

City of Hesperia

STAFF REPORT



DATE: March 17, 2020

TO: Mayor and City Council members

FROM: Nils Bentsen, City Manager

BY: Michael Blay, Assistant City Manager
Bethany Hudson, Engineering Technician
Tina Souza, Senior Management Analyst

SUBJECT: Amend Administrative Bail Schedule

RECOMMENDED ACTION

It is recommended that the City Council adopt Resolution No. 2020-14, amending Resolution No. 2018-74, amending the City-Wide Administrative Bail Schedule.

BACKGROUND

The City of Hesperia adopted Ordinance 2016-07 to comply with the National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000004 for Storm Water Discharges from Small Municipal Separate Storm Sewer Systems (MS4s) (MS4 Permit) on September 6, 2016. This ordinance gave the City adequate legal authority to implement and enforce the provisions under the MS4 Permit issued in February 2013. Part of the MS4 Permit implementation is Program Effectiveness Assessment and Improvement.

The City has currently been working with a consulting firm to evaluate and assess the City's Stormwater Management Program for compliance with the MS4 Permit requirements. During review of the City's Ordinance and Municipal Code, staff found that administrative fines for enforcement of Title 8, Chapter 8.30 directly associated with the City's Stormwater Management Program were not established. Further, review of the program resulted in several revisions to Chapter 8.30. The Administrative Bail Schedule is being updated along with the Municipal Code which is under a separate staff report.

ISSUES/ANALYSIS

City Staff, along with recommendations from the consultant, established administrative fines that pertain directly to the NPDES Program implemented in compliance with the MS4 Permit. Part of MS4 Permit compliance is making sure that the City has Legal Authority to implement and enforce the permit requirements. Pursuant to the Municipal Code, violations of the adopted regulations are considered a public nuisance and the City may pursue administrative means to enforce the regulations in Title 8, Chapter 8.30. Inclusion of fines in the City-wide Administrative Bail Schedule related to nuisance activities will allow Code Enforcement, Law enforcement and other authorized staff to issue administrative citations for non-compliance and failure to abate violations related to the NPDES Program.

Pursuant to the Hesperia Municipal Code, a public nuisance and may be prosecuted using administrative means by Code Enforcement or Law Enforcement other authorized city staff. Inclusion of fines in the City Administrative Bail Schedule related to potential nuisance activities will also allow Code Enforcement and Law Enforcement to abate violations related to surface and groundwater protection through the use of administrative fines.

With the exception of special enforcement procedures identified in Chapter 8.30, enforcement will be in accordance with Chapter 1.12 of the Municipal Code. The administrative fines will ordinarily follow an order of progression. In general, a person in violation of Chapter 8.30 will have up to three or four separate opportunities to correct or abate a violation before administrative citations and related fines are issued dependent on the severity of the violation, failure to correct or abate the violation as requested by the City, and repeat offenses.

ALTERNATIVE(S)

1. Provide alternative direction to staff.

ATTACHMENT(S)

1. Resolution No. 2020-14
2. Exhibit "A" (City Administrative Bail Schedule revisions)