stormwater runoff mitigation plan, construction activity or other facility to ascertain whether such facilities, plans, or protective measures are in place, maintained and operated in accordance with the provisions of this chapter.

B. Upon presentation of proper identification by the authorized enforcement officer, all persons shall permit and provide the authorized enforcement officer access to all such facilities at reasonable times and shall allow the director to:

1. Inspect, sample, make flow measurements of any discharge or threatened discharge;
2. Place on the premises devices for monitoring, flow measuring or metering;
3. Inspect, copy, or examine any records, reports, plans, test results or other information required to carry out the provisions of this chapter, to the extent allowed by law; and
4. Photograph any materials, storage areas, waste, waste containers, BMP, vehicle, connection, discharge, or violation discovered during an inspection.

13.50.210 Notice to correct violations.

The authorized enforcement officer may administratively issue an information notice, notice of noncompliance or notice of violation and order to comply, depending on the degree of noncompliance, to achieve compliance with the provisions of this chapter, any approved urban stormwater runoff mitigation plan, or any permit issued pursuant to this chapter. Failure to comply with the terms and conditions of a notice of violation and order to comply shall constitute a violation of this chapter.

If a person fails to comply with an order issued under this section to remove an illicit connection, obstruction or other encroachment to the storm drain system, the director of public works may perform the work. The person responsible for installing or operating such a facility shall be liable to the city for the cost of such abatement, to be recovered in a civil action in any court of competent jurisdiction.

13.50.220 Permit approvals.

Violation of any provision of this chapter, any approved urban stormwater runoff mitigation plan, or any permit or approval issued regarding construction activity, shall give the director of

public works, community development director, or designee the right to suspend or revoke any grading, excavation, building permit, or other ministerial approval issued by a representative of the city for such construction activity. Upon suspension or revocation of such permit, all work shall cease on the project, measures shall be taken to secure and prevent materials, stockpiles, soil, or other pollutants from entering the storm drain system until the director has determined that the violation has been corrected and the permit has been reinstated.

13.50.230 Violation--Penalty.

Any person violating any provision of this chapter, or failing to comply with any of the mandatory requirements of this chapter shall be guilty of a misdemeanor; except that notwithstanding any other provisions of this chapter, any such violation constituting a misdemeanor under this chapter may, at the discretion of the city prosecutor, be charged and prosecuted as an infraction. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.

13.50.240 Penalties not exclusive.

Penalties under this chapter are in addition to, and do not supersede or limit, any and all other penalties or remedies provided by law.

13.50.250 Appeal.

Any person, firm, corporation or organization who is aggrieved by the decision of the authorized enforcement officer to revoke a permit may appeal such decision in writing to the city council.

A. Letter of Appeal. Within ten days after notification of permit revocation, the applicant may appeal to the city council by filing a letter specifying the decision appealed from and the basis for the appeal, along with the appropriate filing fee, with the city clerk.

B. Action on Appeals. Within thirty days of receipt of a timely filed appeal, a public hearing before the city council shall be scheduled. Notice of the time, date and place of the public hearing shall be provided by mail to the applicant.

C. Council Decision. After the hearing on an appeal, the city council may reverse, affirm or modify the decision of the authorized enforcement officer under the terms and conditions of any laws involved in the matter. The decision of the city council shall be final.

D. This appeal process shall not be applicable as to any case in which a citation or complaint has been filed.

13.50.260 Conflicts with other code sections.

The provisions of this chapter shall control over any inconsistent or conflicting provision of this code.

13.50.270 Severability.

If any portion of this chapter or the application thereof to any person or circumstances is held invalid, the remainder of this chapter, and the application of such provisions to other persons or circumstances, shall not be affected thereby.