Chapter 7.10 URBAN RUNOFF POLLUTION

7.10.010 Findings.

The City Council finds and declares:

(a) Urban runoff flows from individual properties onto streets and alleys, then through storm drains to the beaches. It is therefore in the public interest to ensure that both public and private drainage systems are properly maintained in order to facilitate the proper functioning of the City’s storm and surface water drainage system, and to prevent pollutants from entering the Santa Monica Bay.

(b) The number of beach closures and postings in the state due to ocean pollution continue at unacceptable levels, especially in Southern California. Urban runoff is the single largest source of this ocean pollution, and consequently, is a substantial threat in the State to public health and water quality.

(c) The City is a co-permittee under the Los Angeles County National Pollutant Discharge Elimination System (NPDES) Municipal Permit and as such is obligated to implement a Standard Urban Storm Water Mitigation Plan (“SUSMP”) or equivalent, post-construction Best Management Practice (“BMP”) and Total Maximum Daily Loads (TMDLs) to reduce the entry of pollutants into the City storm drain system and to reduce the overall amount of urban runoff entering the Santa Monica Bay and the Ballona Creek.

(d) In order to reduce runoff pollution and volume from private and publicly-owned properties planned for development, a program is required to ensure that new developments/re-developments or construction projects incorporate design elements, such as post-construction BMPs, construction BMPs, and Low Impact Development strategies, and that existing properties adopt “good housekeeping practices.

(e) Southern California experiences cycles of drought, which can lead to dramatic water use cutbacks. The current state-wide declaration of drought is a signal to local governments to promote sustainable uses of non-traditional, non-potable local water supplies, such as rain water and storm water, in place of more valuable potable water, which is often imported from distant watersheds at great environmental costs.

(f) To promote sustainable solutions for urban runoff pollution and the use of local non-potable water supplies, the City strongly encourages the use of rain water and storm water harvested by post-construction BMPs, where runoff is collected and stored for non-potable onsite uses.

(g) The generation of dry weather runoff is prohibited and may result in citations or other enforcement actions, unless authorized by the NPDES permit or local regulations.
(h) It is in the best interest of the City to establish guidelines for control of the quality and quantity of urban runoff within the City.

7.10.020 Purpose.

The purpose of this Chapter is to permanently modify the behavioral and structural causes of urban runoff pollution by reducing runoff volume and pollution from existing residential and non-residential properties and from future parcel developments. This purpose has two main goals. First, ensure that project parcels maximize onsite storage and use, or percolation of runoff through a hierarchy of post-construction BMP strategies, called Low Impact Development. Second, ensure that rain water is contained onsite so as not to become more polluted as it enters the municipal storm drain system and eventually the Santa Monica Bay.

7.10.030 Definitions.

The following words and phrases shall have the following meanings when used in this Chapter:

(a) **Accessory Building**. A detached building on the same parcel as the principal building, which is incidental and subordinate to the principal building in terms of both size and use, regardless of distance from the principle building principal building.

(b) **Area Susceptible to Runoff**. Any non-permeable surface directly exposed to precipitation or in the path of runoff which leads directly to neighboring properties or to the public right-of-way.

(c) **Best Management Practices (“BMPs”)**. Non-structural and structural, and temporary and permanent practices that reduce the pollution contained in, and the volume of, water which runs into storm drains, treatment facilities and the Santa Monica Bay. The Los Angeles Regional Water Quality Board (“Regional Board”) has an authorized list of BMPs and a list of technical resources and reference materials. Any BMP not specifically authorized by the Regional Board may be used if it has been recommended in the City’s *Example Best Management Practices*, and *Resources and Reference* technical materials, which may be updated periodically by the Director of Public Works or his/her designee. **Post-construction BMPs** not found in these two lists may be submitted to the Regional Board and City for consideration of authorization. Such BMPs shall have gone through a 3rd party assessment that includes volume sizing, filtering effectiveness and climate appropriateness. The City shall maintain updated copies of these materials and shall provide them upon request, including a list of 3rd party assessment agencies and the City’s *Hierarchy of BMPs* to assist developers in complying with this ordinance and using sustainable solutions. These BMPs include but are not limited to **good housekeeping requirements (GHR)**, **post-construction BMPs**, **source control BMPs** and **treatment control BMPs**.

(d) **Environmentally Sensitive Area (ESA)**. Area designated by the Regional Board requiring special protection because of its landscape, wildlife or historical value.
(e) **Good Housekeeping Requirements (“GHR”).** Urban runoff pollution control practices applicable to existing properties, which have been demonstrated to significantly reduce and control urban runoff, such as source and treatment control BMPs.

(f) **Green Transportation Infrastructure.** Streets, roads and alleys that have post-construction BMPs to harvest runoff for storage and onsite use, including green streets and green alleys.

(g) **Hardscape.** Any impermeable surface exposed to precipitation or runoff.

(h) **Hierarchy of BMPs.** A list of acceptable post-construction BMP categories that identifies the most sustainable to least sustainable strategies to reduce urban runoff pollution in compliance with this ordinance.

(i) **Low Impact Development (LID).** LID is a comprehensive stormwater management, land planning and engineering design approach with a goal of conservation and the use of onsite natural features, and of maintaining and enhancing the pre-development hydrologic regime of urban and developing watersheds, including individual parcels, through the use of BMPs.

(j) **Municipal Separate Storm Sewer System (MS4).** An MS4 is a municipal piping system that conveys dry weather runoff or storm water from individual parcels and public right-of-ways to storm drains, treatment facilities and the Santa Monica Bay.

(k) **National Pollutant Discharge Elimination System (NPDES).** This system is implemented and enforced by a permit issued by the U.S. Environmental Protection Agency, State Water Resources Control Board, or the California Regional Water Quality Control Board pursuant to the Clean Water Act that authorizes discharges to waters of the United States and requires the reduction of pollutants in the discharge.

(l) **New Development/Re-development.** For purposes of this Chapter, New development/Re-development shall constitute any of the following:

(1) Any construction project on a vacant parcel.

(2) Any construction project that (a) creates, adds, or replaces at least five thousand square feet of impervious surfaces, or a new garage approach or driveway, (b) adds fifty percent or greater of the square footage of a structure, (c) is a substantial remodel or (d) adds or replaces 50% or greater of the exterior footprint of a structure on a parcel.

(3) Any construction project that involves a separate new structure with an exterior footprint of 400 square feet or more, including an accessory building, on one parcel with existing structures.
(4) Projects located in or directly adjacent to, or discharging directly to, an Environmentally Sensitive Area.

(5) Any project that is phased or cumulative over a 36-month period shall be required to comply with all runoff mitigation requirements.

(m) **Post-Construction BMP.** A permanent, structural BMP that remains on a parcel after the completion of a *new development/re-development* project to comply with urban runoff mitigation requirements.

(n) **Principal Building.** The building containing the primary or predominant use of any site.

(o) **Project Mitigation Volume.** The amount of runoff produced by a storm event falling on all impermeable surfaces of a parcel unless the new development/redevelopment project adds or replaces less than 50% of the principal building of the parcel, if any, and the new development/redevelopment project’s square footage is less than 50% of all existing structures on the property in which case the project mitigation volume shall be the amount of runoff produced by a storm event falling on the impermeable surfaces of the structure(s) within the scope of the new development/redevelopment project and its/their proportional parking areas.

(p) **Rainwater Harvesting.** The process of collecting, treating, storing and using rain water from onsite or offsite impermeable areas for non-potable uses.

(q) **Source Control BMP.** Non-structural activities, practices, and procedures that are designed to prevent urban runoff pollution.

(r) **Standard Urban Storm Water Mitigation Plan (SUSMP).** Plans developed by the Los Angeles County that designate post-construction BMPs that must be used in the nine specified categories of development projects to comply with the regional NPDES permit.

(s) **Storm Event.** 0.75 inches of rainfall within a 24 hour period that is separated from the previous storm event by at least seventy-two hours of dry weather.

(t) **Storm Water.** Rain water that has become runoff on a property and flows off the property and enters the MS4.

(u) **Structural BMP.** Any temporary or permanent structural facility designed and constructed to mitigate the adverse impacts of storm water and urban runoff pollution.

(v) **Substantial Remodel.** A substantial remodel involves the removal, in whole or part, of a structure. A structure shall be deemed to have been substantially remodeled or demolished if at least fifty percent of exterior walls have been removed or relocated for any duration of time.

In determining whether a project is a substantial remodel, a wall shall be deemed to be demolished if the structural supporting members (columns, two-by-fours, or other such elements) of the wall have been removed or are no longer attached to the foundation. The roof structure
must also be retained unless the roof line is being modified or additional floors are being added, in which case the roof structure may be removed.

Demolition and new construction shall mean the same as substantial remodel as defined above.

(w) **Total Maximum Daily Load** (TMDL). A calculation that establishes the maximum amount of an impairing substance or stressor (e.g. pollutant) that a water body can receive and assimilate, and still safely meet Water Quality Standards, defined by the federal Clean Water Act.

(x) **Treatment Control BMP**. Any engineered system designed to remove pollutants by gravity settling of particulate pollutants, filtration, biological uptake, media adsorption or any other physical, biological or chemical process, such as structural BMPs.

(y) **Unit Cost**. Monetary amount established by a resolution of the City Council based on the average cost per gallon of runoff for the City to construct post-construction BMPs on City properties during a five (5) year period prior to the adoption of the resolution. This cost shall be an equivalent option under the hierarchy of BMPs.

(z) **Urban Runoff**. Surface water flowing off of a parcel and into the MS4.

(aa) **Urban Runoff Pollution**. Suspended or dissolved contaminants within urban runoff including but not limited to sediments, heavy metals, organic chemicals, nutrients, oil and grease, trash and bacteria flowing through the MS4 to a storm drain, treatment facility and the Santa Monica Bay.

(bb) **Urban Runoff Mitigation Plan**. A plan that shall be submitted and approved in connection with any project that is subject to 7.10.050.

(cc) **Urban Runoff Reduction Fee**. A fee paid to the City by the applicant pursuant to Section 7.10.050 (q) in lieu of constructing a post-construction BMP to comply with this Chapter.

7.10.040 Good housekeeping requirements for reduction of urban runoff applicable to all properties.

The following good housekeeping requirements shall be adhered to by all persons within the City and shall apply to all properties, public and private.

(a) **Collection, Storage and Minimization of Runoff**.

(1) Water used for irrigation purposes shall not be allowed to run off of a parcel.
(2) Washing down paved areas shall be prohibited unless necessary for health or safety purposes and not in violation of any other provision of this Code. If washing down paved areas is authorized pursuant to this subdivision (2), pressure washing shall be performed, and BMP measures shall be implemented to first remove solids, such as litter and debris, sediments and any visible liquid hydrocarbons and other chemicals before washing begins, and to collect and dispose of this wash water into the sanitary sewer only or direct wash water to permeable landscaped areas.

(3) The uncovered outdoor storage of unsealed containers of structure materials and lawn and automotive care products containing substances that may contribute pollutants to the storm water conveyance system is prohibited.

(4) Commercial tenants, multi-family structure managers and industrial owners shall on a weekly basis inspect trash receptacles, refuse and recycling storage areas, and other areas that may collect debris or attract animals for loose garbage and liquid waste residue and shall not allow such garbage and residue to accumulate or enter the storm drain system. Trash receptacles shall have solid covers and shall be closed at all times other than during trash disposal to prevent the entry of rain and animals, and the exit of wind-blown litter. Trash receptacles shall be maintained without broken covers and leaks.

(5) Swimming pools, hot tubs, spas, fountains and water features shall be drained to permeable surfaces and/or to the sanitary sewer, and the water shall not be allowed to flow along the ground surface and into the public right-of-way.

(b) Maintenance of Equipment.

(1) Objects, such as vehicle motor parts containing grease, oil or other hazardous substances, and unsealed receptacles containing hazardous materials shall not be stored in areas susceptible to precipitation or runoff.

(2) Any machine which is to be repaired or maintained in an uncovered outdoor area shall be placed on a pad of absorbent material to contain leaks, spills or small discharges.

(3) Machinery and equipment, including motor vehicles that are leaking significant amounts of oil or fluids must be repaired immediately. Any leaks shall not be allowed to leave the property or enter the MS4.

(c) Removal of Debris and Residue.

(1) All motor vehicle parking lots susceptible to precipitation or runoff shall be swept, at minimum, on a monthly basis to remove debris. Lots with more than ten parking spaces and all public parking facilities shall be vacuum swept, at minimum, on a quarterly basis. However, lots are not required to be vacuum swept for one month following a day when precipitation of one-half inch or more occurs.
Fuel and chemical residue or other types of potentially harmful material, such as animal waste, garbage or batteries, which is located in an area susceptible to precipitation or runoff, shall be removed immediately and disposed of properly. Household hazardous waste may be disposed of at the City’s household hazardous waste collection facility or at any other appropriate disposal site and shall not be placed in a trash container.

Intentional disposal of any trash, litter, animal waste, debris or hazardous material of any type into the public right-of-way (storm drain conveyance system) or a storm drain or catch basin is prohibited. Section 5.20.040 of this Code prohibits discharge of other types of pollutants into the storm drain.

7.10.050 Urban runoff reduction requirements for new development/re-development.

The following urban runoff reduction requirements shall apply to all persons submitting applications for New Development/Re-development within the City.

(a) At the time of submittal of an application for a new development/re-development project, an applicant shall be required to submit an Urban Runoff Mitigation Plan to the Department of Public Works.

(b) The Urban Runoff Mitigation Plan shall demonstrate that an applicant will either store and use for non-potable purposes, infiltrate, or treat and release the Project Mitigation Volume through incorporation of design element specified in subsection (c) of this Section, or alternatively, pay an Urban Runoff Reduction Fee in accordance with subsection (r) of this Section unless payment of such a fee is precluded by subsection (s) of this Section.

(c) The design elements utilized by an applicant may, but are not required to, include those provided on the list below so long as the Project Mitigation Volume is treated:

(1) Direct runoff to rainwater or stormwater harvesting systems (rain barrels and cisterns) for non-potable uses.

(2) Use permeable areas with Low Impact Development strategies to allow passive rainwater harvesting for more percolation of runoff into the ground through such means as:

(A) Biofilters;

(B) Green strips, including parkways and medians. The use of landscaped BMPs to mitigate runoff from impermeable areas must include the appropriate storage volume for the required mitigation volume, in addition to precipitation volumes falling on these surfaces.

(C) Swales;
(D) Landscapes. The use of landscapes to mitigate runoff from impermeable areas must include the appropriate storage volume for the required mitigation volume, in addition to precipitation volumes falling on these surfaces; or

(E) Permeable paving materials, such as but not limited to permeable (pervious or porous) concrete and asphalt, concrete and plastic modular and interlocking paving materials, and equivalent materials. The use of this BMP to mitigate runoff from impermeable areas must include the appropriate storage volume for this required mitigation volume, in addition to precipitation volumes falling on these surfaces.

(3) Direct runoff to permeable areas for infiltration through Low Impact Development strategies. The use of permeable areas to mitigate runoff from impermeable areas must include the appropriate storage volume for this required mitigation volume, in addition to precipitation volumes falling on these surfaces:

(A) Orient roof runoff towards permeable surfaces, infiltration pits (drywells), French drains, or other structural BMPs rather than directly to driveways, parking lots or other non-permeable surfaces so that runoff will penetrate into the ground instead of flowing offsite.

(B) Grade the parcel to divert flow to permeable areas.

(C) Use retention structures or terrain (green or eco) rooftops to harvest precipitation or runoff.

(D) Remove or design curbs, and berms to allow runoff from impermeable surfaces (e.g. parking lots) to drain to permeable or landscaped areas.

(E) Direct downspouts to permeable areas instead of to the MS4.

(F) For structures without roof gutters and downspouts, all runoff must fall onto or drain directly or indirectly to permeable areas having proper grading and storage volume for the required mitigation volume, and pose no threat to structural integrity or adjacent structures.

(G) Surface parking lots with no sub-surface structures shall have runoff directed to permeable, storage or infiltrating areas, including sunken planters and/or with non-continuous curbs. Where surface BMPs mitigate runoff from impermeable areas, they must include the appropriate storage volume for this required mitigation volume, in addition to precipitation volumes falling on these surfaces.

(4) For non-permeable areas, remove urban runoff pollutants through the installation of treatment control BMPs.

(d) For purposes of compliance with this Section, excluding any impermeable deck areas, the surface area of pools, hot tubs, spas, fountains and water features shall be considered 100% permeable, if these water features discharge to the sanitary sewer.
(e) The Urban Runoff Mitigation Plan must also include the applicant’s plan for the maintenance of all BMPs requiring ongoing maintenance.

(f) All Urban Runoff Mitigation Plans must include the applicant’s signed statement accepting responsibility for all structural and treatment control BMP maintenance. The transfer of property subject to an Urban Runoff Mitigation Plan must include as a written condition to the transfer that the transferee assumes full responsibility for maintenance of any structural, and/or source or treatment control BMPs as set forth in subsection (r) of this Section.

(g) In addition to the design elements to meet subsection (b), the design elements established in this subsection (g) shall be required for all new development/re-development except single-family residences:

(1) Urban runoff shall not be allowed to come into contact with the following areas:

A) Loading and unloading dock areas;
B) Vehicle repair and maintenance bays;
C) Vehicle and equipment wash areas; and
D) Fueling areas.

(2) Where new development/re-development will include outdoor areas for the storage of material that may contribute pollutants to the storm water conveyance system, these materials must be:

A) Placed in an enclosure such as, but not limited to, a cabinet, shed, or similar structure that prevents contact with runoff or spillage to the storm water conveyance system; or
B) Protected by secondary containment structures such as berms, dikes, or curbs.

(3) The outdoor storage area for materials subject to subdivision (2) of this subsection (g) must be:

A) Paved and sufficiently impervious to contain leaks and spills.
B) Covered with a roof or awning to minimize collection of storm water within the secondary containment area.

(4) In addition to the requirements of section 9.04.10.02.150, the area where a trash receptacle or receptacles are located for use as a repository for solid wastes must meet the following Structural or Treatment Control BMP requirements:

A) Drainage from adjoining roofs and pavement must be diverted away from the trash storage areas;
(B) The area must be covered with roof or awning (to prevent rain from entering the area and sewer or storm drain conveyance system), screened or walled to prevent offsite transport of trash, and must be connected to the sanitary sewer. This requirement shall apply to new development/re-development for 7.10.030 (l), requiring a new roof or awning, or a new refuse or recycling storage area; and

(C) Trash bins must have solid covers and be covered at all times except while being emptied.

(h) The City shall maintain a list of locations where certain types of BMPs may not be appropriate due to existing hydro-geological conditions and/or sub-surface contamination.

(i) Any municipal street, road and alley re-construction project of 5,000 square feet or more of surface area, involving disturbance of such area but excluding repaving projects of existing roads, shall be considered for implementation of post-construction BMPs based upon a cost-benefit analysis for green transportation infrastructure.

(j) Any construction project adding down spouts, gutters and subsurface pipes directing storm water to the curb face shall have a french drain system of perforated pipe and gravel unless site-specific circumstances endanger public safety so as to prohibit its use as determined by the Director of the Department of Public Works. These requirements shall apply even if the project does not constitute new development/re-development as defined by this Chapter.

(k) Any additional requirements imposed by the current NPDES permit and/or TMDL.

(l) The City will evaluate each Urban Runoff Mitigation Plan to ascertain if the proposed plan meets the standards set forth in subsection (b) of this Section. Each plan will be evaluated on its own merits according to the particular characteristics of the project and the parcel to be developed.

(m) The Director of the Department of Public Works or his or her designee shall approve or disapprove the plan. Any plan disapproved by the Director of Department of Public Works or his or her designee must be revised by the developer and resubmitted for further review and approval. No building permit shall be issued until an Urban Runoff Mitigation Plan has been approved by the Department of Public Works.

(n) Compliance with an approved Urban Runoff Mitigation Plan shall be a condition of any required planning approval.

(o) The property owner or designated management entity shall be responsible for annual maintenance of its BMP, which will include an inspection of appropriate BMP components.

(p) The owner or the selling agent of any real property that has a post-construction BMP(s) installed pursuant to the requirements of this Chapter shall, in any real property transaction, provide the buyer of the real property with notice informing the buyer of the post-construction BMP(s), including its location, maintenance requirements, and any other relevant information.
necessary for the buyer to properly maintain the BMPs. The owner or the selling agent shall provide the notice to the buyer as soon as practicable before transfer of title. The buyer shall execute a receipt therefore as furnished by the City and said receipt shall be delivered to the City’s Office of Sustainability and the Environment as evidence of compliance with the provisions of this Chapter. The buyer shall acknowledge that the buyer assumes full responsibility for maintenance of any and all post-construction BMPs. If any disclosure required to be made by this subsection (p) of this Section is delivered after the execution of an offer to purchase, the buyer shall have three days after delivery in person or five days after delivery by deposit in the mail to terminate his or her offer by delivery of a written notice of termination to the owner or selling agent. Any person who violates the provisions of this Chapter shall be subject to the penalties and remedies specified in Chapter 1.08. In addition, a buyer who does not receive the notice required by Section 9.60.020 may bring a civil action for damages.

(q) Except as provided in subsection (r) of this Section, an applicant may pay an Urban Runoff Reduction Fee in accordance with the following formula:

\[
\text{Project Mitigation Volume (cubic feet) } \times 7.49 \text{ (gallons/cubic foot)} \times \text{Unit Cost (dollars/gallon)}
\]

(r) For purposes of this Section, the Unit Cost shall be established by resolution of the City Council based on the average cost/gallon of water for the City to construct post-construction BMPs on City properties during a five (5) year period prior to the adoption of the resolution. Commencing on July 1, 2011 and on July 1st of each fiscal year thereafter, the Urban Runoff Reduction Fee shall be adjusted based on changes in constructions costs.

(s) An applicant shall not be authorized to pay an Urban Runoff Reduction Fee for the nine specified land use categories found in the SUSMP, but instead must construct post-construction BMPs unless the applicant demonstrates to the Director of the Department of Public Works or his or her designee the impracticability of implementing these requirements. Recognized circumstances demonstrating impracticability include: (i) extreme limitations of space for treatment; (ii) unfavorable or unstable soil conditions at a site to attempt infiltration; and (iii) risk of groundwater contamination because a known unconfined aquifer lies beneath the land surface or an existing or potential underground source of drinking water is less than ten feet from the soil surface. Any other justification for impracticability must be separately petitioned by the City and submitted to the Regional Board for consideration.

(t) An applicant and any successor in interest shall comply with the Urban Runoff Mitigation Plan, including installation of any required BMP and its maintenance.

**7.10.060 Urban runoff requirements for construction parcels.**
The following Best Management Practices, which address the problem of urban runoff pollution, shall apply to all construction parcels in the City. These requirements shall apply at the commencement of demolition of an existing structure and/or commencement of construction and until issuance of a certificate of occupancy.

(a) A copy of any Storm Water Pollution Prevention Plan (SWPPP) required to be submitted to the Regional Board shall be submitted to the City at the same time.

(b) Polluted runoff (including runoff containing sediments and/or construction wastes) from a construction parcel shall not leave the parcel. No wash water from any type of cement and concrete machinery or concrete mix truck shall be allowed to leave the construction parcel. Any washing of equipment in the right-of-way must be contained and properly disposed.

(c) Any sediment or other materials that are tracked off the parcel by vehicles and equipment shall be removed the same day as they are tracked off the parcel. Where determined to be necessary by the Director of the Department of Public Works or his or her designated representative, a temporary sediment control BMP shall be installed.

(d) For any paint removal, paint preparation, or sandblasting activities that will result in particles entering the air or landing on the ground, BMP steps shall be implemented to prevent or minimize to the maximum extent practicable such particle releases into the environment.

(e) Plastic covering shall be utilized to prevent erosion of an otherwise unprotected area, e.g. exposed or open to elements, along with treatment control BMPs to intercept and safely convey the runoff to the MS4.

(f) No washing of construction or other vehicles shall be allowed adjacent to a construction parcel. No polluted runoff from washing vehicles on a construction parcel shall be allowed to leave the parcel.

(g) Erosion drainage controls shall be utilized depending on the extent of proposed grading and topography of the parcel to prevent runoff, including but not limited to the following:

1. Detention ponds, sediment ponds, or infiltration pits;
2. Dikes, filter berms or ditches; or
3. Down drains, chutes or flumes.

**7.10.070 Enforcement and penalties.**

(a) Criminal Penalty. Any person who is convicted of violating this Chapter shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not greater than five hundred
dollars or by imprisonment in the County Jail for not more than six months, or by both such fine and imprisonment.

(b) Civil Action. Any person, including the City, may enforce the provisions of this Chapter by means of a civil action.

(c) Any person who violates any provision of this Chapter shall be subject to administrative fines and administrative penalties pursuant to Chapter 1.09 and Chapter 1.10 of this Code.

(d) Other Penalties. Any person who violates or aids or incites another person to violate the provisions of this Chapter is liable for each and every such offense for the actual damages suffered by any aggrieved party, for statutory damages in the sum of five hundred dollars per occurrence, and for such attorney’s fees and costs as may be determined by the court in addition thereto. The court may also award punitive damages in a proper case as defined by Civil Code Section 3294. The burden of proof for purposes of punitive damages shall be clear and convincing evidence.

(e) Injunction. Any person who commits an act, proposes to commit an act, or engages in any pattern and practice which violates this Chapter may be enjoined therefrom by any court of competent jurisdiction. Such an injunction may compel an employer to reinstate an employee, furnish back pay or forward pay, furnish lost benefits, or take any other action necessary to make an aggrieved employee whole. An action for injunction under this Chapter may be brought by any aggrieved person, by the City Attorney, or by any person or entity who will fairly and adequately represent the interest of the protected class.

(f) Nonexclusive Remedies and Penalties. The remedies provided in this Chapter are not exclusive, and nothing in this Chapter shall preclude any person from seeking any other remedies, penalties or procedures provided by law.

7.10.080 Additional best management practices requirements.

If a determination is made by the Director of the Department of Public Works that the public health and safety may be compromised through the release of contaminants or pollutants from a construction parcel or an existing parcel or as a result of new development/re-development, the Director or his or her designee shall have the authority to require additional BMPs besides those already required by this Chapter and/or by an Urban Runoff Mitigation Plan.