

**ORDINANCE NO. 2024-617**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HAWAIIAN GARDENS, CALIFORNIA (1) AMENDING CHAPTER 6.47 (URBAN STORM RUNOFF CONTROL) TO TITLE 6 (HEALTH AND SAFETY) OF THE HAWAIIAN GARDENS MUNICIPAL CODE REGARDING URBAN STORM RUN OFF; (2) AMENDING CHAPTER 13.04 (WATER SYSTEM) TO TITLE 13 (UTILITIES) OF THE HAWAIIAN GARDENS MUNICIPAL CODE REGARDING WATER SYSTEM; (3) AMENDING CHAPTER 13.20 (LOW IMPACT DEVELOPMENT STANDARDS) TO TITLE 13 (UTILITIES) OF THE HAWAIIAN GARDENS MUNICIPAL CODE REGARDING WATER SYSTEM; AND (4) FINDING THE PROJECT EXEMPT FROM CEQA PURSUANT TO STATE CEQA GUIDELINES**

WHEREAS, the City of Hawaiian Gardens, California (“City”) is a municipal corporation, duly organized under the California Constitution and laws of the State of California; and

WHEREAS, pursuant to the police powers delegated to it by the California Constitution, the City has the authority to enact laws which promote the public health, safety, and general welfare of its citizens; and

WHEREAS, the purposes of Chapter 13.04, Chapter 13.20, and Chapter 6.47 are to protect the health, safety, and general welfare of the citizens of the City of Hawaiian Gardens; and

WHEREAS, Low Impact Development Standards are required for development and redevelopment to comply with the latest NPDES MS4 permit to lessen water quality impacts by using smart growth practices, and integrate low impact development (LID) practices and standards for storm water pollution mitigation through means of infiltration, evapotranspiration, bioretention, biofiltration, and rainfall harvest and use; and

WHEREAS, there are specific requirements for development and redevelopment as it relates to the NPDES MS4 permit including implementation of structural BMPs; and

WHEREAS, Water runoff is a major contributor to water pollution in Los Angeles County; and

WHEREAS, Chapter 6.47 includes regulating non-storm water discharges to the municipal separate storm sewer system and the elimination of illicit connections to the municipal separate storm sewer system; and

WHEREAS, Chapter 6.47 includes language for the control of spillage, dumping, or disposal of harmful materials into the municipal separate storm sewer system; and

WHEREAS, Chapter 6.47 aims to reduce pollutants in storm water and urban runoff to the maximum extent practicable in order to achieve water quality standards/receiving water limitations and

WHEREAS, all legal preconditions to the adoption of this Ordinance have occurred.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF HAWAIIAN GARDENS DOES ORDAIN AS FOLLOWS:**

**SECTION 1. Recitals.** The City Council hereby finds that the foregoing recitals are true and correct and incorporated herein as substantive findings of this Ordinance.

**SECTION 2. CEQA.** The City Council finds that Ordinance is not subject to the California Environmental Quality Act (“Public Resources Code section 21000 et seq.”) (“CEQA”) because it does not qualify as a “project” as defined in State CEQA Guidelines section 15378. First, section 15378 defines a project as an activity that “has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.” (State CEQA Guidelines, § 15378(a).) Here, the Ordinance is updating the City’s municipal code regarding urban storm runoff control, its water system, and low impact development standards. Accordingly, the Ordinance is not a “project” subject to CEQA. (State CEQA Guidelines, § 15060(c).) Second, Section 15378 explicitly excludes from its definition of “project” the following: “organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment.” (State CEQA Guidelines, § 15378(b)(5).) The Ordinance constitutes an organizational or administrative activity that will not result in a physical change in the environment, and it therefore is not subject to CEQA. In addition, this Ordinance is exempt from CEQA pursuant to the “common sense” exemption set forth in State CEQA Guidelines, section 15061(b)(3), as it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. None of the exceptions to this exemption identified in State CEQA Guidelines § 15300.2 exist here. The City Clerk shall cause a Notice of Exemption to be filed as authorized by CEQA and the State CEQA Guidelines.

**SECTION 3. Amendment.** Chapter 6.47 (Urban Storm Runoff Control) of Title 6 (Health and Safety) of the Hawaiian Gardens Municipal Code is hereby amended to read in its entirety as set forth in Attachment “A” which is attached hereto and incorporated herein by reference.

**SECTION 4. Amendment.** Chapter 13.04 (Water System) of Title 13 (Utilities) of the Hawaiian Gardens Municipal Code is hereby amended to read in its entirety as set forth in Attachment “B” which is attached hereto and incorporated herein by reference.

**SECTION 5. Amendment.** Chapter 13.20 (Low Impact Development Standards) of Title 13 (Utilities) of the Hawaiian Gardens Municipal Code is hereby amended to read

in its entirety as set forth in Attachment "C" which is attached hereto and incorporated herein by reference.

**SECTION 6. Effective Date.** This Ordinance shall become effective thirty (30) days following its adoption.

**SECTION 7. Severability.** Should any provision of this Ordinance, or its application to any person or circumstance, be determined by a court of competent jurisdiction to be unlawful, unenforceable or otherwise void, that determination shall have no effect on any other provision of this Ordinance or the application of this Ordinance to any other person or circumstance, and, to that end, the provisions hereof are severable. The City Council of the City of Hawaiian Gardens declares that it would have adopted all the provisions of this Ordinance that remain valid if any provisions of this ordinance are declared invalid.

**SECTION 8. Adoption, Certification, and Publication.** The City Clerk of the City of Hawaiian Gardens shall certify the passage and adoption of this Ordinance and shall cause the same, or a summary thereof, to be published and/or posted in the manner required by law.

**SECTION 9. Record of Proceedings.** The documents and materials associated with this ordinance that constitute the record of proceedings on which these findings are based are located at City Hall, 21815 Pioneer Blvd, Hawaiian Gardens, CA 90716. The City Clerk is the custodian of the record of proceedings.

**PASSED, APPROVED AND ADOPTED** this 12<sup>th</sup> day of June 2024.

**CITY OF HAWAIIAN GARDENS  
CITY CLERK'S OFFICE  
CERTIFICATION**

ATTEST:

/S/  
PABLO RUBIO, CITY CLERK

/S/  
VICTOR F.

STATE OF CALIFORNIA            )  
COUNTY OF LOS ANGELES    ) SS  
CITY OF HAWAIIAN GARDENS   )

APPROVED AS TO FORM:

/S/  
MEGAN K. GARIBALDI, CITY ATTORNEY

I, Pablo Rubio, City Clerk of the City of Hawaiian Gardens, do hereby certify that **Ordinance No. 2024-617**, was duly and regularly introduced, adopted, and passed at a Regular meeting of the City Council on

the **12<sup>th</sup> day of June 2024** by the following votes as the same appears on file and of record in the Office of the City Clerk.

**AYES:** DEL RIO, ROA, VARGAS, DE PAULA  
**NOES:** NONE  
**ABSENT:** FARFAN  
**ABSTAIN:** NONE

/S/  
\_\_\_\_\_  
Pablo Rubio  
City Clerk

ATTACHMENT A – ORDINANCE NO. 2024-617

CHAPTER 6.47 – URBAN STORM RUNOFF CONTROL

**6.47.010 Water runoff control findings.**

The City finds and declares that:

- A. The City is committed to improving the public health, safety, and welfare, including water quality; and
- B. Water runoff is a major contributor to water pollution in Los Angeles County and its environs; and

- C. The 1972 amendments to the Federal Water Pollution Control Act (commonly known as and referred to as the Clean Water Act or "CWA"), 33 U.S.C. Sections 1251 through 1387, prohibit the discharge of any pollutant to waters of the United States from a point source unless the discharge is authorized by a permit issued pursuant to the National Pollutant Discharge Elimination System ("NPDES") required by CWA Section 402, 33 U.S.C. Section 1342; and
- D. Municipal separate storm sewer systems ("MS4s") that convey urban runoff, including, but not limited to, storm water runoff, are within the definition of point sources under the CWA; and
- E. Pursuant to the CWA, the United States Environmental Protection Agency ("U.S. EPA") has defined the term "municipal separate storm sewer system" to mean a conveyance, or system of conveyances, including roads with drainage systems, municipal streets, curbs, gutters, catch basins, and storm drains owned or operated by a city, used for collecting storm water; and
- F. CWA Section 402(p) requires that the City obtain a permit for storm water and urban discharges through the City's MS4; and
- G. CWA Section 402(p) further provides that NPDES permits shall require controls to reduce the discharge of pollutants to the maximum extent practicable in order to achieve water quality standards/receiving water limitations, including management practices and such other provisions as may be appropriate for the control of pollutants; and
- H. The U.S. EPA, in partial implementation of CWA Section 402(p) has adopted final rules, known as the "Phase I and Phase II Storm Water Regulations" at several places in Parts 9, 122, 123, and 124 of Title 40 of the Code of Federal Regulations ("CFR"); and
- I. In partial implementation of CWA Section 402(p) the Phase I and Phase II Storm Water Regulations and the California Water Code, the Regional Water Quality Control Board—Los Angeles Region issued Order No. R4-2021-0105, NPDES Permit No. CAS004004, Waste Discharge Requirements for Municipal Separate Storm Sewer System (MS4) Discharges Within the Coastal Watersheds of Los Angeles and Ventura Counties effective September 11, 2021, to cities in Los Angeles County, including the City; and
- J. The City is a permittee under the NPDES MS4 permit and therefore is required by Federal and State law to implement all requirements of the NPDES MS4 permit; and
- K. The goal of the NPDES MS4 permit is to have discharges from land uses in the City and other Los Angeles County drainage basins meet water quality standards suitable for the protection of the beneficial uses of the receiving waters (lakes, rivers, ground water and the ocean); and
- L. The NPDES MS4 permit requires the City to avail itself of all requisite legal authority to regulate illegal discharges and illicit disposal practices to drainage facilities, and to prosecute persons who illegally discharge or illicitly dispose of polluting materials into the storm drain system. The City may also cooperate with the Regional Water Quality Control Board by referring violators for enforcement of State and Federal laws.

#### **6.47.020 Purpose and intent.**

The purpose and intent of this chapter is to protect the health, safety and general welfare of the citizens of the City by:

- 
- A. Regulating non-storm water discharges to the municipal separate storm sewer system; and
  - B. Eliminating illicit connections to the municipal separate storm sewer system; and
  - C. Providing for the control of spillage, dumping, or disposal of harmful materials into the municipal separate storm sewer system; and
  - D. Reducing pollutants in storm water and urban runoff to the maximum extent practicable in order to achieve water quality standards/receiving water limitations.

#### **6.47.030 Definitions.**

For the purposes of this chapter the following words and phrases shall have the meanings respectively ascribed to them herein, unless clearly inapplicable. Words and phrases not ascribed a meaning by this chapter shall have the meanings ascribed by the NPDES MS4 permit, if defined therein, and if not, by the regulations implementing the National Pollutant Discharge Elimination System, Clean Water Act Section 402, and Division 7 of the California Water Code, as they may be amended from time to time, if defined therein.

- A. *Best management practice (BMP)* means any schedule of activities, prohibition of practices, maintenance procedure, program, technology, process, siting criteria, operational methods of measures, or other management practices or engineered systems, which when implemented prevent, control, remove, or reduce pollutant loading from stormwater or non-stormwater discharges to receiving waters. BMPs include structural and nonstructural controls and operation and maintenance procedures which can be applied before, during and after pollution-producing activities.
- B. *City* means the City of Hawaiian Gardens.
- C. *Construction activity* means any construction or demolition activity, clearing, grading, excavation, scrubbing, or any other activities that result in land disturbance. Construction does not include emergency construction activities required to immediately protect public health and safety or routine maintenance activities required to maintain the integrity of structures by performing minor repair and restoration work, maintain the original line and grade, hydraulic capacity, or original purposes of the facility. See “Routine Maintenance” definition in Section 13.20.020 for further explanation. Where clearing, grading or excavating of underlying soil takes place during a repaving operation, the Statewide General Construction Permit coverage is required if more than one acre is disturbed or the activities are part of a larger plan.
- D. *Development* means construction, rehabilitation, redevelopment or reconstruction of any public or private residential project (whether single-family, multi-unit or planned unit development); industrial, commercial, retail, and other non-residential projects, including public agency projects; or mass grading for future construction. It does not include routine maintenance to maintain original line and grade, hydraulic capacity, or original purpose of facility, nor does it include emergency construction activities required to immediately protect public health and safety.
- E. *Enforcement officer* means the officials described in Chapter 1.12 of this Code.

---

(Supp. No. 1)

- 
- F. *Hazardous materials* means any materials, wastes or mixture of wastes defined as a "hazardous substance" or "hazardous waste" pursuant to the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. Section 6901 et seq., the Comprehensive Environmental Response Compensation and Liability Act ("CERCLA"), 42 U.S.C. Sections 9601 et seq., or the Carpenter-Presley-Tanner Hazardous Substance Account Act ("HSAA"), California Health and Safety Code Section 25300 et seq., and all future amendments to any of them, or as defined by the California Integrated Waste Management Board. Where there is a conflict in the definitions employed by two or more agencies having jurisdiction over hazardous or solid waste, the term "hazardous waste" shall be construed to have the broader, more encompassing definition.
- G. *Hazardous substance* means a "hazardous material."
- H. *Illicit connection* means any man-made conveyance that is connected to the storm drain system without a permit, excluding roof drains and other similar type connections. Examples include channels, pipelines, conduits, inlets, or outlets that are connected directly to the storm drain system.
- I. *Illicit discharge* means any discharge into the MS4 or from the MS4 into receiving water that is prohibited under local, State, or Federal statutes, ordinances, codes, or regulations. The term illicit discharge includes any non-storm water discharge, except authorized non-storm water discharges; conditionally exempt non-storm water discharges; and non-storm water discharges resulting from natural flows specifically identified in the NPDES MS4 permit.
- J. *Industrial/commercial facility* means any facility involved and/or used in the production, manufacture, storage, transportation, distribution, exchange or sale of goods and/or commodities, and any facility involved and/or used in providing professional and non-professional services. This category of facilities includes, but is not limited to, any facility defined by the Standard Industrial Classifications (SIC) or the North American Industry Classification System (NAICS). Facility ownership (federal, state, municipal, private) and profit motive of the owner or operator of the facility are not factors in this definition.
- K. *Municipal separate storm sewer system* or *MS4* means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains):
1. Owned or operated by a state, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to state law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under state law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under Section 208 of the CWA that discharges to waters of the United States;
  2. Designed or used for collecting or conveying storm water;
  3. Which is not part of a publicly owned treatment works (POTW) as defined at 40 CFR Section 122.2 (40 CFR Section 122.26(b)(8)).
- L. *Non-storm water or non-storm water discharge* means any discharge into the MS4 or from the MS4 into receiving water that is not entirely composed of storm water.
- M. *NPDES* means the National Pollutant Discharge Elimination System, the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing

---

permits, and imposing and enforcing pretreatment requirements, under CWA Sections 307, 402, 318, and 405. The term includes an "approved program."

- N. *NPDES MS4 permit* means Regional Water Quality Control Board—Los Angeles Region issued Order No. R4-2021-0105, NPDES Permit No. CAS004004, Waste Discharge Requirements for Municipal Separate Storm Sewer System (MS4) Discharges Within the Coastal Watersheds of Los Angeles and Ventura Counties, as it may be amended or reissued.
- O. *Parking lot* means land area or facility for the parking or storage of motor vehicles used for businesses, commerce, industry, or personal use.
- P. *Pollutant* means those "pollutants" defined in Section 502(6) of the Federal Clean Water Act (33 U.S.C. Section 1362(6)), or incorporated into California Water Code Section 13373. Examples of pollutants include, but are not limited to, the following:
1. Commercial and industrial waste (such as fuels, solvents, detergents, plastic pellets, hazardous substances, fertilizers, pesticides, slag, ash, and sludge);
  2. Metals such as cadmium, lead, zinc, copper, silver, nickel, chromium; and non-metals such as phosphorus and arsenic;
  3. Petroleum hydrocarbons (such as fuels, lubricants, surfactants, waste oils, solvents, coolants and grease);
  4. Excessive eroded soils, sediment and particulate materials in amounts which may adversely affect the beneficial use of the receiving waters, flora or fauna of the State;
  5. Animal wastes (such as discharge from confinement facilities, kennels, pens, recreational facilities, stables, and show facilities);
  6. Substances having a pH level less than six or greater than nine, or unusual coloration or turbidity, or excessive levels of fecal coliform, or fecal streptococcus, or enterococcus;
  7. Dredged soil;
  8. Solid waste;
  9. Incinerator residue;
  10. Sewage; garbage and sewage sludge;
  11. Chemical wastes; biological materials; radioactive materials;
  12. Wrecked or discarded equipment;
  13. Rock, sand, cellar dirt;
  14. Industrial, municipal and agricultural waste discharge; and
  15. Pesticides, herbicides and fungicides.

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

- Q. *Redevelopment* means land-disturbing activity that 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 routine maintenance activity; and land disturbing

---

activity 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, nor does it include emergency construction activities required to immediately protect public health and safety.

- R. *Regional Board* means the Regional Water Quality Control Board—Los Angeles Region.
- S. *Runoff* means any runoff including storm water and non-stormwater from a drainage area that reaches a receiving water body or subsurface. During dry weather it is typically comprised of base flow either contaminated with pollutants or uncontaminated, and nuisance flows.
- T. *Storm drain system* means the MS4.
- U. *Storm water* means runoff and drainage related to precipitation events (pursuant to 40 CFR Section 122.26(b)(13); 55 Fed. Reg. 47990, 47995 (Nov. 16, 1990)).
- V. *Structural BMP* means any structural facility designed and constructed to mitigate the adverse impacts of storm water and non-storm water pollution (e.g., canopy, structural enclosure). The category may include both treatment control BMPs and source control BMPs.
- W. *U.S. EPA* means United States Environmental Protection Agency.
- X. *Watershed management program* means a voluntary, alternative compliance pathway where a Permittee or group of Permittees develops a comprehensive program on a watershed or subwatershed scale to achieve compliance with the requirements of the Order, including complying with Receiving Water Limitations, Total Maximum Daily Load Provisions, Discharge Prohibitions, and Minimum Control Measures in a collaborative and holistic manner. Through a WMP, Permittees can identify and implement customized, cost effective strategies and BMPs based on the unique characteristics and water quality priorities of the watershed.

#### **6.47.040 Illicit discharges and connections prohibited.**

- A. Unless such discharges or deposits are authorized by the NPDES MS4 permit or fully complies with a City-approved storm water pollution plan, no person shall cause or allow any discharge or deposit or cause or suffer to be discharged or deposited from any source any pollutant in a manner which will or may cause or result in the pollution of any underground or surface waters by discharging in streets, open channels, gutters, inlets, storm drains, swales or flow across public property.
- B. No person shall discharge or cause to be discharged any sewage, waters or vapors into streets, open channels, gutters, inlets, storm drains, swales or flow across public property that have any one of the following characteristics:
  - 1. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid solid or gas; any hazardous waste liquid, solids or gas; any leaves, grass clippings, other landscape debris; any ashes, cinders, sand, mud, food, litter, straw, shavings, metal, glass, rags, feathers, tar, plastic, wood, manure, or other solid, fluid or viscous substance capable of causing obstruction to the flow in storm drains or other interference with the proper operation of the street/storm drain system (MS4); and
  - 2. Any wash waters from the cleaning of gas stations, auto repair garages, or other types of auto repair facilities; and

- 
3. Any wastewater from mobile auto washing, steam cleaning, mobile carpet cleaning, car washes held on industrial or commercial property to raise funds for persons or organizations not owning the property and other such mobile commercial and industrial operations; and
  4. Any discharge from areas where repair of machinery and equipment, including motor vehicles, which are visibly leaking oil, fluids, antifreeze or coolants is undertaken; and
  5. Any discharge from storage areas for materials containing grease, oil, or other hazardous substances, and uncovered receptacles containing hazardous materials; and
  6. Any discharge of commercial/public swimming pool chlorinated or brominated water and filter backwash; and
  7. Any discharge from the washing of toxic materials from paved or unpaved areas; and
  8. Any discharge from the washing out of concrete or cement trucks, pumps, tools, and equipment; and
  9. Any discharge from the washing or rinsing of restaurant mats, equipment or garbage bins or cans; and
  10. Any washing of impervious surfaces in industrial/commercial areas.
- C. Discharges identified in Part III.A of the NPDES MS4 permit are considered exempt or conditionally exempt illicit discharges, and are not prohibited by this chapter, provided that they meet all required conditions specified in the NPDES MS4 permit or as otherwise approved by the Regional Water Board executive officer.
- D. No person shall construct or use an illicit connection that operates intentionally or unintentionally. If any person fails to remove an illicit connection upon notification by the City, or upon revocation of a connection permit, the City may remove such connection from the storm drain system pursuant to Section 6.47.110 of this chapter.

#### **6.47.050 Illicit disposals prohibited.**

No person shall allow any of the following to be handled in such a manner that they are conveyed by any method or means, into any street/storm drain system (MS4):

- A. Refuse, rubbish, food waste, food processing waste, garbage, animal waste or any other discarded or abandoned objects except when such material are placed in containers, bags, recycling bins, or other lawfully established waste disposal facilities protected from storm water or runoff, provided that nothing herein shall permit the deposit of hazardous materials or wastes into trash containers used for municipal trash disposal; and
- B. Pesticide, fungicide, or herbicide prohibited by the U.S. EPA or the California Department of Pesticide Regulation; and
- C. Construction debris, dirt, leaves, or other landscape debris; and
- D. Sanitary or septic waste or sewage from any property or residence or any type of recreational vehicle, camper, bus, boat, holding tank, portable toilet, vacuum truck or other mobile source of waste holding tank, container or device; and
- E. Fuel and chemical wastes, batteries, and other material that have potential adverse impacts on water quality.

---

#### **6.47.060 Best management practices.**

- A. Owners and occupants of property within the City shall implement best management practices to prevent or reduce the discharge of pollutants to the MS4 to the maximum extent practicable. The applicable minimum best management practices established in the low impact development regulations in Chapter 13.20 of this Code shall be required of all development and redevelopment within the City. All best management practices shall be kept and maintained in accordance with their initial design and/or the "BMP Guide " prepared by the Community Development Director and adopted by resolution of the City Council, categorizing property management, development, redevelopment, and best management practices for each category of land use, development or redevelopment.
- B. The Community Development Director may from time to time propose revisions to the "BMP Guide" and the City Council may adopt these revisions by resolution.
- C. No best management practice shall be used in property maintenance, development or redevelopment, unless approved pursuant to this chapter or under Chapter 13.20 of this Code.
- D. All structural BMPs must be properly operated and maintained according to product specifications and site characteristics to maintain effectiveness in reducing the discharge of pollutants. Best management practices should also be operated and maintained to prevent the breeding of vectors. Documentation on operation and maintenance activities shall be retained on-site at all times, and made available upon request by an enforcement officer.

#### **6.47.070 Irrigation systems.**

Residential and commercial irrigation systems are to be designed, scheduled and maintained in such a manner that any runoff into the street/storm drain system is minimized.

#### **6.47.080 Sweeping of commercial parking lots.**

All parking lots 5,000 square feet or more, or of more than 25 parking spaces, are to be swept or cleaned by an equally effective method that removes debris no less than every 30 days.

#### **6.47.090 Construction activity sites.**

- A. Any person engaging in construction activity that requires an NPDES construction general permit (CGP) must demonstrate possession of such permit before grading and/or building permits can be issued. The CGP permit shall be retained on-site and shall be shown to City officers and inspectors at their request.
- B. Any person engaged in a construction activity that is not subject to the NPDES construction general permit (CGP) but is subject to the NPDES MS4 permit, shall be required to comply with requirements contained therein as specified in the City's watershed management program, as it may be amended from time to time.
- C. The following best management practices shall apply to all construction sites in addition to the requirements of Section 6.47.060:

- 
1. An effective combination of erosion and sediment control BMPs from Table 7 and/or Table 8 of the NPDES MS4 permit shall be implemented (where applicable).
  2. Runoff sediment and construction waste from construction sites and parking areas shall not leave the site.
  3. Any sediments or other materials which are tracked off the site shall be removed the same day as they are tracked off the site. Where determined necessary by the Community Development Director or designated representative, a sediment barrier shall be installed.
  4. Excavated soil shall be located on the site in a manner that eliminates the possibility of sediments running in the street or adjoining properties. Soil piles shall be covered until the soil is either used or removed.
  5. No washing of construction or other industrial vehicles shall be allowed adjacent to a construction site. No runoff from washing vehicles on a construction site is allowed to leave the site.

#### **6.47.100 Industrial/commercial activity sites.**

- A. All persons or businesses engaged in industrial activity in the City shall acquire an NPDES industrial general permit (IGP) from the Regional Water Quality Control Board, before discharging any non-storm water runoff into the storm drain system. The IGP shall be retained on site and shall be shown to the authorized enforcement officer upon request.
- B. Industrial/commercial facility operation/owner shall prepare and submit to the Regional Water Quality Control Board a storm water pollution prevention plan (SWPPP) that incorporates BMPs. To prepare the SWPPP, persons or businesses conducting industrial activities within the City should refer to the latest edition of the California Storm Water Best Management Practices Handbook for industrial/commercial facilities, produced and published by the Storm Water Quality Task Force of the American Public Works Association.
- C. Industrial/commercial facilities not subject to the NPDES industrial general permit (IGP) but are subject to pollution control requirements under the NPDES MS4 permit, shall implement BMPs prescribed by the Regional Board or its executive officer, through programs or actions made pursuant to the NPDES MS4 permit. This includes implementing effective BMPs listed in Table 6 of the NPDES MS4 permit, unless a particular pollutant generating activity does not occur on a facility's site.

#### **6.47.110 Enforcement provisions.**

- A. *Penalties.* The violation of any provision of this chapter, or failure to comply with any of the requirements of this chapter, shall constitute a misdemeanor, provided that any such violation constituting a misdemeanor under this chapter may, at the discretion of the enforcement officer, be charged and prosecuted as an infraction.
- B. *Inspections.* The City may, when granted permission by the property owner or authorized agent to access private property or when in possession of an administrative inspection

---

warrant issued by a court of competent jurisdiction, inspect in a manner authorized by State law, as often as he or she deems necessary, any publicly or privately owned storm drain, storm drain connection, street, gutter, yard, plant, storage facility, building, BMP, NPDES MS4 permit, storm water management 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. In the course of such inspection, the Director may: (1) inspect, sample, make flow measurements of any runoff, discharge or threatened discharge; (2) 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 (3) photograph any materials, storage areas, waste, waste containers, BMP, vehicle, connection, discharge, runoff and/or violation discovered during an inspection.

- C. *Nuisance abatement.* In addition to the penalties hereinbefore provided, any condition caused or permitted to exist in violation of any of the provisions of this chapter shall be deemed a threat to the public health, safety and welfare and are hereby declared a public nuisance. As such, the City may summarily abate and restore, to the fullest extent authorized by law, by action of any authorized enforcement officer, or civil action to abate, to enjoin or otherwise compel the cessation of such public nuisance.
- D. *Cost recovery.* The cost of such abatement and restoration shall be borne by the owner of the property and the cost thereof shall be invoiced to the owner of the property. If the invoice is not paid within 60 days, a lien shall be placed upon and against the property pursuant to applicable law. If the lien is not satisfied within three months, the property may be sold in satisfaction thereof in a like manner as other real property is sold under execution.
- E. *Recurring nuisances.* If any violation of this chapter constitutes a seasonal recurrent nuisance, the Community Development Director shall so declare. Thereafter such seasonal and recurrent nuisance shall be abated every year without the necessity of any further hearings.
- F. *Award of litigation costs.* In any administrative or civil proceeding under this chapter in which the City prevails, the City shall be awarded all costs of investigation, administrative overhead, out-of-pocket expenses, cost of suit and reasonable attorney fees.
- G. Whenever necessary, interagency coordination will be employed to enforce the provisions of this chapter.

**6.47.120 Fees.**

Fees to be charged for plan checking, monitoring and any other activities carried out by the City under this chapter shall be set by the City Council by resolution pursuant to applicable law.

ATTACHMENT B – ORDINANCE NO. 2024-617

CHAPTER 13.04 - WATER SYSTEM

**13.04.010 Construction permit required.**

No new pipelines, replacements or extensions thereof for water service of the installation of any water system, shall be constructed or made in the City without a permit having first been obtained from the City Council of the City.

**13.04.020 Approval of plans.**

No permit required by Section 13.04.010 shall be issued until the plans for said water system installation or pipeline have been submitted to, and approved by, the Los Angeles County Fire Department and by the City Engineer of the City or such other registered civil engineer as may be designated by the City Council. Such plans shall be approved only if the contemplated installation is designed in conjunction with related facilities and the location of fire hydrants and so as to comply with required demands of the property to be serviced and fire flows indicated by the Board of Fire Underwriters. The applicant shall, prior to being issued any such permit, pay to the City such amount as the City Council shall determine shall reimburse the City for the expense of examining and checking of said plans.

**13.04.030 Exception to requirements.**

The City Council of the City may grant an exception to the requirements of this chapter where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter thereof, and in the granting of such exception the spirit of Section 13.04.020 shall be observed, public safety secured and substantial justice done.

---

ATTACHMENT C – ORDINANCE NO. 2024-617

CHAPTER 13.20 - LOW IMPACT DEVELOPMENT STANDARDS

**13.20.010 Purpose.**

The provisions of this chapter establish requirements for development and redevelopment to comply with the latest NPDES MS4 permit to lessen water quality impacts by using smart growth practices, and integrate low impact development (LID) practices and standards for storm water pollution mitigation through means of infiltration, evapotranspiration, bioretention, biofiltration, and rainfall harvest and use.

**13.20.020 Definitions.**

For purposes of this chapter, the following terms shall be defined as follows. If the definition of any term contained in this chapter conflicts with the definition of the same term in the latest NPDES MS4 permit, then the definition contained in the NPDES MS4 permit shall apply.

- A. *Biofiltration* means a LID BMP that reduces storm water pollutant discharges by intercepting rainfall on vegetative canopy, and through incidental infiltration and/or evapotranspiration, and filtration. Incidental infiltration is an important factor in achieving the required pollutant load reduction. Therefore, the term "biofiltration" as used in this chapter is defined to include only systems designed to facilitate incidental infiltration or achieve the equivalent pollutant reduction as biofiltration BMPs with an underdrain (subject to approval by the Regional Board's Executive Officer). Biofiltration BMPs include bioretention systems with an underdrain and bio-swales.
- B. *Bioretention* means a LID BMP that reduces storm water runoff by intercepting rainfall on vegetative canopy, and through evapotranspiration and infiltration. The bioretention system typically includes a minimum two-foot top layer of a specified soil and compost mixture underlain by a gravel-filled temporary storage pit dug into the in-situ soil. As defined in this chapter, a bioretention BMP may be designed with an overflow drain, but may not include an underdrain. When a bioretention BMP is designed or constructed with an underdrain it is regulated by the NPDES NS4 permit as biofiltration.
- C. *Bio-swale* means a LID BMP consisting of a shallow channel lined with grass or other dense, low-growing vegetation. Bioswales are designed to collect storm water runoff and to achieve a uniform sheet flow through the dense vegetation for a period of several minutes.
- D. *City* means the City of Hawaiian Gardens.
- E. *Clean Water Act* or *CWA* means the Federal Water Pollution Control Act enacted in 1972, by Public Law 92-500, and amended by the Water Quality Act of 1987. The Clean Water Act prohibits the discharge of pollutants to waters of the United States unless the discharge is in accordance with an NPDES MS4 permit.
- F. *Development* means construction, rehabilitation, redevelopment or reconstruction of any public or private residential project (whether single-family, multi-unit or planned unit development); industrial, commercial, retail, and other non-residential projects, including

public agency projects; or mass grading for future construction. It does not include routine maintenance to maintain original line and grade, hydraulic capacity, or original purpose of facility, nor does it include emergency construction activities required to immediately protect public health and safety.

- G. *Discharge* means any release, spill, leak, pump, flow, escape, dumping, or disposal of any liquid, semi-solid, or solid substance. When used without qualification the release of a pollutant or pollutants from the MS4.
- H. *Flow-through treatment BMPs* means modular, vault type "high flow biotreatment" devices contained within an impervious vault with an underdrain or designed with an impervious liner and an underdrain.
- I. *Green roof* means a LID BMP using planter boxes and vegetation to intercept rainfall on the roof surface. Rainfall is intercepted by vegetation leaves and through evapotranspiration. Green roofs may be designed as either a bioretention BMP or as a biofiltration BMP. To receive credit as a bioretention BMP, the green roof system planting medium shall be of sufficient depth to provide capacity within the pore space volume to contain the design storm depth and may not be designed or constructed with an underdrain.
- J. *Infiltration* means a LID BMP that reduces storm water runoff by capturing and infiltrating the runoff into in-situ soils or amended on-site soils. Examples of infiltration BMPs include infiltration basins, dry wells, and pervious pavement.
- K. *Low impact development (LID)* means the implementation of systems and practices that use or mimic natural processes to: 1) infiltrate and recharge, 2) evapotranspire and/or 3) harvest and use precipitation near to where it falls to earth.
- L. *Municipal separate storm sewer system* or *MS4* means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) (40 CFR Section 122.26(b)(8)):
  - 1. Owned or operated by a state, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to state law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under state law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under Section 208 of the CWA that discharges to waters of the United States;
  - 2. Designed or used for collecting or conveying storm water;
  - 3. Which is not a combined sewer; and
  - 4. Which is not part of a publicly owned treatment works (POTW) as defined at 40 CFR Section 122.2 (40 CFR Section 122.26(b)(8)).
- M. *National Pollutant Discharge Elimination System* or *NPDES* means the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under CWA Sections 307, 402, 318, and 405. The term includes an "approved program."
- N. *Natural drainage system* means a drainage system that has not been modified using engineering controls (e.g., channelized or armored). The clearing or dredging of a natural drainage system does not cause the system to be classified as modified for purposes of the "Hydromodification Management Requirements" in the MS4 Permit..

- O. *Parking lot* means land area or facility for the parking or storage of motor vehicles used for businesses, commerce, industry, or personal use, with a lot size of 5,000 square feet or more of surface area, or with 25 or more parking spaces.
- P. *Pollutant* means any "pollutant" defined in Section 502(6) of the Federal Clean Water Act or incorporated into the California Water Code Section 13373.
- Q. *Project* means all development, redevelopment, and land disturbing activities. The term is not limited to "project" as defined under CEQA (Public Resources Code Section 21065).
- R. *Rainfall harvest and use* means a LID BMP system designed to capture runoff, typically from a roof but can also include runoff capture from elsewhere within the site, and to provide for temporary storage until the harvested water can be used for irrigation or non-potable uses. The harvested water may also be used for potable water uses if the system includes disinfection treatment and is approved for such use by the local Building Department.
- S. *Redevelopment* means activity that 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 routine maintenance activity; and land disturbing activity 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, nor does it include emergency construction activities required to immediately protect public health and safety.
- T. *Regional Board* means the California Regional Water Quality Control Board, Los Angeles region.
- U. *Routine maintenance* includes, but is not limited to, projects conducted to:
1. Maintain the original line and grade, hydraulic capacity, or original purpose of the facility.
  2. Perform as needed restoration work to preserve the original design grade, integrity and hydraulic capacity of flood control facilities.
  3. Includes road shoulder work, re-grading dirt or gravel roadways and shoulders and performing ditch cleanouts.
  4. Update existing lines\* and facilities to comply with applicable codes, standards, and regulations regardless if such projects result in increased capacity.
  5. Repair leaks.
  6. Routine maintenance does not include construction of new\*\* lines or facilities resulting from compliance with applicable codes, standards and regulations.
- \* Update existing lines includes replacing existing lines with new materials or pipes.
- \*\* New lines are those that are not associated with existing facilities and are not part of a project to update or replace existing lines.
- V. *Site* means land or water area where any facility or activity is physically located or conducted, including adjacent land used in connection with the facility or activity.
- W. *Storm water* or *stormwater* means storm water runoff, snow melt runoff, and surface runoff and drainage related to precipitation events (pursuant to 40 CFR Section 122.26(b)(13); 55 Federal Regulations 47990, 47995 (Nov. 16, 1990)).

---

### **13.20.030 Application.**

A. New development and redevelopment projects listed in Part VIII.F.1.a-b of the NPDES MS4 permit fall under the permittee's planning and building authority for which the City must impose specific requirements, including the implementation of structural BMPs to meet the performance requirements described in Part VIII.F.4 of the NPDES MS4 permit.

1. Redevelopment projects:

- a. Where redevelopment results in an alteration to more than 50 percent of impervious surfaces of a previously existing development, and the existing development was not subject to post-construction storm water quality control requirements, the entire project must be mitigated.
- b. Where redevelopment results in an alteration of less than 50 percent of impervious surfaces of a previously existing development, and the existing development was not subject to post-construction storm water quality control requirements, only the alteration must be mitigated, and not the entire development.
- c. Redevelopment does not include routine maintenance activities that are conducted to maintain original line and grade, hydraulic capacity, original purpose of facility or emergency redevelopment activity required to protect public health and safety. Impervious surface replacement, such as the reconstruction of parking lots and roadways which does not disturb additional area and maintains the original grade and alignment, is considered a routine maintenance activity. Redevelopment does not include the repaving of existing roads to maintain original line and grade.

### **13.20.040 Low impact development standards for new development and redevelopment planning and construction activities.**

Each new development and redevelopment subject to the provisions of this chapter shall be designed to control pollutants, pollutant loads, and runoff volume to the maximum extent feasible by minimizing impervious surface area and controlling runoff from impervious surfaces through infiltration, evapotranspiration, bioretention and/or rainfall harvest and use. The minimum required standards shall be as follows:

- A. Street and road construction of 10,000 square feet or more of impervious surface shall follow USEPA guidance regarding Managing Wet Weather with Green Infrastructure: Green Streets (December 2008 EPA-833-F-08-009), to the maximum extent practicable.
- B. All other projects shall prepare a LID plan to comply with the following:
  1. Retain storm water runoff on-site for the stormwater quality design volume (SWQDv) defined as the runoff from the greater of the following:
    - a. The 85th percentile 24-hour runoff event as determined from the Los Angeles County 85th percentile precipitation isohyetal map; or
    - b. The volume of runoff produced from a three-quarter-inch, 24-hour rain event.
  2. Minimize hydromodification impacts to natural drainage systems as defined in the NPDES MS4 permit.
  3. To demonstrate technical infeasibility, the project applicant must demonstrate that the project cannot reliably retain 100 percent of the SWQDv on-site, even with the maximum application of green roofs and rainwater harvest and use, and that compliance with the applicable post-construction requirements would be technically infeasible by submitting a site-specific hydrologic and/or design analysis conducted and endorsed by a registered professional engineer, geologist, architect, and/or landscape architect. Technical infeasibility may result from conditions including the following:
    - a. The infiltration rate of saturated in-situ soils is less than three-tenths-inch per hour and it is not technically feasible to amend the in-situ soils to attain an infiltration rate necessary to achieve reliable performance of infiltration or bioretention BMPs in retaining the SWQDv on-site;
    - b. Locations where seasonal high groundwater is within five to ten feet of surface grade;
    - c. Locations within 100 feet of a groundwater well used for drinking water;
    - d. Brownfield development sites or other locations where pollutant mobilization is a documented concern;
    - e. Locations with potential geotechnical hazards;
    - f. Smart growth and infill or redevelopment locations where the density and/or nature of the project would create significant difficulty for compliance with the on-site volume retention requirement.
  4. If partial or complete on-site retention is technically infeasible, the project site may biofiltrate one and one-half times the portion of the remaining SWQDv that is not reliably retained on-site. Biofiltration BMPs must adhere to the design specifications provided in the NPDES MS4 permit.

- a. Additional alternative compliance options such as off-site infiltration and groundwater replenishment projects may be available to the project site. The project applicant should contact the City to determine eligibility.
5. The remaining SWQDv that cannot be retained or biofiltered on-site must be treated on-site to reduce pollutant loading. BMPs must be selected and designed to meet pollutant-specific benchmarks as required per the NPDES MS4 permit. Flow-through treatment BMPs may be used to treat the remaining SWQDv and must be sized based on a rainfall intensity of:
  - a. Two-tenths of an inch per hour; or
  - b. The 85th percentile hourly storm event, as determined from the local historical rainfall record, multiplied by a factor of two.

**13.20.050 Effective date.**

The requirements of this chapter shall become effective on August 12, 2013. This includes projects subject to discretionary permits or project phases that have not been deemed complete for processing or discretionary permit projects without vesting tentative maps that have not requested and received an extension of previously granted approvals.