

ORDINANCE NO. 4185

AN ORDINANCE OF THE CITY COUNCIL OF THE OF POMONA, CALIFORNIA, AMENDING ORDINANCE NO. 4006, ALSO KNOWN AS THE POMONA CITY CODE, WITH THE ADDITION OF ARTICLE VI, “LOW IMPACT DEVELOPMENT” TO CHAPTER 74, “BUILDINGS AND BUILDING REGULATIONS”

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

WHEREAS, the City is a permittee under the California Regional Water Quality Control Board, Los Angeles Region Order No. R4-2012-0175 (“MS4 Permit”), issued on November 08, 2012 which establishes Waste Discharge Requirements for Municipal Separate Storm Sewer Systems (MS4) Discharges within the Coastal Watersheds of Los Angeles County, except those discharges originating from the City of Pomona; and

WHEREAS, to comply with the mandates of the MS4 Permit, the City shall adopt a Low Impact Development (LID) ordinances.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Pomona, California, as follows:

SECTION 1. That Ordinance No. 4006, also known as the Pomona City Code, is hereby amended to include the addition of Article VI, “Low Impact Development” to Chapter 74, “Buildings and Building Regulations” as follows:

ARTICLE VI. LOW IMPACT DEVELOPMENT

DIVISION 1. GENERALLY

Sec. 74-310. Title.

This Ordinance shall be known as the “City of Pomona Low Impact Development (LID) Ordinance” and may be so cited.

Sec. 74-311. Findings.

The City of Pomona finds that:

- (1) Waterbodies, roadways, structures, and other property within and downstream of the City are at times subject to flooding.
- (2) Land development alters the hydrologic response of watersheds, resulting in increased stormwater runoff rates and volumes, increased flooding, increased stream

channel erosion, increased sediment transport and deposition, and increased non-point source pollutant loading to the receiving waterbodies and the beaches.

- (3) Stormwater runoff produced by land development contributes to increased quantities of waterborne pollutants.
- (4) Increases of stormwater runoff, soil erosion, and non-point source pollution have occurred as a result of land development, and have impacted the water resources of the San Gabriel River Watershed and the Santa Ana River Watershed.
- (5) Increase stormwater runoff rates and volumes and the sediments and pollutants associated with stormwater runoff from future development projects within the City will, absent proper regulation and control, adversely affect the City's waterbodies and water resources, and those of downstream municipalities.
- (6) Stormwater runoff, soil erosion, and non-point source pollution can be controlled and minimized by the regulation of stormwater runoff from development.
- (7) Adopting the standards, criteria, and procedures contained in this Article and implementing the same will address many of the deleterious effects of stormwater runoff.

Sec. 74-312. Purpose.

The provisions of this Article are adopted pursuant to the Federal Water Pollution Control Act, also known as the "Clean Water Act," codified and amended at 33 U.S.C. 1251 *et seq.* The intent of this Article is to enhance and protect the water quality of the receiving waters of the United States in a manner that is consistent with the Clean Water Act (and acts amendatory thereof or supplementary thereto), applicable implementing regulations, and the Municipal NPDES permit (as defined below, and any amendment, revision, or re-issuance thereof). It is the purpose of this Article to establish minimum stormwater management requirements and controls to accomplish, among others, the following objectives:

- (1) Lessen the water quality impacts of development by using smart growth practices such as compact development, directing development towards existing communities via infill or redevelopment, and safeguarding of environmentally sensitive areas.
- (2) Minimize the adverse impacts from stormwater runoff on the biological integrity of natural drainage systems and the beneficial uses of waterbodies.
- (3) Minimize the percentage of impervious surfaces on land developments by minimizing soil compaction during construction, designing projects to minimize the impervious area footprint, and employing Low Impact Development (LID) design principles to mimic predevelopment hydrology through infiltration, evapotranspiration, and rainfall harvest and use.

- (4) Maintain existing riparian buffers and enhance riparian buffers when possible.
- (5) Minimize pollutant loadings from impervious surfaces such as roof tops, parking lots, and roadways through the use of properly designed, technically appropriate Best Management Practices (BMPs, defined below) including Source Control BMPs such as good housekeeping practices, LID strategies, and Treatment Control BMPs.
- (6) Properly select, design and maintain LID and Hydromodification Control BMPs to address pollutants that are likely to be generated, reduce changes to pre-development hydrology, assure long-term function, and avoid the breeding of vectors.
- (7) Prioritize the selection of BMPs to remove stormwater pollutants, reduce stormwater runoff volume, and beneficially use stormwater to support an integrated approach to protecting water quality and managing water resources in the following order of preference:
 - (a) On-site infiltration, bioretention and/or rainfall harvest and use.
 - (b) On-site biofiltration, off-site ground water replenishment, and/or off-site retrofit.

Sec. 74-313. Definitions.

The following terms, phrases, words, and derivatives shall have the meaning defined below:

Basin Plan means the Water Quality Control Plan, Los Angeles Region, Basin Plan for Coastal Watersheds of Los Angeles and Ventura Counties, adopted by the Regional Water Board on June 13, 1994 and any subsequent amendments.

Beneficial Use means the existing or potential use of receiving waters as designated by the Los Angeles or Santa Ana Regional Water Quality Control Boards in their respective basin plans for the County.

Best Management Practices or BMPs are practices or physical devices or systems designed to prevent or reduce pollutant loading from stormwater or non-stormwater discharges to receiving waters, or designed to reduce the volume of stormwater or non-stormwater discharged to the receiving water.

City means the City of Pomona.

City Engineer means the City Engineer for the City of Pomona.

Conveyance Facility means a storm drain, pipe, swale, or channel used to collect and direct stormwater.

Design Engineer means the registered professional engineer responsible for the design of the stormwater management plan.

Detention System means a system which is designed to capture stormwater and release it over a given period of time through an outlet structure at a controlled rate.

Development means any 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.

Director means the Director of Public Works for City of Pomona.

Discharge means any release, spill, leak, pump, flow, escape, dumping, or disposal of any liquid, semi-solid, or solid substance.

Disturbed Area means an area that is altered as a result of clearing, grading, or excavation.

Engineered Site Grading Plan means a scaled drawing or plan and accompanying text prepared by a registered engineer or landscape architect which shows alteration of topography, alterations of watercourses, flow directions of stormwater runoff, and propose stormwater management and measures which are prepared to ensure that the objectives of this Article are met.

Grading means any stripping, excavating, filling, and stockpiling of soil or any combination thereof and the land in its excavated or filled condition.

Hardscape means any durable, pervious or impervious surface material, including paving for pedestrians and vehicles.

Hydromodification means the alteration of a natural drainage system through a change in the system's flow characteristics.

Impervious Surface means a surface that does not allow stormwater runoff to slowly perchlorate into the ground.

Low Impact Development or LID means technologies and practices that are part of a sustainable stormwater management strategy that controls, retains or filters stormwater and urban runoff on site.

Maximum Extent Practicable or MEP means the extent to which the City can reduce the discharge of pollutants in stormwater runoff. MEP requires selecting and implementing effective BMPs, and rejecting applicable BMPs only where: (i) other effective BMPs will serve the same purpose; (ii) the BMPs would not be technically feasible; or (iii) the cost would be prohibitive. Factors considered include, but are not limited to:

- (1) Effectiveness: Whether the BMP addresses a pollutant of concern

- (2) Regulatory Compliance: Whether the BMP complies with storm water regulations, as well as other environmental regulations
- (3) Public acceptance: Whether the BMP has public support
- (4) Cost: Whether the cost of implementing the BMP has a reasonable relationship to the pollution control benefits achieved
- (5) Technical Feasibility: Whether the BMP is technically feasible, considering soils, geography, and water resources

Municipal NPDES Permit means California Regional Water Quality Control Board, Los Angeles Region, Order No. R4-2012-0175, NPDES Permit No. CAS004001 Waste Discharge Requirements For Municipal Separate Storm Sewer System (MS4) Discharge Within the Coastal Watersheds of Los Angeles County, Except Those Discharges Originating From the City of Long Beach MS4, and any amendment thereto or re-issuance thereof.

Municipal Separate Storm Sewer System (referred to herein as “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, stormwater, 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 stormwater;
- (3) Which is not a combined sewer; and
- (4) Which is not part of a Publicly Owned Treatment Works (POTW) as defined in 40 CFR Section 122.2.(40 CFR Section 122.26(b)(8)).

Natural Drainage System means any unlined or unimproved (not engineered) creek, stream, river, or similar waterway.

Non-storm Water Discharge means any fluid discharge to the storm drain system and/or receiving waters that is not composed entirely of storm water but may not necessarily be an illicit discharge.

NPDES or National Pollutant Discharge Elimination System means the national permitting program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing

permits, and imposing and enforcing pretreatment requirements, under Clean Water Act (CWA) §307, 402, 318, and 405. The term includes an "approved program."

Mandated by Congress under the Clean Water Act, the NPDES Stormwater Program is a comprehensive two-phased national program for addressing the non-agricultural sources of stormwater discharges which adversely affect the quality of our nation's waters. The program uses the National Pollutant Discharge Elimination System (NPDES) permitting mechanism to require the implementation of controls designed to prevent harmful pollutants from being washed by stormwater runoff into local water bodies.

Pollutants of Concern means chemical, physical, or biological components of stormwater that impair the beneficial uses of receiving waters, including those defined in Section 502(6) of the Federal Water Pollution Control Act ("Clean Water Act," 33 U.S.C. Section 1362(6)), and incorporated by reference into California Water Code Section 13373.

Public Works Department means the City of Pomona Public Works Department.

Receiving Water means a "water of the United States" (as defined in 33 C.F.R. section 328.3(a)(7)) into which waste and/or pollutants are or may be discharged.

Retention means a holding system for stormwater, either natural or man-made, which does not have an outlet to adjoining watercourses or wetlands and in which water is removed through infiltration and/or evaporation processes.

Runoff means any runoff including stormwater and dry weather flows 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.

Sediment means mineral or organic particulate matter that has been removed from its site of origin by the processes of soil erosion, is in suspension in water, or is being transported.

Standard Industrial Classification (SIC) means a classification pursuant to the current edition of the Standard Industrial Classification Manual issued by the Executive Office of the President of the United States, Office of Management and Budget, and as the same may be periodically revised.

Storm Drain means a conduit, pipe, swale, natural channel, or man-made structure which serves to transport stormwater runoff. Storm drains may be either enclosed or open.

Stormwater means runoff that occurs as the result of rainfall.

Stormwater Quality Design Volume (SWQDv) means the runoff generated by the greater of either:

- (1) The 0.75-inch, 24-hour rain event; or

- (2) The 85th percentile, 24-hour rain event, as determined from the *Los Angeles County Department of Public Works 85th Percentile Precipitation Isohyetal Map*.

Urban Runoff means surface flows, other than stormwater, emanating from development.

Water Quality Design Storm Event means any of the volumetric or flow rate based design storm events for water quality BMP's identified in the National Pollutant Discharge Elimination System Municipal Stormwater Permit for the County of Los Angeles.

DIVISION 2. NEW DEVELOPMENTS AND REDEVELOPMENT PROJECTS PROVISIONS

Sec. 74-314. Applicability.

These procedures and standards set forth in this Article, the BMP design information found in the Los Angeles County Municipal Storm Water Permit, and the County of Los Angeles Department of Public Works Low Impact Development Standards Manual (February 2014), and any amendment, revision, or reissuance thereof provide minimum standards to be complied with by developers and in no way limit the City of Pomona's authority to adopt and publish or enforce higher standards as a condition of approval of developments.

A. New Development Projects

Development projects subject to City conditioning and approval for the design and implementation of post-construction controls to mitigate stormwater pollution prior to completion of the project(s) include:

- (1) All development projects equal to one (1) acre or greater of disturbed area and adding more than ten thousand (10,000) square feet of impervious surface area;
- (2) Industrial parks ten thousand (10,000) square feet or more of surface area;
- (3) Commercial malls ten thousand (10,000) square feet or more of surface area;
- (4) Retail gasoline outlets five thousand (5,000) square feet or more of surface area.
- (5) Restaurants (SIC 5812) five thousand (5,000) square feet or more of surface area;
- (6) Parking lots five thousand (5,000) square feet or more of impervious surface area, or with twenty-five (25) or more parking spaces;
- (7) Street and road construction of ten thousand (10,000) square feet or more of surface area shall follow the City of Pomona Green Street Policy to the maximum extent practicable. Street and road construction applies to standalone streets, roads, highways, and freeway projects, and also applies to streets within larger projects;

- (8) Automotive service facilities (SIC 5013, 5014, 5511, 5541, 7532-7534 and 7536-7539) with five thousand (5,000) square feet or more of surface area;
- (9) New development projects located in or directly adjacent to, or discharging directly to the proposed Significant Ecological Area (“SEA”) which will:
 - (a) discharge stormwater runoff that is likely to impact a sensitive biological species or habitat; and
 - (b) create two thousand five hundred (2,500) square feet or more of impervious surface area; and
- (10) Redevelopment Projects in subject categories that meet Redevelopment thresholds identified in Part B (Redevelopment Projects) below;
- (11) Redevelopment projects located in or within 200 ft. of, or discharging directly to a Significant Ecological Area (SEA) where the development will:
 - (a) Discharge stormwater runoff that is likely to impact a sensitive biological species or habitat; and
 - (b) Create 2,500 square feet or more of impervious surface area.
- (12) Single-family hillside homes. During the construction of a single-family hillside home, the following measures shall be considered to the maximum extent practicable:
 - (a) Conserve natural areas.
 - (b) Protect slopes and channels.
 - (c) Provide storm drain system stenciling and signage.
 - (d) Divert roof runoff to vegetated areas before discharge unless the diversion would result in slope instability.
 - (e) Direct surface flow to vegetated areas before discharge unless the diversion would result in slope instability.

B. Redevelopment Projects

Redevelopment projects subject to conditioning and approval requirements outlined in this Article for the design and implementation of post-construction controls to mitigate stormwater pollution prior to completion of the project(s) include:

- (1) Land disturbing activity that results in the creation or addition or replacement of five thousand (5,000) square feet or more of impervious surface area on an already developed site.
- (2) Redevelopment project that result in an alteration to more than fifty percent (50%) of impervious surfaces of an existing development which had not been subject to post-construction stormwater quality control requirements at the time of the previous development shall be required to mitigate the entire project site.
- (3) Redevelopment project that result in an alteration of less than fifty percent (50%) of impervious surfaces of an existing development which had not been subject to post-construction stormwater quality control requirements at the time of the previous development shall be required to mitigate only the alteration and shall not be required to mitigate the entire project site.
- (4) 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.
- (5) Existing single-family dwelling and accessory structures are exempt from the Redevelopment requirements unless such projects create, add, or replace Ten Thousand (10,000) square feet of impervious surface area.

Sec. 74-315. Project Performance Criteria.

All development projects that fit the project criteria listed above in Section 74-331 of this Article shall control pollutants, pollutant loads, and runoff volume by retaining the Stormwater Quality Design Volume (SWQDv) (as defined in definitions) on-site through:

- (1) Minimizing the impervious surface area; and
- (2) Controlling runoff from impervious surfaces through infiltration, bioretention and/or rainfall harvest and use.

Sec 74-316. Alternative Compliance for Technical Infeasibility.

- (a) To demonstrate technical infeasibility, the project applicant shall demonstrate to the City Engineer that the project cannot reliably retain one hundred percent (100%) of the SWQDv on-site, even with the maximum application of green roofs and rainwater harvest and use, and the compliance with the applicable post-construction requirements would be technically infeasible. This shall be demonstrated by submitting a site-specific hydrologic and/or design

analysis conducted and endorsed by a registered professional engineer and shall be subject to review and approval by the City Engineer.

(b) When evaluating the potential for on-site retention, each applicant shall consider the maximum potential for evapotranspiration from green roofs and rainfall harvest and use. Alternative compliance measures include the following:

(1) On-Site Biofiltration. Biofiltration systems shall meet the design specifications provided in Attachment H of the Los Angeles County Municipal Storm Water Permit Order N. R4-2012-0175, and any amendment, revision, or reissuance thereof. If using biofiltration due to demonstrated technical infeasibility, then the new project must biofiltrate 1.5 times the portion of the SWQDv that is not reliably retained on site, as calculated by Equation 1 below:

Equation 1:

$$Bv=1.5* [SWQDv-Rv]$$

Where:

Bv = Biofiltration volume

SWQDv= the stormwater runoff from a 0.75 inch, 24-hour storm or the 85th percentile storm, whichever is greater

Rv=volume reliably retained on-site

(2) Off-site Infiltration. Use infiltration or bioretention BMPs to intercept a volume of stormwater runoff equal to the SWQDv, less the volume of stormwater runoff reliably retained on-site, at an approved offsite project. The required off-site mitigation volume shall be calculated by Equation 2 below:

Equation 2:

$$Mv=1.0*[SWQDv-Rv]$$

Where:

Mv=Mitigation Volume

SWQDv=Runoff from the 0.75 inch, 24-hour storm event or the 85th percentile storm, whichever is greater

Rv=the volume of stormwater runoff reliably retained on-site

(3) Offsite Project. Retrofit existing Development. Use infiltration, bioretention, rainfall harvest and use and/or biofiltration BMPs to retrofit an existing development, with similar land uses as the new development or land uses associated with comparable of higher stormwater runoff event mean concentrations (EMCs) than the new development. The retrofit plan shall be designed and constructed as described in the Los Angeles County Municipal Storm Water Permit Order N. R4-2012-0175, and any amendment, revision, or reissuance thereof.

(4) Other alternative compliance requirements are detailed in the Los Angeles County Municipal Stormwater Permit Order No. R4-2012-0175.

(c) Applicants and/or designers may select any combination of stormwater BMPs which meet the performance standards provided in this section and identified in the Los Angeles

Municipal Storm Water Permit Order N. R4-2012-0175, and the County of Los Angeles Department of Public Works Low Impact Development Standards Manual (February 2014), and any amendment, revision, or reissuance thereof.

Secs. 74-317 – 74-330. Reserved.

DIVISION 4. PLAN REVIEW REQUIREMENTS, FEES, AND MAINTENANCE

Sec. 74-331. Review Procedures.

- (a) All stormwater plans shall be subject to review and approval by the City Engineer.
- (1) If the proposed plan is not sufficient as originally submitted, the City Engineer, or his/her designee, will notify the applicant in writing, setting forth the reasons for withholding a recommendation or approval, and will state the changes necessary to obtain approval.
 - (2) If Staff determines that all of the required information has not been received, the proprietor may request additional time to allow for the submittal of the required information.
 - (3) If all of the required information has been received, Staff shall recommend approval, recommend approval with conditions, or recommend denial of the Stormwater Plan.
- (a) If the Plan is approved, the City will require the following:
- (1) The applicant will provide copies of all necessary state, federal, or local permits relating to the Project for Stormwater Management to the City.
 - (2) A satisfactory Maintenance Covenant Agreement that assures long-term maintenance of all drainage improvements shall be submitted as part of the final plan. The Maintenance Covenant shall include a listing of the BMPs, locations, and required maintenance frequency. The property owner shall be required to document proper maintenance and operations and maintain records for a period of two (2) years. Maintenance Agreements and records shall be provided upon request to the City inspector at any time for compliance verification. Failure to do so will result in enforcement actions per the City Code. The approved covenant shall be recorded with the Los Angeles County Registrar-Recorder/County Clerk prior to issuance of occupancy.
 - (3) A satisfactory Maintenance Covenant shall at a minimum include the developer's signed statement accepting responsibility for maintenance until the responsibility is legally transferred, and either:
 - A signed statement from the public entity assuming responsibility for BMP maintenance; or

- Written conditions in the sales or lease agreement, which require the property owner or tenant to assume responsibility for BMP maintenance and conduct a maintenance inspection at least once a year; or
- Written text in project covenants, conditions, and restrictions (CCRs) for residential properties assigning BMP maintenance responsibilities to the Home Owners Association (HOA). Residential development with HOAs shall include a Stormwater Pollution Prevention Plan and compliance elements in the CCRs.

Sec. 74-332. Review Fees.

Fees and escrow account payments shall be sufficient to cover administrative and technical review costs anticipated to be incurred by the City of Pomona including the costs of on-site inspections.

Sec. 74-333. Maintenance Agreement Required.

- (a) Maintenance Agreement Required. A Maintenance Agreement shall be submitted to the City for review by the City Engineer and his/her designee, and if necessary, City Attorney. The Designers may select any combination of stormwater BMPs which meet the performance standards provided in this section and identified in the Los Angeles County Municipal Storm Water Permit No. R-2012-0175 and any amendment, revision, or reissuance thereof. A formal Maintenance Plan shall be included in the Maintenance Agreement.
- (b) Purpose of the Maintenance Agreement is to provide the means and assurance that maintenance of stormwater BMPs shall be undertaken.
- (c) Maintenance Agreement Provisions:
- (1) The Maintenance Agreement shall include a plan for routine, emergency, and long-term maintenance of all stormwater BMPS, with a detailed annual estimated budget for the initial two (2) years, and a clear statement that only future maintenance activities in accordance with the Maintenance Agreement Plan shall be permitted without the necessity of securing new permits. Written notice of the intent to proceed with maintenance not within the scope of the Maintenance Agreement Plan shall be provided by the party responsible for maintenance to the City of Pomona at least 14 days in advance of commencing work.
 - (2) The Maintenance Agreement and all its covenants shall be binding on all subsequent owners of land served by the stormwater BMPs.
 - (3) If it has been found by the City, following notice and an opportunity to be heard by the property owner, that there has been a material failure or refusal to undertake maintenance as required under this Article and/or as required in the approved Maintenance Agreement as required hereunder, the City shall abate such violations, as a public nuisance, pursuant to the procedures set forth in Chapter 18 of the Municipal Code.

(d) A fully executed “Maintenance Covenant for Permanent BMPs Requirements” shall be recorded with the Los Angeles County Registrar-Recorder/County Clerk and submitted to the Public Works Department prior to the Certificate of Occupancy. Covenant documents shall be required to include exhibits that detail all of the installed treatment control devices as well as any site design or source control BMPs for post construction. The information to be provided on this exhibit shall include, but not be limited to:

- 8 ½”x11” exhibits with record property owner information.
- Types of BMPs (i.e., site design, source control, and/or treatment control) to ensure modifications to the site are not conducted without the property owner being aware of the ramifications to BMP implementation.
- Clear depicting of location of BMPs, especially those located below ground.
- A matrix depicting the types of BMPs, frequency of inspection, type of maintenance required, and if proprietary BMPs, the company information to perform the necessary maintenance.
- Agreement to retain documentation of proper maintenance records for a period of two (2) years plus current year.
- Understanding the documentation of proper maintenance must be presented to the City upon request.

Secs. 74-334 – 74.340. Reserved.

DIVISION 5. ENFORCEMENT

Sec. 74-341. Violations.

Any person violating any provisions of this Article shall be responsible for a municipal civil infraction and subject to the City’s progressive enforcement policy as detailed in the City Code.

Sec. 74-342. Stop Work Order.

Where there is work in progress that causes or contributes in whole or in part, a violation of any provision of this Article, the City is authorized to issue a Stop Work Order so as to prevent further or continuing violations or adverse effects. All persons to whom the stop work order is directed, or who are involved in any way with the work or matter described in the stop work order shall fully and promptly comply therewith. The City may also undertake or cause to be undertaken, any necessary or advisable protective measures so as to prevent violations of this Article or to avoid or reduce the effects of non-compliance herewith. The cost of any such protective measures shall be the responsibility of the owner of the property upon which the work is being done and the responsibility of any person carrying out or participating in the work.

Sec. 74-343. Failure to Comply.

In addition to any other remedies, should any owner fail to comply with the provisions of this Article, the City may, after the giving of reasonable notice and opportunity for compliance, have

the necessary work done, and the owner shall be obligated to promptly reimburse the City for all costs of such work.

Sec. 74-344. Emergency Measures.

When emergency measures are necessary to moderate a nuisance, to protect public safety, health, and welfare, and/or to prevent loss of life, injury or damage to property, the City is authorized to carry out or arrange for all such emergency measures. Property owners shall be responsible for the cost of such measures made necessary as a result of a violation of this Article, and shall promptly reimburse the City for all such costs.

Sec.74-345. Cost Recovery for Damage to Storm Drain System.

A discharger shall be liable for all costs incurred by the City as a result of causing a discharge that produces a deposit or obstruction, or causes damage to or impairs a storm drain, or water quality violation, or violates any of the provisions of this Article. Costs include, but are not limited to, those penalties levied by the Environmental Protection Agency or Los Angeles and Santa Ana Regional Water Quality Control Boards for violation of an NPDES Permit, attorney fees, and other costs and expenses.

Secs. 74-346 – 74-360. Reserved.

SECTION 2. Any provision of the Pomona City Code that is inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies and no further, are modified to the extent necessary to affect the provisions of this Ordinance.

SECTION 3. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council of the City of Pomona hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions be declared invalid or unconstitutional.

SECTION 4. The City Clerk shall certify to the passage and adoption of this ordinance, causing it to be posted as required by law, and it shall be effective thirty (30) days after its adoption.

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APPROVED AND ADOPTED THIS 2ND DAY OF JUNE 2014.

ATTEST:

CITY OF POMONA:

Eva M. Buice, MMC, City Clerk

Elliott Rothman, Mayor

APPROVED AS TO FORM:

Arnold Alvarez-Glasman, City Attorney

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES)
CITY OF POMONA)

I, EVA M. BUICE, CITY CLERK of the City of Pomona do hereby certify that the foregoing Ordinance was introduced at the Regular Meeting of the City Council of the City of Pomona held on the 19th day of May 2014, and adopted at a Regular Meeting on the 2nd day of June 2014 by the following vote:

AYES: Nolte, Robledo, Carrizosa, Lantz, Escobar, Martin, Mayor Rothman

NOES: None

ABSENT: None

ABSTAIN: None

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Pomona, California, this _____ of _____ 2014.

Eva M. Buice, MMC, City Clerk