

ORDINANCE NO. 173494

An ordinance amending Chapter IX Article 1 Section 91.106.4.1 adding Exception 15, Chapter VI Article I Section 61.09, Chapter VI Article 4.2 Section 64.51.13, and Chapter VI Article 4.4 Section 64.72 of the Los Angeles Municipal Code to provide storm water pollution control for planning and construction of development and redevelopment projects.

WHEREAS, the City of Los Angeles is authorized by Article XI, §5 and §7 of the State Constitution to exercise the police power of the State by adopting regulations to promoting the public health, public safety and general prosperity;

WHEREAS, the City of Los Angeles 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;

WHEREAS, under the Constitution of the State of California and the California Government Code, the City of Los Angeles has the authority to define public nuisances and to protect the public health and safety of the residents of and visitors to the City of Los Angeles, and the environment, by abating public nuisances;

WHEREAS, in conformance with the General Plan Framework, the City of Los Angeles is committed to a stormwater management program that protects water quality by employing watershed-based approaches that balance environmental and economic considerations;

WHEREAS, the City of Los Angeles, along with neighboring municipalities within Los Angeles County has elected to become a permittee to the National Pollutant Discharge Elimination System Municipal Storm Water and Urban Runoff Discharge (herein after "NPDES") permit with the Los Angeles County as the Principal Permittee;

WHEREAS, Section 402(p) of the federal Clean Water Act, as amended by the Water Quality Act of 1987, requires that permits for municipal separate storm sewer system shall require controls to reduce discharge of pollutants to the maximum extent practicable, including management practices, control techniques and system, design and engineering methods, and such other provisions as the Administrator or the State determines appropriate for the control of such pollutants;

WHEREAS, as part of the NPDES Permit, models for Standard Urban Stormwater Mitigation Plan have been approved by the Executive Officer of Los Angeles Regional Water Quality Control Board for implementation to control storm water pollution from new development and redevelopment;

WHEREAS, this ordinance provides the necessary legal authority to comply with the requirements of the NPDES Permit and compliance with said NPDES Permit is exempt from the

California Environmental Quality Act pursuant to Public Resources Code §21100, et seq.

NOW, THEREFORE,

**THE PEOPLE OF THE CITY OF LOS ANGELES  
DO ORDAIN AS FOLLOWS:**

Section 1. Chapter IX, Article 1, Section 91.106.4.1 of the Los Angeles Municipal Code is hereby amended by adding Exception 15 thereto, to read:

15. The Department of Building and Safety shall have the authority to withhold grading and/or building permits for developments until:

A. The applicant incorporates into the development, best management practices necessary to control stormwater pollution in accordance with the "Development Best Management Practices Handbook, Part B Planning Activities" adopted by the Board of Public Works as authorized by Section 64.72 of the Los Angeles Municipal Code; and

B. The City receives a Covenant & Agreement, signed by the owner and recorded by the Los Angeles County Recorder, declaring that the best management practices necessary to control stormwater pollution shall be installed and/or constructed and maintained in proper working condition at all times.

Sec. 2. Chapter VI, Article 1, Section 61.09 of the Los Angeles Municipal Code is hereby deleted.

Sec. 3. Chapter VI, Article 4.2, Section 64.51.13 of the Los Angeles Municipal Code is hereby amended by adding a new paragraph thereto, to read:

Monies collected from waivers pursuant to Chapter VI, Article 4.4, Section 64.72.02 of the Los Angeles Municipal Code shall be placed and deposited into the Stormwater Pollution Abatement Fund. Such monies shall only be expended to promote regional or alternative solutions for stormwater pollution prevention.

Sec. 4. Chapter VI, Article 4.4, Section 64.72 of the Los Angeles Municipal Code is hereby amended to read as follows:

**SEC. 64.72 STORMWATER POLLUTION CONTROL MEASURES FOR DEVELOPMENT PLANNING AND CONSTRUCTION ACTIVITIES**

A) Objective. The provisions of this section set forth requirements for construction activities and facility operations of development and redevelopment projects to comply with the requirements of the Standard Urban Stormwater Mitigation Plan as defined by the "Development Best Management Practices Handbook" adopted by the Board of Public Works.

B) Scope. This section provides for the requirements of stormwater pollution control measures in accordance with the "Development Best Management Practices Handbook" adopted by the Board of Public Works. This section applies to development and redevelopment projects and authorizes the Board of Public Works to define and adopt stormwater pollution control measures, grant waivers from the requirements of the Standard Urban Stormwater Mitigation Plan, collect funds from projects that are granted waivers, conduct inspections, cite violators for infractions, and impose fines. Except as otherwise provided herein, the Board of Public Works shall administer, implement and enforce the provisions of this section.

C) Other Agencies of the City of Los Angeles. All agencies of the City of Los Angeles, including Department of Water and Power, Los Angeles World Airports, Port of Los Angeles, Community Development Department, Community Redevelopment Agency and Los Angeles Housing Authority, shall establish administrative procedures necessary to implement the provisions of this section on their development and redevelopment projects and report their activities annually to the Board of Public Works.

Sec. 5. Chapter VI, Article 4.4, Section 64.72 of the Los Angeles Municipal Code is hereby amended by adding Subsections 64.72.01, 64.72.02, 64.72.03, and 64.72.04 to read as follows:

#### SEC. 64.72.01 Authority of the Board of Public Works

A) Define & Adopt Best Management Practices (BMPs). The Board of Public Works shall have the authority to define and adopt best management practices necessary to control stormwater pollution from construction activities and facility operations to the maximum extent practicable and place said requirements in the Board of Public Works' "Development Best Management Practices Handbook". The Board of Public Works may from time to time, as it deems appropriate, change, modify, revise or alter stormwater pollution control best management practices.

B) Granting of Waiver. The Board of Public Works shall have the authority to grant a waiver to a development or redevelopment project from the requirements of the Standard Urban Stormwater Mitigation Plan as defined in the "Development Best Management Practices Handbook" adopted by the Board of Public Works as authorized by this section of the Los Angeles Municipal Code.

#### SEC. 64.72.02 Funds Collected from Waiver

The Board of Public Works may collect from the applicant of a project that has been granted a waiver the cost in savings from such waiver, as determined by the Board of Public Works in accordance with the "Development Best Management Practices Handbook" adopted by the Board of Public Works as authorized by this section of the Los Angeles Municipal Code. Such collected funds shall be deposited in the Stormwater Pollution Abatement Fund as established by Section 64.51.13 of this code.

#### SEC. 64.72.03 Supplemental Provisions

Provisions of this section shall be complimentary to, not replaced by, any requirements for stormwater mitigation existing under the California Environmental Quality Act.

#### SEC. 64.72.04 Authority To Inspect and Enforce Stormwater Pollution Control Measures.

A) Violations. Notwithstanding the provisions of the grading or building permit, non-compliance with any provisions of this section and, or the required Covenant & Agreement pursuant to Chapter IX Article I Section 91.106.4.1 Exception 15, shall be considered an

infraction and may be punishable in accordance with Section 64.70.07, Subsection A, Subdivision 2 of this Article. Each day of non-compliance may be considered a separate violation.

B) Inspection. Whenever it is necessary to make an inspection to enforce or verify compliance with any stormwater control provision, as imposed by this article, Chapter IX of the Los Angeles Municipal Code Article 1 Section 91.106.4.1 Exception 14, and Chapter IX Article 1 Section 91.106.4.1 Exception 15, the Board of Public Works or its representatives are hereby authorized to enter such property at any reasonable time to inspect for compliance with best management practices and perform any duty imposed by this article and the provisions of Section 91.106.4.1 Exception 14 and 15 of this code, or other applicable law, provided that:

1. If such property be occupied, he/she shall first present proper credentials to the occupant and request entry explaining his/her reasons therefor; and

2. If such property be unoccupied, he/she shall first make a reasonable effort to locate the owner or other persons having charge or control of the property and request entry, explaining his/her reasons therefor. If such entry is refused or cannot be obtained because the owner or other person having charge or control of the property cannot be found after due diligence, the Board of Public Works or its representatives shall have recourse to every remedy provided by law to secure lawful entry and inspect the property.

Sec. 6. The City Council finds and declares that this ordinance is required for the immediate protection of the public peace, health and safety in accordance with the mandates as set forth by the Los Angeles Regional Water Quality Control Board to implement the SUSMP requirements. Therefore, this Ordinance shall become effective upon publication pursuant to Section 281 of the Los Angeles Charter.

Sec. 7. If any provision of this Ordinance is found to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect remaining provisions of this Ordinance are declared to be severable.

Sec. 8. The City Clerk shall certify to the passage of this ordinance and cause the same to be published in some daily newspaper printed and published in the City of Los Angeles.

I hereby certify that the foregoing ordinance was passed by the Council of the City of Los Angeles, at its meeting of SEP 06 2000.

J. MICHAEL CAREY, City Clerk

By Amad Carter  
Deputy

Approved SEP 12 2000

[Signature]  
Mayor  
CNW

Approved as to Form and Legality

8/17/00  
JAMES K. HAHN, City Attorney

By Christopher Westhof  
CHRISTOPHER WESTHOF  
Assistant City Attorney

File Nos 99-2420 \* 99-0951

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