

**SUBMITTAL TO THE BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

262



**FROM:** TLMA/Building and Safety

**SUBMITTAL DATE:**

October 26, 2006

**SUBJECT:** Business Registration and Licensing Program and NPDES Commercial/Industrial Compliance Program

**RECOMMENDED MOTION:** That the Board of Supervisors:

1. Adopt, pursuant to the requirements of California Government Code §§ 6062a and 66018, Ordinance 857, an Ordinance of the County of Riverside Regarding the Establishment of a Business Registration and Licensing Program (Attachment A);
2. Adopt Ordinance 754.2, an Ordinance of the County of Riverside Amending Ordinance No. 754.1 Establishing Stormwater/Urban Runoff Management and Discharge Controls (Attachment B); and,
3. Direct Building and Safety to provide a status report on the Business Registration and Licensing Program to the Board, six months after the adoption of Ordinance 857.

**BACKGROUND:** After two public hearings, on September 12, 2006, the Board of Supervisors concluded the public hearing for Ordinance 857 and 754.2 and tentatively approved a Business License Program for the unincorporated area of Riverside County. The Board's tentative approval was given subject to a few requested amendments to Ordinance No. 857 and to the administrative procedures to implement the Business License Program.

(Continued on page 2)

*Alex Gann*

*James J. Miller*

Alex Gann, Senior Management Analyst  
County Executive Office

James J. Miller, Director  
Department of Building and Safety

**FINANCIAL DATA**

<b>Current F.Y. Total Cost:</b>	\$ 300,000	<b>In Current Year Budget:</b>	Yes
<b>Current F.Y. Net County Cost:</b>	\$ 300,000	<b>Budget Adjustment:</b>	No
<b>Annual Net County Cost:</b>	\$ N/A	<b>For Fiscal Year:</b>	2006/07

**SOURCE OF FUNDS:** General Funds approved as part of the FY 06-07 budget.

<b>Positions To Be Deleted Per A-30</b>	<input type="checkbox"/>
<b>Requires 4/5 Vote</b>	<input type="checkbox"/>

**C.E.O. RECOMMENDATION: APPROVE.**

*Chick*

**County Executive Office Signature**

- Policy
- Policy
- Consent
- Consent

Dep't Recomm.:  
Per Exec. Ofc.:

**Prev. Agn. Ref.:** 16.2 of 9/12/06;  
3.23 of 03/21/06, 16.1 a&b of 07/11/06  
16.1 a&b of 08/29/06

**District:** All

**Agenda Number:**

3 . 34

Departmental Concurrence

**BACKGROUND continued:**

The Board, after closing the public hearing, requested that staff prepare amendments to the draft Business License Ordinance (Ordinance No. 857) and/or the administrative procedures for the Business License Program. The amendments include the following:

- 1) The Board requested the following amendment regarding businesses without a fixed facility: Change the Ordinance to reflect that businesses without a fixed facility be amended so that it's clear that the activity of roadside vendors without a license in Riverside County is not permitted. Roadside vendors cannot operate without a license until such time that we have a street vendor ordinance. County Counsel is preparing a separate ordinance to address the issue of roadside vendors. The Roadside Vendor Ordinance will address the legal pathway for vendors to come into compliance with the appropriate standards. As a result, Ordinance No. 857 does not appear to be the appropriate document to reference roadside vending. It should be noted that the proposed Ord. No. 857 does not authorize roadside vending and specifically prohibits unlawful businesses as provided in Section 15 of the Ordinance.
- 2) Payment of License Fees to be convenient to the public and available through on-line services. The Board recommended that the payment of fees should be available through an online method in order to make the process more efficient. The Transportation Land Management Agency has researched this issue and will implement a streamlined online registration process that will allow for both online registration and payment of license fees. This process will provide the business community with a user friendly, convenient method to register their business and pay their fees electronically. The streamlined process will also assist with the overall program efficiency in terms of staff utilization and keeping program costs relatively low.
- 3) Exempt businesses must still obtain a business license. The Board indicated that although the exemption categories are created to exempt specified types of businesses from payment of all fees, that a complete database be developed including exempt businesses. Businesses will be given an opportunity to obtain a business license without payment of any fees. However, businesses would be subject to payment of fees if a proper claim of exemption has not been filed within 60 calendar days of notification by TLMA that a license is required.
- 4) The Board requested clarification regarding the definition of a Home Occupation. Staff has reviewed the Home Occupation definition within both Ordinance No. 348 and the proposed Ordinance No. 857 (which are identical), and concludes that the previously discussed example involving a large commercial truck or semi-tractor trailer rig parked on a residential property would be prohibited under the definition of a Home Occupation. The definition of Home Occupation provides in pertinent part "No vehicles or trailers except those normally incidental to residential use shall be kept on the site." The large commercial truck and semi-tractor trailer rig vehicles are also subject to regulation by the Riverside County Truck Parking Ordinance, Ordinance No. 413.
- 5) The Board added an exemption for federally recognized non-profits. Staff has revised the exemptions category to include language indicating that any non-profit organizations that are legally recognized as tax-exempt pursuant to the provisions of Internal Revenue Code Section 501 (c) (3) are exempt as provided within this section.

1 ORDINANCE NO. 857

2 AN ORDINANCE OF THE COUNTY OF RIVERSIDE  
3 REGARDING THE ESTABLISHMENT OF A BUSINESS REGISTRATION  
4 AND LICENSING PROGRAM

5  
6 The Board of Supervisors of the County of Riverside Ordains as Follows:

7 **Section 1. Statement of Purpose and Intent.**

8 The purpose of the provisions of this ordinance is solely to provide for necessary  
9 regulation of lawful businesses being conducted within the unincorporated area of Riverside County, in  
10 order to protect the public health, safety, and welfare of the people of Riverside County. Business license  
11 fees charged under the provisions of this ordinance shall be revenue-neutral in that they may not exceed the  
12 reasonable costs of providing the regulatory services included in the business registration and licensing  
13 program. No business license fee charged under the provisions of this ordinance shall be construed as a  
14 business license tax.

15 **Section 2. Definitions.**

16 "Business" shall mean and include professions, trades, vocations, enterprises,  
17 establishments, occupations, and all and every kind of calling, any of which are conducted, transacted or  
18 carried on for the purpose of earning in whole or in part a profit or livelihood, whether or not a profit or  
19 livelihood actually is earned thereby, whether paid in money, goods, labor, or otherwise. This definition  
20 shall apply to business establishments located within the unincorporated area of Riverside County that are  
21 operated at a fixed physical location and those that are operated on a mobile basis by a mobile-operator as  
22 defined herein.

23 "County" shall mean the County of Riverside and its respective agencies and  
24 departments thereof.

25 "Home Occupation" means those uses that are customarily conducted in a residence,  
provided that such uses must be incidental and secondary to the principal use of a dwelling as a residence.

The following criteria shall apply to any home occupation: 1) Except for large family day care homes  
which may require two assistants and small family day care homes which may require one assistant to be

1 present in addition to the licensee or provider, no person other than a resident of the dwelling shall be  
2 employed on the premises in the conduct of a home occupation; 2) A home occupation shall be conducted  
3 entirely within the dwelling and shall be incidental and secondary to the use of the dwelling as a residence;  
4 3) A home occupation shall not be conducted in an accessory structure and there shall be no storage of  
5 equipment or supplies in an accessory structure or outside building; 4) The residential character of the  
6 exterior and interior of the dwelling shall not be changed; 5) No vehicles or trailers except those normally  
7 incidental to residential use shall be kept on the site; and 6) No signs other than one unlighted identification  
8 sign, not more than two square feet in area, shall be erected on the premises.

9 "License Inspector" shall mean any employee, agent, representative or contractor  
10 designated by the Director of the Transportation and Land Management Agency of the County of Riverside  
11 to carry out license inspections under the provisions of this ordinance.

12 "Local law enforcement or governmental entities" means any city, charter city,  
13 county, charter county, or city and county, or the respective agencies and departments thereof, in the State  
14 of California.

15 "Mobile-Operator" shall mean and refer to those businesses that are operated on a  
16 mobile basis utilizing a motor vehicle to visit customer locations to carry out business-related services.  
17 This term shall be expressly limited to those mobile-operated businesses involving: mobile automobile or  
18 other motor vehicle washing; pest control services; mobile carpet, drape or furniture cleaning; concrete  
19 mixing or cutting; masonry; painting and coating; landscaping; pool and fountain cleaning; and Port-a-  
20 Potty or other portable toilet servicing.

21 "Nuisance" shall have the same meaning as set forth in California Civil Code § 3479.

22 "Person" shall mean and include all domestic and foreign corporations, associations,  
23 syndicates, joint stock corporations, partnerships of every kind, clubs, common-law trusts, societies, and  
24 individuals conducting, transacting or carrying on any lawful business within the unincorporated area of  
25 Riverside County other than as an employee.

26 "Productive Hourly Rate" shall mean and refer to the fully burdened hourly rates for  
27 each job classification required to provide a specified service. Hourly rates for services shall be established  
28

1 through the yearly budget process and adopted by the Board of Supervisors as part of the County budget  
2 public hearings.

3 “Retail Greenhouses” shall mean and refer to all commercial greenhouses other than  
4 those that are licensed by the State of California in the “producer” category to grow and sell nursery stock  
5 in the amount of \$1,000 or more in one year and that are inspected by the County Agricultural  
6 Commissioner pursuant to California Food & Agricultural Code §§ 6701 et seq. and any applicable state  
7 regulations promulgated thereto.

8 “Retail Nurseries” shall mean and refer to all commercial nurseries other than those  
9 that are licensed by the State of California in the “producer” category to grow and sell nursery stock in the  
10 amount of \$1,000 or more in one year and that are inspected by the County Agricultural Commissioner  
11 pursuant to California Food & Agricultural Code §§ 6701 et seq. and any applicable state regulations  
12 promulgated thereto.

13 “Sworn statement” shall mean a written affidavit, declaration, or statement made  
14 under penalty of perjury under the laws of the State of California.

15 “TLMA” shall mean and refer to the Transportation and Land Management Agency  
16 of the County of Riverside and departments thereof.

17 **Section 3. Business Registration and License Required.**

18 ~~Except as provided by Section 4 herein, Every person conducting or carrying on a~~  
19 ~~business as defined in this ordinance of any kind or description anywhere in the unincorporated area of~~  
20 ~~Riverside County shall register by obtaining a business license. A separate business license shall be~~  
21 ~~obtained for each physical location (including branch establishments) or for each business operated on a~~  
22 ~~mobile basis by a mobile-operator as defined herein.~~

23 **Section 4. Exemption.**

24 ~~The payment of business license fees contained in this ordinance, including~~  
25 ~~inspection and enforcement fees as provided in Sections 10 and 13, shall not be required for those~~  
26 ~~businesses falling within any of the exempt categories described in this section so long as a timely claim of~~  
27 ~~exemption is filed with TLMA as hereinafter provided. A business license shall not be required for, and~~  
28 ~~the provisions of this ordinance shall not be otherwise applicable to, those businesses described in this~~

1 ~~section.~~ Any person claiming an exemption pursuant to the provisions of this section shall, ~~within sixty~~  
2 ~~(60) calendar days of being sent initial written notification of the requirement to obtain a business license,~~  
3 file a sworn statement with TLMA stating the facts upon which an exemption is claimed. ~~In , and in the~~  
4 absence of such statement substantiating the claim ~~or in the event that the statement is filed with TLMA on~~  
5 ~~an untimely basis,~~ such person shall be liable for the payment of the business license fees imposed by this  
6 ordinance, ~~including inspection and enforcement fees as provided in Sections 10 and 13.~~

7 **A. Residential Facilities.** Apartments, rooming houses, and other residential facilities in  
8 which living units are rented or leased solely on a term of thirty days or longer, residential care homes for  
9 adults or children, family day care homes ~~are exempt as provided in this section.~~

10 **B. Churches, Temples or Other Places of Worship.** Churches, temples or other places of  
11 worship, to the extent of their use for worship, religious education or the social affairs of the religious  
12 group are exempt ~~as provided in this section, from the provisions of this ordinance.~~ This exemption shall  
13 not apply to other activities, which are not undertaken primarily for members of the religious group,  
14 including, but not limited to, day schools, social service programs or Church-owned or operated business  
15 enterprises.

16 **C. Home Occupations.** Home occupations that operate within the limitations defined herein  
17 are exempt ~~as provided in this section, from the provisions of this ordinance.~~ This exemption shall not  
18 apply to those home occupations that are subject to compliance with water quality requirements imposed by  
19 Riverside County Ordinance Nos. 457 and 754, California Water Code §§ 13000 et seq. (Porter-Cologne  
20 Water Quality Control Act), Title 33 U.S.C. §§ 1251 et seq. (Clean Water Act) and any applicable state or  
21 federal regulations promulgated thereto, and any related administrative orders or permits issued in  
22 connection therewith.

23 **D. Agriculture.** The following agricultural activities are exempt ~~as provided in this section:~~  
24 agricultural pursuits consisting of the growing of crops, raising of livestock, and dairying, including  
25 auxiliary and ancillary uses incidental to the operation of a farm or ranch, consisting of the purchase and  
26 storage of substances, materials, supplies, animal feeds and produce, and the marketing of farm products;  
27 provided however, that a business license shall be required in connection with any of the following: 1)  
28 retail nurseries; 2) retail greenhouses; and 3) wholesaling, processing, storage or manufacturing use which

1 involves assembly of the products of multiple farms or ranches by a cooperative or other business  
2 enterprise for marketing distribution.

3 **E. Federal or State Law.** The provisions of this ordinance shall not be deemed or construed to  
4 apply to any person transacting or carrying on any business exempt by virtue of the Constitution or  
5 applicable statutes of the United States or of the State of California from the payment of such regulatory  
6 business license fees charged pursuant to this ordinance.

7 **F. Non-Profit Organizations.** Any non-profit organizations that are legally recognized as tax-  
8 exempt pursuant to the provisions of 26 U.S.C. § 501(c)(3) are exempt as provided in this section.

9 **Section 5. Evidence of Doing Business.**

10 The following circumstances shall be considered prima facie evidence that a person  
11 is conducting business in the unincorporated area of Riverside County: where any person, by use of any  
12 sign, circular, card, brochure, telephone book, magazine, newspaper, website, electronic media or other  
13 publication, shall advertise, hold out or by any other means represent that the person is in business in the  
14 unincorporated area of Riverside County, or when any person holds an active license or permit issued by a  
15 governmental agency indicating that the person is in business in the unincorporated area of Riverside  
16 County, and such person fails upon request of TLMA to sign and provide to the County a sworn statement  
17 attesting that such person is not conducting or carrying on a business from the unincorporated area of  
18 Riverside County. TLMA shall provide a form for the purposes of the sworn statement required by this  
19 section.

20 **Section 6. Application and Issuance of Business License.**

21 **A. Application Contents.** Any person required to obtain a business license pursuant to this  
22 ordinance shall apply therefore by submitting the information required by TLMA on behalf of the County.  
23 Such information shall be a sworn statement, upon a form provided by TLMA, that includes the name of  
24 the applicant, the ownership of the business involved, and the following information:

- 25 1. The name, location and exact nature or kind of business for which the license is requested.  
26 In the event that the business is not carried out at a permanent location, the names and places of residence  
27 of those owning the business shall also be required.  
28

1           2.     A copy of any current permit issued by the State of California Board of Equalization to a  
2 person who contracts, sells or delivers any goods, wares, or merchandise in the unincorporated area of  
3 Riverside County for which sales or use tax is payable to the State of California.

4           3.     In the event that application is made for the issuance of a license to a person doing business  
5 under a fictitious name, the application shall set forth the names and places of residence of those owning  
6 said business.

7           4.     In the event that application is made for the issuance of a license to a corporation or  
8 partners, the application shall set forth the names and place of residence of the officers or partners thereof.

9           5.     The urban runoff and stormwater information form shall also be completed and signed.

10          6.     Any further information which TLMA may require to enable it to issue a business license  
11 for which the application is made.

12           **B.     Issuance.** A business license shall be issued upon satisfactory completion of an application  
13 and payment of the fee prescribed in this ordinance. Said license shall remain in full force and effect for a  
14 period of one year unless one of the following events takes place: business changes address or name,  
15 business is discontinued or business ownership changes.

16           **C.     License Fee.** A standard business license fee shall be charged by the County to cover the  
17 reasonable costs of providing the regulatory services included in the business registration and licensing  
18 program. The business license holder shall also be subject to periodic supplemental charges by the County  
19 in the form of an additional license inspection and enforcement fee as provided in Sections 10 and 13 of  
20 this ordinance. No business license fee charged under the provisions of this ordinance shall be construed as  
21 a business license tax.

22           **Section 7.     Renewal of Business License.** Any person who has obtained a business license  
23 pursuant to this ordinance shall apply for renewal on an annual basis prior to expiration of the then-current  
24 business license term. Said renewal application shall be accompanied by payment of the business license  
25 fee prescribed by this ordinance.

26           **Section 8.     Nontransferable – Change of Location or Ownership, Name of Business.** No  
27 business license issued pursuant to this ordinance shall be automatically transferable; provided however,  
28 that where a license is issued indicating a person is conducting, transacting or carrying on a business at a

1 particular place under a particular name, such license holder, upon application therefore, and payment of a  
2 change fee may obtain a new license showing some other location and/or name of the business and/or  
3 business ownership change. A new business registration and license shall be required as provided in  
4 Section 3 herein in the event that there are any other changes that take place with regard to a business.

5 **Section 9. Duplicate License.** A duplicate license may be issued to replace any license issued  
6 hereunder which has been lost or destroyed where such license holder submits a statement of such fact and  
7 provides payment of a duplicate license fee.

8 **Section 10. License Fees.**

9 **A.** License fees charged pursuant to the provisions of this ordinance shall be according to the  
10 rates set forth herein as follows:

- 11 1. Standard business license fee (one year) - \$45
- 12 2. Business license annual renewal fee - \$30
- 13 3. Change Fee - \$30
- 14 4. Duplicate Fee - \$10
- 15 5. Inspection Fee – Productive Hourly Rate of a Building Inspector II (currently set at  
16 \$131.00/hr. in FY 2005-2006) as approved annually by the Board of Supervisors.
- 17 6. Enforcement Fee –Productive Hourly Rate of a Code Enforcement Officer II (currently set  
18 at \$111.00/hr. in FY 2005-2006) as approved annually by the Board of Supervisors.

19 **B.** TLMA may require a business license holder to provide an advance deposit amount to the  
20 County to cover the cost of inspection fees in an amount not to exceed three (3) hours depending on the  
21 size and/or complexity of the business that is subject to inspection. For deposit-based inspection fee  
22 functions only, fees collected in excess of the actual cost of providing the inspection service shall be  
23 refunded. In the event that the actual cost of providing the inspection service exceeds the advance deposit  
24 amount then there shall be required an additional deposit to cover the costs incurred by the County.

25 **Section 11. Contents of Business License; Display Required.**

26 **A.** Every person who has submitted a satisfactory application and who has paid the required  
27 fee, as provided in this ordinance, shall be issued a business license which contains the following  
28 information:

- 1 1. The name of the person to whom the license is issued;
- 2 2. The name of the business licensed;
- 3 3. The physical location where such business is to be transacted and carried on;
- 4 4. The date of expiration of such license; and
- 5 5. Such other information as may be necessary for the enforcement of the provisions of this
- 6 ordinance.

7 **B.** Any person conducting, transacting or carrying on a business at a fixed location in the  
8 unincorporated area of Riverside County shall keep the business license posted in a conspicuous place in  
9 plain public view upon the physical premises where such business is taking place.

10 **C.** Any person conducting, transacting or carrying on a business but not operating at a fixed  
11 location in the unincorporated area of Riverside County shall keep the business license on his or her person  
12 at all times while conducting, transacting or carrying on the business for which it is issued. Such person  
13 shall display the business license to any license inspector, code enforcement officer, peace officer or any  
14 other authorized representative employed by the County upon request.

15 **Section 12. License Inspectors.** License inspectors may enter free of charge, at any time, any  
16 place of business for which a business license is required by this ordinance and demand the display of any  
17 such license by any person engaged or employed in the transaction or carrying on of such business.

18 **Section 13. Water Quality Inspections and Enforcement; Additional License Fees.** A license  
19 inspector, code enforcement officer or peace officer employed by the County may enter free of charge, at  
20 any time, any place of business for which a business license is required by this ordinance and inspect the  
21 premises, grounds, facilities and structures located therein for compliance with water quality requirements  
22 imposed by Riverside County Ordinance Nos. 457 and 754, California Water Code §§ 13000 et seq.  
23 (Porter-Cologne Water Quality Control Act), Title 33 U.S.C. §§ 1251 et seq. (Clean Water Act) and any  
24 applicable state or federal regulations promulgated thereto, and any related administrative orders or permits  
25 issued in connection therewith. Failure to maintain the business premises, grounds, facilities and structures  
26 located therein in compliance with water quality requirements is a violation of this ordinance. The County  
27 may initiate enforcement actions against business license holders whose business premises are found upon  
28 inspection to be in violation of water quality requirements. The business license holder shall be liable to

1 the County for an additional license inspection and enforcement fee based on the hourly rates provided in  
2 Section 10 of this ordinance.

3 **Section 14. False Statements.** Every person who makes any false statement or representation in  
4 any application for a business license commits a violation of this ordinance.

5 **Section 15. Unlawful Business.** No business license issued pursuant to this ordinance shall be  
6 construed as authorizing the conduct of or continuance of any occupation, use or activity of any kind which  
7 is prohibited by County ordinance, state or federal law or regulation.

8 **Section 16. Violation – Penalty.** Any person in violation of this chapter is subject to the  
9 procedures and penalties set forth in Riverside County Ordinance No. 725.

10 **Section 17. Severability.** If any portion, provision, section, paragraph, sentence, or word of this  
11 Ordinance is rendered or declared to be invalid by any final court action in a court of competent  
12 jurisdiction, or by reason of any preemptive legislation, the remaining portions, provisions, sections,  
13 paragraphs, sentences, and words of this Ordinance shall remain in full force and effect and shall be  
14 interpreted by the court so as to give effect to such remaining portions of the Ordinance.

15 **Section 18.** This ordinance shall take effect thirty (30) days after its adoption.  
16

17 BOARD OF SUPERVISORS OF THE COUNTY  
18 OF RIVERSIDE, STATE OF CALIFORNIA

19  
20 By: \_\_\_\_\_  
21 Chairman, Board of Supervisors

22 ATTESTED:

23 NANCY ROMERO  
24 Clerk of the Board

25 By: \_\_\_\_\_  
26 Deputy  
27  
28



1           **B.** County shall mean the County of Riverside.

2           **C.** Commercial and Industrial Facilities shall mean and refer to a facility or facilities that  
3 consist of any of the following:

4           **1.** Auto-Related – mechanical repair, maintenance, fueling or cleaning of automobiles,  
5 airplanes, boats and equipment, body repair or painting of automobiles and other vehicles, retail or  
6 wholesale fueling, automobile parking lots and storage facilities.

7           **2.** Mobile-Related activities - mobile automobile or other motor vehicle washing;  
8 pest control services; mobile carpet, drape or furniture cleaning; concrete mixing or cutting;  
9 masonry; painting and coating; landscaping; pool and fountain cleaning; and Port-a-Potty or other  
10 portable toilet servicing.

11           **3.** Others – cemeteries, nurseries, greenhouses, golf courses, parks, other recreational  
12 areas/facilities, eating and drinking establishments.

13           **4.** Industrial – industrial facilities as defined within the Federal Clean Water Act,  
14 operating and closed municipal landfills, facilities subject to SARA Title III, hazardous waste  
15 treatment, disposal, storage and recovery facilities.

16           **DC.** Illicit Discharge shall mean any discharge to the storm drain system that is not  
17 composed entirely of stormwater runoff except discharges made pursuant to a National Pollutant  
18 Discharge Elimination System (NPDES) permit or as otherwise authorized by the Santa Ana, San Diego,  
19 or Colorado River basin Regional Water Quality Control Board.

20           **ED.** Illicit Connection shall mean any physical connection to a storm drain system which has  
21 not been permitted by Riverside County, the Riverside County Flood Control and Water Conservation  
22 District, or other appropriate public agency.

23           **EE.** National Pollutant Discharge Elimination System (NPDES) Permit shall mean a  
24 stormwater discharge permit issued by the Santa Ana, San Diego, or Colorado River Basin Regional  
25 Water Quality Control Board or the State Water Resources Control Board in compliance with the Clean  
26 Water Act.

1 **GF.** Municipal NPDES Permit shall mean an area-wide NPDES permit issued to a  
2 government agency or agencies for the discharge of stormwater from a stormwater system. Such a permit  
3 is commonly referred to as a "MS4 Permit" (referring to "municipal separate storm sewer system").

4 **HG.** Non-Stormwater Discharge shall mean any discharge to the storm drain system that is  
5 not entirely composed of stormwater.

6 **IH.** Person shall mean any natural person, firm, association, club, organization, corporation,  
7 partnership, business trust, company or other entity which is recognized by law as the subject of rights or  
8 duties.

9 **IJ.** Pollutant shall mean anything which causes the deterioration of water quality such that it  
10 impairs subsequent and/or competing uses of the water. Pollutants ~~Pollutants~~ may include but are not  
11 limited to paints, oil and other automotive fluids, soil, sand, dirt, rubbish, trash, garbage, debris, refuse,  
12 waste, fecal coliform, fecal streptococcus, enterococcus, other biological materials, radiological materials,  
13 suspended solids, heavy metals, hazardous waste, chemicals, fresh concrete, yard waste from commercial  
14 landscaping operations, animal waste, materials that result from the process of constructing a building or  
15 structure, nauseous or offensive matter of any kind.

16 **KJ.** Premises shall mean any building, lot, parcel of land, land or portion of land whether  
17 improved or unimproved.

18 **LK.** Storm Drain System shall mean any facility within the unincorporated areas of the  
19 County by which stormwater may be conveyed to waters of the United States. Storm drain system  
20 includes but is not limited to any roads with drainage systems, streets, curbs, gutters, catch basins, natural  
21 and artificial channels, ditches, aqueducts, storm drains, inlets, conduit or other drainage structure.

22 **ML.** Stormwater Runoff shall mean surface runoff and drainage associated with rain storm  
23 events and snow melt.

24 **N.** Suspended Solids shall mean solid materials or particles that either float on the surface of,  
25 or are in suspension in, stormwater, wastewater or other liquid.

26 **OM.** Director of TLMA shall mean the Director of the County Transportation and Land  
27 Management Agency.

28



1 subsequent or competing uses of the water. The Director of TLMA shall identify the BMP's that may be  
2 implemented to prevent such deterioration and shall identify the manner of implementation. The BMP's  
3 may, among other things, require new developments or redevelopments to do any of the following:

4           1.       Increase Permeable Areas, by leaving highly porous soil and low lying areas  
5           undisturbed; by incorporating landscaping and open space into the project design; by using porous  
6           materials for or near driveways and walkways; and by incorporating detention ponds and  
7           infiltration pits into the project design.

8           2.       Direct Runoff to Permeable Areas, by orienting it away from impermeable areas to  
9           swales, berms, green strip filters, gravel beds, and french drains; by installing rain-gutters oriented  
10          towards permeable areas; by modifying the grade of the property to divert flow to permeable areas  
11          and minimize the amount of stormwater runoff leaving the property; and by designing curbs,  
12          berms or other structures such that they do not isolate permeable or landscaped areas.

13          3.       Maximize Stormwater Storage for Reuse, by using retention structures, subsurface  
14          areas, cisterns, or other structures to store stormwater runoff for reuse or slow release.

15          **D. Existing Development.** Existing development shall control stormwater runoff so as to  
16 prevent any deterioration of water quality that would impair subsequent or competing uses of the water.  
17 The Director of TLMA shall identify the BMP's that may be implemented to prevent such deterioration  
18 and shall identify the manner of implementation.

19          **E. Commercial and Industrial Facilities.** Any person or entity that owns or operates a  
20 commercial and/or industrial facility(s) shall comply with the provisions of this ordinance and Ordinance  
21 Nos. 457 and 857. All such facilities shall be subject to a regular program of inspection as required by  
22 this ordinance, Riverside County Ordinance Nos. 457 and 857, California Water Code §§ 13000 et seq.  
23 (Porter-Cologne Water Quality Control Act), Title 33 U.S.C. §§ 1251 et seq. (Clean Water Act), any  
24 applicable state or federal regulations promulgated thereto, and any related administrative orders or  
25 permits issued in connection therewith.

1           **Section 2.     Illicit Connections/Discharges.** It is a violation of this ordinance to establish, use,  
2 maintain, or continue illicit connections to the storm drain system, or to commence or continue any illicit  
3 discharges to the storm drain system. This prohibition against illicit connections and discharges is  
4 expressly retroactive and applies to connections and discharges made in the past, regardless of whether  
5 permissible under the law or practices applicable or prevailing at the time of the connection or discharge.

6           **Section 3.     Non-Stormwater Discharges.** The discharge of non-stormwater into the storm  
7 drain system is a violation of this ordinance except as specified below.

8           **A.**     The discharge prohibition shall not apply to any discharge regulated under a NDPES  
9 Permit or Waiver issued to the discharger and administered by the State of California under the authority  
10 of the EPA, provided that the discharger is in full compliance with all requirements of the permit or  
11 waiver and other applicable laws or regulations.

12           **B.**     Discharges from the following activities will not be considered a violation of this  
13 ordinance when properly managed: water line flushing and other discharges from potable water sources,  
14 landscape irrigation and lawn watering, irrigation water, diverted stream flows, rising ground waters,  
15 infiltration to separate storm drains, uncontaminated pumped ground water, foundation and footing drains,  
16 water from crawl space pumps, air conditioning condensation, springs, individual residential car washing,  
17 flows from riparian habitats and wetlands, swimming pool discharges or flows from fire fighting.

18           **Section 4.     Discharges in violation of Permit.**

19           **A.**     Municipal NPDES Permit. Any discharge that would result in or contribute to a violation  
20 of an existing or future Municipal NPDES Permit(s) or any amendment or revision thereto or reissuance  
21 thereof, either separately considered or when combined with other discharges, is a violation of this  
22 ordinance and is prohibited. Liability for any such discharge shall be the responsibility of the person(s)  
23 causing or responsible for the discharge, and such persons shall defend, indemnify and hold harmless the  
24 County in any administrative or judicial enforcement action relating to such discharge.

25           **B.**     NPDES Permit for Industrial/Commercial and Construction Activity. Any industrial  
26 discharger, discharger associated with construction activity, or other discharger subject to any NPDES  
27 permit issued by the United States Environmental Protection Agency, the State Water Resources Control  
28 Board, the Santa Ana Regional Water Quality Control Board, the Santa Ana Regional Water Quality

1 Control Board, the San Diego Regional Water Quality Control Board or the Colorado River Basin  
2 Regional Water Quality Control Board, shall comply with all requirements of such permit. Such  
3 dischargers shall specifically comply with the following permits: the Industrial Stormwater General  
4 Permit, the Construction Activity Stormwater General Permit, and the Dewatering General Permit. Proof  
5 of compliance with said NPDES General Permits may be required in a form acceptable to the Director  
6 prior to issuance of any County grading, building, or occupancy permits.

7 **Section 5. Right to Inspect.** An inspector employed by the County may enter free of charge,  
8 at any time, any premises, grounds, facilities or structures for which compliance is required by this  
9 ordinance and inspect the premises, grounds, facilities and structures located therein for compliance with  
10 water quality requirements imposed by this ordinance, Riverside County Ordinance Nos. 457 and 857,  
11 California Water Code §§ 13000 et seq. (Porter-Cologne Water Quality Control Act), Title 33 U.S.C. §§  
12 1251 et seq. (Clean Water Act) and any applicable state or federal regulations promulgated thereto, and  
13 any related administrative orders or permits issued in connection therewith.

### 14 ARTICLE III

### 15 ENFORCEMENT

16 Any person in violation of this ordinance is subject to the procedures and penalties set forth in Ordinance  
17 No. 725. In addition, to the extent that the County makes any provision of this ordinance or identified  
18 BMP a condition of approval to the issuance of a permit, any person in violation of such condition is  
19 subject to the permit revocation and/or suspension procedures set forth in the ordinance governing permit  
20 issuance.

### 21 ARTICLE IV

### 22 EFFECTIVE DATE OF ORDINANCE

23 This ordinance shall take effect thirty (30) days after its adoption.  
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25  
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