

ORDINANCE NO.

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA ADDING CHAPTER 22.87 TO TITLE 22 OF THE SANTA BARBARA MUNICIPAL CODE RELATING TO STORM WATER MANAGEMENT FOR DEVELOPMENT AND REDEVELOPMENT PROJECTS.

THE COUNCIL OF THE CITY OF SANTA BARBARA DOES ORDAIN AS FOLLOWS:

SECTION 1. Title 22 of the Santa Barbara Municipal Code is amended by adding a new Chapter 22.87, to read as follows:

Chapter 22.87

Storm Water Management

22.87.010 Definitions. For the purposes of this Chapter 22.87, the following words and phrases shall have the meaning indicated, unless the context or usage clearly requires a different meaning:

A. BEST MANAGEMENT PRACTICES (BMPs). Those activities, practices, and procedures to prevent, control, reduce, or remove the discharge of pollutants directly or indirectly to the storm drain system, surface waters, or waters of the State. BMPs include, but are not limited to, treatment practices and facilities to remove pollutants from storm water; operating and maintenance procedures; facility management practices to control site runoff, spillage, or leaks of non-storm water, water disposal, or drainage from raw materials storage; erosion and sediment control practices ; and the prohibition of specific activities, practices, and procedures and such other provisions as the City determines appropriate for the control of pollutants.

B. CREEKS DIVISION. The City of Santa Barbara Parks and Recreation Department Creeks Division.

C. GUIDANCE MANUAL. The City of Santa Barbara Storm Water Best Management Practices (BMP) Guidance Manual approved by

resolution of the City Council dated as of July 2013 and on file with the Santa Barbara City Clerk's Office.

D. IMPERVIOUS SURFACE. A hard surface which either prevents or retards the entry of water into soil, as would occur under natural conditions, or which causes water to run off the surface in greater quantities or at an increased rate of flow than would occur under natural conditions. Common impervious surfaces include, but are not limited to, roof tops, walkways, patios, driveways, parking lots, concrete or asphalt paving, gravel roads, compacted earthen materials, macadam, or other surfaces which impede the natural infiltration of storm water into the soil mantle. Open, uncovered retention/detention facilities (i.e., swimming pools, fountains, etc.) are not considered impervious surfaces.

E. MAINTENANCE OF PAVING. Maintenance of paving includes the following:

1. slurry sealing,
2. fog sealing,
3. crack sealing,
4. pot hole and square cut patching,
5. overlaying existing asphalt or concrete paving with asphalt or concrete without expanding the size of the impervious area,
6. resurfacing with in-kind material without expanding the size of the impervious area,
7. shoulder grading,
8. practices to maintain the original line and grade, hydraulic capacity, and overall footprint of the road or parking lot, or
9. repair or reconstruction of a road or parking lot due to slope failures, natural disasters, acts of God or other man-made disaster.

F. NEW DEVELOPMENT. Any land disturbing activity that includes site alteration (e.g., paving, grading, excavating, filling, or clearing), or the construction or installation of new structures, roads, driveways, parking, storage facilities, or other impervious surfaces on a lot that requires a building permit under the provisions of the California Building Code, as adopted and amended pursuant to Section 22.04.020 of this Code. Maintenance of paving is not considered new development or redevelopment of impervious area, even if a building permit is required.

G. POLLUTANT. An elemental or physical material that can be mobilized or dissolved by water or air and creates a negative impact to human health or the environment. Pollutants include suspended solids (sediment), heavy metals (such as lead, copper, zinc, and cadmium), nutrients (such as nitrogen and phosphorus), bacteria and viruses, organics (such as oil, grease, hydrocarbons, pesticides, and fertilizers), floatable debris, and increased temperature.

H. PROJECT SITE. For new development or redevelopment on private property, the project site is determined by the boundaries of the parcel. For new development or redevelopment on public property or the public right of way, the project site is determined on a case-by-case basis.

I. PROJECT TIER. The designation assigned to a development or redevelopment project based upon the scope and nature of the project pursuant to Section 1.4 and Appendix J of the City of Santa Barbara Storm Water Best Management Practices (BMP) Guidance Manual.

J. REDEVELOPMENT. Any land disturbing activity that includes the construction or installation of structures, parking, or other impervious surfaces that replaces or adds to existing structures, parking, or other impervious surfaces on a lot that requires a building permit under the provisions of the California Building Code, as adopted and amended pursuant to Section 22.04.020 of this Code. Maintenance of paving is not considered new development or redevelopment of impervious area, even if a building permit is required.

K. STORM WATER MANAGEMENT PROGRAM. The storm water management program is the City of Santa Barbara Storm Water Management Program dated as of _____ and approved by the Central Coast Regional Water Quality Control Board in satisfaction of the City's obligations under the state-wide permit for California under the National Pollutant Discharge Elimination System (NPDES) Phase II Regulations.

L. STORM WATER RUNOFF REQUIREMENTS. Storm water runoff requirements are site design elements and best management practices that are determined by the Community Development Department or the Public Works Department (in consultation with the Creeks Division) to satisfy the Storm Water Management Program's standards for: 1. peak runoff discharge management, 2. runoff volume reduction, and 3. water quality treatment as specified in Chapter 6 of the Storm Water Best Management Practices (BMP) Guidance Manual and Section 4.5 of the Storm Water Management Program.

22.87.020 Storm Water Runoff Requirements

New development or redevelopment within the City of Santa Barbara shall comply with the Storm Water Runoff Requirements applicable to the Project Tier to which the development or redevelopment project is assigned. The Storm Water Runoff Requirements for a particular new development or redevelopment will depend upon the Project Tier to which the new development or redevelopment is assigned pursuant to Section 1.4 and Appendix J of the Guidance Manual.

22.87.030 Scope of Project Evaluation.

A. MAINTAINING OR REDUCING PEAK RUNOFF DISCHARGE RATE. If the new development or redevelopment is subject to the requirement to maintain or reduce peak runoff discharge rates, then the discharge rate of the entire lot is considered when determining the pre-development and post-development runoff discharge rate.

B. VOLUME REDUCTION REQUIREMENTS. If the development or redevelopment is subject to the requirement for runoff volume reduction, the calculation of the runoff volume includes the change in discharge volume pre-development and post-development for the entire parcel.

C. WATER QUALITY TREATMENT. If the development or redevelopment is subject to the Storm Water Management Program

water quality treatment requirement, the project site includes all impervious surfaces on the lot, not just the area of the new development or the redevelopment.

22.87.040 Installation of Storm Water Runoff Requirements.

The owner of a lot on which new development or redevelopment triggers Storm Water Runoff Requirements shall install the site-specific Storm Water Runoff Requirements in accordance with the approved plans for the new development or redevelopment.

22.87.050 Maintenance of Storm Water Runoff Requirements.

The owner of any lot shall maintain and operate all Storm Water Runoff Requirements approved for the new development or redevelopment of the lot in accordance with their approved specifications.

22.87.060 Inspection and Monitoring.

A. Whenever the City Code Enforcement Officer has reasonable cause to believe that there exists, potentially exists, or has occurred in or upon any premises any condition which constitutes a violation of this Chapter 22.87, the City Code Enforcement Officer may seek consent from the responsible party to enter such premises to inspect the same to determine compliance with this Chapter.

B. If the City Code Enforcement Officer has been refused consent from the responsible party to enter any part of the premises, the City Code Enforcement Officer may seek issuance of an inspection warrant in accordance with California Code of Civil Procedure Section 1822.50, set eq., from any court of competent jurisdiction.

C. The City Code Enforcement Officer may require by written notice that any responsible party engaged in any activity or owning or operating any facility that may cause or contribute to pollution or illegal discharges to the storm drain system or waters of the State to undertake monitoring and analysis and to furnish reports regarding such monitoring and analysis to the City, at the responsible party's expense, as deemed necessary by the City Code Enforcement Officer to determine compliance with this Chapter.

D. The City Code Enforcement Officer may, in accordance with this section, take any samples and perform any testing deemed necessary by the City Code Enforcement Officer to determine compliance with this Chapter.

22.87.070 Enforcement.

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this chapter. Violations of this Chapter may be enforced in the methods specified in Chapters 1.25 and 1.28 of this Code.