

ORDINANCE NO. 2020-03

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HESPERIA, CALIFORNIA, AMENDING TITLE 1, CHAPTER 1.12, TITLE 8, CHAPTER 8.30, AND TITLE 15, CHAPTER 15.06 OF THE HESPERIA MUNICIPAL CODE, RELATED TO SURFACE AND GROUNDWATER PROTECTION REGULATIONS

WHEREAS, the City of Hesperia has the authority and responsibility to control discharges to the City's Small Municipal Separate Storm Sewer System (MS4) as required by the National Pollutant Discharge Elimination System (NPDES) General Permit for Waste Discharge Requirements (WDRs) for Storm Water Discharges (MS4 Permit) to protect the public health, safety, and welfare; and

WHEREAS, Title 8, Chapter 8.30 of the Hesperia Municipal Code contains regulations related to protecting the water quality of receiving waters, including groundwater, in a manner pursuant to, and consistent with the Clean Water Act (CWA), the Porter-Cologne Act, and the MS4 Permit by reducing pollutants in stormwater discharges into the City's MS4 to the maximum extent practicable (MEP); and

WHEREAS, Title 8, Chapter 8.30 further ensures the health, safety and general welfare of the residents of the City by prohibiting unauthorized non-stormwater discharges into the City's MS4. Chapter 8.30 establishes legal authority to implement and enforce stormwater management requirements, and carry out inspection, surveillance, and monitoring procedures necessary to ensure compliance with this chapter of the Municipal Code, and with the MS4 Permit.

WHEREAS, Title 8, Chapter 8.30 also contains regulations pertaining to specific business types and development types and associated activities, as well as includes regulations mandated by the state for those business and development types and activities; and

WHEREAS, the City adopted Title 8, Chapter 8.30, Surface and Groundwater Protection: NPDES Permit Implementation on September 6, 2016; and

WHEREAS, evaluation of the City's Stormwater Management Program established the need for modifications to comply with the MS4 Permit; and

WHEREAS, the updates attached hereto as Exhibit "A" contain updated state and local regulations in order to continue to manage NPDES Permit Implementation and the City's Stormwater Program; and

WHEREAS, Title 1, Chapter 1.12 of the Hesperia Municipal Code contains regulations related to Municipal Code enforcement. Amendments to Chapter 8.30 resulted in the need to amend Chapter 1.12 to eliminate conflicting language regarding enforcement procedures.

WHEREAS, Title 15, Chapter 15.06 of the Hesperia Municipal Code contains regulations related to grading. Amendments to Chapter 15.06 are required consistent with Chapter 8.30 amendments.

WHEREAS, all legal prerequisites to the adoption of this Ordinance have occurred.

NOW THEREFORE, THE HESPERIA CITY COUNCIL DOES ORDAIN AS FOLLOWS:

Section 1. All of the facts set forth in the foregoing recitals are true, correct and are adopted as findings.

Section 2. Title 8, Chapter 8.30 of the Hesperia Municipal Code is hereby amended as set forth in Exhibit "A," attached hereto.

Section 2. Title 1, Chapter 1.12 of the Hesperia Municipal Code is hereby amended as set forth in Exhibit "B," attached hereto.

Section 2. Title 15, Chapter 15.06 of the Hesperia Municipal Code is hereby amended as set forth in Exhibit "C," attached hereto.

Section 3. Ordinance No. 2016-07, containing the regulations related to Surface and Groundwater Protection shall remain in full force and effect, excepting any changes noted in Exhibit "A" attached hereto.

Section 4. This Ordinance shall take effect on April 16, 2020.

Section 5. The City Council of the City of Hesperia hereby declares that should any provision, section, paragraph, sentence, or word of this Ordinance hereby adopted be rendered or declared invalid by any final court action in a court of competent jurisdiction, or by any reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences, and words shall remain in full force and effect.

Section 6. The City Clerk shall certify to the adoption of the Ordinance and shall cause the same to be posted in three (3) public places within the City of Hesperia pursuant to the provisions of Resolution 93-78.

ADOPTED AND APPROVED this 17th day of March 2020.

Larry Bird, Mayor

ATTEST _____
Melinda Sayre, City Clerk