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



FROM: TLMA/Building and Safety

SUBMITTAL DATE:
June 9, 2006

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

RECOMMENDED MOTION: That the Board of Supervisors:

- 1) Introduce and set for public hearing, 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; and
- 2) Introduce and one week later, adopt Ordinance 754.2, an Ordinance of the County of Riverside Amending Ordinance No. 754.1 Establishing Stormwater/Urban Runoff Management and Discharge Controls.

BACKGROUND: On March 21, 2006, (M.O. 3.23) the Board authorized the development of a Business Registration and Licensing Program and NPDES Commercial/Industrial Compliance Program. The Board directed TLMA/Building and Safety and County Counsel to return in 90 days with the necessary ordinances, budget and staffing needs to implement the program.

(Continued on Page 2)

Alex Gann
 Alex Gann, Sr. Management Analyst
 County Executive Office

James J. Miller
 James J. Miller, Director
 Department of Building and Safety

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

SOURCE OF FUNDS: General Funds	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input type="checkbox"/>

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

County Executive Office Signature *[Signature]*

FORM APPROVED COUNTY COUNSEL

JUN 13 2006

BY *[Signature]*

Dept's Recomm.: Consent Policy

Per Exec. Ofc.: Consent Policy

3.41

As stated in the Feasibility Report presented to the Board on March 21, 2006, the development of an adequate inventory of commercial/industrial facility stipulated within the NPDES Permits, necessitated establishing inventory information on business practices/activities within the unincorporated county. Several County departments identified potential benefits to having a database of businesses such as: public safety, business development and information, demographic information, sales tax monitoring, and business compliance with codes and standards. The result is the establishment of a business registration/license program.

Per the Board's direction, County Counsel has prepared an ordinance to establish a Business Registration and Licensing Program (Ordinance No. 857, entitled "An Ordinance of the County of Riverside Regarding the Establishment of a Business Registration and Licensing Program"), and prepared an amendment to Ordinance 754.1, Establishing Stormwater/Urban Runoff Management and Discharge Controls.

The purpose of Ordinance 857 is to provide the necessary regulation of businesses being conducted within the unincorporated area of Riverside County. Every person conducting a business of any kind in the unincorporated area of Riverside County will be required to register and obtain a business license. There are provisions within the ordinance that allow for exemptions to the registration/license fees. Examples of some exemptions include various agricultural activities, residential facilities, places of worship, and any business exempt by virtue of constitution or state law.

Ordinance No. 857 provides the regulatory and administrative framework to implement the Business Registration and Licensing Program. A variety of administrative procedures are outlined including: contents of the application form, license issuance protocol, description of license fee, license inspections, water quality inspections and enforcement, and business license enforcement procedures. The business license fee is stipulated within the Ordinance; \$45 for initial licensing and \$30 for annual renewal.

Ordinance No. 857 also requires Water Quality Inspections of specified businesses, consistent with the NPDES/Stormwater Permits issued to the County of Riverside. The County is required to inventory and inspect a variety of commercial/industrial facilities for potential impacts to water quality. Facility inspections are required to follow a hierarchy, which determines how often a business is inspected: (high – annual), (medium – bi-annual) and (low – once every five years). The County has established a deposit based fee structure that will accommodate the hierarchy of inspection frequencies, and the duration of those inspections. Water Quality Inspection fees are based on Board approved hourly rates for the Building Inspection II classification (\$131/hour). Attachment A provides a listing of the types of facilities that require a water quality inspection and the proposed frequency of inspection. An initial \$100,000 of General Fund support has been recommended in the Final Budget for FY 2006/07 for establishing the Water Quality Inspection Program. The startup funds will provide for one inspector, and equipment and supplies.

Ordinance No. 754.2 includes amendments that clarify the intent and purpose of the required Water Quality Inspections as part of the commercial/industrial inspection program requirements. These text changes serve to support the creation of Ordinance No. 857, and provide the nexus of the inspection/database requirements. Additional citations are updated, deleted or modified to reflect recent permit requirements or other legal references.

The intent of the Business Registration and Licensing Program is to be self-sustaining through the establishment of fees, with the initial program costs requiring General Fund support. Fully funded in the FY 2006/07 Proposed Budget and recommended for approval in the Final Budget is \$200,000 from the General Fund to develop the program. The \$200,000 will be used to develop a business registration and licensing program. This includes two (2) new positions, software/hardware, equipment and supplies, and professional services. (Attachment B – Program Budget)

The Business Registration and Licensing Program will be implemented in three phases in order to provide TLMA with sufficient time, tools and staffing to implement the program. The steps outlined will also provide for continuous feedback and adaptive management of the program. Periodic reports to the Board are anticipated during each phase. (Attachment C – Program Timeline)

Phase I (anticipated to begin July 2006 – September 2006) Activities during this phase includes: purchase of a database software program, the importation of existing business data to the software program, meetings with stakeholders to identify other county needs within the database, development of notification letters/application forms, development of public education for the program, mailing of application forms, and the receipt, processing and issuance of business licenses.

Phase II (October 2006 – December 2006) highlights include: meetings with business/community groups/chambers of commerce, development of the water quality inspection program (assign and train staff, develop commercial/industrial compliance manual, and provide notification to businesses of pending compliance program). Ongoing activities include: continued mailing of business license application forms, and the receipt, processing, and issuance of business licenses.

Phase III (January 2007 – June 2007) will see a more functional and automated registration and licensing program that will likely be more functional in terms of mailing out applications and issuing certificates of licensing. The Water Quality Inspections are anticipated to begin in this phase. Future staffing needs will be based on a review of the Business License database and the number of facilities that require inspections.

TLMA/Building and Safety will continue to develop the program and monitor the rate of progress of program implementation. Semi-annual reports to the Board will be prepared that summarize the number of businesses licensed, number of businesses anticipated to register, and the number of businesses that require water quality inspections.

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 that are operated at a fixed physical location and those that are
21 operated on a mobile basis by a mobile-operator as defined herein.

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

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

1 “Local law enforcement or governmental entities” means any city, charter city,
2 county, charter county, or city and county, or the respective agencies and departments thereof, in the State
3 of California.

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

10 “Nuisance” shall have the same meaning as set forth in California Civil Code § 3479.

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

15 “Productive Hourly Rate” shall mean and refer to the fully burdened hourly rates for
16 each job classification required to provide a specified service. Hourly rates for services shall be established
17 through the yearly budget process and adopted by the Board of Supervisors as part of the County budget
18 public hearings.

19 “Sworn statement” shall mean an affidavit sworn before a person authorized by law
20 to take oaths or a declaration or certification made under penalty of perjury under the laws of the State of
21 California.

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

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

25 Except as provided by Section 4 herein, every person conducting or carrying on a
26 business of any kind or description anywhere in the unincorporated area of Riverside County shall register
27 with TLMA and obtain a business license. A separate business license shall be obtained for each physical
28

1 location (including branch establishments) or for each business operated on a mobile basis by a mobile-
2 operator as defined herein.

3 **Section 4. Exemption.**

4 A business license shall not be required for, and the provisions of this ordinance shall
5 not be otherwise applicable to, those businesses described in this section. Any person claiming an
6 exemption pursuant to the provisions of this section shall file a sworn statement with TLMA stating the
7 facts upon which an exemption is claimed, and in the absence of such statement substantiating the claim,
8 such person shall be liable for the payment of the business license fees imposed by this ordinance.

9 **A. Residential Facilities.** Apartments, rooming houses, and other residential facilities in
10 which living units are rented or leased solely on a term of thirty days or longer, residential care homes for
11 adults or children, family day care homes.

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

17 **C. Agriculture.** The following agricultural activities are exempt: agricultural pursuits
18 consisting of the growing of crops, raising of livestock, and dairying, including auxiliary and ancillary uses
19 incidental to the operation of a farm or ranch, consisting of the purchase and storage of substances,
20 materials, supplies, animal feeds and produce, and the marketing of farm products; provided however, that
21 a business license shall be required in connection with any of the following: 1) nurseries; 2) greenhouses;
22 and 3) wholesaling, processing, storage or manufacturing use which involves assembly of the products of
23 multiple farms or ranches by a cooperative or other business enterprise for marketing distribution.

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

28 / / /

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

2 The following circumstances shall be considered prima facie evidence that a person
3 is conducting business in the unincorporated area of Riverside County: where any person, by use of any
4 sign, circular, card, brochure, telephone book, magazine, newspaper, website, electronic media or other
5 publication, shall advertise, hold out or by any other means represent that the person is in business in the
6 unincorporated area of Riverside County, or when any person holds an active license or permit issued by a
7 governmental agency indicating that the person is in business in the unincorporated area of Riverside
8 County, and such person fails upon request of TLMA to sign and provide to the County a sworn statement
9 attesting that such person is not conducting or carrying on a business from the unincorporated area of
10 Riverside County.

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

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

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

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

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

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

27 5. The urban runoff and stormwater information form shall also be completed and signed.
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1 6. Any further information which TLMA may require to enable it to issue a business license
2 for which the application is made.

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

7 **C. License Fee.** A standard business license fee shall be charged by the County to cover the
8 reasonable costs of providing the regulatory services included in the business registration and licensing
9 program. The business license holder shall also be subject to periodic supplemental charges by the County
10 in the form of an additional license inspection and enforcement fee as provided in Section 12 of this
11 ordinance. No business license fee charged under the provisions of this ordinance shall be construed as a
12 business license tax.

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

17 **Section 8. Nontransferable – Change of Location or Ownership, Name of Business.** No
18 business license issued pursuant to this ordinance shall be automatically transferable; provided however,
19 that where a license is issued indicating a person is conducting, transacting or carrying on a business at a
20 particular place under a particular name, such license holder, upon application therefore, and payment of a
21 change fee may obtain a new license showing some other location and/or name of the business and/or
22 business ownership change.

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

26 **Section 10. License Fees.**

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

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

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

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

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

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

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

1 C. Any person conducting, transacting or carrying on a business but not operating at a fixed
2 location in the unincorporated area of Riverside County shall keep the business license on his or her person
3 at all times while conducting, transacting or carrying on the business for which it is issued. Such person
4 shall display the business license to any license inspector, code enforcement officer or peace officer
5 employed by the County upon request.

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

9 **Section 13. Water Quality Inspections and Enforcement; Additional License Fees.** A license
10 inspector, code enforcement officer or peace officer employed by the County may enter free of charge, at
11 any time, any place of business for which a business license is required by this ordinance and inspect the
12 premises, grounds, facilities and structures located therein for compliance with water quality requirements
13 imposed by Riverside County Ordinance Nos. 457 and 754, California Water Code §§ 13000 et seq.
14 (Porter-Cologne Water Quality Control Act), Title 33 U.S.C. §§ 1251 et seq. (Clean Water Act) and any
15 applicable state or federal regulations promulgated thereto, and any related administrative orders or permits
16 issued in connection therewith. Failure to maintain the business premises, grounds, facilities and structures
17 located therein in compliance with water quality requirements is a violation of this ordinance. The County
18 may initiate enforcement actions against business license holders whose business premises are found upon
19 inspection to be in violation of water quality requirements. The business license holder shall be liable to
20 the County for an additional license inspection and enforcement fee based on the hourly rates provided in
21 Section 10 of this ordinance.

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

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

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

Business Registration and Inspection Fee Matrix

Business Type	Initial Business License & Reg. Fee	Business License & Reg. Annual Renewal Fee	Water Quality Inspection Hourly Rate ¹ FY 05/06	Water Quality Inspections Frequency ²	Water Quality Inspections Duration of Inspection ³	Water Quality Inspections Deposit Based Fee ⁴	Year 1 Cost ⁵	Year 2 Cost ⁵	Year 3 Cost ⁵	Year 4 Cost ⁵	Year 5 Cost ⁵	Annual Average Cost ⁶
High/Heavy	\$45	\$30	\$131	Annually	3 Hours	\$393	\$438	\$423	\$423	\$423	\$423	\$426
Auto Repair Facilities Auto Body Repair Facilities Wholesale/Retail Fueling Facilities Mobile Auto Washing Concrete Mixing/Cutting Painting/Coating Pest Control Other Large Industrial Facilities												
Medium	\$45	\$30	\$131	Bi-Annual	2 Hours	\$262	\$45	\$292	\$30	\$292	\$30	\$138
Landscaping Businesses Pool and Fountain Cleaners/Repair Porta-a-Potty Services Mobile Carpet Cleaning Nurseries and Greenhouses Restaurants/Bars Other Medium Industrial Facilities Other Large Commercial Facilities												
Low/Light	\$45	\$30	\$131	Every 5 Years	1 Hour	\$131	\$45	\$30	\$30	\$30	\$161	\$60
Cermetaries Recreational Facilities Medical/Dental Facilities Other Medium Commercial Facilities												
Business Registration Only	\$45	\$30	N/A	Exempt	0	\$0	\$45	\$30	\$30	\$30	\$30	\$33
Home Based Businesses Small Office Only Businesses Non-regulated Businesses												

¹ The Water Quality Inspection fee is equivalent to the Productive Hourly Rate for a Building Inspector II position (Approved annually as required by Ordinance No. 857). Rates listed are for FY 05/06.

² Water Quality Inspection frequency is dictated by NPDES permit requirements and prioritization.

³ Duration of Water Quality Inspections are estimates based on the type of business and it's potential impact/threat to water quality.

⁴ Inspection fees are deposit-based fees and subject to refund of appropriate non-used inspection fee amount.

⁵ Year 1 through Year 5 cost projections are used to demonstrate the combined Business License Fee & Water Quality Inspection Fee a business could expect to pay.

⁶ Annual average cost over a five year period includes business registration and NPDES inspection fees.

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

06/07 Estimated Budget

Business Registration and Licensing

OA III	25,000	15,000	40,000
AA II	27,000	16,000	43,000
Software			25,000
Hardware			10,000
Professional Services			40,000
Equipment/Supplies			<u>40,000</u>
Total			198,000

NPDES Commercial/Industrial Compliance

CE Officer II	55,000	22,000	77,000
Equipment/Supplies			<u>22,000</u>
Total			99,000

Business Registration and Licensing and NPDES Commercial/Industrial Compliance Program

July 2007

Jan 2007

July 2006

Apr 2006

- Operate Business Registration and Licensing Program**
- Mail Registration Letters
 - Process Registrants
 - Collect Revenue
 - Mail Certificates
 - Issue NOV to Delinquencies
 - Follow-up w/Enforcement
 - Evaluate/Modify Program

- Purchase Software July-Aug 2006**
- Purchase and implement HdL software.
 - Download and begin electronic data verification.
- Developing Data Stakeholders July-Aug 2006**
- Continue to meet w/ stakeholders.
- Process Notification Letters / Questionnaires July-Sept 2006**
- Mail Initial Letter/Questionnaire
 - Retrieve Results
 - Enter Results into Database
 - Finalize Electronic Data Verification
 - Conduct Field Verification
 - Establish Registration Fee
 - Develop Registration Certificate
 - Develop Registration Schedule
- Educate Business Community**
- Create Brochure/Materials specific to Commercial Industrial Compliance Program July-Aug 2006
 - Meet with and Educate Community/Business Groups such as Business Owners/ Community Groups/Chamber of Commerce

- Select Software**
- HdL contract approved. Purchase and implement subsequent to adopted budget July 1, 2006.
 - GIS implementation initiated May 8, 2006.
- Collect Data**
- Currently acquiring, converting, and downloading database information from various stakeholders.
 - Process to include a mechanism to verify data as accurate to County of Riverside.
- Developing Data Stakeholders**
- Developed stakeholder list. Stake holders include the following County Departments and Divisions: Health, Tax Assessor, Fire, Sheriff, Flood, Code Enforcement, and Economic Development.
- Meet w/ Stakeholders**
- Meeting of stakeholders set for June 14, 2006, 2:00 p.m., 12th floor, conference room "B".

- Operate NPDES Commercial/Industrial Compliance Program**
- Implement Inspection Component
 - Evaluate/Modify Program

- Oct-Dec 2006**
- Establish NPDES Compliance Ordinance July-Sept 2006
 - County Counsel to recommend as required.
- Develop Compliance Program Components July-Aug 2006**
- Mission
 - Goals
 - Staffing
 - Job Duties
 - Inspection Areas
 - Inspection Scheduling
 - Reporting
 - Training
 - Establish Inspection Fee
- Commercial/Industrial Compliance Manual July-Dec 2006**
- Develop Commercial/Industrial BMP/Procedures
- Implement NPDES Compliance Program Components Sept-Dec 2006**
- Assign and Train Staff
 - Establish Expense/Revenue Budget
 - Notify Businesses of Pending Compliance Program
 - Provide for Inspection Billing/Collection Mechanism
 - Establish Transition Plan w/ Flood and Environmental Health

- Develop Forms**
- Develop First Letter for draft.
 - Develop Questionnaire for draft review on May 24, 2006.
- Establish Budget**
- Tentative \$200k Business Registration and \$100k Environmental Compliance budget proposed for 06/07 fiscal year includes equipment, supplies, and personnel. Personnel include, CE Officer II, OA III, and AA II.
- Establish Registration Ordinance**
- Proposed Business Registration Ordinance drafted. Currently being amended for board approval June 20, 2006.
- NPDES Commercial/Industrial Compliance Program**
- Outline Program.
 - Obtain Board Approval.

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 **FE.** 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 **JH.** 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.

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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.

24
25 BOARD OF SUPERVISORS OF THE COUNTY
26 OF RIVERSIDE, STATE OF CALIFORNIA

27
28 By: _____
Chairman, Board of Supervisors

1 ATTESTED:

2 NANCY ROMERO
3 Clerk of the Board

4 By: _____
5 Deputy

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