62

(0-93-113) COR.COPY 09/09/93

ORDINANCE NUMBER 0- 17988

(NEW SERIES)

ADOPTED ON SEP 27

AN ORDINANCE AMENDING CHAPTER IV, ARTICLE 3, OF THE SAN DIEGO MUNICIPAL CODE BY ADDING DIVISION 3, ENTITLED STORMWATER MANAGEMENT AND DISCHARGE CONTROL, SECTIONS 43.0301, 43.0302, 43.0303, 43.0304, 43.0305, 43.0306, 43.0307, 43.0308, 43.0309, 43.0310, 43.0311, 43.0312, 43.0313 AND 43.0314, ALL RELATING TO STORMWATER MANAGEMENT AND DISCHARGE CONTROL.

BE IT ORDAINED, by the Council of The City of San Diego, as follows:

Section 1. That Chapter IV, Article 3, of the San Diego Municipal Code be and the same is hereby amended by adding Division 3, entitled "Stormwater Management and Discharge Control," and Sections 43.0301, 43.0302, 43.0303, 43.0304, 43.0305, 43.0306, 43.0307, 43.0308, 43.0309, 43.0310, 43.0311, 43.0312, 43.0313 and 43.0314, to read as follows:

# DIVISION 3

STORMWATER MANAGEMENT AND DISCHARGE CONTROL SEC. 43.0301 Purpose and Intent

The purposes of this Division are to further ensure the health, safety and general welfare of the citizens of The City of San Diego by controlling Non-Stormwater Discharges to the Stormwater Conveyance System; by eliminating discharges to the Stormwater Conveyance System from spills, dumping, or disposal of materials other than Stormwater; and by reducing

(O-93-113) COR.COPY 09/09/93

ORDINANCE NUMBER O- 17988 (NEW SERIES)
ADOPTED ON SEP 27 1993

AN ORDINANCE AMENDING CHAPTER IV, ARTICLE 3, OF THE SAN DIEGO MUNICIPAL CODE BY ADDING DIVISION 3, ENTITLED STORMWATER MANAGEMENT AND DISCHARGE CONTROL, SECTIONS 43.0301, 43.0302, 43.0303, 43.0304, 43.0305, 43.0306, 43.0307, 43.0308, 43.0309, 43.0310, 43.0311, 43.0312, 43.0313 AND 43.0314, ALL RELATING TO STORMWATER MANAGEMENT AND DISCHARGE CONTROL.

BE IT ORDAINED, by the Council of The City of San Diego, as follows:

Section 1. That Chapter IV, Article 3, of the San Diego Municipal Code be and the same is hereby amended by adding Division 3, entitled "Stormwater Management and Discharge Control," and Sections 43.0301, 43.0302, 43.0303, 43.0304, 43.0305, 43.0306, 43.0307, 43.0308, 43.0309, 43.0310, 43.0311, 43.0312, 43.0313 and 43.0314, to read as follows:

#### DIVISION 3

STORMWATER MANAGEMENT AND DISCHARGE CONTROL SEC. 43.0301 Purpose and Intent

The purposes of this Division are to further ensure the health, safety and general welfare of the citizens of The City of San Diego by controlling Non-Stormwater Discharges to the Stormwater Conveyance System; by eliminating discharges to the Stormwater Conveyance System from spills, dumping, or disposal of materials other than Stormwater; and by reducing

93 SEP -9 PM 3: 30
CITY CLENKS UFFICE
SAN DIEGO, CA

The state of the party of the great

KIND BY BY WARE IN THE

11,

graduating gradus so and his terms in the first production of

And the least of the control of the

17 W. Juli J.

医乳腺囊乳 化氯酚磺胺 化氯苯

SEP 27 1993

KKILL

Pollutants in urban Stormwater discharges to the maximum extent practicable.

The intent of this Division is to protect and enhance the water quality of our watercourses, water bodies, and wetlands in a manner pursuant to and consistent with the Federal Water Pollution Control Act (Clean Water Act, 33 U.S.C. section 1251 et seq.) and San Diego Regional Water Quality Control Board Order Number 90-42, which constitutes National Pollutant Discharge Elimination System ("NPDES") Permit No. CA0108758, as amended.

### SEC. 43.0302 Definitions

For purposes of this Division:

"Basin Plan" means the Comprehensive Water Quality
Control Plan for the San Diego Basin, adopted by the
Regional Water Quality Control Board, San Diego Region
in July 1975, and all subsequent amendments, on file in
the office of the City Clerk as Document No. 17988

"Best Management Practices" means schedules of activities, prohibitions of practices, general good house keeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce to the maximum extent practicable the discharge of Pollutants directly or indirectly to waters of the United States. Best Management Practices also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or

waste disposal, and drainage from raw materials storage.

"California Ocean Plan" means the California Ocean Plan: Water Quality Control Plan for Ocean Waters of California, adopted by the State Water Resources Control Board in September 1991, and all subsequent amendments, on file in the office of the City Clerk as Document No. 0-17988 - 2

"Employee Training Program" means a documented employee training program which may be required to be implemented by a business pursuant to a Stormwater Pollution Prevention Plan for the purpose of educating its employees on methods of reducing discharge of Pollutants to the Stormwater Conveyance System.

"Enclosed Bays and Estuaries Plan" means the

"California Enclosed Bays and Estuaries Plan: Water

Quality Control Plan for Enclosed Bays and Estuaries of

California," adopted by the State Water Resources

Control Board April 11, 1991, and all subsequent

amendments, on file in the office of the City Clerk as

Document No. 0-17988

"Enforcement Agency" means The City of San Diego or its authorized agents charged with ensuring compliance with this Division.

"Enforcement Official" means the City Manager or his designee or any agent of the City authorized to enforce compliance with this Division.

"Illegal Connection" means any physical connection to the Stormwater Conveyance System which has not been permitted by The City of San Diego or the San Diego Regional Water Quality Control Board.

"Illegal Discharge" means any discharge to the Stormwater Conveyance System that is not composed entirely of Stormwater, or is prohibited by federal, state, or local laws, or degrades the quality of Receiving Waters in violation of any Plan Standard.

"Inland Surface Water Plan" means the California
Inland Surface Waters Plan: Water Quality Control Plan
for Inland Surface Waters of California adopted by the
State Water Resources Control Board on April 11, 1991,
and all amendments thereto, on file in the office of
the City Clerk as Document No. 17988

"National Pollution Discharge Elimination System ("NPDES") Permit" means a permit issued by the San Diego Regional Water Quality Control Board or the State Water Resources Control Board pursuant to Division 7 of the California Water Code to control discharges from point sources to waters of the United States.

"Non-Stormwater Discharge" means any discharge to the Stormwater Conveyance System that is not entirely composed of Stormwater.

"Order 90-42" dated July 16, 1990, means San Diego Regional Water Quality Control Board Order 90-42, which constitutes NPDES Permit No. CA0108758, together with

all amendments, on file in the office of the City Clerk as Document No 27988.5

"Plan Standard" means any or all applicable requirements of the Basin Plan, the Enclosed Bays and Estuaries Plan, the Inland Surface Water Plan, and the California Ocean Plan.

"Pollutant" means solid waste, sewage, garbage, medical waste, wrecked or discarded equipment, radioactive materials, dredged spoil, rock, sand, industrial waste, and any organic or inorganic contaminant whose presence degrades the quality of the Receiving Waters in violation of any Plan Standard. "Pollutant" includes fecal coliform, fecal streptococcus, enterococcus, volatile organic carbon surfactants, oil and grease, petroleum hydrocarbons, total organic carbon lead, copper, chromium, cadmium, silver, nickel, zinc, cyanides, phenols, and biocides. A "pollutant" also includes any contaminant which can degrade the quality of the Receiving Waters in violation of any Plan Standard by altering pH, total suspended or settleable solids, biochemical oxygen demand, chemical oxygen demand, nutrients, or temperature.

"Premises" means any building, lot parcel, land or portion of land whether improved or unimproved.

"Receiving Waters" means surface bodies of water as described in Order No. 90-42 which serve as discharge points for the Stormwater Conveyance System,

including creeks, rivers, reservoirs, lakes, lagoons, estuaries, harbors, bays and the Pacific Ocean.

"Stormwater" means surface runoff and drainage associated with storm events and snow melt which is free of Pollutants to the maximum extent practicable.

"Stormwater Conveyance System" means those municipal and natural facilities within the City of San Diego by which Stormwater may be conveyed to waters of the United States, including any roads with drainage systems, municipal streets, catch basins, natural and artificial channels, aqueducts, canyons, stream beds, gullies, curbs, gutters, ditches, natural and artificial channels or storm drains.

"Stormwater Pollution Prevention Plan" means a document which describes the Best Management Practices to be implemented by the owner or operator of a business to eliminate or reduce to the maximum extent practicable Pollutant discharges to the Stormwater Conveyance System.

# SEC. 43.0303 Construction and Application

This Division shall be interpreted to assure consistency with the requirements of applicable federal and state laws, regulations, orders and permits, and with the purposes and intent of this Division.

# SEC. 43.0304 Discharge of Non-Stormwater Prohibited

Except as provided in Municipal Code section 43.0305, it is unlawful for any person to discharge Non-Stormwater to a Stormwater Conveyance System.

# SEC. 43.0305 Exemptions from Discharge Prohibition

The following discharges are exempt from the prohibition set forth in Section 43.0304:

- (a) Any discharge or connection regulated under a NPDES permit issued to the discharger and administered by the State of California pursuant to Division 7 of the California Water Code, provided that the discharger is in compliance with all requirements of the permit and other applicable laws and regulations.
- (b) Discharges from the following activities which do not cause or contribute to the violation of any Plan Standard:
  - (1) water line flushing and other discharges from potable water sources,
    - (2) landscape irrigation and lawn watering,
    - (3) rising ground waters or springs,
  - (4) pumped ground water not subject to any applicable NPDES Permit,
    - (5) passive foundation and footing drains,
    - (6) water from crawl space pumps,
    - (7) air conditioning condensation,
    - (8) non-commercial washing of vehicles,
  - (9) flows from riparian habitats and wetlands,
    - (10) dechlorinated swimming pool discharges,
    - (11) flows from fire fighting,
  - (12) waters not otherwise containing wastes as defined in California Water Code section

13050(d) and California Health and Safety Code section 25117.

- (c) Any discharge which the Enforcement Official, the local health officer or the Regional Water Quality Control Board determines in writing are necessary for the protection of the public health and safety.
- (d) Notwithstanding the exemptions provided by Municipal Code section 43.0305(a) and (b), if the Regional Water Quality Control Board or the Enforcement Official determines that any of these otherwise exempt discharges cause or significantly contribute to violations of any Plan Standard, or convey significant quantities of Pollutants to surface waters, or are a danger to public health or safety, such discharges shall be prohibited from entering the Stormwater Conveyance System.

# SEC. 43.0306 Discharge in Violation of Permit Prohibited

It is unlawful for any person to cause either individually or jointly any discharge to the Stormwater Conveyance System which results in or contributes to a violation of Order 90-42.

# SEC. 43.0307 Illegal Connections Prohibited

It is unlawful for any person to establish, use, or maintain any Illegal Connection to the Stormwater Conveyance System. This section expressly supersedes any City permit or earlier authorization for said

discharge, but is subject to the exceptive provisions of Municipal Code section 43.0305(a).

## SEC. 43.0308 Reduction of Pollutants in Stormwater

Any person engaged in activities which may result in Pollutants entering the Stormwater Conveyance System shall, to the maximum extent practicable, undertake all measures to reduce the risk of Non-Stormwater or Pollutant discharges. The following requirements shall apply:

- (a) Business Related Activities.
- (1) Stormwater Pollution Prevention Plan:
  The Enforcement Official may require any business in the City that is engaged in activities which may result in Pollutant discharges to develop and implement a Stormwater Pollution Prevention Plan, which must include an Employee Training Program.
  Business activities which may require a Stormwater Pollution Prevention Plan include maintenance, storage, manufacturing, assembly, equipment operations, vehicle loading or fueling, or cleanup procedures which are carried out partially or wholly out of doors.
- (2) Coordination with Hazardous Materials
  Release Response Plans and Inventory: Any
  business subject to the Hazardous Materials
  Release Response and Inventory Plan, Chapter 6.95
  of the California Health and Safety Code, shall
  include in that Plan provision for compliance with

this Division, including the prohibitions on Non-Stormwater Discharges and Illegal Discharges, and the requirement to reduce release of Pollutants to the maximum extent practicable.

(b) Parking Lots and Impervious Surfaces.

Persons owning or operating a parking lot or impervious surfaces used for similar purposes shall clean those structures frequently and thoroughly to prevent the discharge of pollutants to the Stormwater Conveyance System to the maximum extent practicable. Sweepings or cleaning residue from parking lots or impervious surfaces shall not be swept or otherwise made or allowed to go into any gutter or roadway.

(c) New Developments and Redevelopments.

Any person performing construction work in the City of San Diego shall, to the maximum extent practicable, prevent Pollutants from entering the Stormwater Conveyance System by complying with all applicable local ordinances, the Standard Specifications for Public Works Construction when performing public work, and applicable provisions of any General Construction NPDES permit issued by the State Water Resources Control Board. The Enforcement Official may establish controls on the volume and rate of Stormwater runoff from new developments and redevelopments as may be reasonably necessary to minimize the discharge and transport of pollutants.

(d) Compliance with General Permits.

Each industrial discharger, discharger associated with construction activity, or other discharger subject to any general Stormwater NPDES Permit issued by the United States Environmental Protection Agency, the State Water Resources Control Board, or the San Diego Regional Water Quality Control Board, shall comply with all requirements of such permit, which may include the General Industrial Stormwater Permit, the General Construction Activity Stormwater Permit, and/or the General Dewatering Permit.

(e) Compliance with Best Management Practices.

Every person undertaking any activity or use of a premises which may cause or contribute to Stormwater pollution or contamination, Illegal Discharges, or Non-Stormwater Discharges shall comply with Best Management Practices guidelines or pollution control requirements as may be reasonably established by the Enforcement Official.

# SEC. 43.0309 Containment and Notification of Spills

Any person owning or occupying a premises who has knowledge of any significant release of Pollutants or Non-Stormwater from those premises which might enter the Stormwater Conveyance System shall immediately take all reasonable action to contain the release and minimize any Non-Stormwater Discharge. Such person shall notify the Enforcement Agency within 24 hours of the Non-Stormwater release.

# SEC. 43.0310 Stormwater Conveyance System Protection

- (a) Every person owning or occupying property through which a natural watercourse of a Stormwater Conveyance System passes shall:
  - (1) Keep and maintain that part of the watercourse within the property reasonably free of trash, debris and other obstacles which would pollute, contaminate, or retard the flow of water through the Stormwater Conveyance System; and
  - (2) Maintain existing structures within or adjacent to such a watercourse so that those structures will not become a hazard to the use, function, or physical integrity of the Stormwater Conveyance System; and
  - (3) Not remove healthy bank vegetation beyond that reasonably necessary for maintenance, nor remove vegetation in such a manner as to increase the vulnerability of the watercourse to erosion.
- (b) It is unlawful for any person to commit or cause to be committed any of the following acts, without a written permit from the Regional Water Quality Control Board:
  - (1) Discharge pollutants into, or connect any pipe or channel, to a natural watercourse.
  - (2) Modify the natural flow of water in a watercourse.

- (3) Undertake developments within thirty feet of the center line of any watercourse or twenty feet of the top of a watercourse bank, whichever is the greater distance from the top of the bank.
- (4) Deposit or plant any Pollutant in a watercourse, or remove any material from a watercourse, including its banks.
- (5) Construct, enlarge, change, or remove any structure in a watercourse.
- (6) Place any loose or unconsolidated material along the side of a watercourse so close to its bank as to create a potential for those materials entering the watercourse.

# SEC. 43.0311 Enforcement Authority

- (a) The Enforcement Agency and Enforcement
  Official can exercise any enforcement powers as
  provided in San Diego Municipal Code Chapter I,
  Article 3, as may be necessary to effectively implement
  and enforce this Division.
- (b) In addition to the general enforcement powers provided in Municipal Code Chapter I, the Enforcement Agency and Enforcement Official may exercise any of the following supplemental enforcement powers as may be necessary under the circumstances:
  - (1) Sampling Authority: During any inspection, the Enforcement Official may take samples deemed necessary in order to implement and

-PAGE 13 OF 17- COR.COPY 9/10/93

RECEIVELLO 93 SEP 10 PM 4: 54 CITY CLERKS OFFICE SAN DIEGO, CA

The same of the second of the s

enforce the provisions of this Division. This may include the installation of sampling and metering devices on private property, or requiring the person owning or occupying the premises to supply samples.

- Enforcement Official may issue an administrative order to any person owning or occupying a premises to cease and desist all activities that may cause or contribute to a discharge in violation of this Division. This order may also require the responsible person to: (i) comply with the applicable provisions and policies that govern this Division; (ii) comply within the designated time frame for compliance; (iii) take appropriate remedial or preventative action to keep the violation from recurring.
- (3) Notice to Clean and Abate: The Enforcement Official may issue administrative orders to any person owning or occupying a premises to clean up and abate any release of Pollutants on those premises which may result in a violation of this Division. The Enforcement Official may also order abatement of Pollutant storage practices which may reasonably result in such a violation.
- (4) Monitoring and Mitigation: The Enforcement Official may require reasonable

monitoring of discharges from any Premises to the Stormwater Conveyance System and shall have authority to order the mitigation of circumstances which may result in Illegal Discharges to the maximum extent practicable.

- (5) Stormwater Pollution Prevention Plan:
  The Enforcement Official shall have the authority
  to establish elements of a Stormwater Pollution
  Prevention Plan, and to require any business to
  adopt and implement such a Plan pursuant to
  Municipal Code section 43.0307(a), as may be
  reasonably necessary to fulfill the purposes of
  this Division.
- (6) Employee Training Program: The Enforcement Official shall have the authority to establish the elements of an Employee Training Program, as may be necessary to fulfill the purposes of this Division, where such a Program has been required as an element of a Stormwater Pollution Prevention Plan.
- (7) Best Management Practices: The Enforcement Official may establish the requirements of Best Management Practices for any premises pursuant to Municipal Code section 43.0308(e).

## SEC. 43.0312 Enforcement Remedies

(a) It shall be unlawful for any person, corporation or association to violate the provisions

and requirements of San Diego Municipal Code
sections 43.0301 through 43.0314. Violations of these
provisions can be prosecuted as misdemeanors subject to
the penalties provided in San Diego Municipal Code
section 13.0201. The Enforcement Official
alternatively can seek injunctive relief or civil
penalties in the Superior Court pursuant to San Diego
Municipal Code section 13.0202, or pursue any
administrative remedy provided in San Diego Municipal
Code Chapter I, Division 3.

(b) Notwithstanding the provisions of Section 43.0312(a) above, any person alleged to have violated this Division shall have a right to a public hearing on that alleged violation before the Transportation and Land Use ("T&LU") Committee prior to the filing of any civil action by the Enforcement Official. If the Enforcement Official pursues any administrative remedy against any person alleged to have violated this Division, such person shall have the right of final administrative appeal to the T&LU Committee, and this right shall be deemed to be in addition to any other right of appeal provided in San Diego Municipal Code Chapter I, Article 3, Division 3. If the alleged violator requests such a hearing, the T&LU Committee shall render a decision on the Enforcement Officer's recommendation to pursue civil action, or in an administrative case, render a final administrative decision. Notice shall be given to

ı

affected persons not less than ten days prior to any hearing by the T&LU Committee pursuant to this subsection.

(c) Section 43.0312(b) shall not apply to actions taken or recommendations made by the Enforcement
Official pursuant to San Diego Municipal Code sections
13.0201 and 13.0306.

# SEC. 43.0313 Remedies Not Exclusive

Remedies under this Article are in addition to and do not supersede or limit any and all other remedies, civil or criminal. The remedies provided for herein shall be cumulative and not exclusive.

# SEC. 43.0314 Reporting and Review of Enforcement

One year after the effective date of this

Division, the City Manager shall promptly report to the

T&LU Committee on the status of the enforcement of this

Division and the pattern of discharges to the

Stormwater Conveyance System.

Section 2. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: JOHN W. WITT, City Attorney

y fredsuit

rederick M. Ortlieb
Deputy City Attorney

FMO:1c 07/08/93 09/09/93 COR.COPY Or.Dept:E&D 0-93-113 Form=o+t

the following vote:				
Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer				
Ron Roberts				
John Hartley				
George Stevens				
Tom Behr				
Valerie Stallings				
Judy McCarty				
Juan Vargas				
Mayor Susan Golding	Q			
THENTICATED BY:		SUSAN GOLDING  Mayor of The City of San Diego, California.		
		CHARLES G. ABDELNOUR		
(Seal)		**********************		an Diego, California.
		ву Ми	an C	<i>plda</i> , Dep
			V	
SEP 1 3 1993	ntroduction and	the day of its		t, on
elapsed between the day of its in SEP 1 3 1993	ntroduction and	and on	final passage, to wi	t, on 1993
I elapsed between the day of its in SEP 1 3 1993  I FURTHER CERTIFY that satisfactors a majority of the memberation of each member of the C	id ordinance was he reading of sai	and on	SEP 27  Tior to its final pass  In full was dispense the day of its pass  CHARLES G. AB	t, on 1993  wage.  ed with by a vote of a available for the coage a written or print  DELNOUR
I elapsed between the day of its in SEP 1 3 1993  I FURTHER CERTIFY that satisfact than a majority of the memberation of each member of the C	id ordinance was he reading of sai	and on	SEP 27  Tior to its final pass  In full was dispense the day of its pass  CHARLES G. AB	t, on 1993  Mage.  ed with by a vote of rest available for the coage a written or print
I elapsed between the day of its in SEP 1 3 1993  — I FURTHER CERTIFY that sate than a majority of the memberation of each member of the Copy of said ordinance.	id ordinance was he reading of sai	and on	SEP 27  Tior to its final pass  In full was dispense the day of its pass  CHARLES G. AB	t, on 1993  wage.  ed with by a vote of rest available for the coage a written or print  DELNOUR
I elapsed between the day of its in SEP 1 3 1993  I FURTHER CERTIFY that sate than a majority of the memberation of each member of the Copy of said ordinance.	id ordinance was he reading of sai	and on	SEP 27  Tior to its final pass  In full was dispense the day of its pass  CHARLES G. AB	t, on 1993  eage.  ed with by a vote of rest available for the coage a written or print  DELNOUR  can Diego, California.  Deposition of the coage a written or print  DELNOUR  can Diego, California.

CC-1255-A (Rev. 2-93)

٨

4-97-98 458

Office of
The City Attorney
City of San Diego

MEMORANDUM

236-6220

RECEIVED CITY CLERY SCRAPE 93 OCT 15 PM 3: 34 SAN DIEGO, CALIF.

DATE:

October 14, 1993

TO:

City Clerk

FROM:

City Attorney

SUBJECT:

Modification of Chapter I Municipal Code Numbering As Related to Stormwater Management and Discharge

Control Ordinance (0-17988 N.S.)

Pursuant to Section 11.0207 of the San Diego Municipal Code, certain references to provisions of Chapter I which are made in Chapter IV, Article 3, require modification of numbering. This is due to the fact that the recent renumbering of provisions in Chapter I was overlooked when Chapter IV, Article 3 was adopted.

Specifically, the references to provisions of Chapter I that are made in Section 43.0312 require renumbering to match the recent renumbering of Chapter I. The references in these subsections to Section 43.0312 should be corrected as follows:

43.0312(a) The reference to section "13.0201" should be "12.0201"

The reference to section "13.0202" should be "12.0202"

The reference to Chapter I, Division 3" should more specifically read "Chapter I, Article 2, Divisions 3 through 10"

- 43.0312(b) The reference to "Chapter I, Article 3, Division 3" should instead be "Chapter I, Article 2, Divisions 3 through 10"
- 43.0312(c) The references to "sections 13.0201 and 13.0306" should instead refer to "Chapter I, Division 7"

Clerk's Office October 14, 1993 Page 2

These revisions do not affect the substantive content of the Stormwater Management and Discharge Control Ordinance (sections 43.0301 through 43.0314). Renumbering the references to provisions in Chapter I now set forth in Section 43.0312 will be absolutely necessary to achieve the substantive intent of the ordinance. This modification of numbering may lawfully be executed without action by the City Council in situations where the City Attorney, in consultation with the City Clerk and other affected departments, determines such renumbering is necessary.

Please reply immediately in regard to the necessity of the renumbering discussed above so changes can be made official as soon as possible.

JOHN W. WITT, City Attorney

Jacobenick M. Oxoliel

Ву

Frederick M. Ortlieb Deputy City Attorney

FMO:mb:014

cc Bob Cain, Design Division Engineering & Development

9-27-95

Office of The City Attorney City of San Diego

## **MEMORANDUM**

236-6220

RECEIVED CITY GLEFAT ATTEME 93 OCT 15 PM 3: 34 SAN DIEGO, CALIF.

DATE:

October 14, 1993

TO:

City Clerk

FROM:

City Attorney

SUBJECT:

Modification of Chapter I Municipal Code Numbering As Related to Stormwater Management and Discharge

Control Ordinance (0-17988 N.S.)

Pursuant to Section 11.0207 of the San Diego Municipal Code, certain references to provisions of Chapter I which are made in Chapter IV, Article 3, require modification of numbering. This is due to the fact that the recent renumbering of provisions in Chapter I was overlooked when Chapter IV, Article 3 was adopted.

Specifically, the references to provisions of Chapter I that are made in Section 43.0312 require renumbering to match the recent renumbering of Chapter I. The references in these subsections to Section 43.0312 should be corrected as follows:

43.0312(a) The reference to section "13.0201" should be "12.0201"

The reference to section "13.0202" should be "12.0202"

The reference to Chapter I, Division 3" should more specifically read "Chapter I, Article 2, Divisions 3 through 10"

- 43.0312(b) The reference to "Chapter I, Article 3,
  Division 3" should instead be "Chapter I,
  Article 2, Divisions 3 through 10"
- 43.0312(c) The references to "sections 13.0201 and 13.0306" should instead refer to "Chapter I, Division 7"

Clerk's Office October 14, 1993 Page 2

These revisions do not affect the substantive content of the Stormwater Management and Discharge Control Ordinance (sections 43.0301 through 43.0314). Renumbering the references to provisions in Chapter I now set forth in Section 43.0312 will be absolutely necessary to achieve the substantive intent of the ordinance. This modification of numbering may lawfully be executed without action by the City Council in situations where the City Attorney, in consultation with the City Clerk and other affected departments, determines such renumbering is necessary.

Please reply immediately in regard to the necessity of the renumbering discussed above so changes can be made official as soon as possible.

JOHN W. WITT, City Attorney

Jackewich M. Onlieb

By

Frederick M. Ortlieb Deputy City Attorney

FMO:mb:014 cc Bob Cain, Design Division Engineering & Development SEC. 11.0207 Numbering of Municipal Code Chapters, Articles, Divisions And Sections

The City Attorney, in consultation with the City Clerk and other affected departments, is hereby granted the authority to establish and modify, as necessary, the numbers for the various chapters, articles, divisions, sections, and parts of each within the Municipal Code without the necessity for City Council action.

(Added on 5-3-93 May 03,1993 by 0-17909 N.S.) -- DOCUMENT-END--

# CERTIFICATE OF PUBLICATION

RECEIVED CITY CLERK'S OFFICE 93 OCT 18 AM 9: 21 SAN DIEGO. CALIF.

OFFICE OF THE CITY CLERK 2ND FLOOR CITY ADMINISTRATION BUILDING 202 C STREET SAN DIEGO, CA 92101

IN THE MATTER OF

NO.

AN ORDINANCE AMENDING CHAPTER IV, ARTICLE 3, OF THE...

ORDINANCE NUMBER O-17988 (NEW SERIES) AN ORDINANCE AMENDING CHAPTER IV, ARTICLE 3, OF THE SAM DIEGO MUNICIPAL CODE BY ADDING DIVISION 3, ENTITLED STORMWATER MANAGEMENT AND DISCHARGE CONTROL, SECTIONS 43.0301, 43.0302, 43.0303, 43.0304, 43.0308, 43.0309, 43.0311, 43.0308, 43.0312 AND 43.0314, ALL RELATING TO STORMWATER MANAGEMENT AND DISCHARGE CONTROL.

This ordinance adds a new division to pollution control regulations to bring the City into compliance with California Regional Water Quality Control Board and National Pollutant Discharge Elimination Permit System requirements on storm drains. It requires the use of best management practices to reduce the risk of pollution to storm drains.

A complete copy of the Ordinance is available for inspection in the Office of the City Clerk of the City of San Diego, 2nd floor, City Administration Building, 202."(" Street, San Diego, Ca 92101

INTRODUCED ON SEP 13 1993

Passed and adopted by the Council of the City of San Diego on SEP 27 1993."

AUTHENTICATED BY: SUSAN GOLDING
Mayor of The City of San Diego, CA
CHARLES G. ABDELNOUR
CHARLES G. ABDELNOUR City Clerk of The City of San Diego, CA

SEAL Pub. Oct. 11

BYMARY CEPEDA, Deputy

270359

I. Corey Donahue, am a citizen of the United States and a resident of the county aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the San Diego Daily Transcript, a newspaper of general circulation, printed and published daily, except Saturdays and Sundays, in the City of San Diego, County of San Diego and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of San Diego, State of California, under the date of January 23, 1909, Decree No. 14894; and the

ORDINANCE NUMBER 0-17988 (NEW SERIES)

is a true and correct copy of which the annexed is a printed copy and was published in said newspaper on the following date(s), to wit:

OCT. 11

I certify under penalty of perjury that the foregoing is true and correct.

Dated at San Diego, California this 11th day of OCT.

(Signature)

2518" = \$71.68