

ORDINANCE NO. 857
(AS AMENDED THROUGH 857.1)
AN ORDINANCE OF THE COUNTY OF RIVERSIDE
REGARDING THE BUSINESS STORM WATER COMPLIANCE PROGRAM

Section 1. PURPOSE AND INTENT. It is the intent of the County of Riverside to comply with directives of the Clean Water Act and the requirements of the National Pollutant Discharge Elimination System ("NPDES") Municipal Separate Storm Sewer Permits ("MS4 Permit") for the Santa Ana, Santa Margarita, and Whitewater watersheds so as to protect water quality in Riverside County in order to protect the public health, safety, and welfare of the people of Riverside County. Business registration fees charged under the provisions of this ordinance are revenue-neutral in that the business registration fees will not exceed the reasonable cost of providing regulatory services. No business registration fees charged under the provisions of this ordinance shall be construed as a business license tax.

Section 2. AUTHORITY. In 1972 the Clean Water Act established that National Pollution Discharge Elimination System permits are required for discharges from a Municipal Separate Storm Sewer System (MS4). In 2004, the State Water Resources Control Board (SWRCB) began requiring the local regional water quality control boards to include storm water and non-storm water compliance inspections of local businesses to be done by cities and counties, as part of MS4 permit compliance. The local regional water quality control boards require an inspection and inventory of all existing commercial and industrial businesses, and prioritization as to the type of business and potential threat to water quality, specifically stated in Sections XI and VI of the Santa Ana Region MS4 Permit, Section F.1.(b) of the Whitewater Region MS4 permit, and Section II. E-5 of the Santa Margarita Region MS4 permit. On November 7, 2006 the County first adopted this ordinance for the purpose of business registration and inspection for storm water management.

Section 3. DEFINITIONS. As used in this ordinance, the following terms shall have the following meanings:

- a. Business. Includes professions, trades, vocations, enterprises, establishments, or occupations, any of which are conducted, transacted or carried out for the purpose of earning in whole or in part a profit or livelihood, whether or not a profit or livelihood actually is earned thereby, whether paid in money, goods, labor, or otherwise. This definition shall apply to business establishments located within the unincorporated area of the County that are operated at a fixed physical location or on a mobile basis by a mobile operator.
- b. Home Occupation. Those uses that are customarily conducted in a residential dwelling, provided that such uses are incidental and secondary to the principal use of the dwelling as a residence. All materials and operations must be located within the interior of the residential dwelling.
- c. Inspector. Any employee, agent, representative, or contractor designated by the Director of Transportation to carry out business inspections under the provisions of this ordinance.

- d. Mobile Operator. Businesses that are operated on a mobile basis utilizing a motor vehicle to visit customer locations to carry out services. This term includes, but is not limited to mobile operated businesses involving motor vehicle washing, pest control services, carpet, drape or furniture cleaning, concrete mixing, masonry, painting, landscaping, mobile pet groomers, pool cleaning, and portable toilet servicing.
- e. Retail Greenhouses and Nurseries. All commercial greenhouses and nurseries other than those that are licensed by the State of California in the “producer” category to grow and sell nursery stock in the amount of \$1,000 or more in one year and that are inspected by the County Agricultural Commissioner pursuant to California Food & Agricultural Code §§ 6701 et seq. and any applicable state regulations promulgated thereto.
- f. Sworn Statement. A written affidavit, declaration, or statement made under penalty of perjury under the laws of the State of California.

Section 4. EXEMPT EXEMPTIONS. The following business types are exempt from registering with the Business Storm Water Compliance Program:

- a. Residential Facilities. Apartments, rooming houses, and other residential facilities in which living units are rented or leased, residential care homes, and family day care homes are exempt.
- b. Churches, Temples or Places of Worship. Churches, temples or places of worship to the extent of their use for worship, religious education or the social affairs of the religious group are exempt. This exemption shall not apply to other activities, which are not undertaken primarily for members of the religious group, including, but not limited to, day schools, social service programs or Church-owned or operated business enterprises.
- c. Home Occupations. Home occupations are exempt. This exemption shall not apply to those home occupations that are subject to compliance with water quality requirements imposed by Ordinance Nos. 457 and 754, California Water Code §§13000 et seq. (Porter-Cologne Water Quality Control Act), Title 33 U.S.C. §§1251 et seq. (Clean Water Act) and any applicable state or federal regulations, and any related administrative orders or permits issued in connection thereof.
- d. Agriculture. The following agricultural activities are exempt from County business registration if they are inspected by another governmental agency for storm water and agricultural oversight and compliance: the growing of crops, raising of livestock, dairying, storage of materials, supplies, animal feeds or produce, and marketing of farm products; however, a business registration shall be required in connection with any of the following: 1) retail nurseries/retail greenhouses; and 2) wholesaling, processing, storage or manufacturing use which involves assembly of the

products of multiple farms or ranches by a cooperative or other business enterprise for marketing distribution.

- e. Federal or State Law. The provisions of this ordinance shall not be deemed or construed to apply to any person transacting or carrying on any business exempt by virtue of the Constitution or applicable statutes of the United States or of the State of California from the payment of such regulatory business license fees charged pursuant to this ordinance.
- f. Non-Profit Organizations. Any non-profit organizations that are legally recognized as tax-exempt pursuant to the provisions of 26 U.S.C. § 501(c)(3) are exempt as provided in this section.

Any person claiming an exemption pursuant to the provisions of this section shall within sixty (60) calendar days of being sent initial written notification of the requirement to register, file a sworn statement with the County stating the facts upon which an exemption is claimed.

Section 5. BUSINESS REGISTRATION. Unless exempt per Section 4., every person conducting or carrying out a business as defined in this ordinance in the unincorporated area of Riverside County shall register the business with the County's Business Storm Water Compliance Program. For leased business properties, the tenant and owner shall register independently. A separate registration shall be made for each physical location of branch establishments and chains, or for each individually owned business/chain that is operated on a mobile basis by a mobile operator.

- a. Registration Contents. The Business Storm Water Management Inventory Registration Program Application is found online at the Riverside County Transportation and Land Management Agency's website. Information required in the application includes the following:
 - 1. The name, location and exact nature or kind of business.
 - 2. In the event that the business is not carried out at a permanent location, the names and places of residence of those owning the business shall also be required.
 - 3. In the event that registration is to a corporation or partners, the application shall set forth the names and place of residence of the officers or partners.
- b. Issuance. A business shall be registered upon satisfactory completion of an application and payment of the fee prescribed in this ordinance. Said registration shall remain in full force and effect for a period of one year unless the business changes address or name, business is discontinued, or business ownership changes. The registration shall be renewed annually.
- c. Registration fees. A standard registration fee of \$45 shall be charged by the County to cover the cost of providing regulatory services included in the business storm water registration program. The fee to renew each year afterward is \$30. Changing the name of a business or business owner is \$30.
- d. Mobile Operator fees. Registration is required for all mobile operators conducting business within unincorporated Riverside County. Mobile operator's that register in multiple jurisdictions may

have the registration fee waived if they can provide sufficient documentation that fees have been paid and NPDES inspections are being performed by another municipality such as a neighboring City or County.

Section 6. BUSINESS INSPECTION. Businesses are categorized by the Inspector by priority based on the potential to discharge pollutants into the storm water system as follows:

- a. Business Priority Inspection.
 1. Low – The inspection cycle for a Low priority business is once every 5 years. Low priority businesses are businesses where there is no outdoor activity but the businesses are required to be inspected within a permit cycle by the applicable MS4 permit. Most mobile businesses not discharging used water or businesses that were previously classified as “Medium” priority and have had routine flawless inspections may also be reclassified into a low priority classification.
 2. Medium – The inspection cycle for a Medium priority business is once every 2 years. Medium priority businesses are businesses where there is some to minimal outdoor activity that may be exposed to storm water. Typically these types have active storm water Best Management Practices in place and are being properly implemented and maintained. Continued education and outreach is an important part of the inspection of medium priority business to serve as a reminder of storm water requirements. Most retail stores and markets are subject to general exterior housekeeping practices and fall into the medium priority classification.
 3. High – The inspection cycle for a High priority business is annually. High priority businesses are businesses located near an impaired water body, environmentally sensitive area, or businesses whose Standard Industrial Classification (SIC) code are identified in the applicable MS4 permit. Examples of these high priority businesses include manufacturing, retail gas stations, and nurseries. Most auto repair facilities where oils, auto fluids, and cleaning chemicals are present also fall into high priority classification. Businesses that conduct most of their operations outdoors with exposure to storm water also fall into the high priority classification.
- b. Inspection Fee. A fee of \$400 shall be charged each inspection cycle to businesses categorized as Low, Medium, or High. If a deficiency is found after conduction of a routine inspection, the business owner shall be given the opportunity to correct the deficiency. Mobile Operators that register in multiple jurisdictions may have the inspection fee waived by the County if they can

provide sufficient documentation, in a form acceptable to the County, showing fees have been paid and NPDES inspections are being performed by another municipality within the Santa Ana, Santa Margarita, or Whitewater watershed, such as a neighboring City or County. Should the mobile operator commit a violation within the County, the inspection fee will then be charged.

- c. Enforcement Fee. This fee is charged if the business owner does not correct the deficiency upon second inspection. The Enforcement Fee is \$225 per additional inspection that is required.
- d. Water Quality Inspections and Enforcement. An environmental compliance inspector employed by, or contracted by, the County may contact the business owner for an appointment to inspect the premises, grounds, facilities and structures located therein for compliance with water quality requirements imposed by Riverside County Ordinance Nos. 457 and 754, California Water Code §§13000 et seq. (Porter-Cologne Water Quality Control Act), Title 33 U.S.C. §§1251 et seq. (Clean Water Act), and any applicable state or federal regulations and any related administrative orders or permits issued in connection therewith. Failure to maintain the business premises, grounds, facilities and structures located therein in compliance with water quality requirements is a violation of this ordinance. The County may initiate enforcement actions against business owners whose premises are found upon inspection to be in violation of water quality requirements. The business owner shall be liable to the County for an additional inspection and possible enforcement fee(s) based on the rate provided in Section 5 of this ordinance.

Section 7. NONTRANSFERABLE CHANGE OF LOCATION OR OWNERSHIP.

- a. No business registration issued pursuant to this ordinance shall be transferable.
- b. Where registration is issued indicating a person is conducting, transacting, or carrying on a business at a particular place under a particular name; the registrant, upon application and payment of a change in ownership fee of \$30, may register showing some other location and/or name of the business and/or business ownership change.

Section 8. VIOLATION – PENALTY. Any person in violation of this ordinance is subject to the procedures and penalties set forth in Ordinance No. 725.

Section 9. SEVERABILITY. If any provision, clause, sentence or paragraph of this ordinance or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the other provisions of this ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are hereby declared to be severable.

EFFECTIVE DATE. This ordinance shall take effect sixty (60) calendar days after adoption.

Adopted: 857 Item 3.34 of 11/07/2006 (Eff: 12/07/2006)
857.1 Item 9.3 of 04/11/2017 (Eff: 06/10/2017)