



**CITY OF WEST COVINA**

**GRADING PLAN REVIEW PROCEDURE**

**I. PROJECT DATA:**

\_\_\_\_\_  
**SITE ADDRESS**

\_\_\_\_\_  
**TR / PM / PP / CUP, NO**

\_\_\_\_\_  
**DESIGN ENGINEER/ APPLICANT**

\_\_\_\_\_  
**TELEPHONE NUMBER**

\_\_\_\_\_  
**APPLICANT ADDRESS**

\_\_\_\_\_  
**FAX NUMBER**

\_\_\_\_\_  
**OWNER**

\_\_\_\_\_  
**TELEPHONE NUMBER**

\_\_\_\_\_  
**OWNER ADDRESS**

\_\_\_\_\_  
**FAX NUMBER**

**ENGINEERED GRADING**

**REGULAR GRADING**

**PROJECT DESCRIPTION:** \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

**II. Instructions**

Application for plan check is valid for 180 calendar days from 1<sup>st</sup> submittal date.

All corrections and comments identified on the returned check print must be incorporated into the plans. Revised plans must be resubmitted for review along with the check prints and any requested supporting information.

Your plans have been reviewed by \_\_\_\_\_. For questions and/or to schedule a meeting with the plan checker call (626) 939-8425.

After the 2<sup>nd</sup> review, plans are checked on an hourly basis.

All fees must be paid and bonds posted prior to having the plans approved (signed) by the City.

**Plan Check Date:**

Submittal Date	Review Completion Date	No. Of Review Hours
1st		
2nd		
3rd		
4th		

### **III. General Requirements**

1. Submit 3 sets of drawings
2. Sheet size: 24" x 36"
3. Scale: 1 = 30 or less
4. City Title Block at the bottom right hand corner of each sheet.
5. North arrow on all sheets
6. Bench Mark Data
7. For grading on neighboring properties, a notarized letter from the property owner, is required
8. Submit 2 sets of Soil Report
9. Grading plans shall comply with soil report findings, municipal grading ordinance chapter 9 (copy attached) and UBC latest edition. Plan Checker to review and confirm.
10. Itemized cost estimate including landscaping and onsite lighting (Excluding Building). Separate landscaping and lighting plans to be submitted to planning department. Show location of the onsite lighting on the precise grading plans.
11. Initial plan check fee (2% of estimated construction cost, minimum \$500) is required when plans are submitted. Balance of Fees will be determined by the Engineering Division.
12. Walls retaining 30" or more and free standing walls over 6' in height require separate submittal of calculations and details.
13. Obtain Fire Department clearance.
14. Plans to be signed by Civil, Soil and/or Geological Engineers.

### **IV. Title Sheet to show the following:**

1. Vicinity map.
2. Location map showing adjacent streets.
3. Index map
4. General grading notes.
5. Construction notes.
6. Typical lot drainage (on the Precise Grading Plan)
7. Any typical details or cut and fill sections as recommended in the soil report and/or Geologist report (e.g. terrace drains, downdrains, splash walls, etc)
8. Earth work (cut, fill and import) quantities.

**V. Detail sheets to show the following:**

1. Site plan
2. Horizontal control plan showing all dimensions
3. Existing contours of the entire site (5' contour intervals) and proposed finish grades
4. Vicinity streets with flow line and top of curb elevations
5. All drainage facilities should have enough details and elevation points to show proper fall to an approved public drainage facility. No cross lot drainage is allowed.
6. Location of any existing or proposed structures on the site and any structures on adjacent land within 15' of the property line, including existing or proposed streetlights, fire hydrant, catch basins, inlet and outlet structures etc.
7. Clearly draw top and toe of cut and fill slopes to scale.
8. Specify proposed steepness of cut and fill slopes on plan. (Ratio of Horizontal distance to vertical distance.)
9. Indicate cut and/or fill slope areas on plan by shading or other easily recognizable means.
10. Show location of cut-fill contact (daylight line) on plan.
11. Show slope setbacks from property lines or building locations to conform with minimum requirements.
12. Graded slopes may not extend into street right-of-way. (Without encroachment permit)
13. Fill slopes are shown with a surface gradient steeper than 2:1.
  - a. Soils engineer shall submit satisfactory soil test data and engineering calculations to substantiate the stability of all such slopes and slope surfaces under conditions of saturations.
  - b. A preventive program to protect the slopes from potential damage from borrowing rodents is required. Owner to inspect slopes periodically for evidence of burrowing rodents and at first evidence of their existence shall employ an exterminator for their removal.
14. Fill slopes in excess of 2:1 steepness ratio are to be constructed by the placement of soil a sufficient distance beyond the proposed finish slope to allow compaction equipment to be operated at the outer limits of the final slope surface. The excess fill is to be removed prior to completion of rough grading. (Other construction procedures may be used when it is demonstrated to the satisfaction of the City Engineer that the angle of slope, construction method and other factors will have equivalent effect.)
15. Fill placed over existing terrain steeper than 5:1 must be supported on horizontal benches cut into bedrock or other competent material. Show detail and dimensions of such benching to be provided.
16. Show toe of fill slope setback at least 6 feet horizontally from the top of an existing slope steeper than 3:1. A lesser setback may be approved if recommended by the soils engineer.
17. Combination fill-over-cut slopes cannot be approved unless specifically recommended by the soils engineer and geologist and a cross-sectional detail of each slope is shown on the plan.

18. No fill may toe out existing terrain that has a slope steeper than 2:1
19. Show subdrains under all fills to be placed in natural drainage courses unless the omission of such drains is specifically recommended by the soils engineer. Provide a detail of suburban construction and materials as recommended by the soils engineer.
20. Show location and cross-sectional detail of all buttress fills as recommended by the geologist or soils engineer.
21. Show proposed drainage pattern of graded areas.
22. Roof drainage must be diverted from graded slopes.
23. Drainage is not permitted to sheet over graded slopes steeper than 5:1. Concentrated drainage is not permitted to discharge onto any graded slope.
24. Show locations of existing and proposed catch basins, inlet structures, and outlet structure.
25. Provide a paved swale at top of cut slope (s).
26. A berm is required at the top of all fill slopes. Show detail.
27. Provide rip-rap or other velocity reducer at discharge end of drain. Show detail.
28. All drainage terraces required to be paved must be 3" minimum concrete or gunite reinforced with 6x6 – 10/10-wire mesh. Show detail.
29. Show locations, dimensions and details of splash walls.
30. The maximum length of terrace or swale that may contribute to any down drain is 300 feet.
31. Provide open down drains unless otherwise approved by the City Engineer and supported by hydrology.
32. Provide detail of transition structures for open drains where the grade changes from a steep to a relatively flat slope.
33. Show flow line elevations of all drainage terraces at each change in grade and at approximately 100' intervals in between so that a 5% minimum, 12% maximum, flow line gradient is provided. There shall be no reduction in grade along the direction of flow unless it can be shown that the velocity of flow will be such as to prevent silt deposition.
34. Access is required at all points of closed drains where the grade changes from a steep to a relatively flat slope. Detail the access device.

## **VI. Precise Grading Plan**

The plans shall include (but not limited to) the following in addition to the above items listed for Rough Grading Plan:

1. The footprint or allowable building area of all proposed structures (including appurtenances).
2. Setback distances between structures and top and toe of slopes.
3. Detailed finish grade and finish floor elevations.
4. Flow-lines for lot drainage.
5. Details for building footing and side-yard swale relationship (including extra-height of footing)
6. All proposed paving including, but not limited to, sidewalks, driveways and parking lots.
7. Show the finish elevations at the corners of lot pad (building site) so that such pad area will have a minimum slope of 2% toward the intended drainage outlet.
8. Show the graded swale, high point elevation (.3' lower than pad elevation) and swale elevations at the proposed building corners. All graded swales must have a minimum slope of 1% towards the street or designed outlet. No concentrated flow of the swale allowed over the sidewalk.
9. Show typical side swale detail for adjacent lots of the same elevation and of different elevations.
10. Show detail of the method to be used in side swale when a stoop, fireplace, and or other obstruction extends within five feet of the property line/ or top or toe of slope.

The precise grading plan shall identify all previous preliminary grading permits issued for the project site. It may include sheets from the preliminary grading plan, which show original topography in lieu of reproducing original contours on the precise plan.

## **VII. Erosion Control Plans**

In addition to the required general notes and details, the plans must comply with the regulations of LACRWCB (Los Angeles County Regional Water Quality Board) and Article II of Chapter 9 of the WCMC (West Covina Municipal Code) and must submit SWPPP and proof of NOI (Notice of Intent) to LACRWQCB and to the City for review and comments.

**VIII. Permit Requirement:**

**A.) Grading Permit**

1. An itemized cost estimate for all on –site and off-site improvements to be constructed (except buildings) shall be submitted to the Engineering Division for approval. Based upon the approved cost estimates, required fees shall be paid and improvement securities for all on-site and off-site improvements (except buildings) and 100% labor/material securities for all off-site improvements shall be posted prior to final approval of the plans.
2. Provide 3 sets of approved grading plans along with the original mylar.
3. See attached sheet for other requirements.

**B.) Building Permit**

Requirements for engineering sign-off before a Building permit is issued. After satisfactory completion of the grading operation, provide the following:

1. Grading Certification (on city form) signed by: the civil engineer, the soil engineer, the geologist if applicable and the grading contractor.
2. Final compaction report signed by the soils engineer.

**IX. Attachments:**

1. West Covina Municipal Code (WCMC) Chapter 9 (Available on-line at [www.westcov.org](http://www.westcov.org))
2. General Grading Notes
3. General (other) permit requirement sheet
4. Sample Plan

**X. Additional Comments:**

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## GENERAL GRADING NOTES

1. ALL WORK SHALL BE IN ACCORDANCE WITH ALL PROVISIONS OF GRADING ORDINANCE NOS. 1494,1839, AND 2033 OF THE CITY OF WEST COVINA AND CHAPTER 33 OF THE UNIFORM BUILDING CODE, (UBC), LATEST EDITION.
2. MAXIMUM SLOPES SHALL BE 2:1 FOR CUT AND FILL UNLESS OTHERWISE DIRECTED.
3. FILLS ARE TO BE COMPACTED TO NOT LESS THAN 90% OF MAXIMUM DENSITY AS DETERMINED BY A.S.T.M. SOIL COMPACTION TEST D1557-70 AND CERTIFIED BY THE SOILS ENGINEER. FILL LAYERS NOT TO EXCEED 6" EACH.
4. NO FILLS SHALL BE PLACED UNTIL VEGETATION HAS BEEN REMOVED AND SUB-GRADE PREPARED PER CHAPTER 33 OF THE UBC AND APPLICABLE ORDINANCES AND APPROVED BY THE SOILS ENGINEER.
5. NO ROCK OR LUMPS WITH GREATER THAN 6" DIAMETER SHALL BE PLACED IN THE FILL UNLESS SUCH PLACEMENT IS APPROVED BY THE SOILS ENGINEER.
6. IMPORT MATERIALS SHALL BE TESTED AND CERTIFIED BY THE SOILS ENGINEER PRIOR TO PLACEMENT.
7. NO WORK WHATSOEVER SHALL BE STARTED WITHOUT FIRST NOTIFYING THE GRADING INSPECTOR AND THE SOILS ENGINEER.
8. EXCESS SOIL SHALL BE DISPOSED OF OFF-SITE.
9. DUST SHALL BE CONTROLLED BY WATERING.
10. AS APPROVED BY THE PERMITTEE'S CIVIL ENGINEER, PROTECTIVE MEASURES AND TEMPORARY DRAINAGE PROVISIONS MUST BE USED TO PROTECT ADJOINING PROPERTIES DURING GRADING.
11. THE PERMITTEE SHALL NOTIFY THE CITY ENGINEER WHEN THE GRADING IS READY FOR ROUGH GRADE REVIEW. ALL WORK, INCLUDING INSTALLATION OF ALL DRAINAGE STRUCTURES AND PROTECTIVE DEVICES, MUST BE COMPLETED AND REQUIRED REPORTS SUBMITTED PRIOR TO ROUGH GRADE REVIEW.
12. THE PERMITTEE'S CIVIL ENGINEER SHALL EXERCISE SUFFICIENT SUPERVISORY CONTROL DURING CONSTRUCTION AND GRADING TO ENSURE COMPLIANCE WITH THESE PLANS.
13. THE PERMITTEE'S CIVIL ENGINEER SHALL PROVIDE A MINIMUM OF ONE BLUE TOP, SET AT THE HIGHEST POINT IN THE FINISHED DRAINAGE SWALE.
14. ANY DAMAGE CAUSED DURING THE GRADING OPERATION MUST BE CORRECTED PRIOR TO THE FINAL CERTIFICATION OF THE GRADING.
15. ALL RECOMMENDATIONS OF THE SOIL ENGINEER'S REPORT AND ALL SUBSEQUENT REPORTS, ADDENDUM, AND RECOMMENDATIONS, ETC., SHALL BE CONSIDERED A PART OF THIS GRADING PLAN AND SHALL BE COMPLIED WITH. THE GRADING OPERATION SHALL BE CONDUCTED UNDER THE SUPERVISION OF THE SOILS ENGINEER.
16. A BOND IN AN AMOUNT SUFFICIENT TO COVER THE COST OF THE PROJECT IS REQUIRED.
17. CUBIC YARDS OF CUT \_\_\_\_\_; CUBIC YARDS OF FILL \_\_\_\_\_; CUBIC YARDS OF IMPORT \_\_\_\_\_.
18. AN EROSION CONTROL PLAN PREPARED BY THE PERMITTEE'S CIVIL ENGINEER SHALL BE SUBMITTED TO THE CITY ENGINEER PRIOR TO START OF THE RAINY SEASON AND ALL EROSION CONTROL DEVICES SHALL BE PROVIDED AND MAINTAINED DURING THE RAINY SEASON BETWEEN OCTOBER 15 AND APRIL 15 AND SHALL BE IN PLACE AT THE END OF EACH DAY'S WORK.
19. ALL ON SITE IMPROVEMENTS, EXCEPT GRADING SHALL BE IN ACCORDANCE WITH THE "STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION" (LATEST EDITION).
20. A "NO CHARGE" EXCAVATION PERMIT FROM THE CITY MUST BE OBTAINED BY THE CONTRACTOR BEFORE STARTING ANY WORK.
21. THE CONTRACTOR SHALL CALL IN A LOCATION REQUEST TO UNDERGROUND SERVICE ALERT (USA), PHONE NUMBER 1-800-422-4133, TWO WORKING DAYS BEFORE DIGGING. NO CONSTRUCTION PERMIT ISSUED BY THE ENGINEERING DEPARTMENT INVOLVING EXCAVATION FOR UNDERGROUND FACILITIES WILL BE VALID UNLESS THE APPLICANT HAS BEEN PROVIDED AN INQUIRY IDENTIFICATION NUMBER BY USA.
22. ANY MODIFICATIONS OF OR CHANGES IN APPROVED GRADING PLANS MUST BE APPROVED BY THE CITY ENGINEER.
23. A COPY OF THE GRADING PERMIT AND APPROVED GRADING PLAN MUST BE IN THE POSSESSION OF A RESPONSIBLE PERSON AND AVAILABLE AT SITE.



24. ENGINEER MUST SET GRADE STAKES FOR ALL DRAINAGE DEVICES AND OBTAIN INSPECTION BEFORE POURING.
25. ALL STORM DRAIN WORK IS TO BE DONE UNDER CONTINUOUS INSPECTION BY THE FIELD ENGINEER. WEEKLY STATUS REPORTS SHALL BE SUBMITTED BY THE FIELD ENGINEER TO THE ENGINEERING DIVISION.
26. PROVISIONS SHALL BE MADE FOR CONTRIBUTORY DRAINAGE AT ALL TIME.

THE UNDERSIGNED DESIGN ENGINEER VERIFIES THAT:

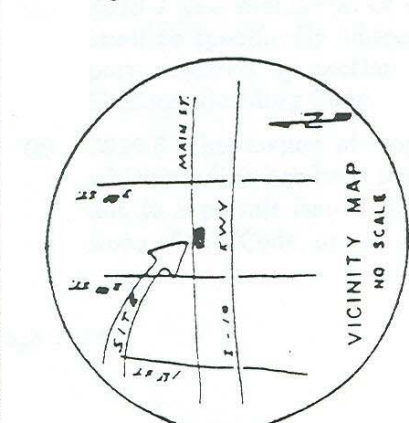
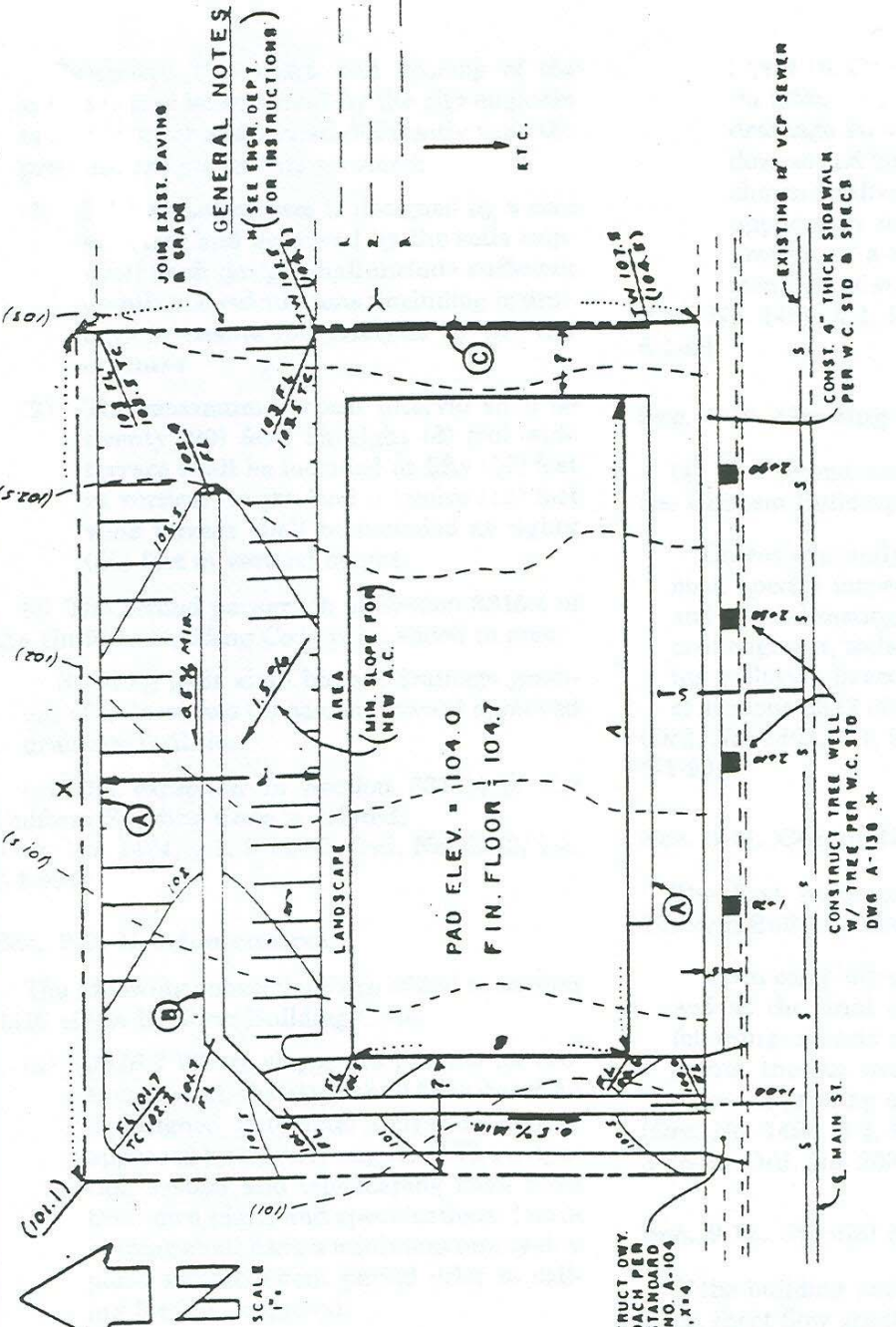
“THIS GRADING PLAN WAS PREPARED UNDER MY SUPERVISION IN ACCORDANCE WITH THE CITY MUNICIPAL GRADING ORDINANCE, THE SOIL AND/OR GEOLOGICAL REPORT RECOMMENDATIONS AND UBC LATEST EDITION”.

THE OWNER/DEVELOPER MUST COMPLY WITH THE REGULATIONS OF LACRWCB (LOS ANGELES COUNTY REGIONAL WATER QUALITY CONTROL BOARD) AND ARTICLE II OF CHAPTER 9 OF THE WCMC (WEST COVINA MUNICIPAL CODE) AND MUST SUBMIT SWPPP AND PROOF OF NOI (NOTICE OF INTENT) TO THE LACRWQCB AND TO THE CITY FOR REVIEW AND COMMENTS.

EXAMPLE ONLY

36"

3/8"



- LEGEND**
- S SEWER
  - FL FLOW LINE ELEV.
  - PROPERTY LINE
  - FUTURE CONTOUR
  - EXISTING CONTOUR
  - ETC.

**GENERAL NOTES**  
 M (SEE ENGR. DEPT. FOR INSTRUCTIONS)  
 JOIN EXIST. PAVING & GRADE

**BENCH MARK**  
 (TEMPORARY LOCATION OR CITY STANDARD)

USE 5.5 C 2500 CONCRETE  
 12" 8" 2"  
 10" 4"  
 CURE DETAIL (A)  
 NO SCALE

RETAINING WALL OVER 30" AND FREE STANDING WALL OVER 6" SHOULD BE SUBSTANTIATED BY DESIGN CALCULATIONS  
 (SHOW NECESSARY DETAILS)

GUTTER DETAIL (B)  
 NO SCALE

WALL DETAIL (C)  
 NO SCALE

(ADD THIS BLOCK IF OVER 500 CY OF EARTH MOVED)

APPROVED BY:		GRADING AND DRAINAGE PLAN FOR	
CITY ENGR.	DATE	A B C COMPANY	CITY ENGR.
PLANNING DIR.		CHECKED BY: S.A. SHOWN	PLAN NO. *
DIR. BLDG. & SAFETY		PP 000	SHEET / OF /



# DRAINAGE AND GRADING

## ARTICLE I. DRAINAGE AND GRADING\*

### Sec. 9-1. Purpose.

The purpose of this article is to amend Appendix Chapter 33 of the California Building Code to add grading and drainage requirements for local conditions as per Ordinance No. 2033. (Ord. No. 1494, § 1, 9-22-80; Ord. No. 1938, § 2, 6-7-94; Ord. No. 2033, § 3, 6-1-99; Ord. No. 2089, § 3, 10-1-02)

### Sec. 9-2. Building official.

The term "building official" as used in Appendix chapter 33 of the Uniform Building Code shall mean the city engineer of the City of West Covina or his designated representative. (Ord. No. 1494, § 1, 9-22-80; Ord. No. 2033, § 3, 6-1-99)

### Sec. 9-3. Definitions amended and added.

- (a) The following definitions in section 3308 of the Uniform Building Code are amended to read as indicated:

*Bedrock* is the relatively solid, undisturbed rock in place either at the ground surface or beneath surficial deposits of gravel, sand or soil.

*Civil engineer* shall mean a professional engineer in the branch of civil engineering holding a valid certificate of registration issued by the State of California.

*Fill* shall mean deposits of soil, rock or other similar irreducible materials placed by man.

*Slope* is an inclined ground surface the inclination of which is expressed as a ratio of horizontal distance to vertical distance and exceeds a ratio of 5 to 1.

*Soils engineer* is a civil engineer experienced in soil mechanics who investigates and reports on the stability of existing or proposed slopes, controls the installation and

\***Editor's note:** Ord. No. 1938, § 2, adopted June 7, 1994, amended Ch. 9, §§ 9-1--9-25 by including them in Article I, Drainage and Grading. Additionally, references to "this chapter" in said sections have been changed to "this article".

compaction of fills, recommends soil bearing values, provides design criteria and calculations for special earth structures such as buttress fills, and who has use of an adequately equipped soils testing laboratory. It is not the intent of this definition nor this chapter to require that the civil engineer be authorized by the state to use the title,"soils engineer."

- (b) The following definition is added to section 3308 of the Uniform Building Code:

*Geologist* shall mean a person holding a valid certificate of registration as a geologist in the specialty of engineering geology issued by the State of California under provisions of the Geologist Act of the Business and Professions Code.

- (Ord. No. 1494, § 1, 9-22-80; Ord. No. 2033, § 3, 6-1-99)

### Sec. 9-4. Grading permit requirements.

- (a) Section 3309.3 of the Uniform Building Code is amended to read:

*Grading designation.* All grading requiring a permit shall be performed in accordance with the approved grading plan prepared by a civil engineer and shall be performed in accordance with the approved grading plan prepared by a civil engineer and shall be designated as "engineered grading." Grading involving less than five thousand (5,000) cubic yards may be changed in designation from "engineered grading" to "regular grading" upon recommendation of the civil engineer and approval of the city engineer. The city engineer may require supporting documentation prior to approval of a change in designation.

- (b) The first paragraph of section 3309.4 of the Uniform Building Code is amended to read:

*Engineered grading requirements.* Each application for a grading permit shall be accompanied by three (3) sets of plans and specifications and two (2) sets of supporting data consisting of a soil engineering report and engineering geology report. The plans and specifications shall be prepared, sealed, and signed

by a civil engineer, a soil engineer and/or a geologist.

(c) The first sentence of the third paragraph of Section 3309.4 of the Uniform Building Code is amended to read:

Plans shall be drawn to a scale of one (1) inch equals twenty (20) feet or one (1) inch equals thirty (30) feet upon mylar or vellum sized at twenty-four (24) inches by thirty-six (36) inches and shall be of sufficient clarity to indicate the nature and extent of the work proposed and show in detail that the work proposed will conform to the provisions of this Code and all relevant laws, ordinances, rules and regulations.

(d) In addition to the requirements set out in Section 3309 of the Uniform Building Code, the permittee shall have an appropriate valid California state-issued contractor's license and shall have filed Worker's Compensation Insurance documentation with the city. (Ord. No. 1494, § 1, 9-22-80; Ord. No. 1839, § 1, 3-26-90; Ord. No. 2033, § 3, 6-1-99)

#### **Sec. 9-5. Fees.**

Section 3310 of the Uniform Building Code is amended to read:

Before issuance of each grading permit, the appropriate fees shall be paid as indicated in the schedule of fees adopted from time to time by resolution of the city council of the City of West Covina.

Table A-33-A and A-33-B are deleted. (Ord. No. 1494, § 1, 9-22-80; Ord. No. 2033, § 3, 6-1-99)

#### **Sec. 9-6. Bonds.**

The first sentence in section 3311 of the Uniform Building Code is amended to read:

Bonds or other improvement security satisfactory to the city engineer and agreements in an amount equal to at least one hundred (100) percent of the estimated cost of the work are required to guarantee completion of the work in accordance with the approved plans and specifications.

(Ord. No. 1494, § 1, 9-22-80; Ord. No. 2033, § 3, 6-1-99)

#### **Sec. 9-7. Fills.**

The following subsections are added to Section 3313 of the Uniform Building Code.

##### **(a) 3313.6 *Method of construction.***

All fill slopes fifteen (15) feet in height or more and steeper than 3 horizontal to 1 vertical shall be constructed by the "overfill and cutback" method. These slopes shall be overbuilt and cut back to grade exposing the firm compacted fill inner core. The actual amount of overbuilding may vary as field conditions dictate. If the desired results are not achieved, the existing slopes shall be overexcavated as directed by the soils engineer and reconstructed. The degree of overbuilding shall be increased until the desired compacted slope surface condition is achieved. Care shall be taken by the contractor to provide thorough mechanical compaction to the outer edge of the overbuilt slope surface. As fill slope construction proceeds, the slope surface shall be thoroughly backrolled with a sheepsfoot roller at vertical height intervals not exceeding four (4) feet.

Following the attainment of the desired slope height, the outer surface of overbuilt slopes shall be cut back to the finished surface contour shown on the approved grading plan. Care shall be taken by the contractor not to excavate beyond the desired finished slope surface.

##### **(b) 3313.7 *Alternate method of construction.***

Fill slopes less than fifteen (15) feet in height or flatter than 3 horizontal to 1 vertical may be constructed by alternative procedures where specifically approved by the soils engineer prior to grading. Prior to such approval, the contractor shall submit to the soils engineer a detailed written description of the procedure he proposes to utilize. Within such description, the following guidelines shall be included. Unless slopes are overfilled and cut back to grade, the outer faces of all fill slopes shall be backrolled utilizing a sheepsfoot roller at intervals not exceeding four (4) feet of

vertical slope height. Vibratory methods may be required. During construction of the fill slopes, care shall be taken to maintain near-optimum moisture conditions over the entire slope height. Following achievement of the slope height as shown on the approved grading plan, the entire slope face shall be thoroughly compacted utilizing a vibratory sheepsfoot roller. Upon completion of the above procedures, the faces of all fill slopes shall be grid-rolled over the entire slope height with standard grid-rolling type of equipment. Prior to grid-rolling, care shall be taken to maintain near-optimum moisture conditions.

Following slope construction in the manner described above, if the required uniformly compacted fill slope condition is not achieved, overfilling and cutting back shall be required. Completed slopes not approved by the soils engineer shall be overexcavated a minimum of twelve (12) feet (horizontal) and replaced by the overfilling and cutting back procedure described in paragraph (a).

(Ord. No. 1494, § 1, 9-22-80; Ord. No. 2033, § 2, 6-1-99)

### **Sec. 9-8. Drainage and terracing.**

(a) The following sentence is added to the end of section 3315.1 of the Uniform Building Code:

Deviations from the provisions of this section shall be specifically addressed for each instance in the reports required by Section 3309.4 of the Uniform Building Code.

(b) Section 3315.2 of the Uniform Building Code is amended to read:

#### *Terrace.*

Terraces at least eight (8) feet in width shall be established at not more than twenty-five-foot vertical intervals on all cut or fill slopes to control surface drainage and debris; except that where only one (1) terrace is required, it shall be at mid-height. For cut or fill slopes greater than fifty (50) feet and up to one hundred (100) feet in vertical height, one (1)

terrace at approximately mid-height shall be sixteen (16) feet in width. Terrace widths and spacing for cut and fill slopes greater than one hundred (100) feet in height shall be designed by the civil engineer and approved by the city engineer and shall meet or exceed the foregoing requirements. Suitable access shall be provided to permit proper cleaning and maintenance.

Swales or ditches on terraces shall have a minimum gradient of five (5) percent and must be paved with reinforced concrete not less than three (3) inches in thickness. They shall have a minimum depth at the deepest point of one (1) foot and a minimum paved width equal to the width of the terrace.

A single run of swale or ditch shall not collect runoff from a tributary area exceeding thirteen thousand five hundred (13,500) square feet (projected) without discharging into a down drain.

The design height of the slope shall include six (6) feet at the top of the slope to provide for the contributory area and height of possible walls along the top of the slope.

*Exception:* The width and spacing of the terraces may be approved by the city engineer to be narrower and spaced differently than the preceding requirements provided:

(1) The terrace system is designed by a civil engineer and approved by the soils engineer. Such design shall include sufficient details and calculations (including hydrology) to enable full analysis by the city engineer.

(2) The maximum vertical interval shall be twenty (20) feet, an eight (8) foot wide terrace shall be included at fifty (50) feet in vertical height, and a twelve (12) foot wide terrace shall be included at eighty (80) feet in vertical height.

(c) The second paragraph of Section 3315.4 of the Uniform Building Code is amended to read:

Building pads shall have a drainage gradient of at least two (2) percent toward approved drainage facilities.

(d) The exception in Section 3315.4 of the Uniform Building Code is deleted.

(Ord. No. 1494, § 1, 9-22-80; Ord. No. 2033, § 3, 6-1-99)

**Sec. 9-9. Erosion control.**

The following subsections are added to section 3316 of the Uniform Building Code:

- (a) *3316.3* Where slopes are planted for erosion control, the slope shall be watered by a designed automatic irrigation system approved by the city engineer. The irrigation system and landscaping shall have their own plans and specifications. Landscaping shall have a minimum ninety-day plant establishment period prior to calling for final approval.
- (b) *3316.4* The manner(s) of erosion control shall be specifically addressed in the report required by section 3309.5 of the Uniform Building Code.
- (c) *3316.5* The owner of any property on which grading has been performed pursuant to a permit issued under the provisions of this Code, or any other person or agent in control of such property, shall maintain in good condition and repair all drainage structures and other protective devices and burrowing rodent control when shown on the grading plans filed with the application for grading permit and approved as a condition precedent to the issuance of such permit. (Ord. No. 1494, § 1, 9-22-80; Ord. No. 2033, § 3, 6-1-99)

**Sec. 9-10. Grading inspection.**

(a) The second sentence in section 3317.1 of the Uniform Building Code is amended to read:

Unless expressly modified by the city engineer, special inspection of grading operations and special testing shall be performed by the civil engineer, soils engineer and the engineering geologist, in accordance with the provisions of sections 3317 of the Uniform Building Code. (Ord. No. 1494, § 1, 9-22-80; Ord. No. 2033, § 3, 6-1-99)

**Sec. 9-11. Completion of work.**

The first sentence in section 3318.1 of the Uniform Building Code is amended to read:

Upon completion of the rough grading work and at the final completion of the work the following reports and drawings and supplements thereto are required along with the executed grading approval form. (Ord. No. 1494, § 1, 9-22-80; Ord. No. 1839, § 2, 3-26-90; Ord. No. 2033, § 3, 6-1-99)

**Sec. 9-12. Special drainage provisions.**

If the building pad surface is paved, the minimum sheet flow gradient specifications in section 3315.4 of the Uniform Building Code may be reduced to the following minimum gradients:

Asphaltic concrete pavement, one and one-half (1 1/2) percent;

Portland cement concrete, one (1) percent. (Ord. No. 1494, § 1, 9-22-80; Ord. No. 1839, § 3, 3-26-90; Ord. No. 2033, § 3, 6-1-99)

**Sec. 9-13. Drainage devices.**

(a) Except on slopes, drainage devices with concentrated flow shall be constructed with minimum gradients as follows:

- Portland cement concrete construction . . . 0.5%
- Air-blown concrete construction . . . . . 1.0%
- Asphaltic concrete construction . . . . . 1.0%
- Soil swales . . . . . 1.0%
- Pipes . . . . . 0.4%

(b) Drainage devices constructed on slopes shall have a minimum gradient of five (5) percent. Such drainage devices shall be constructed of air-blown concrete or portland cement concrete with suitable reinforcement. Closed conduits, unpaved swales and asphalt concrete drainage structures shall not be used for slope drainage.

(c) Drainage devices shall be constructed to convey drainage to an established private or public watercourse, channel, storm drain or public street and shall be of a design to prevent erosion.

(d) Drainage devices conveying water to the public streets shall drain over driveway approaches or through curb drains or through sidewalk culverts. (Ord. No. 1494, § 1, 9-22-80; Ord. No. 1839, § 4, 3-26-90)

#### **Sec. 9-14. Work without permit.**

Any work done without a permit when a permit is required by this article shall be, and the same is hereby declared to be, unlawful and a public nuisance. Upon order of the city council, the city attorney shall commence necessary proceedings for the abatement, removal and/or enjoinder of any such public nuisance in the manner provided by law. Any failure, refusal or neglect to obtain a permit as required by this article shall be prima facie evidence of the fact that a public nuisance has been committed in connection with the work begun or done contrary to the provisions of this article. (Ord. No. 1494, § 1, 9-22-80; Ord. No. 1938, § 2, 6-7-94)

#### **Sec. 9-15. Belated permit: Double fees.**

If work commenced or done for which a permit is required by this article before a permit is obtained, the permit fees shall be doubled. The payment of such double fee shall not waive compliance with this article. Such double fee is not a penalty but is a payment to defray the added costs of special inspections required for enforcement of the provisions of this article in such cases. The imposition or payment of such double fee shall not prevent the imposition of a penalty. (Ord. No. 1494, § 1, 9-22-80; Ord. No. 1938, § 2, 6-7-94)

#### **Sec. 9-16. Public streets.**

(a) The permittee shall not perform any work in a manner which may create a nuisance and/or hazard to persons using public lands or streets.

(b) The permittee will submit an operational plan for approval by the city engineer if any of the following actions are necessary to complete the work:

- (1) The control of public traffic by a flagman or other means.
- (2) The placing of obstructions (dirt, sand, aggregate base, etc.) in the public right-of-way (requires a separate permit from the city engineer).

(3) The temporary reduction in the number of traveled lanes in a public street.

(4) Any other action which will delay and/or restrict the use of a public street.

(c) The operational plan shall include at least the following:

- (1) The point or points of access to the public street or streets for export or import.
- (2) Special safety precautions equivalent to the following standards shall be provided where the egress (outhaul) road connects with the public street.

a. The last fifty (50) feet of the outhaul road immediately adjoining the street if downgrade to the street shall have a grade no steeper than three (3) percent.

b. An unobstructed sight distance of not less than three hundred (300) feet in each direction up and down the public street shall be provided at the point of egress. Such sight distance shall be measured from a point eight (8) feet above grade in the outhaul road; said point being ten (10) feet outside the edge of the street pavement or if no pavement, ten (10) feet outside the edge of the normally traveled portion of the public street.

(3) Traffic-control devices shall be provided and maintained at the connection of the ingress and egress roads with the public way.

(d) Dirt, mud and other debris shall not be deposited on public streets by the permittee and/or any person working for or with the permittee in any manner. The permittee shall be responsible for the immediate removal of any dirt, mud or other debris deposited upon public streets which directly or indirectly is a result of his work. The permittee shall be required to post a bond or other acceptable security for and be responsible for the repair of restricted streets used for hauling dirt to and from the work site. Such bond amount shall be as determined by the city engineer.

(e) Noncompliance with any provision of this section shall be grounds for immediate work



suspension as ordered by the city inspector and/or city engineer.  
(Ord. No. 1494, § 1, 9-22-80)

#### **Sec. 9-17. Time limits.**

The time period in which the work is to be begun and completed will be specified on the permit if other than one hundred eighty (180) days. If the time period is not indicated, it shall be one hundred eighty (180) days. If the permittee is unable to complete the work within the specified time, he may request in writing to the city engineer an extension of time. The city engineer may grant extensions as he deems appropriate and may add conditions to the extension as he deems appropriate.

If the extension is for longer than thirty (30) days, the permittee shall pay a proration of the original fees based on the uncompleted portion of the original work. This payment is not a penalty but is intended to defray the expense of the longer period of inspection for the work.

If the work site is located within one-fourth mile of any occupied dwelling, grading may only be done from 7:00 a.m. to 7:00 p.m. on Mondays through Fridays and 9:00 a.m. to 6:00 p.m. on Saturdays, Sundays and holidays.

(Ord. No. 1494, § 1, 9-22-80)

#### **Sec. 9-18. Improvements and grading on adjacent land.**

If the permittee is to do any work on land adjacent to his parcel, he must submit notarized letters of permission and/or easements from the owners of the properties involved prior to issuance of a permit.

(Ord. No. 1494, § 1, 9-22-80)

#### **Sec. 9-19. Retaining walls.**

All walls retaining thirty (30) inches or more of soil measured from the top of the footing shall be designed by a civil engineer. The design is subject to approval of the city engineer.

Appropriate fees in accordance with the schedule of fees as adopted from time to time by resolution of the city council shall be paid, and a permit shall be obtained from the city engineer.

(Ord. No. 1494, § 1, 9-22-80)

#### **Sec. 9-20. Control of grading.**

Notwithstanding other sections in this article and the provisions of the Uniform Building Code, where grading is required adjacent to improved residential lot(s) and where providing for drainage primarily by grading will adversely affect the aesthetics, privacy, security and/or views of the adjacent lot(s) with fills exceeding three (3) feet in height, the city engineer may require the use of alternate drainage devices, including but not limited to concrete swales, yard drains, storm drains, sump pumps and spread footings. If the use of alternate drainage devices is not sufficient to mitigate any adverse impacts, the city engineer may require and/or permit the drainage of one lot across another lot provided that satisfactory easements are obtained.

Appeals of requirements of this section shall be made to the planning commission, and the decision shall be final unless appealed to or called up by the city council. The fee for filing an appeal shall be as shown in the schedule of fees as set from time to time by resolution of the city council but in no event shall be less than sixty-five dollars (\$65.00).

(Ord. No. 1494, § 1, 9-22-80; Ord. No. 1938, § 2, 6-7-94)

#### **Sec. 9-21. Storm damage precautions.**

No grading permit shall be issued for work to be commenced between October 1 of any year and April 15 of the following calendar year unless the plans for such work include details of protective measures, including desilting basins or other temporary drainage or control measures, or both, as may be necessary to protect adjoining public and private property from damage by erosion, flooding or the deposition of mud or debris which may originate from the site or result from such grading operations.

If grading is begun prior to November 1, all protective measures shall be installed prior to November 1. If grading is begun on or after November 1, all protective measures shall be installed before grading is begun. All protective measures shall be maintained in good working order until April 15 of the succeeding year, where grading is done between November 1 and December 31, or until April 15 of the same year, where grading is done between January 1 and April 15, unless their



removal at an earlier date is agreed to by the city engineer.  
(Ord. No. 1494, § 1, 9-22-80)

**Sec. 9-22. Storm damage precautions--  
Incomplete work.**

Where a grading permit is issued and the work is commenced after April 15 and before October 1 of any year and the plans for such work do not include details of the protective measures described in section 9-21, and it appears that the grading and installation of the permanent drainage devices as authorized by the permit will not be completed prior to November 1, then on or before October 1 the owner of the site on which the grading is being performed shall file or cause to be filed with the city engineer revised plans which include details of the protective measures described in and in all other respects follow the provisions of section 9-21. The revised plans required by this section shall be accompanied by an application for plan checking services and plan checking fees as specified in this article based on an assumed volume of material equal to five (5) percent of the volume shown on the original permit.  
(Ord. No. 1494, § 1, 9-22-80; Ord. No. 1938, § 2, 6-7-94)

**Sec. 9-23. Same--Effect of noncompliance.**

Should the owner fail to submit the plans or fail to provide the protective measures required by section 9-21 or 9-22 by the dates specified therein, it shall be deemed that a default has occurred under the conditions of the grading permit bond. Thereupon the city engineer may enter the property for the purpose of installing, by city forces or by other means, the drainage and erosion control devices shown on the approved plans, or if there are no approved plans, as he may deem necessary to protect adjoining property from storm damage; or the city engineer may cause the owner of the site to be prosecuted as a violator of this Code; or he may take both actions.  
(Ord. No. 1494, § 1, 9-22-80)

**Sec. 9-24. Responsibility of permittee.**

(a) *Compliance With Plans and Code.* The permittee, his agent, contractor or employee, shall carry out the proposed work in accordance with the approved plans and specifications and in compliance with all the requirements of this Code.

(b) *Inspections.* In performing grading, it shall be the responsibility of the permittee to notify the city engineer at least one (1) working day in advance.

(c) *Protection of Utilities.* During grading operations, the permittee shall be responsible for the prevention of damage to any public utilities or services.

(d) *Protection of Adjacent Property.* The permittee under the grading permit is responsible for the prevention of damage to adjacent property; and no person shall excavate on land sufficiently close to the property line to endanger any adjoining public street, sidewalk, alley or other public or private property without supporting and protecting such property from settling, cracking or other damage which might result.

(e) *Temporary Erosion Control.* The permittee shall put into effect and maintain all precautionary measures necessary to protect adjacent watercourses and public or private property from damage by erosion, flooding, and deposition of mud or debris originating from the site.  
(Ord. No. 1494, § 1, 9-22-80)

**Sec. 9-25. Establishment of floodways.**

In reference to section 7-18, which regulates construction within flood hazard areas and establishes floodways, the following floodway(s) are hereby established:

(a) West Covina Plan Number 961-D by reference, which is on file in the office of the city engineer, to be known as the "Holt Avenue Floodway and Water Surface Elevations," which floodway is subject to severe flood hazard by reason of inundation, overflow, erosion or deposition of debris.  
(Ord. No. 1589, § 1, 5-9-83)

## **ARTICLE II. STORMWATER AND URBAN RUN-OFF POLLUTION CONTROL\***

### **Sec. 9-26. Purpose and intent.**

The purpose of this chapter is to protect and improve water quality of receiving waters by:

- (a) Reducing illicit discharges to the municipal stormwater system to the maximum extent practicable.
- (b) Eliminating illicit connections to the municipal stormwater system.
- (c) Eliminating spillage, dumping, and disposal of pollutant materials into the municipal stormwater system.
- (d) Reducing pollutant loads in stormwater and urban runoff, from land uses and activities identified in the municipal NPDES permit.

(Ord. No. 2091, § 1, 12-3-2002)

### **Sec. 9-27. Definitions.**

For the purpose of the provisions of this chapter concerning water quality hereinafter set forth, the following words and phrases shall be construed to have the meanings set forth, unless it is apparent from the context that a different meaning is intended:

*Best management practices* (BMP's) means any program, technology, process, siting criteria, operating method, measure, or device which controls, prevents, removes, or reduces pollutants in stormwater and nonstormwater runoff.

*City* means the City of West Covina, California.

*Clean Water Act* means the Federal Water Pollution Control Act, as amended, 33 U.S.C. § 1251 et seq.

*Commercial facility* means restaurants; automotive service facilities; automotive dealerships, and retail gasoline station outlets or any other definition provided in the municipal NPDES permit of stormwater quality management plan.

*Director* means the public works director/city engineer of the city or his or her authorized agent, deputy, designee, or representative.

*Discharge* means any release, spill, leak, disposal, flow, escape, leaching (including subsurface migration or deposition to groundwater), dumping or discarding of any gaseous, liquid, semisolid, solid, or radioactive substance, or combination thereof.

*Executive officer* means executive officer of the California Regional Water Quality Control Board, Los Angeles.

*Hazardous substance* means any hazardous substance as that term is defined under California Health & Safety Code Sections 25281(g), 25501(o) and 25501.1, and pursuant to Title 42, Section 9601(14) of the United States Code; and any hazardous waste as that term is defined under Title 42 Sections 6903(5) of the United States Code, and under California Health & Safety Code Section 25550(p); any hazardous material, as that term is defined under California Health & Safety Code Section 25501(n); any chemical which the Governor of California has identified as a chemical known to cause cancer or reproductive toxicity, pursuant to California Health & Safety Code Section 25249.8; and any crude oil or refined or unrefined petroleum product, or any fraction or derivative thereof, and any asbestos or asbestos containing material. The term "hazardous substance" includes any amendments to the above-referenced statutes and regulations.

*Illicit connection* means any device through or by which an illicit discharge is conveyed into the municipal stormwater system without a permit, including but not limited to floor drains, pipes, or any fabricated or natural conduits, excluding roof drains which convey only stormwater.

*Illicit discharge* means the entry of any material other than stormwater unless such discharge is exempted under the municipal NPDES permit, is allowed under a separate NPDES permit, including but not limited to a point source permit, a general industrial activity stormwater permit, or a general construction activity stormwater permit, or is allowed by the executive officer.

*Industrial activity* means any of the ten (10) classifications of industrial facilities specified in 40 CFR, § 122.26(b)(14), defined by standard industrial

classification (SIC) and which is required to obtain a NPDES permit, not including construction activities.

*Maximum extent practicable* means, within the context of BMP selection, choosing effective BMPs and rejecting applicable BMPs only:

- (1) Where effective BMPs will serve the same purpose;
- (2) The BMPs would not be technically feasible; or
- (3) The cost would be prohibitive.

*MS4* means the municipal separate storm sewer system.

*Municipal NPDES permit* means California Regional Water Quality Control Board, Los Angeles Region, order no. 01-182, NPDES permit no. CAS004001, waste discharge requirements for municipal stormwater and urban runoff discharges within the County of Los Angeles, and the incorporated cities therein, except the City of Long Beach, and any amendment thereto or re-issuance thereof.

*Municipal separate storm sewer system (MS4)* means those facilities within the city by which storm water discharge is conveyed to the waters of the United States, including, but not limited to flood control channels, roads with drainage systems, alleys, streets, catch basins, grates, inlets, curbs, ditches, gutters, storm drains, canals, pipes, and fabricated and natural channels.

*Nonstormwater discharge* means any fluid discharge to the storm drain system and/or receiving waters that is not composed entirely of stormwater but may not necessarily be an illicit discharge.

*NPDES or National Pollutant Discharge Elimination System* means a permit issued by the United States Environmental Protection Agency, the State Water Resources Control Board or a California Regional Water Quality Control Board pursuant to the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et seq., that authorizes discharges to waters of the United States.

*Owner* as applied to a building or real property, means any part owner, joint owner, tenant in common, tenant in partnership, joint tenant or tenant by the entirety of the whole or of a part of such building or real property.

*Person* means, within the context of this chapter, any natural person, firm, association, organization, partnership, business trust, corporation or company.

*Pollutant* means the same as it is defined in California Water Code §13373 and includes but is not limited to garbage, debris, lawn clippings, leaves, fecal waste, biological waste, sediment, sludge, manure, fertilizers, pesticides, oil, grease, gasoline paints solvents, cleaners and any fluid or solid containing toxic or nontoxic chemicals, metals, including batteries.

*Receiving waters* means rivers, lakes, oceans, or other bodies of water that receive runoff.

*Redevelopment* means land-disturbing activity that results in the creation, addition, or replacement of five thousand (5,000) square feet or more of impervious surface area on an already developed site. Redevelopment includes, but is not limited to: the expansion of a building footprint; addition or replacement of a structure; replacement of impervious surface area that is not part of a routine maintenance activity; and land disturbing activities related to structural or impervious surfaces. It does not include routine maintenance to maintain original line and grade, hydraulic capacity, or original purpose of facility, not does it include emergency construction activities required to immediately protect public health and safety.

*Regional board* means the appointed members of the California Regional Water Quality Control Board, Los Angeles Region.

*Runoff* means the portion of rainfall or irrigation water or other water activities also known as dry-weather flows that flow across the ground surface and eventually to receiving waters. Runoff can pick up pollutants from the air or the land and carry them to receiving waters.

*State board* means the state water resources control board of the California Environmental Protection Agency (SWRCB).

*Stormwater runoff* means any surface water flow produced by rain or snow melt.

*Stormwater quality management program* means the Los Angeles Countywide Stormwater Quality Management Program, which includes descriptions of programs, collectively developed by the permittees in accordance with provisions of the NPDES permit, to comply with applicable federal and state law, as the same is amended from time to time.

(Ord. No. 2091, § 1, 12-3-02)

### **Sec. 9-28. Illicit discharges, dumping, and nonstormwater discharges.**

(a) No person shall cause or allow an illicit discharge to enter the municipal stormwater system.

(b) No person shall place, dump, dispose, litter, accumulate, maintain, discharge, or cause to enter into the MS4 any pollutant or any foreign object such as batteries, tires, waste receptacles, yard debris, refuse, rubbish, food waste, chemicals, animal waste, or oil cans, which are also considered illicit discharges.

(c) Any person causing an illicit discharge to the MS4 may be required to pay for the cost of clean-up and remediation.

(d) Any owner of any private property from which a nonstormwater discharge is observed may be required to pay for the cost of collecting and analyzing the discharge to determine if it is an illicit discharge.

(e) The following nonstormwater discharges are not considered illicit discharges:

- (1) Discharges determined by the executive officer not to be significant sources of pollution, including but are not limited to: natural springs and rising ground water; flows from riparian habitats or wetlands; stream diversions, permitted by the state board; and uncontaminated ground water infiltration [as defined by 40 CFR 35.2005(20)]; 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; noncommercial car washing by residents or by nonprofit organizations; and sidewalk rinsing.

- (2) Discharges specifically allowed under a separate NPDES permit, including but not limited to, a general industrial stormwater activity permit or general construction stormwater activity permit.

(Ord. No. 2091, § 1, 12-3-02)

### **Sec. 9-29. Illicit connections.**

(a) No person shall maintain or intentionally use a connection that operates to convey an illicit discharge to the municipal stormwater system.

(b) Upon discovery of an illicit connection, the person owning or operating such connection shall either remove it or render it incapable of conveying an illicit discharge.

(c) If any person fails to eliminate an illicit connection after being called upon by the city to do so, the city administrator or the director of public works or his/her designee(s), shall impose appropriate measures to remove or disable the illicit connection and may recover the costs from the owner of such illicit connection.

(Ord. No. 2091, § 1, 12-3-02)

### **Sec. 9-30. Reduction of pollutants in runoff.**

No person shall cause or threaten to cause the discharge of pollutants to the MS4 by exposing such pollutants to stormwater runoff.

(Ord. No. 1984, § 1, 1-7-97; Ord. No. 2091, § 1, 12-3-02)

### **Sec. 9-31. Control of pollutants from commercial facilities.**

Subject commercial facilities shall implement BMPs prescribed by the regional board or its executive officer, through programs or actions made

pursuant to the municipal NPDES permit, as called for more particularly in the city's stormwater quality management program, or any revisions made thereto.  
(Ord. No. 2091, § 1, 12-3-02)

**Sec. 9-32. Control of pollutants from industrial activities.**

(a) It shall be a violation of this chapter for any industry in the city that is subject to waste discharge requirements specified in the SWRCB water quality order no. 97-03-DWQ, permit no. CAS00001, any revision or a reissuance thereof, to operate without a general industrial activities stormwater NPDES permit.

(b) Industries that require a general industrial activities stormwater NPDES permit shall retain on-site the following documents:

- (1) A copy of the notice of intent for general permit to discharge stormwater associated with industrial activity;
- (2) A waste discharge identification number issued by the SWRCB; and/or
- (3) A stormwater pollution prevention plan and monitoring program plan.

(c) Any industry in the city requiring a general industrial activities stormwater NPDES permit shall, upon reasonable request from a duly authorized officer of the city, provide any of the documents described in paragraph (b) of this section.

(Ord. No. 2091, § 1, 12-3-02)

**Sec. 9-33. Control of pollutants from other industrial facilities.**

Industrial facilities not subject to the general industrial activities stormwater NPDES permit but are subject to pollution control requirements under the municipal NPDES permit, shall implement BMPs prescribed by the regional board or its executive officer, through programs or actions made pursuant to the municipal NPDES permit.

(Ord. No. 2091, § 1, 12-3-02)

**Sec. 9-34. Control of pollutants from state permitted construction activities.**

(a) No person shall be granted a grading permit or shall commence or continue any construction activity that is subject to a general construction activity stormwater NPDES permit without showing proof of having applied for such permit.

(b) Any person engaged in a construction activity requiring an NPDES general construction activity stormwater NPDES permit construction permit shall retain at the construction site the following documents:

- (1) A copy of the notice of intent to comply with the terms of the general permit to discharge water associated with construction activity;
- (2) A waste discharge identification number issued by the SWRCB;
- (3) A stormwater pollution prevention plan and monitoring program plan for the construction activity requiring the construction permit; and
- (4) Records of all inspections, compliance and noncompliance reports, evidence of self-inspection and good housekeeping practices.

(c) Any person engaged in a construction activity in the city requiring an NPDES general construction stormwater activity permit shall, upon reasonable request from a duly authorized officer of the city, provide any of the documents specified in subsection (b) of this section and shall retain said documents for at least three (3) years after the completion of construction.

(Ord. No. 2091, § 1, 12-3-02)

**Sec. 9-35. Control of pollutants from other construction activities.**

Any person engaged in a construction activity that is not subject to the general construction stormwater activity NPDES permit, but is subject to the municipal NPDES permit, shall comply with all requirements specified in the stormwater management quality program, including any revisions made thereto.

(Ord. No. 2091, § 1, 12-3-02)

**Sec. 9-36. Control of pollutants from new developments/redevelopment projects.**

(a) Prior to the construction of a new development or redevelopment project, the subject project shall be evaluated for its potential to discharge pollutants to the MS4, based on its intended land use and other considerations. Such evaluation shall be conducted in accordance with development planning requirements established by the regional board or its executive officer, pursuant to the municipal NPDES permit, as specified in the city's stormwater quality management program, including any revisions made thereto.

(b) Once a new development or redevelopment project has been evaluated for its potential to discharge pollutants to the MS4, the city shall require appropriate BMPs to be installed during construction for implementation following project completion. The prescription of such BMPs shall be in keeping with development planning requirements established by the regional board or its executive officer, pursuant to the municipal NPDES permit, as specified in the city's stormwater quality management program, including any revisions made thereto.

(Ord. No. 2091, § 1, 12-3-02)

### **Sec. 9-37. Enforcement--Authority.**

(a) The director of public works, and duly authorized representatives thereof, are hereby authorized and directed to enforce all provisions of this chapter.

(b) Nothing in this chapter precludes a local authority from using regular full-time employees to enforce this article. This authority shall be in addition to the authority granted to police and community enhancement officers.

(Ord. No. 2091, § 1, 12-3-02)

### **Sec. 9-38. Enforcement--Right of entry.**

Whenever 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 any reasonable time to inspect the same or perform any duty imposed upon the officer by this chapter, provided that:

(1) If such building or premises be occupied, he or she shall first present proper credentials and request entry.

(2) If such building or premises be unoccupied, he or she shall first make a reasonable effort to locate the owner or occupant of the building or premises and request entry. In the event that request for entry is refused, the officer is hereby empowered to seek assistance from any court of competent jurisdiction in obtaining such entry.

(Ord. No. 2091, § 1, 12-3-02)

### **Sec. 9-39. Enforcement--Violations and penalties.**

(a) Any violation of this article and any violation of a written condition of approval issued by the director, and any violation of any provision of any NPDES permit is a misdemeanor and shall be punishable by either a fine of up to one thousand dollars (\$1,000.00) or six (6) months in the county jail, or both.

(b) Any person who may otherwise be charged with a misdemeanor as a result of a violation of this article may be charged, at the discretion of the prosecuting attorney, with an infraction punishable by a fine of not more than one hundred dollars (\$100.00) for the first violation, two hundred dollars (\$200.00) for the second violation, and two hundred fifty dollars (\$250.00) for each additional violation thereafter.

(c) Violations of this article may further be deemed to be a public nuisance which may be abated by administrative or civil or criminal action in accordance with the terms and provisions of this Code and state law.

(d) The city attorney is authorized to file in a court of competent jurisdiction a civil action seeking an injunction against any violation or threatened or continuing violation of this article. Any temporary, preliminary or permanent injunction issued pursuant hereto may include an order for reimbursement to the city for all costs incurred in enforcing this article, including costs of inspection, investigation, monitoring, treatment, abatement, removal or remediation undertaken by or at the expense of the city, and may include all legal expenses and fees and any and all costs incurred relating to the restoration or remediation of the environment.

(e) Any person acting in violation of this article may also be acting in violation of the Clean Water Act or the California Porter-Cologne Act (California Water Code Section 13000 et seq.) and the regulations thereunder, and other laws and regulations, and may be subject to damages, fines and penalties, including civil liability under such other laws. The city attorney is authorized to file a citizen's suit pursuant to the Clean Water Act, seeking penalties, damages and orders compelling compliance and appropriate relief.

(f) Each separate discharge or other act which is in violation of this article and each day a violation of this article exists, without correction, shall constitute a new and separate violation punishable as a separate infraction, misdemeanor and/or civil violation.

(g) The city may utilize any and all other remedies as otherwise provided by law.

(h) Civil penalties: Any person who violates any provision of this article or any written condition of approval issued by the director or any state or federal law or any provision of any NPDES permit may be civilly liable to the city in the sum of not less than one hundred dollars (\$100.00) but not to exceed one thousand dollars (\$1,000.00) per day for each day in which such violation occurs or continues. The city may petition the municipal or superior court to impose, assess, and recover such sums. The civil penalty provided in this subsection excludes inspection, abatement, and other costs; is cumulative and not exclusive; and shall be in addition to all other remedies available to the city under federal, state, or local laws and ordinances. Funds collected pursuant to this subsection shall be paid to the city's sewer and storm drain utility enterprise fund account.

(i) Administrative penalties: Where the director finds that any person has violated any provision of this article or any written condition of approval issued by the director or any state or federal law or any provision of any NPDES permit, he or she may assess an administrative penalty in a sum not to exceed one thousand dollars (\$1,000.00) per day for each day in which such violation occurs or continues. The administrative penalty provided in this

subsection shall be pursuant to administrative procedures; excludes inspection, abatement, and other costs; is cumulative and not exclusive; and shall be in addition to all other remedies available to the city under federal, state, or local laws and ordinances. Funds collected pursuant to this subsection shall be paid to the city's sewer and storm drain utility enterprise fund account.

(j) As a part of any sentence or other penalty imposed or the award of any damage, the court may also order that restitution be paid to the city or any injured person, or, in the case of a violator who is a minor, by the minor's parent or lawfully designated guardian or custodian. Restitution may include the amount of any reward.

(k) Any person violating the provisions of this article shall reimburse the city for any and all costs incurred by the city in responding to, investigating, assessing, monitoring, treating, cleaning, removing, or remediating any illicit discharge or pollutant from the MS4; rectifying any illicit connection; or remediating any violation of this article. Such costs to be paid to the city include all administrative expenses and all legal expenses, including costs and attorneys' fees, in obtaining compliance, and in litigation including all costs and attorneys' fees on any appeal. The costs to be recovered in this section shall be recoverable from any and all persons violating this article.

(l) All costs and fees incurred by the city as a result of any violation of this article which constitute a nuisance, including all administrative fees and expenses and legal fees and expenses, shall become a lien against the subject premises from which the nuisance emanated and a personal obligation against the owner, in accordance with Government Code Sections 38773.1 and 38773.5. The owner of record of the premises subject to any lien shall receive notice of the lien prior to recording, as required by Government Code Section 38773.1. The city attorney is authorized to collect nuisance abatement costs or enforce a nuisance lien in an action brought for money judgment, or by delivery to the county assessor of a special assessment against the premises in accordance with the

conditions and requirements of  
Government Code Section 38773.5.  
(Ord. No. 2091, § 1, 12-3-02)