

**2.13 Amendments to the San José Municipal Code, Council Policy 6-29, 6-35, 6-36, and 6-37, and Administrative Citation Schedule of Fines all Related to the Municipal Regional Stormwater Permit Requirements.**

**Recommendation:**

(a) Approve an ordinance amending Section 5.09.500 of Chapter 5.09 of Title 5; amending Chapter 15.14 of Title 15 to add Sections 15.14.337, 15.14.377, 15.14.426, 15.14.443, 15.14.771, 15.14.772, and 15.14.773; amending Section 20.95.020 of Chapter 20.95 and Section 20.100.470 of Chapter 20.100 of Title 20 of the San José Municipal Code related to compliance with the Municipal Regional Stormwater Permit.

(b) Adopt a resolution amending Council Policy No. 6-29, Post Construction Urban Runoff Management;

(c) Adopt a resolution establishing a new Council Policy No. 6-35, Source Properties of Mercury, PCBs, or Other Pollutants: Best Management Practices.

(d) Adopt a resolution establishing a new Council Policy 6-36, Private Land Directly Plumbed to the Storm Sewer System: Best Management Practices.

(e) Adopt a resolution establishing a new Council Policy No. 6-37, Projects Disturbing Less than One Acre: Best Management Practices.

(f) Adopt a resolution amending the Administrative Citation Schedule of Fines to update fines for violations of San José Municipal Code Chapter 15.14, Sections 15.14.771 and 15.14.772 to create a new fine for violations pertaining to Council Policy 6-36; Section 15.14.773 to create a new fine for violations pertaining to Council Policy 6-35; Section 15.14.770 to update the fine for violations pertaining to best management practices as applied to stormwater control; and repealing Resolution No. RES2024-24.

CEQA: Categorically Exempt, File No. ER24-105, CEQA Guidelines Section 15308, Actions by Regulatory Agencies for Protection of the Environment. Planning Commission recommends approval (11-0) (Item 5.b on the 5/22/2024 Planning Commission agenda). (Environmental Services/Planning, Building and Code Enforcement)

# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Kerrie Romanow  
Chris Burton

**SUBJECT:** SEE BELOW

**DATE:** May 23, 2024

Approved



Date

5/24/24

**SUBJECT: AMENDMENTS TO TITLE 5, TITLE 15, AND TITLE 20 OF THE SAN JOSE MUNICIPAL CODE, AMENDMENT TO COUNCIL POLICY 6-29, ADOPTION OF COUNCIL POLICY 6-35, 6-36, AND 6-37, AND AMENDMENT TO THE ADMINISTRATIVE CITATION SCHEDULE OF FINES ALL RELATED TO THE MUNICIPAL REGIONAL STORMWATER PERMIT REQUIREMENTS**

## **RECOMMENDATION**

- (a) Approve an ordinance amending Section 5.09.500 of Chapter 5.09 of Title 5; amending Chapter 15.14 of Title 15 to add sections 15.14.337, 15.14.377, 15.14.426, 15.14.443, 15.14.771, 15.14.772, and 15.14.773; amending section 20.95.020 of Chapter 20.95 and section 20.100.470 of Chapter 20.100 of Title 20 of the San José Municipal Code related to compliance with the Municipal Regional Stormwater Permit.
- (b) Adopt a resolution amending Council Policy No. 6-29, *Post Construction Urban Runoff Management*.
- (c) Adopt a resolution adopting Council Policy No. 6-35, *Source Properties of Mercury, PCBs, or Other Pollutants: Best Management Practices*.
- (d) Adopt a resolution adopting Council Policy 6-36, *Private Land Directly Plumbed to the Storm Sewer System: Best Management Practices*.
- (e) Adopt a resolution adopting Council Policy No. 6-37, *Projects Disturbing Less than One Acre: Best Management Practices*.
- (f) Adopt a resolution amending the Administrative Citation Schedule of Fines to update fines for violations of San José Municipal Code Chapter 15.14, Sections 15.14.771 and 15.14.772 to create a new fine for violations pertaining to Council Policy 6-36; Section 15.14.773 to create a new fine for violations pertaining to Council Policy 6-35; Section 15.14.770 to update the fine for violations pertaining to best management practices as applied to stormwater control; and repealing Resolution No. RES2024-24.

May 23, 2024

**Subject: Amendments to the Title 5, Title 15, and Title 20 of the San José Municipal Code, Amendment to Council Policy 6-29, Adoption of Council Policy 6-35, 6-36, and 6-37, and Amendment to the Administrative Citation Schedule of Fines all Related to the Municipal Regional Stormwater Permit Requirements**

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## **SUMMARY AND OUTCOME**

Approval of the proposed ordinance and updates to the Council Policy Manual, and the Administrative Citation Schedule of Fines will enable the City to comply with the implementation and enforcement requirements of the Municipal Regional Stormwater National Pollutant Discharge Elimination System Permit (Stormwater Permit) (effective July 1, 2022), including as amended for Provision C.3 requirements that became effective as of November 1, 2023.

## **BACKGROUND**

The City of San José has two separate sewer systems. The sanitary system flows into the San José-Santa Clara Regional Wastewater Facility where sewage is treated before discharging into the San Francisco Bay. The City's storm sewer system captures stormwater through approximately 35,000 inlets along City streets. It is then conveyed through approximately 1,070 miles of storm sewer mains and discharged through 1,700 outfalls into local creeks and streams, and ultimately into San Francisco Bay.

The Federal Clean Water Act requires the City to operate its municipal separate storm sewer system under a National Pollutant Discharge Elimination System permit (NPDES Permit) for the discharge of stormwater to waterways. The State Water Resources Control Board (Water Board) and its regional boards administer the Clean Water Act. The City is one of 79 public entities located in the Bay Area that are permittees under a (Stormwater Permit). The Stormwater Permit specifies actions necessary to reduce the discharge of pollutants in stormwater to the maximum extent practicable and essentially prohibits non-stormwater discharges into the storm sewer system to protect local waterways and the bay. The City must comply with the Stormwater Permit, which is updated approximately every five years.

On May 11, 2022, the Water Board adopted a revised Stormwater Permit, effective July 1, 2022. On April 12, 2023, the City's Planning Commission reviewed the initial changes to the San José Municipal Code to meet the Stormwater Permit's requirements. On October 11, 2023, the Water Board approved an amendment to the Stormwater Permit's C.3 New and Redevelopment Provision (effective on November 1, 2023) that includes an exemption for temporary emergency housing projects from stormwater treatment requirements, updates to the Special Project Category C Affordable Housing stormwater credit calculation, and a sub-provision on alternative treatment systems. In addition, staff determined that the San José Municipal Code required further clarification to meet all Stormwater Permit requirements.

On May 22, 2024, the City's Planning Commission reviewed and recommended changes to Title 20 of the San José Municipal Code and Council Policy 6-29, and creation of Council Policy 6-37 (**Attachment** – May 22, 2024 Planning Commission Staff Report).

May 23, 2024

**Subject: Amendments to the Title 5, Title 15, and Title 20 of the San José Municipal Code, Amendment to Council Policy 6-29, Adoption of Council Policy 6-35, 6-36, and 6-37, and Amendment to the Administrative Citation Schedule of Fines all Related to the Municipal Regional Stormwater Permit Requirements**

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## **ANALYSIS**

Staff recommends amending the San José Municipal Code and relevant existing Council Policy, as well as creating new City Council policies to comply with the Stormwater Permit as recently amended. These proposed changes will codify current language to align with the Stormwater Permit's requirements, as well as eliminate obsolete information.

Below are summaries of the proposed changes. Please see the **Attachment** – May 22, 2024 Planning Commission Staff Report for complete language of proposed changes to San José Municipal Codes, Council Policies, and Administrative Citation Schedule of Fines.

### **1. Update San José Municipal Codes Sections 5.09.500.G and 5.09.500.I**

Staff recommends updating San José Municipal Code §5.09.500.G to correct a typographical error.

The Stormwater Permit Amendment, effective as of November 1, 2023, modified new development and redevelopment requirements in the Stormwater Permit. Staff recommends updating San José Municipal Code §5.09.500.I to reflect that the Stormwater Permit amendment exempts interim housing from green stormwater requirements.

### **2. Create New San José Municipal Code Sections 15.14.377, 15.14.443, 15.14.771, and 15.14.772 regarding Private Land Drainage Areas**

Staff recommends creating San José Municipal Code §15.14.377 to define private land drainage areas (PLDAs) in alignment with the Stormwater Permit.

Staff recommends creating San José Municipal Code §15.14.443 to define the Stormwater Permit.

Staff recommends creating San José Municipal Code §15.14.771 and § 15.14.772 to implement PLDA requirements. Stormwater Permit provision C.10.a.ii.b requires that the City ensures that trash is being properly managed on PLDA properties and not discharged into the City's storm sewer system. Applicable PLDA properties are properties that 1) have an onsite private storm drain directly plumbed to the City's storm sewer system and 2) are not upstream of an existing full trash capture system installed in the City's storm sewer system. The Stormwater Permit requires the City to assess and ensure all PLDA parcels are not discharging trash to the storm sewer system by June 30, 2025. PLDA properties identified as generating medium, high, or very high trash loads must install 'full trash capture' controls to capture trash or implement equivalent trash control practices on their properties to maintain low trash generation as assessed by City staff performing on-land visual trash assessments. Properties assessed as generating 'low trash' levels are not required to install full trash capture, but must maintain the 'low' assessment in perpetuity.

**3. Create New San José Municipal Code Sections 15.14.337, 15.14.426, 15.14.443, and 15.14.773 regarding Mercury and Polychlorinated Biphenyls from Old Industrial Source and Moderate Properties**

The Stormwater Permit under Provision C.11.c and C.12.c requires permittees, including the City, to implement specific actions to abate mercury and polychlorinated biphenyls (PCB) from old industrial areas entering the storm sewer system. Permittees were required to submit a Regional Control Measure Plan (Plan) to reduce mercury and PCBs in urban runoff from old industrial areas to achieve the countywide mandated load reduction. The Santa Clara Valley Urban Runoff Pollution Prevent Program submitted the Plan on behalf of the City and other Santa Clara Valley permittees on March 31, 2023. The Water Board provided comments on the Plan in August 2023, and City staff worked with local and regional partners to review and respond to these comments. The revised Plan addressed all Regional Water Board comments and was submitted to the Water Board on March 31, 2024. The Plan details a targeted control measure program using available information and monitoring data for land areas with moderate to high levels of mercury and PCBs to implement new and enhanced efforts to gain access to and collect samples on private properties to determine if a property is a source of mercury and PCBs properties. The City will investigate areas of elevated PCBs contamination to identify confirmed “moderate source properties” that are discharging elevated levels of PCBs to the City’s right-of-way or storm sewer system and will work directly with property owners to require abatement of their property. In addition, provision C.12.b calls out “high source properties” with high PCBs concentrations and requires the City to either: 1) enforce abatement similar to “moderate source properties” or 2) refer the site to the Water Board for abatement and implement enhanced operation and maintenance within the City right-of-way to removed polluted sediments during the abatement process. The City will refer the eight confirmed high source properties to the Regional Water Board for follow-up investigation and abatement. The creation of San José Municipal Codes §15.14.337, §15.14.426, §15.14.443, §15.14.773, and Council Policy 6-35 (see below) are recommended to implement the PCBs requirements at applicable Old Industrial properties.

**4. Update San José Municipal Code Sections 20.95.020 and 20.100.470 regarding Green Stormwater Infrastructure**

Staff recommends updating San José Municipal Code §20.95.020 to incorporate new Stormwater Permit requirements. Low impact development systems, sometimes referred to as Green Stormwater Infrastructure, mimic the natural processes that result in infiltration or the use of stormwater in a manner that protects water quality and the environment. The new Stormwater Permit established new and updated existing impervious surface thresholds and definitions for regulated projects required to implement low impact development. The Stormwater Permit expanded the categories of regulated projects to include utility trenching and subsequent road reconstruction projects. These projects involve the reconstruction of existing streets, roads, sidewalks, and bicycle lanes which create and/or replace greater than or equal to one contiguous acre of impervious surface and are on average over the entire length of the project greater than or equal to eight feet wide.

Staff recommends amending San José Municipal Code §20.100.470 to remove outdated references to guidance documents that are obsolete. These are the *Blueprint for a Clean Bay* and the *Association of Bay Area Government's Manual of Standards Erosion & Sediment Control Measures*. The revised Council Policy 6-37 will contain the best management practices.

**5. Update Council Policy 6-29 *Post Construction Urban Runoff Management***

Staff recommends updating Council Policy 6-29, *Post Construction Urban Runoff Management* to remove “gravel” as a form of pervious surface, as gravel is no longer considered a pervious under the Stormwater Permit. Staff also recommends updating the Council Policy to include utility trenching projects as detailed above in Section §20.95.020.

**6. Create Council Policy 6-35 *Source Properties of Mercury, PCBs, or Other Pollutants: Best Management Practices***

Staff recommends adopting a new Council Policy 6-35 entitled *Source Properties of Mercury, PCBs, or other Pollutants: Best Management Practices* to meet the Stormwater Permit’s C.11 and C.12 investigation and abatement requirements by regulating source properties. This policy defines the best management practices, operation, and maintenance required to prevent mercury, PCBs, or other pollutant-laden sediments from discharging to the public right-of-way and the storm sewer system.

**7. Create Council Policy 6-36 *Private Land Directly Plumbed to the Storm Sewer System: Best Management Practices***

Staff recommends adopting a new Council Policy 6-36 entitled *Private Land Directly Plumbed to the Storm Sewer System: Best Management Practices* which will allow the City to investigate, educate, register, and enforce the new Stormwater Permit requirements related to trash from private properties.

**8. Create Council Policy 6-37 *Projects Disturbing Less Than One Acre: Best Management Practices***

Staff recommends adopting a new Council Policy 6-37 entitled *Projects Disturbing Less than One Acre: Best Management Practices*. This Council Policy will better communicate appropriate best management practices for preventing stormwater pollution from construction projects disturbing less than one acre. This will give the City the ability to enforce upon construction project managers if and when sites are not complying with Stormwater Permit requirements.

**9. Update the Administrative Citation Schedule of Fines to Ensure Proper Enforcement**

Updates to the Administrative Citation Schedule of Fines are recommended to ensure that the storm sewer system is adequately protected from pollutants and to ensure enforcement of the obligations. Fines for the failure to comply with Council Policies 6-35 and 6-36, per San José

HONORABLE MAYOR AND CITY COUNCIL

May 23, 2024

**Subject: Amendments to the Title 5, Title 15, and Title 20 of the San José Municipal Code, Amendment to Council Policy 6-29, Adoption of Council Policy 6-35, 6-36, and 6-37, and Amendment to the Administrative Citation Schedule of Fines all Related to the Municipal Regional Stormwater Permit Requirements**

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Municipal Code §15.14.771, §15.14.772, and §15.14.773 are recommended to be set at \$500 per instance, consistent with fines for other related policy provisions.

In addition, staff recommends maintaining the fine amount for San José Municipal Code §15.14.770 subsections A through E at \$300, since these relate to pretreatment fines. Staff also recommends increasing, to \$500, subsections F and G to be consistent to other stormwater potential discharge fines of \$500 (See San José Municipal Code §15.14.530, Protection from Accidental Discharge).

### **EVALUATION AND FOLLOW-UP**

The San José Municipal Code amendments will go into effect 30 days after the City Council's approval and adoption. If City Council approves and adopts the recommendations in this memorandum at the June 4, 2024 City Council meeting, the amendments will go into effect on July 18, 2024. Policies are effective when they are approved. The Stormwater Permit requires the City to report annually to the Water Board each fiscal year on progress.

### **COST SUMMARY/IMPLICATIONS**

The City's stormwater-related revenue is not sufficient to meet the obligations of the new Stormwater Permit, nor do PLDA and PCB mitigation activities represent a proportionate benefit to all rate payers. As a result, additional costs related to implementation of these new provisions are being absorbed by the City's General Fund.

### **COORDINATION**

This memorandum has been coordinated with the City Attorney's Office, the City Manager's Budget Office, Office of Economic Development and Cultural Affairs, and the Departments of Planning, Building and Code Enforcement; Public Works; and Transportation.

### **PUBLIC OUTREACH**

This memorandum will be posted on the City's Council Agenda website for the June 4, 2024 City Council meeting.

Public Works Department staff have been keeping developers apprised of relevant Stormwater Permit new development and redevelopment updates through its respective developers industry meetings.

May 23, 2024

**Subject: Amendments to the Title 5, Title 15, and Title 20 of the San José Municipal Code, Amendment to Council Policy 6-29, Adoption of Council Policy 6-35, 6-36, and 6-37, and Amendment to the Administrative Citation Schedule of Fines all Related to the Municipal Regional Stormwater Permit Requirements**

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Public Works Department staff have also been informing development permit applicants of the new development and redevelopment requirements effective July 1, 2023, through the permit review process. City staff from the Environmental Services Department, Public Works Department, and the Planning, Building, and Code Enforcement Department finalized and published an updated Stormwater Evaluation Form on December 20, 2023 for development permit applicants to complete and determine whether their project is subject to new and updated Stormwater Permit requirements. The City's internal and external processes and outreach items, including websites and other pertinent paperwork, were updated to reflect these changes.

The City's website has information about the PLDA requirement on <https://www.sjenvironment.org/PrivateLands>. The website includes a) general information, b) frequently asked questions, c) requirements, d) contact information, and e) approved best management practices., and f) registration information.

In early April 2024, the City mailed letters to approximately 1,100 properties affected by the new requirements. In addition, the City hosted two virtual community meetings to explain requirements for PLDAs, to receive feedback on best management practices, and to answer questions from property owners. The first session was held on Tuesday, April 30, 2024, from 2:00 p.m. to 3:00 p.m., and the second session was held on Wednesday, May 8, 2024, from 6:30 p.m. to 7:30 p.m. Links to the recorded presentations are on the PLDA website.

In May 2024, the City mailed a notification of inspection and sampling letters to 18 parcels affected by the new mercury and PCBs requirements for old industrial areas. These 18 parcels are planned for onsite investigation in the upcoming months. As more properties are identified as potential sources of mercury and PCBs, the City will continue its outreach efforts, providing notification to those affected by the new policy. The letter included information on the proposed best management practices, City Council discussion, and adoption results on Tuesday, June 4, 2024.

## **COMMISSION RECOMMENDATION AND INPUT**

The proposed ordinance and policies that fall under the Planning Commission's purview were presented to the Planning Commission on May 22, 2024. The Planning Commission recommends approval (11-0). Please see the **Attachment** - May 22, 2024 Planning Commission Staff Report.

## **CEQA**

Categorically Exempt, File No. ER24-105, CEQA Guidelines Section 15308, Actions by Regulatory Agencies for Protection of the Environment. These proposed actions are taken to fulfill the City's obligations mandated by the State in the California Regional Water Quality



HONORABLE MAYOR AND CITY COUNCIL

May 23, 2024

**Subject: Amendments to the Title 5, Title 15, and Title 20 of the San José Municipal Code, Amendment to Council Policy 6-29, Adoption of Council Policy 6-35, 6-36, and 6-37, and Amendment to the Administrative Citation Schedule of Fines all Related to the Municipal Regional Stormwater Permit Requirements**  
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Control Board San Francisco Bay Region Municipal Regional Stormwater NPDES Permit [Order No. R2-2022-0018, NPDES Permit No. CAS612008 (referred to as the “Stormwater Permit” in this memorandum)]. The Stormwater Permit implements the Federal Clean Water Act and requires that the City shall within its jurisdiction, “effectively prohibit the discharge of non-stormwater (materials other than stormwater) into storm drain systems and watercourses.” (Stormwater Permit, Par. A.1.) As outlined in the Analysis section of this memorandum, the proposed actions implement State-mandated requirements to protect the environment and are categorically exempt from CEQA.

### **PUBLIC SUBSIDY REPORTING**

This item does not include a public subsidy as defined in section 53083 or 53083.1 of the California Government Code or the City’s Open Government Resolution.

/s/  
KERRIE ROMANOW  
Director, Environmental Services

/s/  
CHRIS BURTON  
Director, Planning Building and  
Code Enforcement

For questions, please contact Rajani Nair, Deputy Director, Environmental Services Department at [rajani.nair@sanjoseca.gov](mailto:rajani.nair@sanjoseca.gov) or (408) 799-7462.

**ATTACHMENT** - May 22, 2024 Planning Commission Staff Report



# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Planning Commission

**SUBJECT:** SEE BELOW

**DATE:** May 23, 2024

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**SUBJECT: FILE NO. PP23-008: AMENDMENT TITLE 20 OF THE SAN JOSE MUNICIPAL CODE, AMENDMENT TO COUNCIL POLICY 6-29, AND ADOPTION OF COUNCIL POLICY 6-37 RELATED TO THE MUNICIPAL REGIONAL STORMWATER PERMIT REQUIREMENTS**

## **RECOMMENDATION**

The Planning Commission voted 11-0-0 to recommend the City Council take the following actions:

1. Consider the exemption in accordance with the California Environmental Quality Act (CEQA), as amended.
2. Approve an ordinance of the City of San Jose amending Section 20.95.020 of Chapter 20.95 and section 20.100.470 of Chapter 20.100 of Title 20 of the San José Municipal Code related to compliance with the Municipal Regional Stormwater Permit.
3. With respect to the policies within the Planning Commission's purview, adopt a resolution:
  - a. Amending City Council Policy No. 6-29, Post Construction Urban Runoff Management
  - b. Adopting City Council Policy No. 6-37, Projects Disturbing Less than One Acre: Best Management Practices.

## **SUMMARY AND OUTCOME**

Approval of the proposed San José Municipal Code updates will implement and ensure enforcement of the requirements of the City's Municipal Regional Stormwater Permit, (effective July 1, 2022), as amended by the Water Board on October 11, 2023 for Provision C.3 (New and Redevelopment, effective November 1, 2023).

HONORABLE MAYOR AND CITY COUNCIL

May 23, 2024

**Subject: File No. PP23-008: Amendment to Title 20 of the San Jose Municipal Code, Amendment to Council Policy 6-29, and Adoption of Council Policy 6-37 Related to the Municipal Regional Stormwater Permit Requirements**

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## **BACKGROUND**

The proposed update incorporates amendments to Title 20 of the San José Municipal Code, amendments to Council Policy 6-29, and adoption of Council Policy 6-37, all related to the Municipal Regional Stormwater Permit requirements. These changes will allow the City to implement necessary Stormwater Permit compliance activities that protect our waterways and the San Francisco Bay.

## **ANALYSIS**

The Planning Commission staff report dated May 22, 2024 (attached) contains a complete analysis of the information related to this policy and code update.

## **CONCLUSION**

The Planning Commission voted 11-0-0 to recommend that the City Council approve an ordinance amending various sections of Title 20 of the San José Municipal Code and to make other technical, non-substantive, or formatting changes. These changes align with San Francisco Municipal Regional Permit 3.0 requirements.

## **EVALUATION AND FOLLOW-UP**

If the proposed San José Municipal Code changes are approved by City Council, the new ordinance will be effective 30 days after the second reading, and the policy changes will be effective upon City Council approval.

## **COORDINATION**

The proposed ordinance and this memorandum were coordinated with the City Attorney's Office.

## **PUBLIC OUTREACH**

This memorandum is posted on the City's Planning Commission website for the May 22, 2024, meeting. Additionally, Department of Public Works staff have been keeping developers apprised of relevant Stormwater Permit new development and redevelopment updates through their respective Developers Industry meetings.

HONORABLE MAYOR AND CITY COUNCIL

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**Subject: File No. PP23-008: Amendment to Title 20 of the San Jose Municipal Code, Amendment to Council Policy 6-29, and Adoption of Council Policy 6-37 Related to the Municipal Regional Stormwater Permit Requirements**

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Public Works advises development applicants of the new development and redevelopment requirements effective July 1, 2023, through the permit review process. City staff from Environmental Services, Public Works, and Planning, Building, and Code Enforcement departments finalized and published an updated Stormwater Evaluation Form for development permit applicants to complete and determine whether their project is subject to new and updated Stormwater Permit requirements. The City's internal and external processes and outreach items, including websites and other pertinent paperwork, were updated to reflect these changes:

<https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/start-a-new-project-or-use/stormwater-management-measures>.

### **COMMISSION RECOMMENDATION AND INPUT**

On May 22, 2024, the Planning Commission conducted a public hearing on the proposed San José Municipal updates. Staff presented a background and summary of the proposed changes for the Commission.

There were no comments from the Commissioners or the public about the item.

### **CEQA**

Categorically Exempt. CEQA Guidelines Section 15308, Actions by Regulatory Agencies for Protection of the Environment. These proposed actions are taken to fulfill the City's obligations mandated by the State in the California Regional Water Quality Control Board San Francisco Bay Region Municipal Regional Stormwater NPDES Permit [Order No. R2-2022-0018, NPDES Permit No. CAS612008 (referred to as the "Stormwater Permit" in this memorandum)]. The Stormwater Permit implements the Federal Clean Water Act and requires that the City shall within its jurisdiction, "effectively prohibit the discharge of non-stormwater (materials other than stormwater) into storm drain systems and watercourses." (Stormwater Permit, Par. A.1.) As outlined in the Analysis section of this memorandum, the proposed actions implement State-mandated requirements to protect the environment and are categorically exempt from CEQA.

HONORABLE MAYOR AND CITY COUNCIL

May 23, 2024

**Subject: File No. PP23-008: Amendment to Title 20 of the San Jose Municipal Code, Amendment to Council Policy 6-29, and Adoption of Council Policy 6-37 Related to the Municipal Regional Stormwater Permit Requirements**

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### **PUBLIC SUBSIDY REPORTING**

This item does not include a public subsidy as defined in section 53083 or 53083.1 of the California Government Code or the City's Open Government Resolution.

/s/

Chris Burton, Director  
Planning Commission

For questions, please contact Robert Manford, Deputy Director, at  
[Robert.Manford@sanjoseca.gov](mailto:Robert.Manford@sanjoseca.gov)

Attachment - Planning Commission Memorandum dated May 22, 2024



# Memorandum

**TO:** PLANNING COMMISSION

**FROM:** Christopher Burton

**SUBJECT:** File No. PP23-008

**DATE:** March 14, 2024

<b>Project</b>	Zoning Ordinance Update
<b>Applicability</b>	Citywide in applicable Zoning Districts
<b>Project Description</b>	An ordinance of the City of San José amending various sections of Title 20 (Zoning Ordinance or Zoning Code) of the San José Municipal Code to amend multiple sections for consistency with the San Francisco Bay Regional Water Quality Control Board's revised Municipal Regional Stormwater NPDES Permit, including amendments to Part 1 of Chapter 20.95.020, Applicability, and Part 3 of Chapter 20.100.470, Administration and Permits.
<b>CEQA Clearance</b>	Categorically Exempt.
<b>Project Planner</b>	Rajani Nair

## RECOMMENDATION

Staff recommends that the Planning Commission recommends the City Council to take all of the following actions:

1. Consider the exemption in accordance with CEQA, as amended;
2. With respect to the Title 20 revisions, approve an ordinance of the City of San Jose of amending section 20.95.020 of chapter 20.95 and section 20.100.470 of chapter 20.100 of Title 20 of the San Jose Municipal Code related to Compliance with the Municipal Regional Stormwater Permit, and;
3. With respect to the policies within the Planning Commission's purview, adopt a Resolution:
  - a. Amending City Council Policy No. 6-29, Post Construction Urban Runoff Management
  - b. Adopting City Council Policy No. 6-37, Projects Disturbing Less than One Acre: Best Management Practices

## OUTCOME

Approval of the Proposed Municipal Code updates will implement and ensure enforcement of the requirements of the City's Municipal Regional Stormwater Permit, (effective July 1, 2022), as amended by the Water Board on October 11, 2023 for Provision C.3 (New and Redevelopment, effective November 1, 2023).

## PROJECT BACKGROUND

The City of San José has two separate sewer systems. The sanitary system flows into the San José -Santa Clara Regional Wastewater Facility where sewage is treated before discharging into the San Francisco Bay. The City's storm sewer system captures stormwater through approximately 35,000 inlets where it is then conveyed through approximately 1,070 miles of storm sewer mains and discharged largely without treatment through 1,700 outfalls into local creeks and streams, and ultimately into San Francisco Bay.

The Federal Clean Water Act requires the City to operate its municipal separate storm sewer system (MS4) under a National Pollutant Discharge Elimination System permit (NPDES Permit) for the discharge of stormwater to waterways. The State Water Resources Control Board (Water Board) and its regional boards administer the Clean Water Act. The City is one of seventy-nine (79) public entities located in the Bay Area that are permittees under a Municipal Regional Stormwater NPDES Permit (Stormwater Permit). The Stormwater Permit specifies actions necessary to reduce the discharge of pollutants in stormwater to the maximum extent practicable and essentially prohibits non-stormwater discharges into the MS4 to protect local waterways and the Bay. The City must comply with the Stormwater Permit, which is updated approximately every five years.

On May 11, 2022, the Water Board adopted a revised Stormwater Permit, effective July 1, 2022. On April 12, 2023, the Planning Commission reviewed the initial changes to the Municipal Code to meet the Stormwater Permit's requirements. Since that time, on October 11, 2023, the Water Board approved an amendment to the Stormwater Permit's C.3 New and Redevelopment Provision, which became effective on November 1, 2023 that includes: an exemption for temporary emergency housing projects from stormwater treatment requirements, updates to the Special Project Category C Affordable Housing stormwater credit calculation, and a sub-provision on alternative treatment systems. In addition, staff determined that the Municipal Code required further clarification.

Planning Commission review is appropriate because there are changes necessary to Title 20, including Policies that are incorporated into it. In addition to the changes before the Planning Commission, Council will also consider amendments to Titles 5 and 15 of the Municipal Code, Council Policies, and the Resolution for the Administrative Citation Schedule of Fines to ensure compliance and facilitate enforcement. The amendments to Title 5 reflect the Stormwater Permit update which exempted interim housing from green stormwater requirements. In addition, the Council will consider amendments to Title 15 which codify the Stormwater Permit requirements and facilitates the City's ability to enforce as required. Lastly, Council will also consider two new additional Council policies (Policy 6-35 *Source Properties of PCBs, Mercury, or Other Pollutants: Best Management Practices* and Policy 6-36 *Private Land Directly*

*Plumbed to the Storm Sewer System: Best Management Practices*) which will allow the City to investigate and enforce stormwater permit requirements related to environmental contamination from private properties.

## **ANALYSIS**

### ***Staff Recommended Updates***

Staff recommends amending the Municipal Code and relevant City Council Policy, as well as creating a new City Council Policy to comply with the new Stormwater Permit and Permit Amendment. These proposed changes will codify current language to align with the Stormwater Permit's requirements, as well as eliminate obsolete information.

#### **1. Update SJMC §20.95.020 and §20.100.470**

Staff recommend updating §20.95.020 to incorporate new Stormwater Permit requirements. Low impact development systems, sometimes referred to as Green Stormwater Infrastructure, mimic the natural processes that result in infiltration or the use of stormwater in a manner that protects water quality and the environment. The new Stormwater Permit established new and updated existing impervious surface thresholds and definitions for regulated projects required to implement low impact development. The Stormwater Permit expanded the categories of regulated projects to include utility trenching and subsequent road reconstruction projects. These projects involve the reconstruction of existing streets, roads, sidewalks, and bicycle lanes which create and/or replace greater than or equal to one contiguous acre of impervious surface, and are on average over the entire length of the project greater than or equal to eight (8) feet wide.

Staff recommends updating SJMC §20.100.470 to remove outdated references to guidance documents that are obsolete. These are the *Blueprint for a Clean Bay* and the *Association of Bay Area Government's Manual of Standards Erosion & Sediment Control Measures*. The revised Council Policy 6-29 will contain the best management practices.

#### **2. Update Council Policy 6-29 *Post Construction Urban Runoff Management***

Staff recommends updating Council Policy 6-29, *Post Construction Urban Runoff Management* to remove "gravel" as a form of pervious surface, as gravel is no longer considered a pervious under the Stormwater Permit. Staff also recommend updating the Policy to include utility trenching projects as detailed above in SJMC §20.95.020.

#### **3. Create Council Policy 6-37 *Projects Disturbing Less than One Acre: Best Management Practices***

Staff recommends adopting a new Council Policy 6-37 entitled *Projects Disturbing Less than One Acre: Best Management Practices*. This Council Policy will better communicate appropriate best management practices for preventing stormwater pollution from construction projects disturbing less than one acre. This will give the City the ability to enforce upon construction project managers if and when sites are not complying with Stormwater Permit requirements.



## General Plan Conformance

The Envision San José 2040 General Plan encourages the periodic review of the Zoning Ordinance and other supporting Ordinances in the Municipal Code to ensure that the document reflects the goals, policies, and implementation of the General Plan.

### ***General Plan Goals/Policies: Title 20- Zoning Ordinance***

The proposed amendments to Title 20 would update certain sections of the Zoning Code to allow for conformance with and implementation of the policies of the Stormwater Permit. The proposed amendments to Title 20 are consistent with the following General Plan policy:

1. *Measurable Environmental Sustainability Policy MS-3.4: Promote the use of green roofs (i.e., roofs with vegetated cover), landscape-based treatment measures, pervious materials for hardscape, and other stormwater management practices to reduce water pollution.*
2. *Measurable Environmental Sustainability Policy MS-18.12: Encourage stormwater capture and encourage, when feasible and cost-effective, on-site rainwater catchment for new and existing development.*
3. *Environmental Resources Policy ER-8.1: Manage stormwater runoff in compliance with the City's Post-Construction Urban Runoff (6-29) and Hydromodification Management (8-14) Policies.*
4. *Environmental Resources Policy ER-8.3: Ensure that private development in San José includes adequate measures to treat stormwater runoff.*
5. *Environmental Resources Policy ER-8.5: Ensure that all development projects in San José maximize opportunities to filter, infiltrate, store and reuse or evaporate stormwater runoff onsite.*
6. *Environmental Resources Policy ER-8.6: Eliminate barriers to and enact policies in support of the reuse of stormwater runoff for beneficial uses in existing infrastructure and future development in San José.*
7. *Environmental Resources Policy ER-8.7: Encourage stormwater reuse for beneficial uses in existing infrastructure and future development through the installation of rain barrels, cisterns, or other water storage and reuse facilities.*
8. *Infrastructure Policy IN-3.10: Incorporate appropriate stormwater treatment measures in development projects to achieve stormwater quality and quantity standards and objectives in compliance with the City's National Pollutant Discharge Elimination System (NPDES) permit.*

The amendments to Title 20 (Section 20.95.020 and 20.100.470) contained within the Proposed Ordinance, Exhibit "A", Revised Council Policy 6-29 (Exhibit "B") and new Council Policy 6-37 (Exhibit "C") are necessary to ensure implementation of, and compliance with, the Stormwater Permit. These changes help ensure that the City's Municipal Code and Council Policies are appropriately updated and are consistent with regionwide stormwater requirements.

### **CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

Categorically Exempt. CEQA Guidelines Section 15308, Actions by Regulatory Agencies for Protection of the Environment. These proposed actions are taken to fulfill the City's obligations mandated by the State in the California Regional Water Quality Control Board San Francisco Bay Region Municipal Regional Stormwater NPDES Permit [Order No. R2-2022-0018, NPDES Permit

No. CAS612008 (referred to as the “Stormwater Permit” in this memorandum)]. The Stormwater Permit implements the Federal Clean Water Act and requires that the City shall within its jurisdiction, “effectively prohibit the discharge of non-stormwater (materials other than stormwater) into storm drain systems and watercourses.” (Stormwater Permit, Par. A.1.) As outlined in the Analysis section of this memorandum, the proposed actions implement State-mandated requirements to protect the environment and are categorically exempt from CEQA.

## **PUBLIC OUTREACH**

This memorandum will be posted on the City's Planning Commission website for the May 22, 2024, Planning Commission Meeting. Additionally, Department of Public Works (DPW) staff have been keeping developers apprised of relevant Stormwater Permit new development and redevelopment updates through their respective Developers Industry meetings.

DPW advises development applicants of the new development and redevelopment requirements effective July 1, 2023, through the permit review process. City staff from the Environmental Services Department (ESD), DPW, and Department of Planning, Building, and Code Enforcement (PBCE) finalized and published an updated Stormwater Evaluation Form for development permit applicants to complete and determine whether their project is subject to new and updated Stormwater Permit requirements. The City's internal and external processes and outreach items, including websites and other pertinent paperwork, were updated to reflect these changes: <https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/start-a-new-project-or-use/stormwater-management-measures>.

**Project Manager:** Rajani Nair

**Approved by:** /s/ Robert Manford, Deputy Director for Christopher Burton, Planning Director

<b>ATTACHMENTS:</b>	
Exhibit A:	Draft Ordinance
Exhibit B:	Draft revised Council Policy 6-29
Exhibit C:	Draft proposed new Council Policy 6-37
Exhibit D:	Statement of Exemption

## PP23-008

### Links to Attachments

Click on the title to view document.

<a href="#"><u>Exhibit A: Draft Ordinance</u></a>
<a href="#"><u>Exhibit B: Draft revised Council Policy 6-29</u></a>
<a href="#"><u>Exhibit C: Draft proposed new Council Policy 6-37</u></a>
<a href="#"><u>Exhibit D: Statement of Exemption</u></a>

ORDINANCE NO.

**AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING SECTION 5.09.500 OF CHAPTER 5.09 OF TITLE 5; AMENDING CHAPTER 15.14 OF TITLE 15 TO ADD SECTIONS 15.14.337, 15.14.377, 15.14.426, 15.14.443, 15.14.771, 15.14.772, AND 15.14.773; AMENDING SECTION 20.95.020 OF CHAPTER 20.95 AND SECTION 20.100.470 OF CHAPTER 20.100 OF TITLE 20 OF THE SAN JOSE MUNICIPAL CODE RELATED TO COMPLIANCE WITH THE MUNICIPAL REGIONAL STORMWATER PERMIT**

**WHEREAS**, the State Water Resources Control Board administers permitting under the Federal Clean Water Act; and

**WHEREAS**, the City of San José ("City") operates under the Municipal Regional Stormwater Permit ("MRP"), issued by the Water Board; and

**WHEREAS**, under the anticipated MRP, the City is required to take certain actions related to new and redevelopment projects to include measures to treat and prevent increases in stormwater runoff; and

**WHEREAS**, pursuant to the provisions and requirements of the California Environmental Quality Act of 1970, together with related State CEQA Guidelines and Title 21 of the San José Municipal Code (collectively, "CEQA"), the Director of Planning, Building and Code Enforcement has determined that the provisions of this Ordinance are exempt as actions taken by a regulatory agency for the purposes of the protection of the environment; and

**WHEREAS**, the City Council of the City of San José is the decision-making body for this Ordinance; and

**WHEREAS**, this Council has reviewed, considered, and validates the exemption determination under CEQA prior to taking any approval actions on this Ordinance;

**NOW, THEREFORE**, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSE:

SECTION 1. Section 5.09.500 of Chapter 5.09 of Title 5 of the San José Municipal Code is hereby amended to read as follows:

**5.09.500 Standards for Site Development**

- A. City Standard Conditions. Site Development for Emergency Bridge Housing Communities shall comply with the City standard conditions for Bridge Housing Communities developed in consultation with the City's Department of Planning, Building and Code Enforcement entitled "Conditions/Provisions for Bridge Housing Communities required for CEQA Compliance" and approved by the Director of the Department of Planning, Building and Code Enforcement.
- B. Environmental Review. Development of Emergency Bridge Housing Communities shall be subject to review under the California Environmental Quality Act of 1970 ("CEQA"), together with related State CEQA Guidelines and Title 21 of the San José Municipal Code.
- C. Air Quality. Emergency Bridge Housing Communities shall comply with the CEQA guidelines of the Bay Area Air Quality Management District dated May 2017.

- D. Biological. Emergency Bridge Housing Communities shall comply with the federal Migratory Bird Treaty Act and with City of San José habitat conservation plan, to the extent applicable.
- E. Cultural. Development of Emergency Bridge Housing Community sites shall obtain a Historic Resources Assessment report; and in the event that report identifies historic resources, impact and analysis study will be required.
- F. Geology and Soils. Development of Emergency Bridge Housing Community sites shall comply with the requirements of the City's National Pollutant Discharge Elimination System permits, to the extent applicable.
- G. Greenhouse~~e~~ Gas Emission. Emergency Bridge Housing Communities shall comply with the State Greenhouse Gas Emission reporting rules, to the extent applicable.
- H. Emergency Response Plan. Emergency Bridge Housing Communities shall prepare prior to occupancy an Emergency Response Plan developed in consultation with the Fire Department.
- I. Hydrology. Development of Emergency Bridge Housing Community sites shall comply with the requirements of the City's National Pollutant Discharge Elimination System permits and any California Department of Transportation permits, to the extent applicable. ~~Emergency Bridge Housing Communities shall not include more than 5,000 square feet of impervious surfaces.~~
- J. Land Use. Development of Emergency Bridge Housing Communities shall comply with the Santa Clara Valley Habitat Plan, to the extent applicable.

- K. Noise and Vibration. Development of Emergency Bridge Housing Communities should be on sites with exterior noise levels not in excess of 70dbA (24 hour *leq*) in the Emergency Sleeping Cabin areas or as determined by the Authority Having Jurisdiction. Interior noise levels shall be further limited as determined by the Authority Having Jurisdiction.
- L. Emergency Access. Emergency Bridge Housing Communities shall prepare prior to construction an Emergency Vehicle Access Plan developed in consultation with the Fire Department.
- M. Utilities and Service Systems. Development of Emergency Bridge Housing Community sites shall comply with the requirements of the City's National Pollutant Discharge Elimination System permits and any California Department of Transportation permits, to the extent applicable.

SECTION 2. Chapter 15.14 of Title 15 of the San José Municipal Code is hereby amended to add a Section to be numbered, entitled and to read as follows:

**15.14.337 Old Industrial Areas**

For purposes of this Chapter, "Old Industrial Areas" means the properties defined in the Stormwater Permit, as may be amended, but includes land areas where industrial activities occurred prior to 1980 and has not been redeveloped.

SECTION 3. Chapter 15.14 of Title 15 of the San José Municipal Code is hereby amended to add a Section to be numbered, entitled and to read as follows:

### **15.14.377 Private Land Drainage Area (PLDA)**

“Private Land Drainage Area” means property as defined in the Stormwater Permit, as may be amended, but includes property which is plumbed to the City’s storm sewer system.

SECTION 4. Chapter 15.14 of Title 15 of the San José Municipal Code is hereby amended to add a Section to be numbered, entitled and to read as follows:

### **15.14.426 Source Property**

For the purposes of Section 15.14.773, a “Source Property” means a property that the Stormwater Permit, as may be amended, requires to be investigated for potential abatement because it potentially contributes mercury, PCBs, or other pollutant, to the public right of way or storm sewer system.

SECTION 5. Chapter 15.14 of Title 15 of the San José Municipal Code is hereby amended to add a Section to be numbered, entitled and to read as follows:

### **15.14.443 Stormwater Permit**

“Stormwater Permit” means the City of San José’s Municipal Regional Stormwater National Pollutant Discharge Elimination System (NPDES) Permit issued by the California Regional Water Quality Control Board, San Francisco Region.

SECTION 6. Chapter 15.14 of Title 15 of the San José Municipal Code is hereby amended to add a Section to be numbered, entitled and to read as follows:



### **15.14.771 Private Land Drainage Area Registration**

- A. Mandatory Compliance. All PLDA Properties shall comply with the requirements of the Stormwater Permit, state, federal law, and this Chapter.
- B. Applicability. This Chapter shall apply to all properties with a Private Land Drainage Area (PLDA) located within the City.
- C. Registration. The Owner of a PLDA shall register with the City's PLDA Compliance Program. The registration shall include:
1. The Property address;
  2. The Property's assessor parcel number;
  3. The Owner's name, address, and phone number;
  4. Certification of the Property's stormwater treatment measures, including any full trash capture devices; and
  5. Any other information as required by the Director or Council Policy 6-36, *Private Land Directly Plumbed to the Storm Sewer System: Best Management Practices*.
- D. Notice. The Director may determine that a Property is a PLDA and must comply with this Section. The Director shall send a notice advising the Owner that the Property is a PLDA (Notice of PLDA). The Owner shall comply with this Chapter within thirty (30) calendar days after the Notice of the PLDA.

E. Appeal. Within twenty (20) calendar days of the Notice of PLDA, the Owner may, in writing, request a review of the Director's determination that a property is a PLDA. The review will be conducted under the procedure in Section 15.14.785(D) – (L).

SECTION 7. Chapter 15.14 of Title 15 of the San José Municipal Code is hereby amended to add a Section to be numbered, entitled and to read as follows:

**15.14.772 Private Land Drainage Area Requirements**

A. Required Trash Management. All PLDAs shall comply with the requirements of Council Policy 6-36, *Private Land Directly Plumbed to the Storm Sewer System: Best Management Practices*, including the installation, maintenance, and documentation regarding trash discharge control actions.

B. Compliance Inspections. The City shall have the power to enter and to inspect any PLDA to determine compliance with the provisions of this Chapter.

C. Fees and Charges. The Owner shall pay fees and charges as established by Council resolution for the registration, inspections, reinspections, enforcement and other actions necessary to determine compliance with this Chapter.

SECTION 8. Chapter 15.14 of Title 15 of the San José Municipal Code is hereby amended to add a Section to be numbered, entitled and to read as follows:

**15.14.773 Source Property and Control of Mercury, Polychlorinated Biphenyls, or Other Pollutants**

- A. Applicability. This Chapter shall apply to all Source Property that is within an Old Industrial Area or the City determines to be a potential source of mercury, PCBs, or other pollutants that may impact, drain, or discharge to the public right of way or storm sewer system.
- B. Mandatory Compliance. All Owners of a Source Property shall comply with Council Policy 6-35, *Source Properties of Mercury, PCBs, or other Pollutants: Best Management Practices*, and all the requirements of the Stormwater Permit, state, federal law, and this Chapter.
- C. Compliance Inspections. The City shall have the power to enter and inspect any potential Source Property to determine compliance with the provisions of this Chapter.
- D. Fees and Charges. The Owner shall pay fees and charges as established by Council Resolution for inspections, reinspections, enforcement and other actions necessary to determine compliance with this Chapter.

SECTION 9. Section 20.95.020 of Chapter 20.95 of Title 20 of the San José Municipal Code is hereby amended to read as follows:

**20.95.020 Applicability**

The provisions of this ~~e~~Cchapter shall apply:

- A. Whenever the creation, on or above ground through installation, construction, or replacement, of five thousand (5,000) square feet or more of impervious surface will occur through a proposed development or redevelopment of real property for uncovered parking (stand-alone or part of another use), restaurant, auto service facility or retail gasoline outlet use including sidewalks and any other portions of the public right of way that are developed or redeveloped as a part of the project; or
- B. Whenever the creation, on or above ground through installation, construction, or replacement, of five thousand (5,000) square feet or more of impervious surface will occur through a proposed development or redevelopment of real property, for any use except for development of detached single-family home projects, which are not part of a larger plan of development; or
- C. Whenever the creation, on or above ground through installation, construction, or replacement, of two thousand five hundred (2,500) or more, but less than five thousand (5,000) square feet, of impervious surface will occur for any use through a proposed development of real property (a small project); or
- D. Whenever the creation, on or above ground through installation, construction, or replacement of ten thousand (10,000) square feet or more of impervious surface (collectively over the entire project site) will occur for the development or redevelopment of a detached, single-family home project which is not part of a larger plan of development, or
- E. Whenever a proposed development of real property requires the demolition of a structure-; or

F. Whenever a proposed project involves the reconstruction of existing streets and roads and creates or replaces greater than, or equal to, one (1) contiguous acre of impervious surface, including utility trenching projects that are, on average, over the entire length of the project, greater than or equal to eight (8) feet wide.

SECTION 10. Section 20.100.470 of Chapter 20.100 of Title 20 of the San José Municipal Code is hereby amended to read as follows:

**20.100.470 Storm Water Management - Projects Disturbing Less Than 1 Acre**

- A. All development projects with an approved Development Permit shall conform with the City of San José National Pollutant Discharge Elimination System (NPDES) Storm Water Permit and shall include Best Management Practices (BMPs) as specified in Council Policy 6-37, Projects Disturbing Less than One Acre: Construction Best Management Practices, ~~the Blueprint for a Clean Bay~~ to control the discharge of storm water pollutants, including sediments associated with construction activities.
- B. Prior to the issuance of a grading permit, the applicant may be required to submit an Erosion Control Plan to the City Project Engineer, Department of Public Works.
- C. The Erosion Control Plan ~~shall comply with~~ may include BMPs as specified in Council Policy 6-37, Projects Disturbing Less than One Acre: Construction Best Management Practices, ~~The Association of Bay Area Government's Manual of Standards Erosion & Sediment Control Measures for reducing to reduce~~ impacts on the City's storm drainage system from construction activities.

PASSED FOR PUBLICATION of title this \_\_\_\_\_ day of \_\_\_\_\_, 2024, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

---

MATT MAHAN  
Mayor

ATTEST:

---

TONI J. TABER, CMC  
City Clerk

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE COUNCIL OF THE CITY OF  
SAN JOSE APPROVING REVISIONS TO COUNCIL  
POLICY 6-29, “POST-CONSTRUCTION URBAN RUNOFF  
MANAGEMENT”, RELATED TO THE MUNICIPAL  
REGIONAL STORMWATER PERMIT**

**WHEREAS**, the Federal Clean Water Act requires the City of San José (“City”) to operate its municipal storm sewer system under a National Pollutant Discharge Elimination System (“NPDES”) Permit for the discharge of stormwater to waterways; and

**WHEREAS**, the State Water Resources Control Board (“Water Board”) and its regional boards administer the Clean Water Act, and the City is one of 79 public entities located in the Bay Area that are permittees under a Municipal Regional Stormwater NPDES Permit (“Stormwater Permit”) which specifies actions necessary to reduce the discharge of pollutants in stormwater to the maximum extent practicable and essentially prohibits non-stormwater discharges into the storm sewer system to protect local waterways and the Bay; and

**WHEREAS**, the City Council initially adopted City Council Policy 6-29, “Post-Construction Urban Runoff Management” by City Council action on February 3, 1998, (“Council Policy 6-29”) relating to the control of pollutants in stormwater runoff from major new development projects; and

**WHEREAS**, on October 7, 2003, February 15, 2005, May 17, 2005, August 15, 2006, and October 4, 2011, and May 9, 2023, the City Council approved revisions to Council Policy 6-29 to respond to requirements in the NPDES stormwater discharge permit order issued to the City subsequent to February 3, 1998 by the Water Board and its regional boards; and

**WHEREAS**, on May 11, 2022, the Water Board adopted a revised Stormwater Permit, effective July 1, 2022, and on October 11, 2023, the Water Board approved an amendment to the Stormwater Permit's C.3 New and Redevelopment Provision, effective November 1, 2023; and

**WHEREAS**, revisions to Council Policy 6-29 are necessary to meet the requirements of the amended Stormwater Permit, to remove "gravel" as a form of pervious surface, as gravel is no longer considered a pervious under the Stormwater Permit and to include utility trenching projects as detailed in Section 20.95.020 of the San José Municipal Code; and

**WHEREAS**, the City's adoption of this resolution is categorically exempt from California Environmental Quality Action Section 15308 as Actions by Regulatory Agencies for Protection of the Environment;

**NOW, THEREFORE**, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE THAT:

The revised City Council Policy 6-29, entitled "Post-Construction Urban Runoff Management", attached hereto as Exhibit A and incorporated herein by this reference as though fully set forth herein, is hereby approved and shall, as of the date and time of adoption of this Resolution, replace City Council Policy 6-29, initially approved by the City Council on February 3, 1998 and last amended by Resolution No. RES2023-141 adopted on May 9, 2023.



ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2024, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

---

MATT MAHAN  
Mayor

ATTEST:

---

TONI J. TABER, CMC  
City Clerk

**City of San José, California**

**COUNCIL POLICY**

<b>TITLE</b>	POST-CONSTRUCTION URBAN RUNOFF MANAGEMENT	<b>PAGE</b>	1 of 9	<b>POLICY NUMBER</b>	6-29
<b>EFFECTIVE DATE</b>	February 3, 1998	<b>REVISED DATE</b>			
<b>APPROVED BY COUNCIL ACTION</b> February 3, 1998, Item 9d; October 7, 2003, Item 7.3; February 15, 2005, Item 7.2; May 17, 2005 Item 4.6: August 15, 2006, Item 4.3, October 4, 2011, Item 7.2(a), Resolution No. 76021; May 9, 2023, Item 6.1(c), Resolution No. RES2023-141					

**PURPOSE**

It is the purpose of this Policy to establish the City of San José's specific requirements to minimize and treat stormwater runoff from new development and redevelopment projects, consistent with the San Francisco Bay Region Municipal Regional Stormwater National Pollutant Discharge Elimination System (NPDES) Permit (or "MRP"). The protection of local streams from pollution and high volumes of stormwater runoff contributes to the City's sustainability goals by ensuring good water quality, enhancing the beneficial use of local waterways, and enhancing the quality of wildlife habitat. This Policy is consistent with the City's Green Stormwater Infrastructure Plan, Climate Smart San José, and Green Building Policies/Ordinances as the use of stormwater treatment measures result in associated energy and water conservation benefits.

**BACKGROUND**

The Federal Clean Water Act requires the City of San José to operate under a Municipal Stormwater NPDES Permit for the discharge of stormwater via the City's stormwater collection system. On May 11, 2022, the Regional Water Control Board adopted the Municipal Regional Stormwater NPDES Permit for the San Francisco Bay Region. In an effort to standardize stormwater management requirements throughout the nine county region, this permit replaces the formerly separate countywide municipal stormwater permits with a regional permit for 76 Bay Area municipalities, including the City of San José.

The Municipal Regional Permit mandates the City of San José to use its planning and development review authority to require that stormwater management measures such as Site Design, Pollutant Source Control and Treatment measures are included in new and redevelopment projects to minimize and properly treat stormwater runoff. The MRP requires use of Low Impact Development (LID) techniques including infiltration, harvest and reuse, evapotranspiration, or biotreatment to manage stormwater. The objective of

<b>TITLE</b> POST-CONSTRUCTION URBAN RUNOFF MANAGEMENT	<b>PAGE</b> 2 of 10	<b>POLICY NUMBER</b> 6-29
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LID is to maintain predevelopment rates of infiltration, evaporation, and runoff from the property being developed. Treating stormwater as a resource, rather than a waste product is a central tenet of the MRP's LID requirements.

City Council Policy 6-28: Management of Pollutants During Demolition of Applicable Projects (developed May 9, 2023) and City Council Policy 8-14: Post-Construction Hydromodification Management (last revised May 9, 2023–), are related companion policies that address the management of Polychlorinated Biphenyls (PCBs)-polluted runoff generated during demolition activities and stormwater runoff to minimize erosion and sedimentation in local rivers and creeks.

## POLICY

### Development Project Categories

This Policy requires development projects on vacant and previously developed properties (hereafter referred to as redevelopment) and road projects to manage stormwater based on the proposed land use and amount of impervious surface area being created and/or replaced by the project. The Policy provisions vary in accordance with the MRP project types and also incorporates long standing San José requirements for certain uses ("Land Uses of Concern") that involve outdoor handling and/or storage of material which have greater potential than other projects to contaminate stormwater runoff. The Policy regulates projects in the following categories:

1. **All Development Projects:** Site Design and Source Control Measures are encouraged.

All new and redevelopment projects regardless of size and land use are encouraged to incorporate site design and pollutant source control practices in a manner consistent with the strategies set forth in this Policy. Pollution prevention measures shall be incorporated into development plans and maintained in perpetuity once constructed.

2. **Projects Defined as Regulated in the Municipal Regional Permit (Regulated Projects):** Low Impact Development (LID) Treatment Measures, Site Design Measures, and Source Control Measures are required for projects above the following threshold sizes during the development permit stage.

Beginning on July 1, 2023, all projects that create and/or replace 5,000 square feet or more of impervious surface including sidewalks and any other portions of the public right of way that are developed or redeveloped as a part of the project shall use site design and source control measures and numerically-sized Low-Impact Development (LID) stormwater treatment measures in accordance with the strategies set forth in this Policy. This includes construction of new streets or roads, widening of existing streets or roads with additional traffic lanes, and

<b>TITLE</b> POST-CONSTRUCTION URBAN RUNOFF MANAGEMENT	<b>PAGE</b> 3 of 10	<b>POLICY NUMBER</b> 6-29
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construction of impervious trails that are greater than or equal to 10 feet wide or creek-side (within 50 feet of the top of the bank), when they create and/or replace 5,000 square feet or more of newly constructed contiguous surface.

Beginning on July 1, 2023, detached single family home projects, which are not part of a larger plan of development and create and/or replace 10,000 square feet or more of impervious surface, shall use site design and source control measures and numerically-sized LID stormwater treatment measures in accordance with the strategies set forth in this Policy.

Beginning on July 1, 2023, road projects that involve the reconstruction of existing streets or roads that create and/or replace one acre or more of contiguous impervious surface including sidewalks and any other portions of the public right of way that are developed or redeveloped as a part of the project shall use site design and source control measures and numerically-sized LID stormwater treatment measures in accordance with the strategies set forth in this Policy. This includes utility trenching projects that create and/or replace greater than or equal to one contiguous acre of impervious surface and is on average greater than or equal to 8 feet wide over the entire length of the project.

Special Land Use Categories, which are defined as uncovered parking areas (stand-alone or part of another use), restaurants, auto service facilities and retail gasoline outlets that create or replace 5,000 square feet or more of impervious surface area shall use site design and source control measures and numerically-sized ~~Low Impact Development (LID)~~ stormwater treatment measures in accordance with the strategies set forth in this Policy.

If the proposed project results in an alteration of 50% or more of the impervious surface of a previously existing development, and the existing development was not subject to stormwater treatment measures, then the entire project area must be brought into compliance with this Policy; otherwise only the amount of impervious surface area that is being created or replaced is subject to this Policy.

Projects Defined as Regulated in the Municipal Regional Permit (Utility Trenching): Low Impact Development Treatment Measures and Source Control Measures are required for projects above the following threshold sizes during the development permit stage:

Utility trenching projects that create and/or replace greater than or equal to one contiguous acre of impervious surface and are greater than or equal to 8 feet wide.

3. **Land Uses of Concern:** Specific Source Control Measures are required for the following projects regardless of project size:
  - a) Car Washing and Detailing Facilities
  - b) Construction/Corporation Yards

<b>TITLE</b> POST-CONSTRUCTION URBAN RUNOFF MANAGEMENT	<b>PAGE</b> 4 of 10	<b>POLICY NUMBER</b> 6-29
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- c) Automobile Dismantling and Parts Recovery
- d) Material Recycling Facilities (processing, transfer and large collection facilities)
- e) Gas Stations or Equipment Fueling
- f) Uncovered Parking Lots
- g) Loading Docks

**4. Small Projects and Smaller Detached Single-Family Home Projects:** Site Design Measures are required for projects above the following threshold sizes.

Beginning on July 1, 2023, new development and redevelopment projects that create and/or replace at least 2,500 but less than 5,000 square feet of impervious surface area, and detached single-family home projects that create or replace at least 2,500 but less than 10,000 square feet of impervious surface area, are required to install one or more site design measures in accordance with provision C.3.i of the MRP. These measures include the use of permeable surfaces to construct sidewalks, walkways, parking areas and/or the direction of runoff into cisterns, rain barrels, or vegetated areas.

~~**5. Large Detached Single Family Home Projects:** Site Design Measures are required.~~

~~Beginning on July 1, 2023, detached single family home projects, which are not part of a larger plan of development and create and/or replace 10,000 square feet or more of impervious surface, shall use site design and source control measures and numerically-sized Low Impact Development (LID stormwater treatment measures in accordance with the strategies set forth in this Policy.~~

~~If the proposed project results in an alteration of 50% or more of the impervious surface of a previously existing development, and the existing development was not subject to stormwater treatment measures, then the entire project area must be brought into compliance with this Policy; otherwise only the amount of impervious surface area that is being created or replaced is subject to this Policy.~~

### **Stormwater Management Strategies**

The Policy establishes three primary strategies to manage stormwater runoff:

1. Minimize Runoff through Site Design (Quantity Control)
2. Prevent Polluted Runoff with Source Control
3. Treat Stormwater with ~~Low Impact Development (LID)~~

These three strategies shall be implemented in the priority order set forth below with greatest emphasis placed on reducing the amount of runoff that must be treated by reducing the amount of impervious area that is directly connected to the storm drain system.

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1. ***Minimize Runoff through Site Design (Quantity Control)*** – All “Regulated Projects” (per the MRP) shall use at least the following site design measures to reduce or minimize the creation of stormwater runoff through the preservation and creation of pervious areas that absorb rainfall and reduce runoff .
  - a. Limit disturbance of natural water bodies and drainage systems; minimize compaction of highly permeable soils; protect slopes and channels; and minimize impacts from stormwater and urban runoff on the biological integrity of natural drainage systems and water bodies;
  - b. Conserve natural areas, including existing trees, other vegetation, and soils;
  - c. Minimize impervious surfaces;
  - d. Minimize disturbances to natural drainages; and
  - e. Minimize stormwater runoff by implementing one or more of the following site design measures:
    - Direct roof runoff into cisterns or rain barrels for reuse.
    - Direct roof runoff onto vegetated areas. Direct runoff from sidewalks, walkways, and/or patios onto vegetated areas.
    - Direct runoff from driveways and/or uncovered parking lots onto vegetated areas.
    - Construct sidewalks, walkways, and/or patios with permeable surfaces.
    - Construct driveways, bike lanes, and/or uncovered parking lots with permeable surfaces.

Beginning on July 1, 2023, Small Projects (create and/or replace at minimum 2,500 square feet up to 5,000 square feet) and Smaller Detached Single Family Home Projects (create and/or replace at minimum 2,500 square feet up to 10,000 square feet) shall install one or more of the following site design measures

- Direct roof runoff into cisterns or rain barrels for reuse.
  - Direct roof runoff onto vegetated areas.
  - Direct runoff from sidewalks, walkways, and/or patios onto vegetated areas.
  - Direct runoff from driveways and/or uncovered parking lots onto vegetated areas.
  - Construct sidewalks, walkways, and/or patios with permeable surfaces.
  - Construct bike lanes, driveways, and/or uncovered parking lots with permeable surfaces.
2. ***Prevent Polluted Runoff with Source Control*** – In addition to minimizing runoff, all “Regulated Projects” (per the MRP) shall include both structural and operational source control measures that at a minimum include the following:

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- a. Plumbing of the following discharges to the sanitary sewer, subject to the local sanitary sewer agency's authority and standards:
  - Discharges from indoor floor mat/equipment/hood filter wash racks or covered outdoor wash racks for restaurants;
  - Dumpster drips from covered trash, food waste and compactor enclosures;
  - Discharges from covered outdoor wash areas for vehicles, equipment, and accessories;
  - Swimming pool water, if discharge to onsite vegetated areas is not a feasible option; and
  - Fire sprinkler test water, if discharge to onsite vegetated areas is not a feasible option.
- b. Properly designed covers, drains, and storage precautions for outdoor material storage areas, loading docks, repair/maintenance bays, and fueling areas;
- c. Properly designed trash storage areas;
- d. Landscaping that minimizes irrigation and runoff, promotes surface infiltration, minimizes the use of pesticides and fertilizers, and incorporates other appropriate sustainable landscaping practices and programs such as Bay-Friendly Landscaping;
- e. Efficient irrigation systems; and
- f. Storm drain system stenciling or signage.

#### Land Uses of Concern

Source Control measures are of particular importance for automobile-related uses and industrial uses that involve the outdoor-handling and/or storage of materials which can potentially create contaminated storm water runoff.

At a minimum, polluted stormwater runoff from Land uses of concern shall be prevented through the following source control measures that are applicable to a particular project:

- Industrial uses involving the storage and handling of materials that have the potential to generate polluted stormwater runoff shall be conducted indoors or under a permanent cover to prevent contact with rainfall.
- Vehicle repair uses shall be conducted indoors or under a permanent cover to prevent contact with rainfall or runoff.
- Trash and recycling storage areas shall be enclosed and graded in accordance with City Trash Enclosure Guidelines. When appropriate,

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trash enclosures will be plumbed to a permitted sanitary sewer connection.

- Vehicle or equipment fueling areas and loading docks must be covered and paved and the surrounding portions of the site graded to prevent stormwater runoff from contacting and conveying gasoline and other vehicle-related pollutants into the storm drain system.
- Restaurant activities including the handling and storage of grease, trash, and food waste need to be isolated from the storm drain system with measures that include the covering of waste handling areas and site grading to prevent stormwater runoff from and run on into these areas.

All new and redevelopment projects regardless of size and land use are encouraged to incorporate pollutant source control practices.

3. ***Treatment Stormwater with Low Impact Development (LID)*** – For “Regulated Projects” (per the MRP), a Stormwater Control Plan is required that describes and illustrates the exclusive use of ~~Low Impact Development (LID)~~ measures to remove pollutants from stormwater runoff (per MRP C.3.d) before it enters the City’s storm drain system.

Stormwater TCM’s must be sized to comply with one of the hydraulic design criteria listed in the MRP’s Provision C.3.d. In accordance with provision C.3 of the MRP, LID Treatment fall within the following categories:

- a. Harvesting and reuse
- b. Infiltration
- c. Evapotranspiration
- d. Biotreatment (only if infeasible to implement harvesting and re-use, infiltration, or evapotranspiration)

The feasibility of particular LID practices shall be determined in accordance with the criteria and procedures set forth in the SCVURPPP C.3 Stormwater Handbook (dated June 2016) or within another City-approved guidance document. MRP section C.3.d.iii *Limitations on Use of Infiltration Devices in Stormwater Treatment Systems* includes requirements for a five inches/hour infiltration rate, 10-foot vertical separation from seasonal high groundwater and a prohibition of the use of infiltration measures for stormwater treatment for industrial uses.

## **LID Treatment Reduction Credits**

Alternatives to the exclusive use of LID measures for the treatment of all or a portion of a project’s runoff is allowed to the extent to which a project qualifies for LID treatment reduction credits in accordance with the approved Special Projects provisions of the Municipal Regional Stormwater Permit.



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## **ALTERNATIVE COMPLIANCE**

### **Off-Site LID Treatment or Payment of In-Lieu Fee**

All or a portion of a project's C.3 runoff can be treated with LID treatment measures jointly with an adjacent project or at an offsite location within the same watershed, pursuant to the MRP. In-lieu fees may be paid for the purpose of providing treatment at a regional project in the same watershed when a City-approved regional treatment project and funding structure exist.

## **OPERATION AND MAINTENANCE**

All post-construction treatment measures must be installed as specified on approved construction plans. All stormwater treatment measures installed on property shall have signage/markings that reads "Stormwater Treatment Measure – Do not alter or remove". Treatment measures shall not be altered or removed and shall be operated and maintained by qualified personnel consistent with approved development plans and/or supplemental operation and maintenance plans. Property owners must ensure that treatment measures continue to operate effectively for the life of the project. Property owners and/or its administrators, property managers, lessees, successors, including any homeowner's associations designated by the owner must keep a maintenance schedule and record of all treatment measures maintenance activities. Copies of maintenance schedules and records will be retained and made available for inspection upon request by the City.

Any owner(s) of property on which a stormwater treatment measure has been installed pursuant to the requirements of this Policy shall, upon transferring ownership of such property, provide the new owner(s) with a copy of the property's development permit or similar document indicating the location, size, and design of the stormwater treatment measures, and shall inform the new owner(s) in writing of their obligation to properly operate and maintain such stormwater treatment measures. The terms and conditions of maintenance and operation of the stormwater treatment measures shall be in the form of a covenant running with the land, deed restriction, environmental mitigation measure, a use permit, enforceable conditions of approval, or other legal means.

To the fullest extent as permitted by law, the City, the local vector control district, and the Regional Water Quality Control Board, shall have the right to access upon all properties for the purpose of inspecting, monitoring, and/or testing any stormwater treatment measure(s) installed on a property.

When used, all proprietary treatment measures must be operated and maintained per the manufacturers' specifications. The City may require additional maintenance beyond the manufacturers' specifications, if needed.

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## DEFINITIONS

**Low Impact Development (LID):** A land planning and engineering design approach with a goal of reducing stormwater runoff and mimicking a site's predevelopment rate of infiltration, evaporation; minimizing disturbed areas and impervious surface cover and then infiltrating, storing, detaining, evapotranspiring, and/or biotreating stormwater runoff close to its source, which treats stormwater as a resource, rather than a waste product.

**Impervious Surface:** A surface on a developed parcel that prevents the land's natural ability to absorb and infiltrate rainfall/stormwater. Impervious surfaces include, but are not limited to: roof tops, walkways, patios, driveways, parking lots, storage areas, impervious concrete and asphalt, and any other continuous watertight pavement or covering.

### Source Control Measures:

**Structural Source Control Measures:** Permanent development features that are designed and constructed as part of a project's pollution prevention measures such as covered trash enclosures, and sanitary sewer connections from trash enclosures, structured parking lots and loading docks.

**Operational Source Control Measures:** "Good housekeeping" activities that must be conducted routinely during the post-construction operations of the project, such as dry sweeping or vacuuming of uncovered parked lots and the regular cleaning/removal of trash and debris from storm drain inlets, for effective stormwater pollution prevention.

**Permeability:** A property of soil that enables water or air to move through it. Usually expressed in inches/hour or inches/day.

**Pervious Surface:** Permeable hardscape or paved surface that allows surface runoff to infiltrate into surface soil (e.g., turf block, brick, natural stone, cobbles, gravel).

**Site Design Measures:** Site planning techniques to conserve natural spaces and surfaces and/or limit the amount of impervious surface in development projects to minimize stormwater runoff from the site and the transport of pollutants in stormwater runoff.

**Self-Treating Area:** A portion of a development site in which infiltration and natural processes remove pollutants from stormwater. Examples of self-treating areas include conserved natural spaces, areas of landscaping, and areas paved with turf block. Self-treating areas are designed to treat only the rainfall and stormwater on those areas. They are not hydraulically-sized to treat stormwater runoff from other or adjacent impervious areas.

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**Self-Retaining Area:** An area designed to retain runoff from adjacent impervious surfaces. Self- retaining areas may include graded depressions with landscaping or pervious pavements.

**Vegetated/Green Roof:** Vegetated roof systems retain and filter stormwater runoff prior to drainage off building rooftops. For the purposes of calculating total impervious surface area, vegetated/green roofs are considered self-treating pervious areas.

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE COUNCIL OF THE CITY OF  
SAN JOSE APPROVING A NEW COUNCIL POLICY 6-35  
ENTITLED “SOURCE PROPERTIES OF MERCURY, PCBS,  
OR OTHER POLLUTANTS: BEST MANAGEMENT  
PRACTICES” RELATED TO THE MUNICIPAL REGIONAL  
STORMWATER PERMIT**

**WHEREAS**, the Federal Clean Water Act requires the City of San José (“City”) to operate its municipal storm sewer system under a National Pollutant Discharge Elimination System (“NPDES”) Permit for the discharge of stormwater to waterways; and

**WHEREAS**, the State Water Resources Control Board (“Water Board”) and its regional boards administer the Clean Water Act, and the City is one of 79 public entities located in the Bay Area that are permittees under a Municipal Regional Stormwater NPDES Permit (“Stormwater Permit”) which specifies actions necessary to reduce the discharge of pollutants in stormwater to the maximum extent practicable and essentially prohibits non-stormwater discharges into the storm sewer system to protect local waterways and the Bay; and

**WHEREAS**, on May 11, 2022, the Water Board adopted a revised Stormwater Permit, effective July 1, 2022, and on October 11, 2023, the Water Board approved an amendment to the Stormwater Permit’s C.3 New and Redevelopment Provision, effective November 1, 2023; and

**WHEREAS**, the establishment of a new City Council Policy 6-35, entitled “Source Properties of Mercury, PCBs, or Other Pollutants: Best Management Practices”, which defines the best management practices, operation, and maintenance required to prevent mercury, Polychlorinated Biphenyls (“PCBs”), or other pollutant-laden sediments from discharging to the public right-of-way and the storm sewer system, is

necessary to meet the requirements of the amended Stormwater Permit, specifically the Stormwater Permit's C.11 and C.12 investigation and abatement requirements by regulating source properties; and

**WHEREAS**, the City's adoption of this resolution is categorically exempt from California Environmental Quality Action Section 15308 as Actions by Regulatory Agencies for Protection of the Environment;

**NOW, THEREFORE**, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE THAT:

A new City Council Policy 6-35, entitled "Source Properties of Mercury, PCBs, or Other Pollutants: Best Management Practices", which policy is attached hereto as Exhibit A and incorporated herein by this reference as though fully set forth herein, is hereby approved.

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ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2024, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

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MATT MAHAN  
Mayor

ATTEST:

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TONI J. TABER, CMC  
City Clerk

*City of San José, California*

**COUNCIL POLICY**

<b>TITLE:</b> SOURCE PROPERTIES OF MERCURY, PCBs, OR OTHER POLLUTANTS: BEST MANAGEMENT PRACTICES	<b>PAGE</b>  1 of 6	<b>POLICY NUMBER</b>  6-35
<b>EFFECTIVE DATE</b>	<b>REVISED DATE</b>	
<b>APPROVED BY COUNCIL ACTION</b>		

**PURPOSE**

This Policy establishes the City of San José’s (City) requirements to prevent mercury and Polychlorinated Biphenyls (PCBs), and other pollutants from entering the waterways consistent with the San Francisco Bay Region Municipal Regional Stormwater National Pollutant Discharge Elimination System (NPDES) Permit (or “Stormwater Permit”). The protection of local streams from pollution in urban runoff advances the City’s sustainability goals by ensuring good water quality, enhancing the beneficial use of local waterways, and enhancing the quality of wildlife habitat.

**BACKGROUND**

The Federal Clean Water Act requires the City of San José to operate under a Municipal Stormwater NPDES Permit for the discharge of stormwater via the City’s stormwater collection system. On May 11, 2022, the Regional Water Quality Control Board adopted a revised Stormwater Permit for the San Francisco Bay Region. This Stormwater Permit governs 76 Bay Area municipalities, including the City of San José.

The Stormwater Permit mandates the City implement control measures and stormwater treatment for runoff containing mercury and PCBs discharging to public rights-of-way and the stormwater collection system beginning with old industrial areas known to contribute moderately to highly elevated levels of the pollutants. The targeted control measure program described here will achieve mercury and PCBs load reductions to maintain permit compliance.

City Council Policy 6-28: Management of Pollutants During Demolition of Applicable Projects, City Council Policy 6-29: Post-Construction Urban Runoff Management, City Council Policy 8-14: Post-Construction Hydromodification Management, City Council Policy 6-36: Private Land Directly Plumbed to the Storm Sewer System: Best Management Practices, and City Council Policy 6-37: Projects Disturbing Less than One Acre: Construction Best Management Practices are related, companion policies

<b>TITLE:</b> SOURCE PROPERTIES OF MERCURY, PCBs, OR OTHER POLLUTANTS: BEST MANAGEMENT PRACTICES	<b>PAGE</b> 2 of 6	<b>POLICY NUMBER</b> 6-35
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that address the management of stormwater runoff to maintain predevelopment rates of infiltration, evaporation and runoff from property being developed and to minimize erosion and sedimentation in local rivers and creeks.

## **POLICY**

This Policy requires the management of mercury- and PCBs-containing sediment runoff to the public right-of-way and stormwater collection system beginning with old industrial areas. The Policy applies to properties discharging moderate to high levels of mercury- and PCBs-containing sediment to the City's stormwater collection system ("Moderate Source Property" and/or "High Source Property"). Properties found with moderate and high levels of mercury and/or PCB-containing sediments shall develop and implement either a Source Property Control Plan or implement the Best Management Practices (BMPs) set forth in, but not limited to, this Policy. In addition to implementing the BMPs listed below, High Source Properties may be referred to the Regional Water Board for follow-up investigation and abatement. This Policy may also require properties to implement interim enhanced operation and maintenance (enhanced O&M) measures in the street or on adjacent storm drain infrastructure or implement a stormwater treatment system downstream of the property, if the City deems such actions are necessary to control pollutants.

### **A. Definitions**

For the purposes of this Policy, the following terms shall have the following meaning.

1. **"Best Management Practices"** means any program, technology, process, siting criteria, operational method or measure, or engineered system, which when implemented prevents, controls, removes, or reduces pollution. Includes schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce water pollution. BMPs also include treatment requirements, operating procedures, and practices to control site runoff, spillage or leaks, litter or waste disposal, or drainage from raw material storage.
2. **"Deed In-Lieu of Foreclosure/Sale"** means a recorded document that transfers ownership of real property from the Trustor to the holder of a Deed of Trust upon consent of the Beneficiary of the Deed of Trust.
3. **"Deed of Trust"** means an instrument by which title to real property is transferred to a third-party Trustee as security for a real estate loan. This definition applies to any and all subsequent Deeds of Trusts.
4. **"Director"** means the Director of Environmental Services Department, or designee, or such other director designated by the City Manager to administer this Policy.



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5. **“Enhanced Operations and Maintenance (O&M)”** means an increase in routine or non-routine activities that remove sediments and associated particle-bound pollutants from streets, other paved surfaces, and storm drain infrastructure. Enhanced O&M can include increasing the frequency of a routine activity, upgrading the equipment used, or conducting a non-routine activity such as pipeline flushing, capture, and disposal.
6. **“Green Stormwater Infrastructure (GSI)”** means parcel-based Low Impact Development (LID) implemented on properties and public green streets and regional GSI projects.
7. **“Moderate Source Property”** means properties with on-site storm drain or surface sediment samples, which can be released to the public right-of-way and stormwater collection system, that are 0.3 to < 1.0 mg/kg for mercury and 0.2 to < 0.5 mg/kg for PCBs.
8. **“Old Industrial Areas”** means the same as in the Stormwater Permit, as may be amended, but includes land areas where industrial activities occurred prior to 1980 and has not been redeveloped.
9. **“Owner”** means any person, partnership, association, company, corporation, entity, financial institutions, or fiduciary having a legal, possessory, or equitable title or any interest in a Property.
10. **“PCBs”** means polychlorinated biphenyls.
11. **“Property”** means any improved real property, or portion thereof, situated in the City and includes any residence, building, structure or any other improvement located on the real property.
12. **“SCVURPPP”** means Santa Clara Valley Urban Runoff Pollution Prevention Program.
13. **“Stormwater Treatment Measure”** means a design feature of a development or redevelopment project intended to prevent, minimize, or treat pollutants in stormwater, or to reduce erosive flows during the life of the project pursuant to provision C.3 of the stormwater permit. Stormwater treatment measure collectively refers to site designs to promote water quality, source control measures, and hydromodification management measures. Also referred to as “post-construction stormwater control” or “post-construction stormwater measure.”
14. **“Stormwater Treatment System”** means any engineered system designed to remove pollutants from stormwater runoff by settling, filtration, biological degradation, plant uptake, media absorption/adsorption or other physical,

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biological, or chemical process. This includes landscape-based systems such as grassy swales and bioretention units as well as proprietary systems.

15. **“High Source Property”** means properties with on-site storm drain or surface sediment samples, which can be released to the public right-of-way and stormwater collection system, that are  $\geq 1.0\text{mg/kg}$  for mercury and  $\geq 0.5\text{mg/kg}$  for PCBs.
16. **“Source Property Pollutant Control Plan”** means a document that outlines the potential sources of mercury or PCBs on a Property and associated transport pathways, and identifies control measures that will be implemented to reduce the release of mercury or PCBs to the public right-of-way and/or stormwater collection system.
17. **“Treatment”** means any method, technique, or process designed to remove pollutants and/or solids from polluted stormwater runoff.
18. **“Wet Season”** means October 1<sup>st</sup> of a given year through April 30<sup>th</sup> of the following year.

## **B. Best Management Practices (BMPs)**

All Moderate Source Properties and High Source Properties must either submit a Source Property Pollutant Control Plan or conform with the Best Management Practices (BMPs) as described below:

1. Source Property Pollutant Control Plan may be implemented in lieu of prescribed Best Management Practices listed in Section (B)(2). Source Property Pollutant Control Plan shall be pre-approved by the City prior to implementation and include, at minimum, the following information:
  - a. Potential Sources of the mercury and PCBs
  - b. Transport Pathways
  - c. Description of Control Measures
  - d. A schedule of operation and maintenance activities
2. Best Management Practices shall include a combination of any or all of the following, whichever the Director determines is most effective for the Property:
  - a. **Good Housekeeping** includes operational activities to reduce on-site sediment accumulation such as routine paved area sweeping, cleaning all storm inlet basins at least twice per year, repairing cracked and broken paved areas, routine employee training, and storm inlet labeling with “No Dumping! Flows to Bay.”

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- b. **Erodible Surface Stabilization** includes structural changes to bare ground that prevents sediment tracking by rain, wind and traffic such as diverting runoff around/away from unpaved surfaces; stabilizing erodible surfaces with vegetation/gravel, mulch/degradable mulch, or geotextiles; watering down dirt areas to control dust; and stabilizing driveways, entrances, and exits.
- c. **Storm Drain Inlet Protection** includes the installation of structurally appropriate equipment to capture and contain sediments such as inlet filters, filter mats, filter bags, compost socks, and fiber rolls.
- d. **Perimeter Controls** includes site structural improvements to prevent sediment-laden runoff from leaving the property such as installing curbs and speed bumps to redirect stormwater, or seasonally deploying compost socks, wattles, or silt fences.
- e. **Installation of Stormwater Treatment System** as defined in this Policy. This may include High-Flow Capacity Stormwater Treatment Systems and Inlet-based Stormwater Screening Devices that remove sediment, trash, and other pollutants from stormwater through screening, trapping, and settling mechanisms.
- f. **Permanently Installed & Maintained Stormwater Treatment Measures** includes specifically engineered systems calculated to capture and treat site runoff such as manufactured media filters and bioretention areas. This includes Green Stormwater Infrastructure.
- g. **Spill Prevention, Control and Response Procedures** for potential PCB containing equipment includes using secondary containment, inspecting equipment, preventative maintenance, having spill kits available, immediately cleaning up any leaks or spills, using dry clean up methods, proper waste disposal and notification procedures.
- h. **Enhanced Operations and Maintenance**, either on the Property or, if the Property impacts the public right of way. If the Property impacts the public right of way, the Property Owner may be required to obtain the necessary City permits and approvals to maintain the right of way or at the City's sole discretion reimburse costs.
- i. **Other BMPs as required by the Director.** Upon notice any other BMP as may be approved from time to time pursuant to the provisions of this Policy.

### **C. Operation and Maintenance**

- 1. All BMPs and Source Control Plans applicable to Moderate Source Properties and High Source Properties shall be permanently operated and maintained by the Property Owner(s), its administrators, property managers, lessees,

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successors, including any homeowner's associations ("Owner") pursuant to best practices, guidelines, or regulations identified by the City Manager.

2. The Owner(s) shall keep a maintenance schedule and record of all maintenance activities. Owner(s) of Property shall retain, and make available for inspection and copying, all records of inspection and maintenance activities performed on the Property within the five years immediately preceding the demand for such records by any representative of the City.
3. It shall be unlawful for any person to alter, remove, fail to maintain a BMP(s), or to cause, allow or permit alteration, removal, or failure to maintain a BMP without approval from the City.
4. It shall be unlawful for any person to fail to maintain their property in accordance with a City-approved Source Control Plan.
5. Any Owner(s) of Property on which BMP (s) has been installed, or for which a Source Control Plan has been approved, shall, upon transferring ownership of such property, provide, in writing, the new Owner(s) information indicating the location, and design of the BMP, and the Source Control Plan, if one exists.

#### **D. Compliance with All Obligations**

Nothing in this or any other City Policy relieves the Property Owner of complying with all state and federal requirements regarding the removal, transport, documentation, or storage of mercury and PCBs. Applicant shall determine if additional agency notification or approvals, or additional sampling for and abatement of mercury and PCBs, is required under other applicable law. Property Owner shall comply with all federal and state laws and regulations, including but not limited to health, safety, and environmental laws and regulations, that relate to best management practices for mercury and PCBs in old industrial areas, including but not limited to PCBs in sediment runoff, other mercury and PCBs-contaminated materials, mercury and PCBs-contaminated liquids, and mercury and PCBs waste. The requirements of this section do not replace or supplant the requirements of state or federal law, including but not limited to the Toxic Substances Control Site Act, 40 Code of Federal Regulations (CFR) Part 761, and California Code of Regulations (CCR) Title 22.

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE COUNCIL OF THE CITY OF  
SAN JOSE APPROVING A NEW COUNCIL POLICY 6-36  
ENTITLED “PRIVATE LAND DIRECTLY PLUMBED TO  
THE STORM SEWER SYSTEM: BEST MANAGEMENT  
PRACTICES” RELATED TO THE MUNICIPAL REGIONAL  
STORMWATER PERMIT**

**WHEREAS**, the Federal Clean Water Act requires the City of San José (“City”) to operate its municipal storm sewer system under a National Pollutant Discharge Elimination System (“NPDES”) Permit for the discharge of stormwater to waterways; and

**WHEREAS**, the State Water Resources Control Board (“Water Board”) and its regional boards administer the Clean Water Act, and the City is one of 79 public entities located in the Bay Area that are permittees under a Municipal Regional Stormwater NPDES Permit (“Stormwater Permit”) which specifies actions necessary to reduce the discharge of pollutants in stormwater to the maximum extent practicable and essentially prohibits non-stormwater discharges into the storm sewer system to protect local waterways and the Bay; and

**WHEREAS**, on May 11, 2022, the Water Board adopted a revised Stormwater Permit, effective July 1, 2022, and on October 11, 2023, the Water Board approved an amendment to the Stormwater Permit’s C.3 New and Redevelopment Provision, effective November 1, 2023; and

**WHEREAS**, the establishment of a new City Council Policy 6-36, entitled “Private Land Directly Plumbed to the Storm Sewer System: Best Management Practices”, which will allow the City to investigate, to educate, and to enforce the new Stormwater Permit requirements related to trash from private properties, is necessary to meet the requirements of the amended Stormwater Permit; and

**WHEREAS**, the City’s adoption of this resolution is categorically exempt from California Environmental Quality Action Section 15308 as Actions by Regulatory Agencies for Protection of the Environment;

**NOW, THEREFORE**, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE THAT:

A new City Council Policy 6-36, entitled “Private Land Directly Plumbed to the Storm Sewer System: Best Management Practices”, which policy is attached hereto as Exhibit A and incorporated herein by this reference as though fully set forth herein, is hereby approved.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2024, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

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MATT MAHAN  
Mayor

ATTEST:

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TONI J. TABER, CMC  
City Clerk

**City of San José, California**

**COUNCIL POLICY**

<b>TITLE</b>	PRIVATE LAND DIRECTLY PLUMBED TO THE STORM SEWER SYSTEM: BEST MANAGEMENT PRACTICES	<b>PAGE</b>	1 of 6	<b>POLICY NUMBER</b>	6-36
<b>EFFECTIVE DATE</b>		<b>REVISED DATE</b>			
<b>APPROVED BY COUNCIL ACTION</b>					

**PURPOSE**

This Policy establishes the City of San José’s (City) requirements to prevent trash from Private Land Drainage Areas from entering the municipal separate storm sewer system (MS4), consistent with the San Francisco Bay Region Municipal Regional Stormwater National Pollutant Discharge Elimination System (NPDES) Permit (or “Stormwater Permit”). The protection of local streams from pollution in urban runoff advances the City’s sustainability goals by ensuring good water quality, enhancing the beneficial use of local waterways, and enhancing the quality of wildlife habitat.

**BACKGROUND**

The Federal Clean Water Act requires the City of San José to operate under a Municipal Stormwater NPDES Permit for the discharge of stormwater via the City’s stormwater collection system. On May 11, 2022, the Regional Water Quality Control Board adopted a revised Stormwater Permit for the San Francisco Bay Region. This Stormwater Permit governs 76 Bay Area municipalities, including the City of San José.

The Stormwater Permit mandates that the City establish protocols to ensure that private lands that are moderate, high, or very high trash generating, and that drain to storm drain inlets that the City does not own or operate (private), but that are plumbed to City’s MS4 are equipped with full trash capture (FTC) systems or are managed with trash discharge control actions equivalent to or better than FTC systems.

City Council Policy 6-35: *Source Properties of Mercury, PCBs, or Other Pollutants: Best Management Practices*, City Council Policy 6-29: *Post-Construction Urban Runoff Management*, and City Council Policy 8-14: *Post-Construction Hydromodification Management* are related, companion policies that address the management of stormwater runoff to maintain predevelopment rates of infiltration, evaporation and runoff from property being developed, and to minimize pollution, erosion, and sedimentation in local rivers and creeks.

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## POLICY

This Policy applies to all Private parcels that drain to storm drain inlets that the City does not own or operate (private), but that are plumbed to City's MS4 and are not already addressed by a public FTC system/device.

### A. Definitions

For the purposes of this Policy, the following terms shall have the following meaning.

1. **"Applicable Property"** means a property defined as Private Land Drainage Areas under this Policy.
2. **"Municipal Separate Storm Sewer System (MS4)"** means a conveyance system designed to collect and convey stormwater that is owned by a city, town, or other public entity.
3. **"Best Management Practices"** means schedules of activities, prohibitions of practices, maintenance procedures and other management practices, such as, standard operating procedures, general good housekeeping, or pollution prevention practices to prevent or reduce the introduction of pollutants to the sanitary or storm sewer system which have been determined by the Director to be cost effective for particular industry groups, business types, or specific industrial processes. Best Management Practices may also include approved alternative means (e.g., management plans) of complying with federal, state or local regulations.
4. **"On-land Visual Trash Assessment (OVTA)"** means regional protocols used to qualitatively score land areas (i.e., streets, sidewalks, parking lots and other impervious areas) based on the levels of trash visually observed.
5. **"Private Land Drainage Area (PLDA)"** means Private parcels that drain to storm drain inlets that the City does not own or operate (private), but that are plumbed to the MS4 and are not already addressed by public FTC system/device.
6. **"Full Trash Capture Systems or Devices (FTC)"** means a stormwater treatment control, or series of treatment controls, including, but not limited to, a multi-benefit project (as defined in the Trash Amendments) or a low-impact development control that traps all particles that are 5 mm or greater, and has a design treatment capacity that is either: a) of not less than the peak flow rate, Q, resulting from a one-year, one-hour storm in the subdrainage area, or b) appropriately sized to, and designed to carry at least the same flows as, the corresponding storm drain. Types of systems certified by the State Water Resources Control Board are deemed full capture systems.



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7. **“Deed In-Lieu of Foreclosure/Sale”** means a recorded document that transfers ownership of real property from the Trustor to the holder of a Deed of Trust upon consent of the Beneficiary of the Deed of Trust.
8. **“Deed of Trust”** means an instrument by which title to real property is transferred to a third-party Trustee as security for a real estate loan. This definition applies to all subsequent Deeds of Trusts.
9. **“Property”** means any improved real property, or portion thereof, situated in the City and includes any residence, building, structure or any other improvement located on the real property.
10. **“Owner”** means any person, partnership, association, company, corporation, entity, financial institutions, or fiduciary having a legal, possessory, or equitable title or any interest in a property.
11. **“Director”** means the Director of Environmental Services Department, or designee, or such other director designated by the City Manager to administer this Policy.

## **B. Best Management Practices (BMPs)**

All Applicable Properties must conform with the Best Management Practices (BMPs) for Private Land Drainage Areas as described below:

### **1. Source Control**

- a. Keep waste bin lids closed - keep surrounding areas clean.
- b. Ensure adequately sized trash bins and adequate pickup frequency.
- c. Cover outdoor materials handling & storage areas.
- d. Use “No Dumping, Flows to Bay” labels on storm drain inlets.
- e. Have trash bins and cigarette receptacles in areas for the public or where employees congregate.
- f. If required, install and maintain waterboard certified Full Trash Capture (FTC) device (The Water Board maintains and updates a Certified FTC list at: [www.waterboards.ca.gov](http://www.waterboards.ca.gov).) Property owner should refer to this list when considering trash control devices.

### **2. Good Housekeeping**

- a. Keep parking areas, material storage, and staging areas clean.

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- b. Do not allow bins to overflow.
- c. Do not stack waste outside of bins.
- d. Post “No Littering” signs and enforce anti-littering laws with the San José 311 App.
- e. Train staff to regularly inspect parking lots and paved surfaces on your property for litter; collect any litter and dispose in trash bins.

### **3. Surface Cleaning & Sweeping**

- a. Sweep outdoor and dumpster areas regularly.
- b. Schedule mechanical sweeping of outside equipment staging areas, materials storage areas, and parking areas at a frequency that keeps the area consistently free of trash.
- c. Manually sweep areas where mechanical sweeping cannot be effectively implemented.

- 4. Other BMPs as required by the Director.** Upon notice, any other BMP as may be approved from time to time pursuant to the provisions of this Policy.

### **C. Operation and Maintenance**

- 1. All applicable BMPs shall be permanently operated and maintained by the property owner(s), its administrators, property managers, lessees, successors, including any homeowner’s associations (“Owner”) pursuant to best practices, guidelines, or regulations identified by the City Manager.
- 2. The Owner(s) shall keep a maintenance schedule and record of all maintenance activities. Owner(s) of property on which BMP(s) have been installed shall retain, and make available for inspection and copying, all records of inspection and maintenance activities performed on the BMP(s) within the five years immediately preceding the demand for such records by any representative of the City.
- 3. It shall be unlawful for any person to alter, remove, fail to maintain a BMP(s), or to cause, allow or permit alteration, removal, or failure to maintain a BMP without approval from the City.
- 4. Any Owner(s) of property on which BMP(s) have been installed shall, upon transferring ownership of such property, provide the new Owner(s) information indicating the location and design of the BMP, and shall inform the new Owner(s)

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in writing of their obligation to properly register, operate and maintain such BMPs.

5. PLDAs that are rated as *low* trash generating must continue to demonstrate through On-land Visual Trash Assessments (OVTAs) that the land area is *low* trash generating or implement applicable BMPs.

#### **D. Obligation to Register**

All Applicable Properties must be registered in the City of San Jose's publicly accessible "Registry of Private Land Drainage Areas". The registry is used to manage all necessary communication with property owners to verify compliance with the City's Municipal Code.

1. The Owner of a property which is required to register a PLDA shall, within thirty (30) days upon receipt of "notice to register" register the Applicable Property in accordance with the requirements of the Municipal Code and this policy.
2. The registration information shall include:
  - a. The address of the Applicable Property.
  - b. The assessor parcel number of the real property where PLDA is located.
  - c. The name, address, and telephone number of the Owner. If a notice of default has been issued or Deed In-Lieu of Foreclosure/Sale, the name, address, and phone number of the beneficiary or trustee on the deed of trust shall be included. In the case of a corporation or out of area beneficiary or trustee, the local property management company or agent responsible for monitoring of the property shall be included.
  - d. The date of the application for registration.
  - e. Best Management Practices Certification Form
  - f. Full Trash Capture Installation Certification Form (if applicable).

#### **E. Term of Registration**

Registration is valid indefinitely until/unless there is a change of ownership, or there is an authorized approval for registry removal by the Director. In the case of a change of ownership, the new Owner shall have sixty (60) days upon the day of such change of ownership to reregister the property.

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**F. Removal from Registry**

The Owner of an Applicable Property may apply to be exempted from the obligation to register the property in the Registry of Private Land Drainage Areas if the Owner demonstrates to the Director that the property is no longer a PLDA as defined in this Policy.

**G. Compliance with All Obligations**

Nothing in this or any other City Policy relieves the Applicable Property owner of complying with any, and all other local, state and federal requirements pertaining to property registration, and/or storm sewer use regulations.

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE COUNCIL OF THE CITY OF  
SAN JOSE APPROVING A NEW COUNCIL POLICY 6-37  
ENTITLED “PROJECTS DISTURBING LESS THAN ONE  
ACRE: BEST MANAGEMENT PRACTICES” RELATED TO  
THE MUNICIPAL REGIONAL STORMWATER PERMIT**

**WHEREAS**, the Federal Clean Water Act requires the City of San José (“City”) to operate its municipal storm sewer system under a National Pollutant Discharge Elimination System (“NPDES”) Permit for the discharge of stormwater to waterways; and

**WHEREAS**, the State Water Resources Control Board (“Water Board”) and its regional boards administer the Clean Water Act, and the City is one of 79 public entities located in the Bay Area that are permittees under a Municipal Regional Stormwater NPDES Permit (“Stormwater Permit”) which specifies actions necessary to reduce the discharge of pollutants in stormwater to the maximum extent practicable and essentially prohibits non-stormwater discharges into the storm sewer system to protect local waterways and the Bay; and

**WHEREAS**, on May 11, 2022, the Water Board adopted a revised Stormwater Permit, effective July 1, 2022, and on October 11, 2023, the Water Board approved an amendment to the Stormwater Permit’s C.3 New and Redevelopment Provision, effective November 1, 2023; and

**WHEREAS**, the establishment of a new City Council Policy 6-37, entitled “Projects Disturbing Less than One Acre: Best Management Practices”, which communicates appropriate best management practices for preventing stormwater pollution from construction projects disturbing less than one acre and gives the City the ability to enforce upon construction project managers if and when sites are not complying with

Stormwater Permit requirements, is necessary to meet the requirements of the amended Stormwater Permit; and

**WHEREAS**, the City's adoption of this resolution is categorically exempt from California Environmental Quality Action Section 15308 as Actions by Regulatory Agencies for Protection of the Environment;

**NOW, THEREFORE**, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE THAT:

A new City Council Policy 6-37, entitled "Projects Disturbing Less than One Acre: Best Management Practices", which policy is attached hereto as Exhibit A and incorporated herein by this reference as though fully set forth herein, is hereby approved.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2024, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

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MATT MAHAN  
Mayor

ATTEST:

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TONI J. TABER, CMC  
City Clerk

***City of San José, California***

**COUNCIL POLICY**

<b>TITLE</b> PROJECTS DISTURBING LESS THAN ONE ACRE: CONSTRUCTION BEST MANAGEMENT PRACTICES	<b>PAGE</b> 1 of 7	<b>POLICY NUMBER</b> 6-37
<b>EFFECTIVE DATE</b>	<b>REVISED DATE</b>	
<b>APPROVED BY COUNCIL ACTION</b>		

**PURPOSE**

This Policy establishes the City of San José’s (City) requirements to implement year-round effective stormwater pollutant controls at construction sites disturbing less than one acre of land by use of Best Management Practices (BMP), consistent with the San Francisco Bay Region Municipal Regional Stormwater National Pollutant Discharge Elimination System (NPDES) Permit (or “Stormwater Permit”). The protection of local streams from pollution caused construction site runoff advances the City’s sustainability goals by ensuring good water quality, enhancing the beneficial use of local waterways, and enhancing the quality of wildlife habitat.

**BACKGROUND**

The Federal Clean Water Act requires the City of San José to operate under a Municipal Stormwater NPDES Permit for the discharge of stormwater via the City’s stormwater collection system. On May 11, 2022, the Regional Water Quality Control Board adopted a revised Stormwater Permit for the San Francisco Bay Region. This Stormwater Permit governs 79 Bay Area municipalities and agencies, including the City of San José. The City must comply with the Stormwater Permit, which is updated approximately every five years.

The Stormwater Permit mandates that the City of San José require all construction sites to implement year-round effective stormwater pollutant controls to prevent discharges of pollutants into the stormwater collection system.

Construction sites that disturb one acre or more are regulated by the NPDES General Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities (CGP). The CGP requires construction sites disturbing one or more acre of land to implement BMPs to control the pollution from construction site runoff. In addition, construction sites disturbing one or more acre of land must implement a Stormwater Pollution Prevention Plan (SWPPP). The CGP requires the SWPPP to be created by a Qualified SWPPP Developer (QSD) and monitored by a Qualified SWPPP Practitioner

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(QSP). Both QSD and QSP are trained and certified in use of the best available technology and BMPs to prevent unauthorized discharges from construction sites and land disturbance activities.

Construction sites that disturb less than one acre of land are not subject to the requirements of the CGP and are regulated by the City's Stormwater Permit. The Stormwater Permit does not detail the specific BMPs that should be implemented at construction sites. To ensure compliance with the Stormwater Permit, consistency with the City's regional partners, and to provide guidance on the implementation of BMPs the Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP) has developed a BMP Plan Sheet. The BMP Plan Sheet details the appropriate BMPs a construction site should use during all phases of construction to prevent unauthorized discharges to the stormwater collection system.

City Council Policy 6-29: *Post-Construction Urban Runoff Management* and City Council Policy 8-14: *Post-Construction Hydromodification Management* are related, companion policies that address the management of stormwater runoff to maintain predevelopment rates of infiltration, evaporation and runoff from property being developed and to minimize erosion and sedimentation in local rivers and creeks.

## **POLICY**

This Policy requires construction sites disturbing less than one acre of land to implement year-round effective stormwater pollutant controls to prevent discharges of pollutants into the stormwater collection system, through use of BMPs consistent with the Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP) Best Management Practice Plan Sheet, California Stormwater Quality Association (CASQA) Stormwater Best Management Practice (BMP) Handbook, or equivalent BMPs.

### **Best Management Practices**

The BMPs listed below are referenced from the SCVURPPP BMP Plan Sheet. All BMPs implemented should be appropriate for site specific conditions. Listed are BMPs that are commonly implemented during different phases of construction. Site specific conditions may require additional BMPs. Any physically installed BMP should be installed according to manufacturer's specification. All BMPs are required to be monitored and maintained to ensure effectiveness.

1. Construction Entrances and Perimeter
  - Establish and maintain effective perimeter controls and stabilize all construction entrances and exits to sufficiently control erosion, sediment discharges and tracking of sediment offsite.
  - Sweep or vacuum immediately any tracking of sediment offsite and secure sediment source to prevent further tracking. Never hose down streets or sidewalks.



## 2. Non-Hazardous Materials and Dust Control

- Berm and cover stockpiles of sand, dirt or other construction material with tarps when rain is forecast or when they are not in use. Weigh down and secure tarps for wind protection.
- Keep materials off the ground (e.g., store bagged materials on wood pallets, store loose materials on tarps not pavement, etc.).
- Use captured water from other activities (e.g., testing fire lines) for dust control.
- Ensure dust control water doesn't leave site or discharge to storm drains. Only use enough to control dust. Contain and dispose of excess water properly.

## 3. Hazardous Materials

- Label all hazardous materials and hazardous wastes (such as pesticides, paints, thinners, solvents, fuel, oil, and antifreeze) in accordance with City, County, State and Federal regulations.
- Store hazardous materials and wastes in watertight containers, store in appropriate secondary containment, and cover them at the end of every workday, during wet weather or when rain is forecast.
- Follow manufacturer's application instructions for hazardous materials and do not use more than necessary. Do not apply chemicals outdoors when rain is forecast within 24 hours.
- Arrange for appropriate disposal of all hazardous wastes. Have all pertinent Safety Data Sheets (i.e., SDS/MSDS/PSDS) onsite.

## 4. Waste Management

- Inform trash-hauling contractors that you will accept only watertight dumpsters for onsite use. Repair/replace any dumpster that is not watertight or leaking.
- Cover and maintain dumpsters. Check frequently for leaks. Place dumpsters under roofs or cover with tarps or plastic sheeting secured around the outside of the dumpster. If the dumpster leaks, place a plastic liner underneath the dumpster to collect leaks. Never clean out a dumpster by hosing it down on the construction site – clean with dry methods, clean offsite or replace dumpster.
- Place portable toilets and hand wash stations away from storm drains. Make sure they are equipped with containment pans (secondary containment) and are in good working order. Check frequently for leaks.
- Dispose of all wastes and demolition debris properly per Safety Data Sheets and applicable regulations. Recycle or compost materials and wastes as feasible and appropriate, including solvents, water-based paints, vehicle fluids, broken asphalt and concrete, wood, and cleared vegetation.
- Dispose of liquid residues from paints, thinners, solvents, glues, and cleaning fluids as hazardous waste per Safety Data Sheets.

- Keep site free of litter (e.g., lunch items, water bottles, cigarette butts and plastic packaging).
- Prevent litter from uncovered loads by covering loads that are being transported to and from site.

#### 5. Vehicle and Equipment Maintenance

- Designate an area of the construction site equipped with appropriate BMPs, well away from creeks or storm drain inlets, for auto and equipment parking and storage.
- Perform major maintenance, repair jobs, and vehicle/equipment washing offsite.
- If refueling or vehicle maintenance must be done onsite, work in a bermed area away from storm drains and over a drip pan or drop cloths big enough to collect fluids. Recycle or dispose of fluids as hazardous waste.
- If vehicle or equipment cleaning must be done onsite, clean with water only in a bermed area that will not allow rinse water to run into gutters, streets, storm drains, or creeks.
- Do not clean vehicles or equipment onsite using soaps, solvents, degreasers, or steam cleaning equipment, and do not use diesel oil to lubricate equipment or parts onsite.

#### 6. Spill Prevention and Control

- Always keep spill cleanup materials (e.g., rags, absorbents, and cat litter) available at the construction site.
- Maintain all vehicles and heavy equipment. Inspect frequently for leaks. Use drip pans to catch leaks until repairs are made.
- Clean up leaks, drips and other spills immediately using dry cleanup methods whenever possible (absorbent materials, cat litter and/or rags) and dispose of cleanup materials properly.
- Sweep up spilled dry materials immediately. Never attempt to “wash them away” with water or bury them.
- Clean up spills on dirt areas by digging up and properly disposing of contaminated soil.
- Report significant spills to the appropriate local spill response agencies immediately. If the spill poses a significant hazard to human health and safety, property, or the environment, report it to the State Office of Emergency Services at (800) 852-7550 (24 hours).
- To report a spill, leak, release, or discharge to the storm drain or street gutter, call the City of San José Watershed Protection Division at (408) 945-3000. To report running water in the street, sanitary sewer overflows, localized flooding, or if you are unsure what the substance is, call (408) 794-1900 (24 hours). For life-threatening emergencies requiring a police officer, an ambulance, or fire truck for any reason, call 911.

#### 7. Grading and Earthwork

- Schedule grading and excavation work during dry weather.

- Prevent sediment from migrating offsite and protect storm drain inlets, drainage courses and creeks by installing and maintaining appropriate BMPs tailored to the site's specific characteristics and conditions. Examples of such BMPs may include silt fences, gravel bags, fiber rolls, temporary swales, compost socks, etc. Ensure that BMPs are installed in accordance with manufacturer's specifications and properly maintained throughout the duration of construction activities.
- Stabilize all denuded areas and install and maintain temporary erosion controls (such as erosion control fabric or bonded fiber matrix) until vegetation is established.
- Remove existing vegetation only when necessary. Plant temporary vegetation to prevent erosion on slopes or in areas where construction is not immediately planned.
- Keep excavated soil and/or transfer it to dump trucks, onsite, not in the streets.
- Ensure all subcontractors working onsite are implementing appropriate BMPs.

#### 8. Contaminated Soils

- If any of the following conditions are observed, test for contamination and contact the Regional Water Quality Control Board and the City of San José Watershed Protection Division at (408) 945-3000: 1) Unusual soil conditions, discoloration, or odor. 2) Abandoned underground tanks. 3) Abandoned wells. 4) Buried barrels, debris, or trash.
- If the above conditions are observed, document any signs of potential contamination, clearly mark areas and fence/tape them off so they are not disturbed by construction activities.

#### 9. Landscaping

- Protect stockpiled landscaping materials from wind and rain by storing them under tarps year-round.
- Stack bagged material on pallets and under cover.
- Discontinue application of any erodible landscape material within 2 days before a forecast rain event or during wet weather.
- Store materials onsite, not in the street.

#### 10. Concrete Management

- Store both dry and wet concrete-related materials under cover, protected from rainfall and runoff and away from storm drains or creeks. Store materials off the ground on pallets. Protect dry materials from wind.
- Avoid pouring concrete in wet weather or when rainfall is imminent to prevent concrete that has not cured from contacting stormwater runoff.
- Wash out concrete equipment/mixers/trucks offsite, or onsite only in designated washout containers/areas where the water will flow into a temporary lined waste pit and in a manner that will prevent leaching into

the underlying soils. (See CASQA Construction Stormwater BMP Handbook for temporary concrete washout facility details).

- Do not wash sweepings from exposed aggregate concrete into the street or storm drain. Collect and return sweepings to aggregate base stockpile or dispose properly.
- Make sure that construction waste (e.g., concrete, stucco, cement wastewater, or residual materials) is collected, removed, and disposed of only at authorized disposal areas. Do not dispose of construction waste in storm drains, ditches, streets, creeks, dirt areas, or the sanitary sewer.

#### 11. Dewatering

- Discharges of groundwater or captured runoff from dewatering operations must be properly managed and disposed. When possible, send dewatering discharge to landscaped area or sanitary sewer. If discharging to the sanitary sewer, call (408) 945-3000 to determine if a Short Term Industrial Wastewater Discharge Permit is required.
- Divert water originating from offsite away from all onsite disturbed areas.
- When dewatering, notify and obtain approval from the City of San José Watershed Protection Division at (408) 945-3000 before discharging water to a street gutter or storm drain. Filtration or diversion through a basin, tank, or sediment trap may be required.
- In areas of known or suspected contamination, call the City of San José Watershed Protection Division at (408) 945-3000 to determine whether the groundwater must be tested. Pumped groundwater may need to be collected and hauled offsite for treatment and proper disposal.
- For additional information, refer to the CASQA's Construction Stormwater BMP Handbook, Fact Sheet NS-2 "Dewatering Operations."

#### 12. Paving

- Avoid paving and seal coating in wet weather or when rain is forecast to prevent materials that have not cured from contacting with stormwater runoff.
- Cover storm drain inlets and manholes when applying seal coat, slurry seal, fog seal, or similar materials.
- When construction is complete, remove all covers from storm drain inlets and manholes.
- Collect and recycle or properly dispose of excess abrasive gravel or sand. Do NOT sweep or wash it into gutters, storm drains, streets, dirt areas, or the sanitary sewer.

#### 13. Sawcutting & Asphalt/Concrete Removal

- Protect storm drain inlets during saw cutting.
- When making saw cuts, use as little water as possible.
- Residue from saw cutting, coring, and grinding operations shall be picked up by means of a vacuum device.

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- Shovel, absorb, or vacuum saw cut slurry deposits and dispose of all waste properly and as soon as reasonably possible. Sawcutting residue should not be left on pavement surface.
- If saw cut slurry enters a storm drain inlet, clean it up immediately and notify the local municipality.

#### 14. Painting Cleanup and Removal

- Never clean brushes or rinse paint containers to landscaping, dirt areas or into a street, gutter, storm drain, or creek.
- For water-based paints, paint out brushes to the extent possible, and then rinse into a drain connected to the sanitary sewer. Never pour paint down a storm drain inlet.
- For oil-based paints, paint out brushes to the extent possible, and then clean with thinner or solvent in a proper container. Filter and reuse thinners and solvents. Dispose of excess liquids as hazardous waste.
- Sweep up or collect paint chips and dust generated from non-hazardous dry stripping and sand blasting into plastic drop cloths and dispose of as trash.
- Chemical paint stripping residue and chips and dust from marine paints or paints containing lead, mercury, or tributyltin must be disposed of as hazardous waste. Lead- based paint removal requires a state-certified contractor.

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE AMENDING THE ADMINISTRATIVE CITATION SCHEDULE OF FINES TO ESTABLISH AND UPDATE FINES FOR VIOLATIONS OF SECTIONS 15.14.770, 15.14.771, 15.14.772, AND 15.14.773 OF CHAPTER 15.14 OF TITLE 15 OF THE SAN JOSE MUNICIPAL CODE RELATED TO COMPLIANCE WITH THE MUNICIPAL REGIONAL STORMWATER PERMIT; AND REPEALING RESOLUTION NO. RES2024-24**

**BE IT RESOLVED** BY THE COUNCIL OF THE CITY OF SAN JOSE:

**SECTION 1. STANDARD FINE:** Except as otherwise specifically set forth in Section 2 below, the administrative citation fine amount for a first violation of the San José Municipal Code shall be Twenty-Five and no/100 Dollars (\$25.00).

**SECTION 2. NON-STANDARD FINES:** The administrative citation fine amounts set forth below are hereby established for violation(s) of the San José Municipal Code sections listed below:

<u>Section</u>	<u>Offense</u>	<u>Administrative Citation Fine</u>
4.50.050	Sale of untaxed cigarettes	\$500.00
4.50.070	Cigarette distributor records and statements requirements	\$250.00
4.50.080	Reporting and remitting requirements	\$250.00
4.76.300(C)	Transfer of business license	\$100.00
4.76.310	Failure to carry or post a business license	\$50.00
4.76.320	Failure to display vehicle I.D. sticker (Business license); no transfer.	\$75.00
4.76.770	Failure to produce business license upon demand	\$75.00
4.78.450	Disposal Facility Tax- Reporting Requirements	\$500.00

4.78.470	Disposal Facility Tax - Records Requirements	\$250.00
6.02.100	Posting and Exhibition of Permit or License.	\$250.00
6.08.050	Owner's License – Requirements	\$250.00
6.08.070	Exhibitor's License – Requirements	\$250.00
6.08.090	Display of License Sticker	\$250.00
6.08.130	Owner's Limitation	\$250.00
6.08.150	Use Restrictions	\$250.00
6.16.040	No profit, wage or salary permitted	\$250.00
6.16.050	Permit – Required	\$250.00
6.18.020	Permit required for business sales	\$250.00
6.18.080	Display of going out of business sale permit	\$250.00
6.24	Compliance with chapter – Christmas Tree Sales (any violation of Chapter)	\$100.00
6.26.010	Carnival and circus permit required	\$100.00
6.36.020	Handbill distribution - Prohibited when	\$100.00
6.36.030	Handbill distribution without license	\$100.00
6.39.080	Ice Cream Truck Business Permit required	\$500.00
6.39.090	Employee and Trainee License required.	\$250.00
6.39.210	Violations of Operating Regulations and Permit Conditions	\$500.00
6.39.330	Failure to obtain a Trainee Work License	\$150.00
6.44.090	Massage Business Permit required	\$1,000.00
6.44.100	Massage Ownership/ Management License required	\$500.00
6.44.110	Massage Therapy License required	\$500.00
6.44.200	Violations of Operating Regulations and Permit Conditions	\$1,000.00
6.46.030	Mobilehome or trailer parking	\$100.00
6.46.040	Use of trailers for living or sleeping quarters	\$100.00
6.50	Compliance with chapter – Patrol services/security (any violation of Chapter)	\$250.00
6.52	Pawnbrokers and Secondhand dealers - permit requirements (any violation of Chapter)	\$750.00
6.54.110	Peddlers Permit required	
	First violation	\$250.00
	Second violation (within 12 month period from date of first violation)	\$500.00
	Third and subsequent violations (within 12 month period from date of first violation)	\$1,000.00

6.54.140	Approved Location Permit required First violation Second violation (within 12 month period from date of first violation) Third and subsequent violations (within 12 month period from date of first violation)	\$250.00 \$500.00 \$1,000.00
6.54.205	Hours of Business First violation Second violation (within 12 month period from date of first violation) Third and subsequent violations (within 12 month period from date of first violation)	\$100.00 \$200.00 \$500.00
6.54.210	ID Display requirements First violation Second violation (within 12 month period from date of first violation) Third and subsequent violations (within 12 month period from date of first violation)	\$100.00 \$200.00 \$500.00
6.54.215	General Operating Requirements First violation Second violation (within 12 month period from date of first violation) Third and subsequent violations (within 12 month period from date of first violation)	\$100.00 \$200.00 \$500.00
6.54.220	Noise Restrictions for Peddlers First violation Second violation (within 12 month period from date of first violation) Third and subsequent violations (within 12 month period from date of first violation)	\$100.00 \$200.00 \$500.00
6.54.230	Noise Restrictions for Motor Vehicle-Based and Mobile Unit Peddlers First violation Second violation (within 12 month period from date of first violation) Third and subsequent violations (within 12 month period from date of first violation)	\$100.00 \$200.00 \$500.00



6.54.240	Peddler Parking Restrictions First violation Second violation (within 12 month period from date of first violation) Third and subsequent violations (within 12 month period from date of first violation)	\$100.00 \$200.00 \$500.00
6.54.250	Congestion Restrictions for Peddlers First violation Second violation (within 12 month period from date of first violation) Third and subsequent violations (within 12 month period from date of first violation)	\$100.00 \$200.00 \$500.00
6.56	Compliance with chapter – Public pool and billiard rooms (any violation of Chapter)	\$250.00
6.58.020	Public Dancehalls - Permit Required First violation Second violation (within 12 month period from date of previous violation) Third and subsequent violations (within 12 month period from date of previous violation)	\$500.00 \$1,000.00 \$1,500.00
6.58.150(C)	Operating Regulations and Permit Conditions First violation Second violation (within 12 month period from date of previous violation) Third and subsequent violations (within 12 month period from date of previous violation)	\$500.00 \$1,000.00 \$1,500.00
6.58.160	Event Promoters, Record Retention And Security Provided By Event Promoter	\$1,250.00
6.60.040	Public Entertainment Business Permit Required First violation Second violation (within 12 month period from date of previous violation) Third and subsequent violations (within 12 month period from date of previous violation)	\$1,250.00 \$2,500.00 \$5,000.00

6.60.060	Ownership/Management License Required First violation Second violation (within 12 month period from date of previous violation) Third and subsequent violations (within 12 month period from date of previous violation)	\$1,250.00 \$2,500.00 \$5,000.00
6.60.200(C)	Violations of Operating Regulations and Permit Conditions First violation Second violation (within 12 month period from date of previous violation) Third and subsequent violations (within 12 month period from date of previous violation)	\$500.00 \$1,000.00 \$1,500.00
6.60.220	Conditional Use or Planned Development Permit First violation Second violation (within 12 month period from date of previous violation) Third and subsequent violations (within 12 month period from date of previous violation)	\$1,250.00 \$2,500.00 \$5,000.00
6.60.230	Noise	\$500.00
6.60.240	Security	\$1,250.00
6.60.250	Waiting Lines	\$500.00
6.60.260	Presence of Persons Under Twenty-one (21) Years of Age	\$1,250.00
6.60.270	Occupancy Limit	\$1,250.00
6.60.280	Reporting Requirements	\$1,250.00
6.60.290	Public Nuisance Prohibited First violation Second violation (within 12 month period from date of previous violation) Third and subsequent violations (within 12 month period from date of previous violation)	\$1,250.00 \$2,500.00 \$5,000.00
6.60.295	Event Promoters, Record Retention And Security Hired By Event Promoters	\$1,250.00

6.62.200(A)	Event Promoter Permit Required First violation Second violation (within 12 month period from date of previous violation) Third and subsequent violations (within 12 month period from date of previous violation)	\$1,250.00 \$2,500.00 \$5,000.00
6.62.210(B-C)	Event Promoter Permit Exemption	\$1,250.00
6.62.300(C)	Violations of Operating Regulations and Conditions Not Otherwise Enumerated First violation Second violation (within 12 month period from date of previous violation) Third and subsequent violations (within 12 month period from date of previous violation)	\$500.00 \$1,000.00 \$1,500.00
6.62.310	Posting of Permit	\$500.00
6.62.320	Identification Card Requirements	\$500.00
6.62.330	Event Promotion Contract Required	\$1,250.00
6.62.340	Record Keeping Required	\$1,250.00
6.62.350	Designated On-Site Representative	\$1,250.00
6.62.360	Other Legal Duties	\$1,250.00
6.62.370	Security and Management Functions	\$1,250.00
6.62.380(D)	Rules And Regulations First violation Second violation (within 12 month period from date of previous violation) Third and subsequent violations (within 12 month period from date of previous violation)	\$500.00 \$1,000.00 \$1,500.00
6.62.390	Violations Of Operating Regulations and Conditions for Persons Operating Pursuant to Exemption Under Section 6.62.210 First violation Second violation (within 12 month period from date of previous violation) Third and subsequent violations (within 12 month period from date of previous violation)	\$500.00 \$1,000.00 \$1,500.00
6.62.420	Permit Nontransferable	\$1,250.00
6.62.430(A)	Change of Name	\$500.00
6.62.440(B)	Applying for a Permit Following a Revocation	\$1,250.00

6.64	Compliance with chapter - Taxi and limousine permits (any violation of Chapter)	\$250.00
6.64.280	Additional passengers in taxicab	\$250.00
6.64.390	Failure to submit to inspection	\$250.00
6.64.450	Insurance requirements – taxicabs	\$250.00
6.66.040	Tow car business permit required	\$500.00
6.66.070	Employment of tow car business assistants - permit required	\$250.00
6.66.080	Tow car business assistants – permit required	\$250.00
6.66.240	Removal from private property under possessory lien-Towing	\$500.00
6.66.250	Display of required documents-Towing	\$250.00
6.66.270	Removal of vehicles from private property - approval required-Towing	\$500.00
6.66.290	Tow car business – charges	\$500.00
6.66.300	Removal of vehicles from private property – Responsibility of tow car company.	\$250.00
6.66.310	Keeper liens – drop charges – removal of vehicles (Towing)	\$250.00
6.66.320	Recordkeeping requirements (Towing)	\$500.00
6.66.330	Required Signs - (Towing)	\$250.00
6.70	Compliance with chapter – Vending Machines (any violation of Chapter)	\$500.00
6.74.020	Display and storage of spray paint & marker pens	\$1,000.00
6.80	Compliance with chapter - Peep shows (any violation of Chapter)	\$500.00
6.82.110	Compliance with chapter – Window tinting at beverage service businesses First violation Second violation (in same year) Third violation (in same year)	 \$250.00 \$500.00 \$1,000.00
6.82.120	Window tint specifications First violation Second violation (in same year) Third violation (in same year)	 \$250.00 \$500.00 \$1,000.00
6.86.230	Property Maintenance (Off-Sale Alcoholic Beverage Establishment) First Violation Second Violation (within same year) Third Violation (within same year)	 \$250.00 \$500.00 \$1,000.00

6.86.240(A)	Performance Standards (Off-Sale Alcoholic Beverage Establishment) – Preventing Public Nuisance Activities First Violation Second Violation (within same year) Third Violation (within same year)	 \$500.00 \$1,000.00 \$2,500.00
6.86.240(B)	Performance Standards (Off-Sale Alcoholic Beverage Establishment)—Produce State Department of Alcoholic Beverage Control license	\$250.00
6.86.240(C)	Performance Standards (Off-Sale Alcoholic Beverage Establishment) – Compliance with Section 23790.5 of the California Business and Professions Code by establishments engaged in the concurrent sale of off-sale alcoholic beverages and motor vehicle fuel First Violation Second Violation (within same year) Third Violation (within same year)	 \$250.00 \$500.00 \$1,000.00
6.87.200	Tobacco Retail License Required First Violation Second Violation (within 12 month period from date of previous violation) Third Violation (within 12 month period from date of previous violation)	 \$500.00 \$750.00 \$1,000.00
6.87.210	Tobacco Retail License Exemption First Violation Second Violation (within 12 month period from date of previous violation) Third Violation (within 12 month period from date of previous violation)	 \$500.00 \$750.00 \$1,000.00
6.87.300	Operating Regulations and Conditions First Violation Second Violation (within 12 month period from date of previous violation) Third Violation (within 12 month period from date of previous violation)	 \$500.00 \$750.00 \$1,000.00
6.87.305	Lawful Business Operation First Violation Second Violation (within 12 month period from date of previous violation) Third Violation (within 12 month period from date of previous violation)	 \$500.00 \$750.00 \$1,000.00

6.87.310	Posting of License	\$100.00
6.87.330	Positive Identification Required	\$2,500.00
6.87.340	Minimum Age for Persons Selling Tobacco Products and Paraphernalia	\$2,500.00
6.87.350	Self-Service Displays Prohibited First Violation Second Violation (within 12 month period from date of previous violation) Third Violation (within 12 month period from date of previous violation)	\$500.00 \$750.00 \$1,000.00
6.87.360(A)	False and Misleading Advertising Prohibited	\$2,500.00
6.87.360(B)	False and Misleading Advertising Prohibited First Violation Second Violation (within 12 month period from date of previous violation) Third Violation (within 12 month period from date of previous violation)	\$500.00 \$750.00 \$1,000.00
6.87.370	Limits on Location of Tobacco Retailing First Violation Second Violation (within 12 month period from date of previous violation) Third Violation (within 12 month period from date of previous violation)	\$500.00 \$750.00 \$1,000.00
6.87.380	Other Legal Duties First Violation Second Violation (within 12 month period from date of previous violation) Third Violation (within 12 month period from date of previous violation)	\$500.00 \$750.00 \$1,000.00
6.87.390(D)	Rules and Regulations First Violation Second Violation (within 12 month period from date of previous violation) Third Violation (within 12 month period from date of previous violation)	\$500.00 \$750.00 \$1,000.00
6.87.410	License Nontransferable	\$500.00
6.87.435(B)	Separate License First Violation Second Violation (within 12 month period from date of previous violation) Third Violation (within 12 month period from date of previous violation)	\$500.00 \$750.00 \$1,000.00

6.87.445	Updated Information First Violation Second Violation (within 12 month period from date of previous violation) Third Violation (within 12 month period from date of previous violation)	\$500.00 \$750.00 \$1,000.00
6.88.300(A-D)	Medical Cannabis Collective, Medical Cannabis Business or Non-Medical Cannabis Business – Registration Required First Violation Second Violation (within 12 month period from date of previous violation) Third and Subsequent Violations (within 12 month period from date of previous violation)	\$10,000.00 \$25,000.00 \$50,000.00
6.88.310(A)	Medical Cannabis Collective, Medical Cannabis Business or Non-Medical Cannabis Business – Number of Locations First Violation Second Violation (within 12 month period from date of previous violation) Third and Subsequent Violations (within 12 month period from date of previous violation)	\$10,000.00 \$25,000.00 \$50,000.00
6.88.310(B-D)	Medical Cannabis Collective, Medical Cannabis Business or Non-Medical Cannabis Business – Number of Locations First Violation Second Violation (within 12 month period from date of previous violation) Third and Subsequent Violations (within 12 month period from date of previous violation)	\$500.00 \$750.00 \$1,000.00
6.88.320(D)	Medical Cannabis Collective, Medical Cannabis Business or Non-Medical Cannabis Business – Registration Submittal First Violation Second Violation (within 12 month period from date of previous violation) Third and Subsequent Violations (within 12 month period from date of previous violation)	\$500.00 \$750.00 \$1,000.00

6.88.360	<p>Medical Cannabis Collective, Medical Cannabis Business or Non-Medical Cannabis Business – Change in Location and Updated Registration Information</p> <p>First Violation \$500.00</p> <p>Second Violation (within 12 month period from date of previous violation) \$750.00</p> <p>Third and Subsequent Violations (within 12 month period from date of previous violation) \$1,000.00</p>	
6.88.400(C)	<p>Medical Cannabis Collective, Medical Cannabis Business or Non-Medical Cannabis Business – Operating Regulations and Conditions</p> <p>First Violation \$500.00</p> <p>Second Violation (within 12 month period from date of previous violation) \$750.00</p> <p>Third and Subsequent Violations (within 12 month period from date of previous violation) \$1,000.00</p>	
6.88.410	<p>Medical Cannabis Collective, Medical Cannabis Business or Non-Medical Cannabis Business – Compliance with the Code</p> <p>First Violation \$500.00</p> <p>Second Violation (within 12 month period from date of previous violation) \$750.00</p> <p>Third and Subsequent Violations (within 12 month period from date of previous violation) \$1,000.00</p>	
6.88.420(A-B, E-G, I-K, M)	<p>Medical Cannabis Collective, Medical Cannabis Business or Non-Medical Cannabis Business – Security</p> <p>First Violation \$1,000.00</p> <p>Second Violation (within 12 month period from date of previous violation) \$2,000.00</p> <p>Third and Subsequent Violations (within 12 month period from date of previous violation) \$3,000.00</p>	



6.88.420(C-D, H, L, N)	<p>Medical Cannabis Collective, Medical Cannabis Business or Non-Medical Cannabis Business – Security</p> <p>First Violation \$500.00</p> <p>Second Violation (within 12 month period from date of previous violation) \$750.00</p> <p>Third and Subsequent Violations (within 12 month period from date of previous violation) \$1,000.00</p>	
6.88.425(A-C, E-I)	<p>Medical Cannabis Collective, Medical Cannabis Business or Non-Medical Cannabis Business – Identification Badge Display Requirements</p> <p>First Violation \$250.00</p> <p>Second Violation (within 12 month period from date of previous violation) \$500.00</p> <p>Third and Subsequent Violations (within 12 month period from date of previous violation) \$1,000.00</p>	
6.88.425(D)	<p>Medical Cannabis Collective, Medical Cannabis Business or Non-Medical Cannabis Business – Identification Display Requirements</p> <p>First Violation \$1,000.00</p> <p>Second Violation (within 12 month period from date of previous violation) \$2,000.00</p> <p>Third and Subsequent Violations (within 12 month period from date of previous violation) \$3,000.00</p>	
6.88.430	<p>Medical Cannabis Collective, Medical Cannabis Business or Non-Medical Cannabis Business – Cultivation of Cannabis</p> <p>First Violation \$1,000.00</p> <p>Second Violation (within 12 month period from date of previous violation) \$2,000.00</p> <p>Third and Subsequent Violations (within 12 month period from date of previous violation) \$3,000.00</p>	

6.88.431	Medical Cannabis Collective, Medical Cannabis Business or Non-Medical Cannabis Business – Delivery-Only Site	
	First Violation	\$1,000.00
	Second Violation (within 12-month period from date of previous violation)	\$2,000.00
	Third and Subsequent Violations (within 12-month period from date of previous violation)	\$3,000.00
6.88.435	Medical Cannabis Collective, Medical Cannabis Business or Non-Medical Cannabis Business – Cultivation Site	
	First Violation	\$1,000.00
	Second Violation (within 12 month period from date of previous violation)	\$2,000.00
	Third and Subsequent Violations (within 12 month period from date of previous violation)	\$3,000.00
6.88.436	Medical Cannabis Collective, Medical Cannabis Business or Non-Medical Cannabis Business – Manufacturing Site	
	First Violation	\$1,000.00
	Second Violation (within 12-month period from date of previous violation)	\$2,000.00
	Third and Subsequent Violations (within 12-month period from date of previous violation)	\$3,000.00
6.88.437	Medical Cannabis Collective, Medical Cannabis Business or Non-Medical Cannabis Business – Distribution Site	
	First Violation	\$1,000.00
	Second Violation (within 12-month period from date of previous violation)	\$2,000.00
	Third and Subsequent Violations (within 12-month period from date of previous violation)	\$3,000.00

6.88.438	Medical Cannabis Collective, Medical Cannabis Business or Non-Medical Cannabis Business – Combined Manufacturing and Distribution Site First Violation Second Violation (within 12-month period from date of previous violation) Third and Subsequent Violations (within 12-month period from date of previous violation)	 \$1,000.00 \$2,000.00  \$3,000.00
6.88.439	Medical Cannabis Collective, Medical Cannabis Business or Non-Medical Cannabis Business – Testing Laboratory First Violation Second Violation (within 12-month period from date of previous violation) Third and Subsequent Violations (within 12-month period from date of previous violation)	 \$1,000.00 \$2,000.00  \$3,000.00
6.88.440(A, S, X)	Medical Cannabis Collective, Medical Cannabis Business or Non-Medical Cannabis Business – Cannabis Business Operations First Violation Second Violation (within 12 month period from date of previous violation) Third and Subsequent Violations (within 12 month period from date of previous violation)	 \$1,000.00 \$2,000.00  \$3,000.00
6.88.440(B-F, M-R, T-V, Y)	Medical Cannabis Collective, Medical Cannabis Business or Non-Medical Cannabis Business – Cannabis Business Operations First Violation Second Violation (within 12 month period from date of previous violation) Third and Subsequent Violations (within 12 month period from date of previous violation)	 \$500.00 \$750.00  \$1,000.00

6.88.440(G-H, L)	<p>Medical Cannabis Collective, Medical Cannabis Business or Non-Medical Cannabis Business – Cannabis Business Operations</p> <p>First Violation \$1,000.00</p> <p>Second Violation (within 12 month period from date of previous violation) \$2,000.00</p> <p>Third and Subsequent Violations (within 12 month period from date of previous violation) \$3,000.00</p>	
6.88.440(I, K, W)	<p>Medical Cannabis Collective, Medical Cannabis Business or Non-Medical Cannabis Business – Cannabis Business Operations</p> <p>First Violation \$10,000.00</p> <p>Second Violation (within 12 month period from date of previous violation) \$25,000.00</p> <p>Third and Subsequent Violations (within 12 month period from date of previous violation) \$50,000.00</p>	
6.88.445(A)	<p>Medical Cannabis Collective, Medical Cannabis Business or Non-Medical Cannabis Business – Deliveries of Cannabis</p> <p>First Violation \$1,000.00</p> <p>Second Violation (within 12 month period from date of previous violation) \$2,000.00</p> <p>Third and Subsequent Violations (within 12 month period from date of previous violation) \$3,000.00</p>	
6.88.446	<p>Medical Cannabis Collective, Medical Cannabis Business or Non-Medical Cannabis Business – Mobile Dispensaries Prohibited</p> <p>First Violation \$1,000.00</p> <p>Second Violation (within 12 month period from date of previous violation) \$2,000.00</p> <p>Third and Subsequent Violations (within 12 month period from date of previous violation) \$3,000.00</p>	

6.88.450	<p>Medical Cannabis Collective, Medical Cannabis Business or Non-Medical Cannabis Business – Owner, Manager and Individual Person Requirements</p> <p>First Violation \$1,000.00</p> <p>Second Violation (within 12 month period from date of previous violation) \$2,000.00</p> <p>Third and Subsequent Violations (within 12 month period from date of previous violation) \$3,000.00</p>	
6.88.460	<p>Medical Cannabis Collective, Medical Cannabis Business or Non-Medical Cannabis Business – Dispensing and Packaging of Cannabis</p> <p>First Violation \$1,000.00</p> <p>Second Violation (within 12 month period from date of previous violation) \$2,000.00</p> <p>Third and Subsequent Violations (within 12 month period from date of previous violation) \$3,000.00</p>	
6.88.470(A, C-E)	<p>Medical Cannabis Collective, Medical Cannabis Business or Non-Medical Cannabis Business – Public Safety and Safety of Location</p> <p>First Violation \$1,000.00</p> <p>Second Violation (within 12 month period from date of previous violation) \$2,000.00</p> <p>Third and Subsequent Violations (within 12 month period from date of previous violation) \$3,000.00</p>	
6.88.470(B)	<p>Medical Cannabis Collective, Medical Cannabis Business or Non-Medical Cannabis Business – Public Safety and Safety of Location</p> <p>First Violation \$500.00</p> <p>Second Violation (within 12 month period from date of previous violation) \$750.00</p> <p>Third and Subsequent Violations (within 12 month period from date of previous violation) \$1,000.00</p>	

6.88.480	<p>Medical Cannabis Collective, Medical Cannabis Business or Non-Medical Cannabis Business – Property Maintenance</p> <p>First Violation \$250.00</p> <p>Second Violation (within 12 month period from date of previous violation) \$500.00</p> <p>Third and Subsequent Violations (within 12 month period from date of previous violation) \$1,000.00</p>	
6.88.490	<p>Medical Cannabis Collective, Medical Cannabis Business or Non-Medical Cannabis Business – Performance Standards</p> <p>First Violation \$250.00</p> <p>Second Violation (within 12 month period from date of previous violation) \$500.00</p> <p>Third and Subsequent Violations (within 12 month period from date of previous violation) \$1,000.00</p>	
6.88.500	<p>Medical Cannabis Collective, Medical Cannabis Business or Non-Medical Cannabis Business – Maintenance of Records</p> <p>First Violation \$1,000.00</p> <p>Second Violation (within 12 month period from date of previous violation) \$2,000.00</p> <p>Third and Subsequent Violations (within 12 month period from date of previous violation) \$3,000.00</p>	
6.88.600	<p>Medical Cannabis Collective, Medical Cannabis Business or Non-Medical Cannabis Business – Audits</p> <p>First Violation \$1,000.00</p> <p>Second Violation (within 12 month period from date of previous violation) \$2,000.00</p> <p>Third and Subsequent Violations (within 12 month period from date of previous violation) \$3,000.00</p>	

6.88.700(B)	<p>Medical Cannabis Collective, Medical Cannabis Business or Non-Medical Cannabis Business – Inspection and Enforcement</p> <p>First Violation \$1,000.00</p> <p>Second Violation (within 12 month period from date of previous violation) \$2,000.00</p> <p>Third and Subsequent Violations (within 12 month period from date of previous violation) \$3,000.00</p>	
6.88.810	<p>Medical Cannabis Collective, Medical Cannabis Business or Non-Medical Cannabis Business – Compliance with Chapter and State Law</p> <p>First Violation \$1,000.00</p> <p>Second Violation (within 12 month period from date of previous violation) \$2,000.00</p> <p>Third and Subsequent Violations (within 12 month period from date of previous violation) \$3,000.00</p>	
6.88.840	<p>Medical Cannabis Collective, Medical Cannabis Business or Non-Medical Cannabis Business – Registration Nontransferable</p> <p>First Violation \$10,000.00</p> <p>Second Violation (within 12 month period from date of previous violation) \$25,000.00</p> <p>Third and Subsequent Violations (within 12 month period from date of previous violation) \$50,000.00</p>	
6.88.900(B)	<p>Medical Cannabis Collective, Medical Cannabis Business or Non-Medical Cannabis Business – Personal Use Requirements and Regulations</p> <p>First Violation \$250.00</p> <p>Second Violation (within 12 month period from date of previous violation) \$500.00</p> <p>Third and Subsequent Violations (within 12 month period from date of previous violation) \$1,000.00</p>	

6.88.900(C)	Medical Cannabis Collective, Medical Cannabis Business or Non-Medical Cannabis Business – Personal Use Cultivation Requirements and Regulations, Per Non-Medical Plant Over Six (6) Plants First Violation Second Violation (within 12 month period from date of previous violation) Third and Subsequent Violations (within 12 month period from date of previous violation)	 \$250.00 \$500.00 \$1,000.00
7.20.010	Proper and Adequate Care of Animals Requirement – Compliance with provisions of Chapter 7.20, Part 1 unless a separate fine amount is expressly provided for a section within the same part First Violation Second Violation (within 36 months) Third Violation (within 36 months)	 \$100.00 \$200.00 \$300.00
7.20.050	Veterinary Treatment Requirement First Violation Second Violation (within 36 months) Third Violation (within 36 months)	 \$250.00 \$500.00 \$750.00
7.20.300(A)	Dangerous Animal Confinement Requirement	\$1,000.00 With no escalation of fines for subsequent violations
7.20.300(B)	Diseased Animal Prohibited	\$1,000.00 With no escalation of fines for subsequent violations
7.20.310	Dead Animals First Violation Second Violation (within 36 months) Third Violation (within 36 months)	 \$100.00 \$200.00 \$300.00
7.20.320	Chain Collar Prohibited First Violation Second Violation (within 36 months) Third Violation (within 36 months)	 \$100.00 \$200.00 \$300.00



7.20.500(A)	Vaccination Required of Dogs and Cats First Violation Second Violation (within 36 months) Third Violation (within 36 months)	\$250.00 \$500.00 \$750.00
7.20.510	Veterinarian Vaccination Certificate Requirement First Violation Second Violation (within 36 months) Third Violation (within 36 months)	\$250.00 \$500.00 \$750.00
7.20.520(A)	License Required of Adult Cats and Dogs First Violation Second Violation (within 36 months) Third Violation (within 36 months)	\$100.00 \$200.00 \$300.00
7.20.570	Metal Tags of Adult Cats and Dogs Restriction First Violation Second Violation (within 36 months) Third Violation (within 36 months)	\$100.00 \$200.00 \$300.00
7.20.580	Presentation of Adult Cat or Dog License on Request First Violation Second Violation (within 36 months) Third Violation (within 36 months)	\$100.00 \$200.00 \$300.00
7.20.700	Sale of Cats or Dogs Restriction First Violation Second Violation (within 36 months) Third Violation (within 36 months)	\$250.00 \$500.00 \$750.00
7.20.710	Immunization of Cats and Dogs and Disclosure Requirement First Violation Second Violation (within 36 months) Third Violation (within 36 months)	\$250.00 \$500.00 \$750.00
7.20.730	Location of Sale Restrictions First Violation Second Violation (within 36 months) Third Violation (within 36 months)	\$250.00 \$500.00 \$750.00
7.20.740	Raffle of Animals Prohibited First Violation Second Violation (within 36 months) Third Violation (within 36 months)	\$250.00 \$500.00 \$750.00

7.30.010	Potentially Dangerous Dog Behavior Prohibited	\$500.00 With no escalation of fines for subsequent violations
7.30.500(A)	Special Dog Permit Required	\$1,000.00 With no escalation of fines for subsequent violations
7.30.540	Special Dog Permit Tag	\$500.00 With no escalation of fines for subsequent violations
7.30.590	Requirements for Notification	\$500.00 With no escalation of fines for subsequent violations
7.30.900	Potentially Dangerous, Dangerous, Vicious Dog Maintenance Requirement - Compliance with provisions of Chapter 7.30, Part 9 unless a separate fine amount is expressly provided for a section within the same part	\$500.00 With no escalation of fines for subsequent violations
7.40.010	Public Nuisance Prohibited First Violation Second Violation (within 36 months) Third Violation (within 36 months)	\$100.00 \$200.00 \$300.00
7.40.020	Maximum Number of Dogs, Cats, or Litters Restriction First Violation Second Violation (within 36 months) Third Violation (within 36 months)	\$100.00 \$200.00 \$300.00
7.40.030	Animals Running at Large Prohibited First Violation Second Violation (within 36 months) Third Violation (within 36 months)	\$100.00 \$200.00 \$300.00
7.40.040	Restraint of Dogs Restriction First Violation Second Violation (within 36 months) Third Violation (within 36 months)	\$100.00 \$200.00 \$300.00

7.40.050	Dogs in Posted Off-Leash Areas Restriction First Violation Second Violation (within 36 months) Third Violation (within 36 months)	\$100.00 \$200.00 \$300.00
7.40.060	Bites by Dangerous Animals – Civil Damages	\$1,000.00 With no escalation of fines for subsequent violations
7.40.070	Animal Bites- Quarantine Requirement	\$1,000.00 With no escalation of fines for subsequent violations
7.40.080	Abandoned Animals Prohibited	\$500.00 With no escalation of fines for subsequent violations
7.40.090	Neglect of Animals in Vehicles Prohibited First Violation Second Violation (within 36 months) Third Violation (within 36 months)	\$250.00 \$500.00 \$750.00
7.40.100	Animals in City Buildings Restriction First Violation Second Violation (within 36 months) Third Violation (within 36 months)	\$100.00 \$200.00 \$300.00
7.40.110	Poisoning and Abusing Domestic Animals	\$1,000.00 With no escalation of fines for subsequent violations
7.40.120	Ban on Feeding Wild Animals First Violation Second Violation (within 36 months) Third Violation (within 36 months)	\$100.00 \$200.00 \$300.00
7.40.130(A)	Animal Traps Prohibited First Violation Second Violation (within 36 months) Third Violation (within 36 months)	\$250.00 \$500.00 \$750.00

7.40.130(B)	Requirements for Use of Animal Traps Not Prohibited First Violation Second Violation (within 36 months) Third Violation (within 36 months)	 \$100.00 \$200.00 \$300.00
7.40.140	Trapping and Snaring of Wild Birds Prohibited First Violation Second Violation (within 36 months) Third Violation (within 36 months)	 \$100.00 \$200.00 \$300.00
7.60.010	Animal Event and Animal Facility Permit Required First Violation Second Violation (within 36 months) Third Violation (within 36 months)	 \$500.00 \$750.00 \$1,000.00
7.60.020	Animal Event and Animal Facility - Compliance with provisions of Chapter 7.60, Part 1 unless a separate fine amount is expressly provided for a section within the same part	\$500.00 With no escalation of fines for subsequent violations
7.60.050(D)	Application for Permit - Maintain records of persons from whom animals are received and sold, traded, or given.	\$100.00 With no escalation of fines for subsequent violations
7.60.120	Excessive Noise Prohibited First Violation Second Violation (within 36 months) Third Violation (within 36 months)	 \$250.00 \$500.00 \$750.00
7.60.130	Conditions Relating to Animal Events and Animal Facilities First Violation Second Violation (within 36 months) Third Violation (within 36 months)	 \$250.00 \$500.00 \$750.00
7.60.500	Wild Swarms of Bees Prohibited First Violation Second Violation (within 36 months) Third Violation (within 36 months)	 \$100.00 \$200.00 \$300.00
7.60.510	Beekeeping Permit Required First Violation Second Violation (within 36 months) Third Violation (within 36 months)	 \$100.00 \$200.00 \$300.00

7.60.520	Beekeeping - Compliance with provisions of Chapter 7.60, Part 5 unless a separate fine amount is expressly provided for a section within the same part First Violation Second Violation (within 36 months) Third Violation (within 36 months)	 \$100.00 \$200.00 \$300.00
7.60.700(A)	Small Animals and Livestock Permit Required First Violation Second Violation (within 36 months) Third Violation (within 36 months)	 \$100.00 \$200.00 \$300.00
7.60.705	Small Animals and Livestock - Compliance with provisions of Chapter 7.60, Part 7 unless a separate fine amount is expressly provided for a section within the same part	\$100.00 With no escalation of fines for subsequent violations
7.60.750	Small Animals and Livestock Confinement Requirement First Violation Second Violation (within 36 months) Third Violation (within 36 months)	 \$100.00 \$200.00 \$300.00
7.60.775	Veterinary Treatment Requirement First Violation Second Violation (within 36 months) Third Violation (within 36 months)	 \$250.00 \$500.00 \$750.00
7.60.820	Roosters Prohibited First Violation Second Violation (within 36 months) Third Violation (within 36 months)	 \$100.00 \$200.00 \$300.00
7.60.910(A)	Permit Required for Dangerous Animal	\$500.00 With no escalation of fines for subsequent violations
7.60.910(D)	Dangerous Animal Sign Posting Required	\$500.00 With no escalation of fines for subsequent violations

7.60.990(C)	Compliance with Dangerous Animal Hearing Decision Required First Violation Second Violation (within 36 months) Third Violation (within 36 months)	 \$250.00 \$500.00 \$750.00
9.08.1470	Regulations or procedures – noncompliance unlawful	\$500.00
9.08.1480	Permit required - domestic septic tank cleaning	\$250.00
9.08.1510	Bond required – domestic septic tank cleaning	\$250.00
9.08.1530	Insurance required - domestic septic tank cleaning	\$250.00
9.08.1550	Outside wastes prohibited	\$250.00
9.08.1560	Source certification	\$160.00
9.08.1580	Improper discharges designated	\$250.00
9.08.1590	Sludge and certain solids prohibited	\$250.00
9.08.1610	Record of deliveries and billing of charges	\$160.00
9.08.1620	Fees and charges - domestic septic tanks	\$160.00
9.10.400	Improper handling of solid waste	\$500.00
9.10.410	Improper storage or accumulation of solid waste	\$500.00 per occurrence
9.10.420	Placement of garbage in garbage containers required	\$50.00
9.10.430	Garbage container requirements, location	\$500.00 With no escalation of fines for subsequent violations
9.10.440	Placement of rubbish in rubbish containers required	\$50.00
9.10.450	Rubbish container requirements, location	\$500.00
9.10.510	Unauthorized placement of solid waste	\$50.00
9.10.520	Weekly disposal of solid waste First violation Second violation (within 12 month period from date of previous violation) Third and subsequent violations (within 12 month period from date of previous violation)	 \$100.00 \$250.00 \$500.00

9.10.525	Subscribing or paying for unauthorized solid waste collection services First violation Second violation (within 12 month period from date of previous violation) Third and subsequent violations (within 12 month period from date of previous violation)	\$100.00 \$250.00 \$500.00
9.10.530	More frequent disposal of solid waste	\$500.00 With no escalation of fines for subsequent violations
9.10.540	Dangerous accumulation prohibited First violation Second violation (within 12 month period from date of previous violation) Third violation (within 12 month period from date of previous violation) Fourth and subsequent violations (within 12 month period from date of previous violation)	\$100.00 \$250.00 \$500.00 \$1,000.00
9.10.545	Illegal dumping of solid waste or hazardous materials prohibited First violation Second violation Third and subsequent violations	\$2,500.00 \$5,000.00 \$10,000.00
9.10.550	Collection and transportation of solid waste	\$500.00
9.10.560	Interference with collector prohibited	\$50.00
9.10.565	Self haul violation First violation Second violation Third and subsequent violations	\$100.00 \$250.00 \$500.00
9.10.570	Doing business without authorization	\$500.00
9.10.590	Failure to maintain records, failure to make records available for audit and inspection	\$1,000.00
9.10.740	Unauthorized collection prohibited First Violation Second Violation (within 12 months) Third Violation (within 12 months)	\$100.00 \$200.00 \$500.00
9.10.800	Unauthorized disposal of solid waste	\$1,000.00

9.10.1010	Mandatory multi-family dwelling solid waste collection requirements First violation Second violation Third and subsequent violations	\$100.00 \$250.00 \$500.00
9.10.1040	Set out of residential solid waste	\$50.00 With no escalation of fines for subsequent violations
9.10.1050	Unauthorized garbage containers	\$50.00 With no escalation of fines for subsequent violations
9.10.1060	Unauthorized recyclables containers	\$50.00 With no escalation of fines for subsequent violations
9.10.1070	Unauthorized waste oil containers	\$50.00 With no escalation of fines for subsequent violations
9.10.1080	Recyclable materials set out requirements	\$50.00
9.10.1090	Debris boxes for residential rubbish requirements	\$500.00
9.10.1100	Unauthorized placement of solid waste or solid waste containers First Violation Second Violation (within 12 months) Third Violation (within 12 months)	\$25.00 \$50.00 \$100.00
9.10.1110	Unauthorized use of solid waste containers	\$50.00 With no escalation of fines for subsequent violations
9.10.1130	Additional multi-family requirements First Violation Second Violation (within 12 months) Third and subsequent violations	\$100.00 \$250.00 \$500.00



9.10.1350	Garbage collection authorization required First Violation Second Violation (within 12 months) Third Violation (within 12 months)	\$2,500.00 \$5,000.00 \$10,000.00
9.10.1360	Rubbish collection authorization required First Violation Second Violation (within 12 months) Third Violation (within 12 months)	\$2,500.00 \$5,000.00 \$10,000.00
9.10.1370(A)	Recyclables collection authorization required	\$1,000.00
9.10.1380	Mandatory commercial solid waste collection requirements First violation Second violation Third and subsequent violations	\$100.00 \$250.00 \$500.00
9.10.1410	Placement of solid waste containers	\$100.00
9.10.1420	Requirements for labeling solid waste containers	\$50.00 per day per container, cumulative
9.10.1430(A)	Collection outside prescribed hours	\$2,500.00
9.10.1436	Requirements for Commercial Businesses First violation Second violation Third and subsequent violations	\$100.00 \$250.00 \$500.00
9.10.1500(B)	Central business district solid waste collection requirement	\$500.00
9.10.1500(C, G)	Unauthorized placement of solid waste containers in the central business district	\$100.00
9.10.1500(F, H)	Central business district solid waste requirements	\$50.00
9.10.1500(E)	Collection in central business district outside prescribed hours	\$2,500.00
9.10.1510	Transit mall zone solid waste requirements	\$50.00
9.10.1520(F)	Collection in transit mall zone outside prescribed hours	\$2,500.00
9.10.1520(G,H)	Unauthorized placement of solid waste containers in the transit mall zone	\$100.00
9.10.1610	Commercial franchise required	\$500.00
9.10.2020(A)	Single-use carryout bag violation First Violation Second Violation within 36 month period Third Violation within 36 month period	\$500.00 \$750.00 \$1,000.00

9.10.3110	Polystyrene foam disposable food service ware prohibited	\$500.00
9.34.030	Mosquito abatement	\$750.00
9.36.150	Health effect warnings: Spanish and Vietnamese	\$50.00
9.44.010(A)	Smoking prohibited First Violation Second Violation within one year period Third Violation within one year period	\$250.00 \$500.00 \$1,000.00
9.44.010(B)	Allowing Smoking First Violation Second Violation within one year period Third Violation within one year period	\$250.00 \$500.00 \$1,000.00
9.45.020	Tobacco Vending Machines Prohibition	\$500.00
9.50.030	Aerial release of pesticides	\$500.00
9.52.030	Aerial release of pesticides	\$500.00
9.54.010	Discing to vacant parcels that are over two (2) acres in size	\$2,500.00
9.57.300	Real and Personal Property Defaced with Graffiti First violation (in same year) Second violation (in same year) Third violation (in same year)	\$250.00 \$500.00 \$1,000.00
9.57.310	Motor Vehicles, Boats and Trailers Defaced with Graffiti First violation (in same year) Second violation (in same year) Third violation (in same year)	\$250.00 \$500.00 \$1,000.00
9.60.300	Cart abandonment prohibited	\$50.00
9.60.320	Unauthorized removal of carts prohibited First violation (in same year) Second violation (in same year) Third violation (in same year)	\$50.00 \$100.00 \$250.00
9.60.330	Compliance with abandoned cart prevention plan First violation (in same year) Second violation (in same year) Third violation (in same year)	\$50.00 \$100.00 \$250.00
10.04.010	Interception of police broadcasts	\$500.00
10.08.010	Obstructing pedestrians on public ways	\$500.00
10.08.020	Obstructing entrances to places of public assembly	\$500.00

10.08.030	Impeding access to health care facilities	\$1,000.00
10.09.010	Targeted residential picketing	\$1,000.00
10.09.015	Picketing before or about a residential dwelling prohibited	\$1,000.00
10.12.010	Drinking alcoholic beverages on street	\$50.00
10.12.030	Nudity in public	\$250.00
10.12.110	Public urination and defecation prohibited	\$100.00
10.16.010	Disturbing the peace	\$100.00
10.16.030	Loudspeakers projecting noise outside	\$250.00
10.17.100	Sale, Use, Possession and Storage of Fireworks First Violation Second Violation (within 18 month period from date of previous violation) Third and Subsequent Violations (within 18 month period from date of previous violation)	\$1,000.00 \$2,000.00 \$3,000.00
10.20.020	Damaging city or public property	\$500.00
10.20.140	Trespass on private property	\$250.00
10.20.150	Trespass on city property	\$250.00
10.20.180	Prohibition of Unlawful Possession of Catalytic Converters First violation Second violation within a 36-month period from the date of the first violation Third and subsequent violations within a 36-month period from the date of the first violation	\$2,000.00 \$4,000.00 \$6,000.00
10.24.100	Solicitation of tow service at location of certain occurrences	\$500.00
10.28.120	Youth Protection Curfew	\$50.00
10.30.200	Underage Gatherings Prohibited	\$350.00
10.32.010	Discharge of firearms	\$1,000.00
10.32.020	Restriction on weapons for persons under 18 yrs. Old	\$1,000.00
10.32.140	Prohibition of bows and crossbows	\$1,000.00
10.32.150	Weapons - Dart projectors	\$1,000.00

10.32.240	Enforcement – Compliance with Gun Harm Reduction Ordinance First violation Second violation within a one-year period from the date of a previous violation Third and subsequent violations within one year from the date of a previous violation	 \$250.00 \$500.00 \$1,000.00
10.38.010	Minors prohibited from premises: owner's responsibility (Paraphernalia)	\$750.00
10.38.020	Minors excluded (Paraphernalia)	\$750.00
10.38.030	Sale and display room (Paraphernalia)	\$750.00
10.39.100	Marketing, importing, selling imitation drug paraphernalia	\$1,000.00
10.42.140(B)	False alarms Second false alarm within 12 months of initial false alarm Third false alarm within 12 months of initial false alarm Fourth false alarms within 12 months of initial false alarm Fifth and subsequent false alarms within 12 months of initial false alarm	 \$250.00 \$350.00 \$500.00 \$750.00
10.46.030	Failure of driver to obey lawful order to divert/ detour: First offense Second offense Third offense	 \$50.00 \$100.00 \$500.00
11.14	Compliance with Chapter – Limitation on Hours of Construction in City Streets (any violation of chapter) First offense Second Offense (within 12-month period following first offense)	 \$500.00 \$1,000.00
11.32.070	Restrictions on use of county expressways	\$50.00
11.44.340	Improper use of meter – airport	\$9.00
11.61.010	Prohibition on Police Escorts for Private Processions	\$500.00
11.62.010	Permit required for private funeral escorts	\$500.00
11.62.020	Authorized traffic direction	\$250.00
11.62.090	Nontransferability of permits	\$250.00
11.62.160	Private processions must obey all traffic laws	\$250.00

11.64.020	Standing in roadway	\$50.00
11.72.100	Locking bicycle	\$6.00
11.72.130	Permits for bicycle racks	\$6.00
11.80.030	Operation of motorcycles on public property	\$55.00
11.80.040	Landowners' permission required for operating motorcycle on private property	\$50.00
11.92.120	Prohibited Conduct	
	First offense	\$100.00
	Second offense	\$200.00
	Third and subsequent offenses	\$500.00
11.96.070	Restricted streets - 5 tons	\$100.00
11.96.080	Restricted streets - 7 tons	\$100.00
13.18	Compliance with chapter-Newsrack regulations (any violation of Chapter)	\$250.00
13.20.010	Display or storage on sidewalk	\$100.00
13.20.030	Signs	\$250.00
13.20.050	Painting numbers on curbs	\$250.00
13.28.300	Planting of Street Tree -- Permit required	\$50.00
13.28.310	Pruning or removal of Street Tree – Permit required	
	Tree Pruning:	
	00.0" – 5.99" dia.	\$150.00
	6" – 11.99" dia.	\$175.00
	12" – 17.99" dia.	\$200.00
	18" – 23.99" dia.	\$225.00
	24" or greater dia.	\$250.00
	Tree Removal:	
	00.00" – 5.99" dia.	
	First Violation:	\$500.00
	Second Violation within 3 years:	\$1,000.00
	Third Violation within 3 years:	\$1,500.00
	6" – 11.99" dia.	
	First Violation:	\$750.00
	Second Violation within 3 years:	\$1,500.00
	Third Violation within 3 years:	\$2,500.00
	12" – 17.99" dia.	
	First Violation:	\$1,000.00
	Second Violation within 3 years:	\$2,000.00
	Third Violation within 3 years:	\$3,000.00
	18" – 23.99" dia.	
	First Violation:	\$1,500.00
	Second Violation within 3 years:	\$3,000.00

	Third Violation within 3 years: 24" – 29.99" dia. First Violation: Second Violation within 3 years: Third Violation within 3 years: 30" – 35.99" dia. First Violation: Second Violation within 3 years: Third Violation within 3 years: 36" – 39.99" dia. First Violation: Second Violation within 3 years: Third Violation within 3 years: 40" or greater dia. First Violation: Second Violation within 3 years: Third Violation within 3 years:	\$4,500.00  \$2,000.00 \$4,000.00 \$6,000.00  \$3,000.00 \$6,000.00 \$9,000.00  \$4,000.00 \$8,000.00 \$12,000.00  \$5,000.00 \$10,000.00 \$15,000.00
13.28.400	Property owner maintenance responsibility and duty to public	\$75.00
13.28.420(A-C)	Interfering with maintenance work or injuring trees prohibited	\$500.00
13.28.420(E)	Permit required for use of public street trees for electrical lines	\$100.00
13.28.420(F)	Tree damage due to moving objects on public streets	\$100.00
13.28.440	Sight obstructions on private property	\$75.00
13.28.650	No Interference with enforcement of Chapter 13.28	\$75.00

13.32.030 and 13.32.040	<p>Tree removal permits required on private property</p> <p>56" – 74.99" circumference (approximately 18" – 23.99" diameter)</p> <p>First Violation: \$1,500.00</p> <p>Second Violation within 3 years: \$3,000.00</p> <p>Third Violation within 3 years: \$4,500.00</p> <p>75" – 93.99" circumference (approximately 24" – 29.99" diameter)</p> <p>First Violation: \$2,000.00</p> <p>Second Violation within 3 years: \$4,000.00</p> <p>Third Violation within 3 years: \$6,000.00</p> <p>94" – 112.99" circumference (approximately 30" – 35.99" diameter)</p> <p>First Violation: \$3,000.00</p> <p>Second Violation within 3 years: \$6,000.00</p> <p>Third Violation within 3 years: \$9,000.00</p> <p>113" – 125.49" circumference (approximately 36" – 39.99" diameter)</p> <p>First Violation: \$4,000.00</p> <p>Second Violation within 3 years: \$8,000.00</p> <p>Third Violation within 3 years: \$12,000.00</p> <p>125.5" or greater circumference (approximately 40" or greater diameter)</p> <p>First Violation: \$5,000.00</p> <p>Second Violation within 3 years: \$10,000.00</p> <p>Third Violation within 3 years: \$15,000.00</p>	<p>\$1,000.00</p>
13.32.090 and 13.32.140	<p>Destruction of heritage trees</p> <p>First Violation \$10,000.00</p> <p>Second Violation within 3 years \$20,000.00</p> <p>Third Violation within 3 years \$30,000.00</p>	
13.36.340	Compliance with Construction Impact Mitigation Ordinance or Plan (when required)	\$5,000.00 per day
13.44.020	Failure to comply with rules at City park	\$100.00
13.44.040	Special uses in parks - permit required	\$250.00
13.44.050	Exclusive use of parks or facilities - permit required	\$375.00
13.44.060	Unauthorized entry into restricted area in park	\$500.00
13.44.090	Prohibited articles in park	\$100.00
13.44.100	Vehicle regulations in City park	\$75.00
13.44.110(A-E)	Animals and pets in certain City parks	\$150.00
13.44.110(F)	Killing, injuring, etc. - animals in City parks	\$500.00

13.44.120	Fire regulations in City park	\$250.00
13.44.130	Smoking in restricted area of City Park First violation Second Violation in same year Third Violation in same year	\$100.00 \$200.00 \$500.00
13.44.140	Consumption of intoxicating beverage in City Park	\$100.00
13.44.150	Amplified sound without permit in City Park	\$100.00
13.44.160	Powered models where prohibited in City Park	\$150.00
13.44.170	Golfing outside of designated area in City Park	\$100.00
13.44.180	Conducting business in City Park without authorization	\$250.00
13.44.190	Water pollution of any body of water in City Park	\$1,000.00
13.44.200	Guns and dangerous instruments at park	\$1,000.00
13.44.210	Disturbing the peace and refusing to leave the park	\$150.00
13.44.220	Damage to park property	\$500.00
13.44.230	Littering in City Park	\$50.00
13.44.240	Entering or remaining after closing time of park	\$100.00
13.44.250	Supervision of children	\$100.00
13.44.260	Operation requirements of vessels	\$100.00
15.10.200	Water waste prevention First violation Second and subsequent violations (within 12 month period from date of previous violation)	\$250.00 \$500.00
15.10.210	Failure to repair plumbing, sprinkler and irrigation systems First violation Second and subsequent violations (within 12 month period from date of previous violation)	\$250.00 \$500.00
15.10.220	Water run-off First violation Second and subsequent violations (within 12 month period from date of previous violation)	\$250.00 \$500.00



15.10.230	Food service establishments First violation Second and subsequent violations (within 12 month period from date of previous violation)	\$250.00 \$500.00
15.10.235	Hotels, motels and other lodgings First violation Second and subsequent violations (within 12 month period from date of previous violation)	\$250.00 \$500.00
15.10.240	Cleaning of structure/ surfaces First violation Second and subsequent violations (within 12 month period from date of previous violation)	\$250.00 \$500.00
15.10.250	Washing of vehicles First violation Second and subsequent violations (within 12 month period from date of previous violation)	\$250.00 \$500.00
15.10.255	Commercial car washes First violation Second and subsequent violations (within 12 month period from date of previous violation)	\$250.00 \$500.00
15.10.260	Building & construction First violation Second and subsequent violations (within 12 month period from date of previous violation)	\$250.00 \$500.00
15.10.270	Hydrants First violation Second and subsequent violations (within 12 month period from date of previous violation)	\$250.00 \$500.00
15.10.290	Landscape irrigation restrictions First violation Second and subsequent violations (within 12 month period from date of previous violation)	\$250.00 \$500.00

15.10.310	Landscape irrigation restrictions First violation Second and subsequent violations (within 12 month period from date of previous violation)	\$250.00 \$500.00
15.10.320	Ornamental lakes and ponds First violation Second and subsequent violations (within 12 month period from date of previous violation)	\$250.00 \$500.00
15.10.325	Car washing First violation Second and subsequent violations (within 12 month period from date of previous violation)	\$250.00 \$500.00
15.10.330	Residential swimming pools and outdoor spas First violation Second and subsequent violations (within 12 month period from date of previous violation)	\$250.00 \$500.00
15.10.340	Cleaning of structures/ surfaces First violation Second and subsequent violations (within 12 month period from date of previous violation)	\$250.00 \$500.00
15.10.350	Operation of certain decorative fountains First violation Second and subsequent violations (within 12 month period from date of previous violation)	\$250.00 \$500.00
15.10.355	Failure to repair leaks First violation Second and subsequent violations (within 12 month period from date of previous violation)	\$250.00 \$500.00
15.10.360	Landscape installation First violation Second and subsequent violations (within 12 month period from date of previous violation)	\$250.00 \$500.00

15.10.365	Hydrant water use First violation Second and subsequent violations (within 12 month period from date of previous violation)	\$250.00 \$500.00
15.10.370	Landscape irrigation	\$160.00
15.10.375	Pool, spas and fountains First violation Second and subsequent violations (within 12 month period from date of previous violation)	\$250.00 \$500.00
15.10.400	Landscape documentation package	\$500.00
15.10.410	Certification	\$160.00
15.14.510	Limitations on Point of Discharge	\$500.00
15.14.515	Discharge Into Storm Drain Prohibited	\$500.00
15.14.520	Regulation of Trucked or Hauled Waste	\$500.00
15.14.530	Protection From Accidental Discharge	\$500.00
15.14.535	Pretreatment by Owner	\$500.00
15.14.540	Monitoring Facilities	\$500.00
15.14.545	Storm And Other Waters	\$500.00
15.14.550	Obstructing or Injurious Substances	\$500.00
15.14.555	Flammable or Explosive Substances	\$500.00
15.14.560	Hot Substances	\$500.00
15.14.565(A)	Grease limit 1X < limit ≤ 2X 1 <sup>st</sup> Violation in 1 year period 1X < limit ≤ 2X 2 <sup>nd</sup> Violation in 1 year period 1X < limit ≤ 2X 3 <sup>rd</sup> + Violation in 1 year period  2X < limit ≤ 4X 1 <sup>st</sup> Violation in 1 year period 2X < limit ≤ 4X 2 <sup>nd</sup> Violation in 1 year period 2X < limit ≤ 4X 3 <sup>rd</sup> + Violation in 1 year period  4X < limit < 10X 1 <sup>st</sup> Violation in 1 year period 4X < limit < 10X 2 <sup>nd</sup> Violation in 1 year period 4X < limit < 10X 3 <sup>rd</sup> + Violation in 1 year period  10X ≥ limit 1 <sup>st</sup> Violation in 1 year period 10X ≥ limit 2 <sup>nd</sup> Violation in 1 year period 10X ≥ limit 3 <sup>rd</sup> + Violation in 1 year period	\$250.00 \$312.50 375.00  \$500.00 \$625.00 \$750.00  \$1,000.00 \$1,250.00 \$1,500.00  \$1,500.00 \$1,875.00 \$2,250.00
15.14.565(B)	Grease Control Device required	\$500.00
15.14.565(C)	Discharge of Yellow Grease prohibited	\$500.00
15.14.565(D)	Grease – Failure to Resample Within 30 Days	\$250.00

15.14.570	Solid or Viscous Matter	\$500.00
15.14.575	Corrosive Matter	
	5.0<pH<6.0 1 <sup>st</sup> Violation in 1 year period	\$250.00
	5.0<pH<6.0 2 <sup>nd</sup> Violation in 1 year period	\$312.50
	5.0<pH<6.0 3 <sup>rd</sup> + Violation in 1 year period	\$375.00
	2.0<pH≤5.0 1 <sup>st</sup> Violation in 1 year period	\$500.00
	2.0<pH≤5.0 2 <sup>nd</sup> Violation in 1 year period	\$625.00
	2.0<pH≤5.0 3 <sup>rd</sup> + Violation in 1 year period	\$750.00
	pH≤2.0 1 <sup>st</sup> Violation in 1 year period	\$1,000.00
	pH≤2.0 2 <sup>nd</sup> Violation in 1 year period	\$1,250.00
	pH≤2.0 3 <sup>rd</sup> + Violation in 1 year period	\$1,500.00
	pH ≥ 12.5 1 <sup>st</sup> Violation in 1 year period	\$1,000.00
	pH ≥ 12.5 2 <sup>nd</sup> Violation in 1 year period	\$1,250.00
	pH ≥ 12.5 3 <sup>rd</sup> + Violation in 1 year period	\$1,500.00
15.14.575(B)	Corrosive Matter – Failure to Resample Within 30 Days	\$250.00
15.14.580	Toxic Gases, Vapors or Fumes	\$500.00
15.14.585	Interfering Substances	
	1X<limit≤ 2X 1 <sup>st</sup> Violation in 1 year period	\$250.00
	1X<limit≤ 2X 2 <sup>nd</sup> Violation in 1 year period	\$312.50
	1X<limit≤ 2X 3 <sup>rd</sup> + Violation in 1 year period	\$375.00
	2X < limit ≤4X 1 <sup>st</sup> Violation in 1 year period	\$500.00
	2X < limit ≤4X 2 <sup>nd</sup> Violation in 1 year period	\$625.00
	2X < limit ≤4X 3 <sup>rd</sup> + Violation in 1 year period	\$750.00
	4X < limit <10X 1 <sup>st</sup> Violation in 1 year period	\$1,000.00
	4X < limit <10X 2 <sup>nd</sup> Violation in 1 year period	\$1,250.00
	4X < limit <10X 3 <sup>rd</sup> + Violation in 1 year period	\$1,500.00
	10X ≥ limit 1 <sup>st</sup> Violation in 1 year period	\$1,500.00
	10X ≥ limit 2 <sup>nd</sup> Violation in 1 year period	\$1,875.00
	10X ≥ limit 3 <sup>rd</sup> + Violation in 1 year period	\$2,250.00
15.14.585(D)	Interfering Substances – Failure to Resample Within 30 Days	\$250.00
15.14.590	Prohibition on Use of Diluting Waters	\$500.00
15.14.595	Suspended Solids; Dissolved Matter	\$500.00
15.14.610	Noxious or Malodorous Matter	\$500.00

15.14.615	Radioactive Matter	\$500.00
15.14.620	Colored Matter	\$500.00
15.14.625	Garbage	\$500.00
15.14.630	Installation of Grease Control Devices	\$500.00
15.14.635	Screened Industrial Wastes	\$500.00
15.14.640	Fixer Solution Prohibition	\$500.00
15.14.645(A)	Installation of Amalgam Separators	\$500.00
15.14.645(D)	Maintenance of Amalgam Separators	\$750.00
15.14.650	Maintenance and Operation of Grease Control Devices	\$500.00
15.14.675	Record Keeping	\$250.00
15.14.680	Federal Pretreatment Regulations	\$500.00
15.14.685(A)	Falsification of Information	\$1,000.00
15.14.695	Discharge Reports	\$500.00
15.14.695(F)	Late Reporting (6-30 days)	\$250.00
	Late Reporting (31-45 days)	\$500.00
	Late Reporting (46-60 days)	\$750.00
	Late Reporting (61 or more days)	\$1,000.00
15.14.695(G)	Failure to Use Proper Sample Methods	\$250.00
15.14.725	Mandatory Wastewater Discharge Permits	
	Standard Discharger	\$1,050.00
	Low Flow Discharger	\$560.00
	Zero Categorical Discharger	\$560.00
	Short Term Discharger	\$560.00
	Dental Discharger	\$250.00
15.14.765	Permit Conditions	\$500.00
15.14.770	Best Management Practices	A-E \$300.00
		F,G \$500.00
<u>15.14.771</u>	<u>Private Land Drainage Area Registration</u>	<u>\$500.00</u>
<u>15.14.772</u>	<u>Private Land Drainage Area Requirements</u> <u>Control of Polychlorinated Biphenyls and</u> <u>Mercury from Old Industrial Areas</u>	<u>\$500.00</u>
<u>15.14.773</u>	<u>Source Property and Control of Mercury,</u> <u>Polychlorinated Biphenyls, or Other Pollutants</u>	<u>\$500.00</u>
15.16.350	Sewer lateral permit required	\$500.00
15.16.510	Sewer connection-permit required	\$500.00
15.16.730	Treatment plant connection-permit required	\$500.00
15.28.160	Cable TV franchise required	\$1,000.00
15.28.210	Cable Franchise - Information Required	\$500.00
15.28.370	Compliance With Council orders - Cable Franchisee	\$500.00
15.28.410	Restricted use of cable system	\$500.00

15.28.520	Operational Standards – cable TV	\$500.00
15.28.530	Report requirements - Cable TV	\$500.00
15.28.540	Map of installations - Cable TV	\$500.00
15.28.550	Inspection of property and records - Cable Franchisee	\$500.00
15.28.560	Installation and construction of Cable TV	\$500.00
15.28.570	Undergrounding of facilities – cable TV	\$500.00
15.28.580	Changes Required by public improvements - Cable TV	\$500.00
15.28.590	Streets – Occupancy requirements generally - Cable TV	\$500.00
15.28.600	Streets - Use restrictions – Cable TV Franchisee	\$500.00
15.28.610	Restoration of Streets - Cable TV Franchisee	\$500.00
15.28.620	Relocation of Facilities – Cable TV Franchisee	\$500.00
15.28.630	Temporary Removal of Facilities - Cable TV Franchisee	\$500.00
15.28.640	Removal of Abandoned Property - Cable TV Franchisee	\$500.00
15.28.710	Franchisee Office for Maintenance Service	\$500.00
15.28.730	Line Extension Charges	\$500.00
15.28.740	Charges for Repair or Replacement - prohibited	\$500.00
15.28.750	Limitation on denial of Cable TV service	\$1,000.00
15.28.870	Franchise Fee – when payable	\$500.00
15.28.880	Statement to Accompany Franchise Fee Payment	\$500.00
15.28.900	Accounting and Recordkeeping Requirements	\$500.00
15.28.950	Unauthorized connection with system prohibited cable TV	\$500.00
15.28.960	Receiving signals without payment prohibited-- cable TV	\$500.00
15.28.970	Tampering with cable system prohibited	\$500.00
15.36.160	Towing activities unlawful	\$500.00
15.36.370	Towing: Compliance with Council orders	\$250.00
15.36.480	Towing: Operational Standards	\$250.00
15.36.490	Towing: Report requirements	\$250.00
15.36.500	Towing: Inspection of Property and Records	\$250.00
15.36.640	Minimum Requirements for Towing Applicants and Grantees	\$250.00
15.36.650	Requirements and operation of adequate storage facility	\$250.00
15.36.700	Records of Grantees: Towing	\$250.00

15.36.710	Charges for Services: Towing	\$250.00
15.36.870	Towing: Franchise Fee – when payable	\$250.00
15.36.880	Towing: statement to accompany Franchise Fee payment	\$250.00
15.36.900	Towing: Accounting and recordkeeping requirements	\$250.00
15.38.080	Leasing permit required: solar devices	\$250.00
16	Compliance with Title –Cardroom regulations (any violation of Title)	\$1,000.00
17.02.050	Obstruction or interference with abatement work prohibited	\$250.00
17.02.470	Compliance with Restriction from Use or Occupancy Notice	\$250.00
17.10	Compliance with Chapter – Geologic Hazard (any violation of Chapter)	\$1,000.00
17.12	Fire Code Any violation, unless a specific fine amount has been established in this resolution for a particular Code section within the Chapter. First violation Second violation (within one-year period) Third violation (within one-year period)	  \$500.00 \$750.00 \$1,000.00
17.12.400 (California Fire Code §1302.3)	False Alarms Nonresidential occupancy/residential over 4 units (R-1 greater than 4 units) and/or activation by any alarm service company during servicing First false alarm Second false alarm Third false alarm within 90-day period Fourth false alarm within 90-day period Fifth and subsequent false alarm within 90-day period	  No fine No fine \$350.00 \$750.00 \$1,000.00
	Residential occupancy up to 4 units (R-3 and R-1 up to 4 units) except activation by any alarm service company during servicing First false alarm Second false alarm Third false alarm within 90-day period Fourth false alarm within 90-day period Fifth and subsequent false alarm within 90-day period	  No fine No fine \$100.00 \$150.00 \$200.00

17.12.700 (California Fire Code §8001.3.1)	Failure to obtain permit to store, dispense, use or handle hazardous materials, or to install, repair, abandon, remove, temporarily or permanently close or substantially modify a hazardous materials storage facility or other regulated area. First violation Second violation within one-year period Third violation within one-year period	 \$1,000.00 \$1,500.00 \$2,000.00
17.23.050(A)	Notice of Apartment Rent Ordinance to Tenant Households – Posting Notice on Building Note: Fine is levied per Property	\$500.00
17.23.050(B)	Notice of Apartment Rent Ordinance to Tenant Households – Written Notice Prior to Lease	\$500.00
17.23.060	Limit on Electronic Payment	\$500.00
17.23.300(A)	Initial Rent and Vacancy Decontrol – Valid Decontrol	\$5,000.00
17.23.310(A, B)	Limits on Rent Increases – Annual Rent Increase Limit	\$5,000.00
17.23.310(C)	Limits on Rent Increases – Rent Increase Frequency Limit	\$5,000.00
17.23.520(B)	Waivers – Attempt to Waive Tenant Rights	\$5,000.00
17.23.560(A)	Disclosure to Purchasers of Real Property Note: Fine is levied per Property	\$5,000.00
17.23.600(B)	Notices of Termination of Tenancy – Mandatory Notice to City	\$500.00
17.23.600(C)	Notices of Termination of Tenancy – Notice of Re-Rental to the City	\$500.00
17.23.705	Tenant Buyout	\$5,000.00
17.23.900(A)	Rent Registry – Failure to Register – Registration	\$500.00
17.23.900(B)	Rent Registry – Failure to Register – Copy of Registration to Tenant	\$500.00
17.23.900(E)	Rent Registry – Failure to Register – Collusion	\$5,000.00
17.23.900(F)	Rent Registry – Failure to Register	\$500.00
17.23.1130(B)	Copies of Forms – Failure to provide forms to tenants	\$500.00
17.23.1130(C)	New Tenants During the Withdrawal Process – Failure to provide withdrawal notice to the new tenants	\$10,000.00
17.23.1130(E)	Notices of Tenants Right to Extend Tenancy – Failure to provide notice of right to extend	\$10,000.00



17.23.1130(F)	Withdrawal of less than an entire building –	\$10,000.00
17.23.1130(H)	Non-Rent Stabilized Properties – Failure to meet requirements to withdraw	\$10,000.00
17.23.1140(A)	Notices of Intent to Withdraw – Service on Tenants	\$10,000.00
17.23.1140(B)	Notices of Intent to Withdraw – Service on City	\$10,000.00
17.23.1140(C)	Notices of Intent to Withdraw – Contents	\$10,000.00
17.23.1145	Recording of Memorandum – Failing to record with the County Clerk’s Office Note: Fine is levied per Property	\$10,000.00
17.23.1150(A)	Relocation Assistance – Failing to pay to a tenant household	\$10,000.00
17.23.1150(B)	Relocation Assistance – Depositing Relocation Benefits in Escrow Account	\$10,000.00
17.23.1150(C)	Relocation Assistance – Failing to pay entire relocation assistance entitled to tenant household	\$10,000.00
17.23.1150(E)	Relocation Assistance – Relocation Specialist Services	\$10,000.00
17.23.1151(A)	Voluntary Alternative Relocation	\$10,000.00
17.23.1151(C)	Voluntary Alternative Relocation – Failing to pay relocation benefits if alternative housing not accepted	\$10,000.00
17.23.1160(A)	One Hundred Twenty (120) Day Notice Required to Tenant Household	\$10,000.00
17.23.1160(B)	Provide Notice of Right to Extend Tenancy up to One Year	\$10,000.00
17.23.1160(C)	Effective date of withdrawal; extension of tenancy	\$10,000.00
17.23.1180(A)	Right to Return Offered to Former Tenant Households	\$5,000.00
17.23.1180(B)	Re-Control of New-Construction	\$5,000.00
17.23.1180(C)	Affordable Housing Requirement	\$5,000.00
17.23.1240(A)	Just Cause Required in Notice	\$5,000.00
17.23.1240(C)	Just Cause Protections – notice of rights	\$5,000.00
17.23.1240(D)	Termination Notice Statement	\$5,000.00
17.23.1250(B)	Just Cause Termination – Relocation Assistance	\$5,000.00
17.23.1260(D)	Notice of Termination to the Tenant and City	\$500.00
17.23.1260(E)	Summons and Complaint Sent to the Tenant and City	\$1,000.00

17.48.010	Compliance with chapter – signs, marquees and awnings	\$250.00
17.68	Hazardous materials storage Any violation, unless a specific fine amount has been established in this resolution for a particular Code section within the Chapter. First violation Second violation (within one-year period) Third violation (within one-year period)	 \$500.00 \$750.00 \$1,000.00
17.68.310	Failure to submit timely updated Hazardous Materials Management Plan First violation Second violation within one-year period Third violation within one-year period	 \$500.00 \$750.00 \$1,000.00
17.68.350	Failure to submit timely updated Hazardous Materials Management Inventory Statement First violation Second violation within one-year period Third violation within one-year period	 \$500.00 \$750.00 \$1,000.00
17.72.030	Prohibition of blighted property First violation Second violation Third violation	 \$250.00 \$500.00 \$1,000.00
17.72.300	Enforcement – compliance with chapter First violation Second violation (in same year) Third violation (in same year)	 \$250.00 \$500.00 \$1,000.00
17.72.600	Parking on Unpaved Surfaces	\$100.00
17.74.040(E)	Identification procedures – Hazardous Buildings	\$250.00
17.74.060	Engineering reports	\$500.00
17.78.260	Compliance with Chapter – Toxic gasses	\$1,000.00
17.80.040	Maintaining private property in unsafe condition	\$500.00
17.85.300(A)(B)	Annual Energy and Water Benchmarking and Reporting Buildings 20,000 to 50,000 sq. ft. No owner shall be liable for a total fine of more than \$2,500.00 per calendar year Buildings 50,000 sq. ft. and above No owner shall be liable for a total fine of more than \$5,000.00 per calendar year	 \$25.00 per day per violation  \$50.00 per day per violation
17.85.400(B)	Performance Standards for Energy and Water Efficiency	

	Buildings 20,000 to 50,000 sq. ft. No owner shall be liable for a total fine of more than \$2,500.00 per calendar year Buildings 50,000 sq. ft. and above No owner shall be liable for a total fine of more than \$5,000.00 per calendar year	\$25.00 per day per violation  \$50.00 per day per violation
17.85.500	Record Maintenance Buildings 20,000 to 50,000 sq. ft. No owner shall be liable for a total fine of more than \$2,500.00 per calendar year Buildings 50,000 sq. ft. and above No owner shall be liable for a total fine of more than \$5,000.00 per calendar year	\$25.00 per day per violation  \$50.00 per day per violation
17.85.510	Schedule for Benchmarking Report Compliance Buildings 20,000 to 50,000 sq. ft. No owner shall be liable for a total fine of more than \$2,500.00 per calendar year Buildings 50,000 sq. ft. and above No owner shall be liable for a total fine of more than \$5,000.00 per calendar year	\$25.00 per day per violation  \$50.00 per day per violation
17.85.550	Non-compliance Unlawful; Penalty for Violations Buildings 20,000 to 50,000 sq. ft. No owner shall be liable for a total fine of more than \$2,500.00 per calendar year Buildings 50,000 sq. ft. and above No owner shall be liable for a total fine of more than \$5,000.00 per calendar year	\$25.00 per day per violation  \$50.00 per day per violation
20.30.430	Front setback – parking and storage prohibited	\$50.00
20.40.500	Late night use and activity without a Conditional Use Permit in Commercial Zoning District First violation Second violation within one-year period Third violation within one-year period	\$250.00 \$500.00 \$1,000.00
20.40.520	Outdoor uses within 150 feet of residentially zoned property in Commercial Zoning District First violation Second violation within one-year period from date of previous violation Subsequent violation within one-year period from date of previous violation	\$250.00 \$500.00 \$1,000.00

20.40.560	Screening adjacent to residentially zoned properties in Commercial Zoning District First violation Second violation within one-year period from date of previous violation Subsequent violation within one-year period from date of previous violation	\$250.00 \$500.00 \$1,000.00
20.50.220	Late night use and activity in Industrial Zoning District First violation Second violation within one-year period from date of previous violation Subsequent violation within one-year period from date of previous violation	\$250.00 \$500.00 \$1,000.00
20.75.300	Late-night use and activity in Pedestrian Oriented Zoning District First violation Second violation within one-year period from date of previous violation Subsequent violation within one-year period from date of previous violation	\$250.00 \$500.00 \$1,000.00
20.75.320	Outdoor uses within 150 feet of residentially zoned property in Pedestrian Oriented Zoning District First violation Second violation within one-year period from date of previous violation Subsequent violation within one-year period from date of previous violation	\$250.00 \$500.00 \$1,000.00
20.75.370	Screening adjacent to residentially zoned properties in Pedestrian Oriented Zoning District First violation Second violation within one-year period from date of previous violation Subsequent violation within one-year period from date of previous violation	\$250.00 \$500.00 \$1,000.00

20.80.810	Outdoor vending --Administrative permit required First violation Second violation within one-year period from date of previous violation Subsequent violation within one-year period from date of previous violation	 \$250.00 \$500.00  \$1,000.00
20.80.830	Restriction on type of outdoor vending First violation Second violation within one-year period from date of previous violation Subsequent violation within one-year period from date of previous violation	 \$250.00 \$500.00  \$1,000.00
20.80.840	Outdoor vending -- Fixed-base host required First violation Second violation within one-year period from date of previous violation Subsequent violation within one-year period from date of previous violation	 \$250.00 \$500.00  \$1,000.00
20.80.860	Displays of wares – Outdoor vending facilities First violation Second violation within one-year period from date of previous violation Subsequent violation within one-year period from date of previous violation	 \$250.00 \$500.00  \$1,000.00
20.80.870	Signage standards – Outdoor vending facilities First violation Second violation within one-year period from date of previous violation Subsequent violation within one-year period from date of previous violation	 \$250.00 \$500.00  \$1,000.00
20.80.890	Conditions of issuance – Outdoor vending facilities First violation Second violation within one-year period from date of previous violation Subsequent violation within one-year period from date of previous violation	 \$250.00 \$500.00  \$1,000.00

20.80.1100	Permits required for Recycling facilities First violation Second violation within one-year period from date of previous violation Subsequent violation within one-year period from date of previous violation	\$250.00 \$500.00 \$1,000.00
20.80.1130	Criteria and standards for Recycling facilities First violation Second violation within one-year period from date of previous violation Subsequent violation within one-year period from date of previous violation	\$250.00 \$500.00 \$1,000.00
20.80.1140	Adhering to criteria – Recycling facilities First violation Second violation within one-year period from date of previous violation Subsequent violation within one-year period from date of previous violation	\$250.00 \$500.00 \$1,000.00
20.80.1150	Site clean-up required – Recycling facilities First violation Second violation within one-year period from date of previous violation Subsequent violation within one-year period from date of previous violation	\$250.00 \$500.00 \$1,000.00
20.95.110	Compliance with Design, Maintenance, Notification, and Documentation Requirements	\$100.00 per day
20.95.120(B)	Failure to retain records of inspection and maintenance activities performed on installed stormwater treatment measures First and subsequent violations (within 12 month period from date of previous violation)	\$100.00 per day
20.95.120(A,C)	Alteration, removal, or failure to maintain installed stormwater runoff treatment measures First and subsequent violations (within 12 month period from date of previous violation)	\$500.00 per day, per installed stormwater treatment measure

20.100.310(A)	Development Permit Compliance Required (Violations of a Development Permit that are of a transient and intermittent nature and that directly and specifically involve the off-sale of alcoholic beverages) First violation Second violation (within 12 month period from date of previous violation) Subsequent violations (within 12 month period from date of previous violation)	 \$1,000.00 \$2,500.00 \$2,500.00
	Permit Compliance Required (Violations involving property maintenance and performance standards) First violation Second violation within one-year period Third violation within one-year period	 \$250.00 \$500.00 \$1,000.00
20.100.450	Hours of Construction Within 500 Feet of a Residential Unit	\$2,500.00
20.100.465	Compliance with Design, Maintenance, Notification, and Documentation Requirements	\$100.00 per day
20.100.470	Compliance with NPDES Storm Water Permit, including BMP's, submittal of and compliance with Erosion Control Plan (if required)	\$500 per event per day
20.100.480	Compliance with NPDES General Construction Activities Permit (including development, implementation and maintenance of SWPPP and filing of NOI); submittal of and compliance with Erosion Control Plan (if required); implementation and maintenance of BMP's or control measures	
	Sites of 1-5 acres in size Sites greater than 5 acres in size	\$500 per event per day \$2,500 per event per day
22.01.010	Authorization required to use Convention and Cultural facilities	\$250.00
23.02.820	Compliance with title	\$250.00
23.02.900	Construction and maintenance of signs	\$250.00
23.02.1120	Portable signs at parking lots	\$250.00
23.04.240	Signs in airport zone – temporary signs	\$100.00

23.04.340	Signs in A, R and T-M districts-temporary signs	\$100.00
23.04.610	Temporary signs	\$100.00
23.04.730	Election signs on public property	\$250.00
23.04.740	Election signs not authorized by owner or person in control of property	\$150.00
23.04.750	Election signs in residential districts or on residential uses	\$100.00
23.04.760	Time limit on display of election signs	\$100.00
23.04.810	Private signs on public property	\$350.00
23.04.830	Signs allowed on public property	\$350.00
24.01.130	Compliance with Title – Building Codes	\$1,000.00
25.06.010	Violation of airport rules and regulations	\$100.00
25.06.300	Advertising without approval	\$250.00
25.06.310	Animals at airport prohibited	\$75.00
25.06.320	Entering restricted areas at airport	\$1,000.00
25.06.340	Restrictions in operating motorized equipment	\$75.00
25.06.360	Preservation of Property at the Airport	\$500.00
25.06.370	Roads and walkways at airport restricted use	\$250.00
25.06.380	Violation of sanitation requirements	\$75.00
25.08.010	Commercial activities without authorization	\$250.00
25.08.020	Operation at the Airport Without Authorization	\$250.00
25.08.350	Services/delivery on airport apron-permit required	\$250.00
25.08.500	On-Airport Car Rental Agencies	\$250.00
25.08.510	Off-Airport Car Rental Agencies- permit requirements	\$250.00
25.08.700	Ground Transport Providers – permit requirements.	\$250.00
25.08.720	Ground transportation permit requirements	\$75.00
25.08.730	Ground Transportation Providers – Restrictions and Requirements	\$75.00
25.08.740	Circling Solicitation Prohibited (Ground Transportation Providers	\$75.00
25.08.750	Operation by Taxicab Service Providers at the Airport Without Authorization	\$250.00
25.08.900	Aircraft maintenance permit	\$75.00
25.08.910	Airport maintenance insurance and other requirements	\$75.00
25.08.920	Aircraft maintenance fees and deposit	\$75.00
25.08.940	Flying club maintenance	\$75.00
25.08.1100	Telephone line agreement required	\$75.00
25.08.1110	Telephone line agreement terms	\$75.00



25.08.1310	General aviation fees and charges	\$75.00
25.08.1500	Other commercial activities permit or license required	\$250.00
25.08.1520	Parking/storage G.A. aircraft permit/license required	\$250.00
25.12.010 to 25.12.920	Aircraft operations and air traffic rules	\$75.00
25.12.590	Cleaning with inflammable or volatile liquids	\$1,000.00
25.12.600	Doping restrictions	\$1,000.00
25.12.630	Open-flame operations	\$1,000.00
25.12.640	Fire Hazard	\$1,000.00
25.12.650	Improper storage inflammable material	\$1,000.00
25.12.670	Waste oil storage and removal	\$500.00
25.12.1200	Smoking near airport fuel facilities prohibited	\$1,000.00
25.14.300	Flying club permit required	\$75.00
25.14.310	Flying club nonprofit restriction	\$75.00
25.14.320	Flying club – member classes	\$75.00
25.14.330	Flying club-compensation	\$75.00
25.14.340	Flying club - aircraft use by non-members	\$75.00
25.14.350	Flying club - aircraft lessor	\$75.00
25.14.360	Flying club – insurance	\$75.00
25.14.400	Flying club - reporting requirements	\$75.00
25.14.410	Flying club permit not assignable	\$75.00

**SECTION 3.** Except as otherwise specifically set forth in Section 2 above, the fine amount for a second violation of the same Municipal Code section by the same person within a thirty-six (36) month period shall be and equal one hundred twenty-five percent (125%) of the fine amount listed in this Resolution for a first violation of that Municipal Code section at the time of the second violation.

**SECTION 4.** Except as otherwise specifically set forth in Section 2 above, the fine amount for a third and subsequent violation of the same Municipal Code section by the same person within a thirty-six (36) month period shall be and equal one hundred fifty percent (150%) of the fine amount listed in this Resolution for a first violation of that Municipal Code section at the time of the third or, as applicable, subsequent violation.

**SECTION 5.** Any fine amount imposed pursuant to Chapter 1.15 of the San José Municipal Code and this Resolution shall be deemed delinquent if it is not paid in accordance with the terms and provisions of Chapter 1.15. Any person who fails to pay to the City the amount of any fine imposed pursuant to the provisions of Chapter 1.15 of the San José Municipal Code and this Resolution on or before the date that fine amount is due shall be liable for the payment of an additional delinquency penalty. The delinquency penalty is equal to ten percent (10%) of the amount of the fine due to the City, or ten percent (10%) of the amount of the fine remaining unpaid to the City if a portion of the fine amount was timely paid. Interest shall accrue on all delinquent fine amounts, exclusive of delinquency penalties, at the rate of one half of one percent per month, pro rata, of the total delinquent fine amount, from the date the fine amount becomes delinquent until the date that all delinquent fine amounts are paid to the City.

**SECTION 6.** The Administrative Citation Schedule of Fines set forth in this Resolution shall supersede the administrative fine amounts and other provisions set forth in Resolution No. RES2024-24, adopted on February 6, 2024, which is hereby repealed.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2024, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

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MATT MAHAN  
Mayor

ATTEST:

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TONI J. TABER, CMC  
City Clerk