ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OCEANSIDE AMENDING GRADING ORDINANCE NO. 81-20 ESTABLISHING GRADING REGULATIONS WITHIN THE CITY OF OCEANSIDE, ORDINANCE NO. 82-43 REQUIRING EROSION CONTROL SECURITY AND ORDINANCE NO. 92-15 IMPOSING EROSION CONTROL REQUIREMENTS

WHEREAS, Various existing City ordinances regulate urban runoff. This ordinance amendment will enact new provisions needed to protect water quality and to comply with National Pollution Discharge Elimination System Permit Number CAS 0108758,Regional Storm Water Quality Control Board Order No. 2001-01.

WHEREAS, the discharge of pollutants and sediment into the storm water system has been determined to be a leading cause of receiving water quality impairment.

WHEREAS, the City Council desires to update its grading ordinance and erosion control procedures to insure that water quality is not impaired and the biological and wildlife resources within the City are protected.

NOW, THEREFORE, the City Council of the City of Oceanside does ordain as follows:

SECTION ONE: Section 301, subdivisions (a) and (g) are amended to read as follows:

"SECTION 301. HAZARDOUS CONDITIONS:

(a) When natural ground, natural slope, excavation, or fill or drainage devices are situated on private property in such a manner that they are a menace to life or limb or are a danger to public safety or affect the safety, usability or stability of adjacent property, structures or public facilities; *or if any Land Disturbance Activity results in the discharge of Pollutants into Receiving Waters or into the City's Stormwater Conveyance System, as defined in section 40.1.3 of Chapter 40 of the Oceanside City Code,* a hazardous condition is considered to exist. The maintenance of any hazardous condition shall constitute a public nuisance.

(g) If the owner or agent in control fails to comply with any demand for corrective work or repairs, the City Engineer may cause emergency work to be done in order to protect potentially impacted property *and to prevent sediment and other*

Pollutants from entering into Receiving Waters or into the City's Stormwater Conveyance System."

SECTION TWO: Section 401 is amended to add the following definitions:

"SECTION 401. DEFINITIONS.

CITY ENGINEER means the City Engineer or his or her designee.

The definitions contained in the Urban Runoff Management and Discharge Control Ordinance (Chapter 40 of the Oceanside City Code) shall apply to this ordinance and are incorporated herein by reference."

SECTION THREE: Section 504, subdivisions 7 is modified and subdivision 9 is added to read:

"SECTION 504. GRADING PERMIT APPLICATION.

7. Three sets of erosion control plans *and confirmation of compliance with the Urban Runoff Management and Discharge Control Ordinance (Chapter 40 of the Oceanside City Code).* ~~for applications submitted between August 1 and April 1.~~

9. Dischargers required to comply with the State Construction General Stormwater Permit shall provide any state-issued Waste Discharge Identification Number (WDID) for the site, and a copy of the Notice of Intent (NOI) filed with the State Water Resources Control Board pursuant to that permit. If a Stormwater Pollution Prevention Plan is required to be prepared under the State General Construction Storm Water Permit, a copy of the SWPPP shall also be provided."

SECTION FOUR: Section 506, subdivision (b) is amended to read:

"SECTION 506. DATA TO ACCOMPANY APPLICATION.

(b) Unless waived by the City Engineer, each application for a grading permit shall be accompanied by supporting data consisting of a soils engineering report, an engineering geology report, *the items described in section 504, subdivisions 7 and 9 of this ordinance,* a landscape and irrigation plan, and the grading plans and specifications. All such plans shall be drawn to engineering scale as approved by the City Engineer. The title sheet of the general plans shall show the names,

addresses and phone numbers of the site owner, the civil engineer responsible for the plan's preparation, the project soil engineer and geologist, including registration numbers, and a locality sketch of the proposed site. The Landscape and Irrigation Plan shall be prepared by a practicing landscape architect. The plans shall indicate the areas, type, and method of slope planting to be done, and irrigation systems with types of controls"

SECTION FIVE: Section 516 is amended to read:

"SECTION 516. RESPONSIBILITY OF PERMITTEE.

It shall be the responsibility of the permittee to be knowledgeable of the conditions and/or restrictions of the grading permit as outlined in applicable sections of this *Ordinance*, and as contained on the approved grading plans and in the approved *erosion control plan* and geotechnical reports. The permittee shall also be responsible to maintain in an obvious and accessible location on site, a copy of the *approved* grading plans, *including the erosion control plan*." ~~bearing the stamp of approval by the City Engineer~~.

SECTION SIX: Section 523 is amended to add:

"*SECTION 523. DENIAL OF PERMIT.*

The City Engineer shall not issue a permit if the proposed project is subject to California's Statewide General NPDES Permit for Stormwater Discharges Associated With Construction Activities and the applicant does not provide a copy of the Notice of Intent filed with the State Water Resources Control Board, no erosion control plan is submitted or the erosion control plan submitted is inadequate, or if the work, plans or specifications do not comply with the Urban Runoff Management and Discharge Control Ordinance (Chapter 40 of the Oceanside City Code) or any applicable NPDES Permit."

SECTION SEVEN: Section 1104 shall be amended in its entirety, to read:

"SECTION 1104. STORM WATER DISCHARGE.

All drainage facilities shall be designed to carry design flow to the nearest practicable drainage way approved by the City Engineer and/or by other appropriate jurisdiction as a safe place to deposit such waters. Erosion of the ground in the area of discharge shall be prevented by installation of non-erosive downdrains, energy dissipators or devices. *Best Management Practices shall be implemented to the Maximum Extent Practicable to manage urban runoff, to prevent erosion and to stop sediment and other Pollutants from leaving the property or entering into Receiving Waters or into the City's Stormwater Conveyance System."*

SECTION EIGHT: Section 1106 shall be amended in its entirety to read:

"SECTION 1106. STORMWATER RUNOFF.

(a) Stormwater runoff shall not be carried over cut and fill slopes steeper than 5:1, but shall be provided for as follows:

(1) Whenever practicable, each lot shall be graded so that storm water will ~~drain from the backyard through the sideyard and front yard directly to the abutting street, with a drainage of 1% minimum toward approved drainage facilities, and~~ not *drain* across other lots or onto cut or fill slopes.

(2) When the above is not feasible as determined by the City Engineer, storm water shall be collected along the top of banks or at the rear of the graded lots by means of paved gutters, and carried to properly sized outfalls or area drains which shall serve as erosion control devices. Such discharge shall not be allowed to drain across the surface of sidewalks or parkways. Asphalt concrete may not be used. Downdrain ditches shall be a minimum of 18 inches deep.

(3) Where slopes are terraced at thirty (30) foot vertical intervals, drainage shall be provided in paved ditches a minimum of thirty-six (36) inches wide and twelve (12) inches deep. Construction of the ditches shall be as described for gutters and downdrains herein, and shall be located on the terraces with one side of the ditch two (2) feet from the toe of slope.

Where a terrace is constructed to conform to slope requirements, but is intended to be of a temporary nature, the City Engineer may waive the paving requirements, if a satisfactory surety bond or other means to guarantee improvement is posted with the City.

(4) Connecting downdrains between the interceptor drains and/or terrace ditches shall be constructed of poured Portland cement concrete or air-blown mortar, both reinforced with wire mesh, and of sufficient depth (a minimum of eighteen (18) inches deep) to allow for an unimpeded flow when terraces are crossed. If pipe downdrains of concrete or asbestos concrete are used, anchor lugs or collars may be required. Pipe specifications shall be approved by the City Engineer. Special design features shall be provided as required for abrupt changes of direction.

(5) The discharge from any downdrain, ditch, or pipe shall be controlled so as to prevent erosion of the adjacent grounds. Velocities shall be reduced by means of adequately sized aprons of rock, grouted rip rap, or box-type energy dissipators.

(b) Best Management Practices shall be implemented *as required by the Urban Runoff Management and Discharge Control Ordinance (Chapter 40 of the Oceanside City Code), including the Construction Urban Runoff Standards Manual attached as Appendix "A" to the Ordinance,* ~~during grading and construction activities~~ *to prevent erosion and stop sediment and Pollutants from discharging off the property, including but not limited to the following measures:*

(1) Phased grading;

(2) Revegetation as early as feasible;

(3) Preservation of natural hydrologic features;

(4) Preservation of riparian buffers and corridors;

(5) Maintenance of all source control and structural treatment Best Management Practices; and

(6) Retention and proper management of sediment and other construction pollutants on site."

SECTION NINE: Section 1501, subdivisions (a)(2) and (3) are modified, subdivisions (a)(4), (5) and (6) are added and subdivisions (b), (g) and (h) are modified to read as follows:

"SECTION 1501. EROSION CONTROL:

(a) General

(2) Grading *should be minimized during the wet season* and is prohibited on any single grading site under permit between October 15 and April 15 unless an erosion control plan has been approved or waived by the City Engineer. ~~Where necessary, temporary and/or permanent erosion control devices or methods~~, *Best Management Practices* as approved by the City Engineer, shall be employed to control erosion ~~and provide safety during this period~~ *and to prevent sediment and other Pollutants from discharging off the property.*

(3) The City Engineer may order the restriction or cessation of a Land Disturbance Activity or development operations upon determination that the weather, soil, slope or general site conditions may cause ~~serious~~ Accelerated Erosion, *damage on or off site,* or *the discharge of* sediment *or other Pollutants into Receiving Waters or into the City's Stormwater Conveyance System.* ~~damage either on-site or downstream from the site.~~

(4) *Erosion prevention shall be used for keeping sediment on site during grading and construction. Sediment controls shall be used as a supplement to erosion prevention and not as the single or primary method for keeping sediment on site.*

(5) *Areas to be cleared or graded and Land Disturbance Activities should be minimized to only the portion of the site that is necessary for construction. Exposure time of disturbed soil areas should be minimized and disturbed*

soil areas shall be temporarily reseeded as rapidly as possible and permanently revegetated or landscaped as early as feasible.

(6) *Slopes shall be stabilized in accordance with the requirements of this Ordinance.*

(b) Erosion Control Plans

(1) Erosion control plans shall be submitted to the City Engineer for approval concurrent with the grading permit application. No grading permit shall be issued unless an erosion control plan has been approved by the City Engineer. The erosion control plan may be waived for grading on single residential lot projects, provided that an erosion control system approved by the City Engineer is installed, placed, planted or constructed before October 15. An erosion control and/or sediment control plan is required if the City Engineer determines that *erosion may occur or that sediment or other Pollutants may discharge off the property.* ~~adversely affects adjacent public or private property.~~

(2) The erosion control plan shall include *Best Management Practices and other* protective measures, including desiltation basins or other temporary drainage measures, or both, *to prevent erosion and the discharge of sediment and other Pollutants off the property and* as may be necessary to protect adjoining public or private property from damage by erosion, flooding, or mud and/or debris deposits which may originate from the site or result from the grading operations.

(g) The contractor, permittee, *occupant* or property owner shall be responsible for inspection, modification and proper maintenance of the erosion control devices as necessary. If the contractor, permittee, *occupant* or property owner fails or refuses to properly maintain the devices, *or to ensure the effectiveness of the devises at preventing erosion and the discharge of sediment and other Pollutants from the property,* the City Engineer:

(1) May cause emergency maintenance work to be done in order to protect potentially impacted property *or to prevent erosion and stop sediment and other Pollutants from discharging off the property.* The cost shall be deducted from the cash deposit posted pursuant to Section 1503 of this Ordinance and shall include costs of initial mobilization and performance of the work;

(2) *May issue a Stop Work Order until such time as the erosion control system is completed, maintained and/or modified, installed and approved by the City Engineer.*

(3) Shall revoke the grading permit in writing, *after notice and an opportunity for an informal hearing before the City Engineer*. The permit shall not be renewed until an erosion control system approved by the City Engineer is installed.

(h) If any grading subject to Section 201 of this Ordinance, *or clearing subject to Section 502(c) of this Ordinance,* has commenced on private property without a valid grading permit, the property owner shall be required to obtain a valid permit before continuing any grading and may be required to prepare and implement an erosion control plan approved by the City Engineer. If the property owner fails to install an approved erosion control system, the City Engineer shall cause emergency work to be done to protect potentially impacted property, *and to prevent erosion and stop sediment and other Pollutants from discharging off the property, into Receiving Waters or into the City Storm Water Conveyance System,* and to protect environmentally sensitive areas. The procedures of Section 1501(b) and (c) of this Ordinance need not apply for emergency erosion control work between October 15 and April 15. The cost of such work shall be charged to the owner pursuant to the procedures set forth in Section 301 of this Ordinance."

SECTION TEN: Section 1503, subdivisions (a)(1) and (4) and (d)(1) are modified to read as follows:

"SECTION 1503. EROSION CONTROL SECURITY.

(a) Requirement for security.

(1) Compliance with all provisions of Section 1501 of this ordinance, *the Urban Runoff Management and Discharge Control Ordinance (Chapter 40 of the Oceanside City Code), any applicable NPDES Permit* and all other applicable ordinances.

(4) Completion of the erosion control system to ensure the continuous integrity of the system to the satisfaction of the City Engineer and as may be otherwise required by Section 1501 of this ordinance *and to prevent erosion and stop sediment and other Pollution from discharging off the property.*

(d) Utilization of cash deposit.

The City Engineer may cause certain erosion control work to be done under any of the following circumstances:

(1) Failure to commence emergency repair or maintenance work within twelve (12) hours of receipt of a demand therefore from the City Engineer or within twelve (12) hours of the City Engineer's attempt to communicate such demand via the telephone number provided by permittee pursuant to section 1501(b)1).

For purposes of this section, an emergency shall mean the existence of conditions whereby the failure to expeditiously commence and complete maintenance and repairs of an erosion control system *results in the discharge of sediment or other Pollutants from the property or* may reasonably be expected to cause imminent damage to adjacent or downstream private or public property as a result of erosion on the permittee's property."

SECTION ELEVEN. The City Clerk of the City of Oceanside is hereby directed to publish this ordinance, or the title hereof as a summary, pursuant to state statute, once within fifteen (15) days after its passage in the North County Times, a newspaper of general circulation published in the City of Oceanside.

SECTION TWELVE. This ordinance shall take effect and be in force on the thirtieth (30^{th}) day from and after its final passage.

INTRODUCED at a regular meeting of the City Council of the City of Oceanside, California, held on the ___ day of _____, 2001, and, thereafter,

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Oceanside California, held on the ____ day of _____, 2001, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

_____
MAYOR OF THE CITY OF OCEANSIDE

ATTEST:

APPROVED AS TO FORM:

_____
CITY CLERK

_____
CITY ATTORNEY

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