

TITLE 3

PUBLIC HEALTH AND SANITATION

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CHAPTER 1

PURPOSE AND SCOPE OF HEALTH AND SANITATION PROVISIONS

SECTION:

3-1-1: Short Title

3-1-2: Purpose and Scope

3-1-1: SHORT TITLE: This Title may be referred to as the *SANITATION AND HEALTH PROVISIONS* of the City. (Ord. 165, 3-18-85; 1994 Code)

3-1-2: PURPOSE AND SCOPE: This Title is adopted for the purpose of regulating activities which affect the sanitation and health of the residents and property owners of the City. (Ord. 165, 3-18-85)

CHAPTER 2
HEALTH CODE

SECTION:

- 3-2-1: Public Health Code Adopted
- 3-2-2: Toilet Facilities for Construction Sites
- 3-2-3: Public Health Licenses Regulations Adopted
- 3-2-4: Violations and Penalties

3-2-1: PUBLIC HEALTH CODE ADOPTED: Except as provided herein, Title 11, Health and Safety, Division 1, Health Code of the Los Angeles County Code, as amended and in effect on March 1, 1998, is hereby adopted by reference as the Health Code of the City. One copy of said Health Code shall be maintained by the City Clerk on file in the offices of the City for use and examination by the public. In the event that any conflict or ambiguity arises between the provisions of the Health Code adopted in this section and any other provisions of the Hidden Hills Municipal Code, the provisions of the Hidden Hills Municipal Code shall prevail. (Ord. 165, 3-18-85; 1994 Code; Ord. 291, 3-23-98)

3-2-2: TOILET FACILITIES FOR CONSTRUCTION SITES: Any contractor or other person engaged in the construction of any building on any lot within the City, on which lot there is not in existence a building completely enclosing toilet facilities shall place and maintain on said lot, throughout the course of such construction, a fully enclosed chemical toilet, which chemical toilet shall be maintained in a clean and sanitary condition, free of offensive odors. Said chemical toilet shall be located on the rear portion of the lot upon which such construction is in progress, and in no event shall any such toilet be maintained on any road or bridle trail easement. (Ord. 165, 3-18-85)

3-2-3: PUBLIC HEALTH LICENSES REGULATIONS ADOPTED: Except as provided herein, Title 8, Consumer Protection and Business Regulations, Division 1, Public Health Licenses of the Los Angeles County Code, as amended and in effect on March 1, 1998, is hereby adopted by reference as the Public Health Licenses Regulations of the City of Hidden Hills. One copy of said Public Health Licenses Regulations shall be maintained by the City Clerk on file in the offices of the

City for use and examination by the public. In the event that any conflict or ambiguity arises between the provisions of the Public Health Licenses Regulations adopted in this section and any other provisions of the Hidden Hills Municipal Code, the provisions of the Hidden Hills Municipal Code shall prevail. (Ord. 291, 3-23-98)

3-2-4: VIOLATIONS AND PENALTIES: Violation of this Chapter is a misdemeanor and is punishable as provided in Section 1-5-1 of this Code. (Ord. 200, 10-19-87; 1994 Code; Ord. 291, 3-23-98)

CHAPTER 3

LIQUID WASTES

SECTION:

3-3-1: Adoption of Sanitary Sewer and Industrial Waste Ordinance

3-3-2: Violations and Penalties

3-3-1: ADOPTION OF SANITARY SEWER AND INDUSTRIAL WASTE ORDINANCE:

- A. Except as herein provided, Title 20, Utilities, Division 2, Sanitary Sewers and Industrial Waste, of the Los Angeles County Code, as amended and in effect on August 22, 1994, is hereby adopted by reference as the Sanitary Sewer and Industrial Waste Ordinance of the City. One copy of said Ordinance shall be maintained on file by the City Clerk in the offices of the City for use and examination by the public.
- B. Other Requirements: Persons discharging wastes to the sewer system serving the City shall also comply with the requirements established by Las Virgenes Municipal Water District and the Los Angeles County Consolidated Sewer Maintenance District. (Ord. 165, 3-18-85; 1994 Code)

3-3-2: VIOLATIONS AND PENALTIES: Violation of this Chapter is a misdemeanor and is punishable as provided in Section 1-5-1 of this Code. (Ord. 200, 10-19-87; 1994 Code)

CHAPTER 4

SOLID WASTES AND RECYCLABLES

SECTION:

- 3-4-1: Title
- 3-4-2: Findings and Intent
- 3-4-3: Definitions
- 3-4-4: Franchises
- 3-4-5: Rates and Billings
- 3-4-6: Vehicles
- 3-4-7: Exclusions
- 3-4-8: General Requirements
- 3-4-9: Residential Collection
- 3-4-10: Nonresidential Collection

3-4-1: TITLE: This Chapter shall be known and may be cited as the *SOLID WASTE HANDLING AND RECYCLING SERVICES PROVISIONS* of the City. (Ord. 264, 3-22-93; 1994 Code)

3-4-2: FINDINGS AND INTENT:

A. The City Council finds and determines as follows:

1. In order to meet the requirements of the California Integrated Waste Management Act of 1989 (Public Resources Code Sections 40000, et seq.), including source reduction of the solid waste stream, diversion of solid waste from landfills and conservation of natural resources, it is necessary to regulate the collection of solid waste, and to encourage recycling of solid waste materials.

2. The storage, accumulation, collection and disposal of solid waste, including without limitation garbage, trash, debris and other discarded materials is a matter of substantial public concern in that improper control of these matters may create a public nuisance, air pollution, fire hazard, rat and insect infestation and other problems adversely affecting the public health, safety and welfare.

3. Regulation of the collection of garbage, refuse and other discarded materials from all residential and commercial properties within the City will provide the most orderly and efficient solution to these problems and will

promote the public health, safety and welfare.

4. The regulation of solid waste handling services in the City will also promote the public health, safety and welfare by requiring the use of newer and safer vehicles, the regular maintenance of those vehicles, and the reduction of spillage and litter on the public streets, by establishing responsibility for the cleaning of refuse bins and containers, and by providing for accountability to the public.

5. The public health, safety and welfare will best be served by providing for one or more franchises for residential and nonresidential refuse collection services, subject to the limited continuation rights of certain existing collectors which are providing solid waste handling services pursuant to permits previously authorized by the City and which are qualified, under Public Resources Code Sections 49520 and 49521, to continue those services for up to five (5) years following notice given pursuant to Section 49520.

B. This Chapter is enacted by the City Council pursuant to, inter alia, the following statutory authorization and in order to accomplish the objectives set forth in this Section:

1. Public Resources Code Section 40059 authorizes the City to determine a) all aspects of solid waste handling which are of local concern, including, but not limited to, frequency of collection, means of collection and transportation, level of services, charges and fees, and nature, location and extent of providing solid waste handling services; and b) whether the services are to be provided by means of nonexclusive franchise, contract, license, permit or otherwise, either with or without competitive bidding, or if, in the opinion of the City Council, the public health, safety and well-being so require, by partially exclusive or wholly exclusive franchise, contract, license, permit or otherwise, either with or without competitive bidding.

2. Public Resources Code Section 49300 provides that the City may, pursuant to terms and conditions as may be prescribed by the City Council, contract for the collection or disposal, or both, of garbage, waste, refuse, offal, trimmings or other refuse matter.

3. Public Resources Code Section 49501 provides that the City may take action, whether by franchise, contract, license, permit or otherwise, whereby the City itself, or one or more other local agencies or solid waste enter-

prises is authorized or permitted to have the exclusive right to provide solid waste handling services of any class or type within all or any part of the territory of the City.

4. It is the intent of this Chapter to set forth terms and conditions pursuant to which authorization may be granted by the City Council to provide solid waste handling services, and to promote the public health, welfare and safety of the community by establishing reasonable regulations relating to the storage, accumulation, collection and disposal of garbage, trash, rubbish, debris and other discarded matter, goods and material.

3-4-3: DEFINITIONS: For the purposes of this Chapter, the words, terms and phrases as defined in this Chapter shall be construed as hereinafter set forth. Nothing contained in this Chapter shall be deemed to preclude the City and any solid waste enterprise from incorporating into any agreement for solid waste handling services definitions relating to their respective contractual rights and obligations which may differ from or augment those set forth herein.

COLLECTION: The operation of gathering together within the City, and transporting by means of a motor vehicle to the point of disposal or processing, any solid waste or recyclables.

COLLECTOR: Any person who has been awarded a franchise to provide solid waste or recyclables collection services in the City, or who, prior to the effective date of this Chapter, has been issued a permit or nonexclusive franchise to operate as a solid waste collector until the rights thereunder are terminated or revoked, or until those rights expire pursuant to the provisions of Public Resources Code Section 49520.

CONSTRUCTION SITE or DEMOLITION SITE: Any real property in the City in, on or from which a building or structure is being fabricated, assembled, erected or demolished, and which produces construction or demolition solid waste which must be removed from the property, and requires the use of commercial refuse containers.

CONSTRUCTION or DEMOLITION WASTE: Any solid waste or debris generated as the result of construction or demolition, including without limitation, discarded packaging or containers and waste construction materials, whether brought on site for fabrication or used in construction or resulting from demolition, excluding liquid waste and hazardous waste.

DISPOSAL: The complete operation of treating and disposing of solid waste after the collection thereof.

EXCLUSIVE SOLID WASTE HANDLING SERVICES: Any action by the City Council, whether by franchise, contract, license, permit or otherwise, whereby the City itself, or one or more other local agencies or solid waste enterprises, has the exclusive right to provide solid waste handling services of any class or type within all or any part of the territory of the City.

HAZARDOUS WASTE: Means and includes waste defined as hazardous by Public Resources Code Section 40141 as it now exists or may subsequently be amended, namely, a waste or combination of wastes, which because of its quantity, concentration, or physical, chemical or infectious characteristics, may do either of the following:

- A. Cause or significantly contribute to, an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness;
- B. Pose a substantial present or potential hazard to human health or environment when improperly treated, stored, transported or disposed of, or otherwise managed.

"Hazardous waste" includes extremely hazardous waste and acutely hazardous waste, and any other waste as may hereafter, from time to time, be designated as hazardous by the Environmental Protection Agency ("EPA") or other agency of the United States government, or by the California Legislature or any agency of the State of California empowered by law to classify or designate waste as hazardous, extremely hazardous or acutely hazardous.

HOLIDAY: Shall be as that term is defined in Section 1-8-6(A) of the Hidden Hills Municipal Code.

"Holiday" shall also mean any other day designated as such in a contract between a collector and the labor union serving as the exclusive representative of that collector's employees, provided the holiday is established or recognized by resolution of the City Council.

IN THE CITY or WITHIN THE CITY: Within the limits of the City as such limits exist on the effective date of this Chapter or may thereafter exist by virtue of the annexation of territory to or detachment of territory from the limits of the City.

MANURE: The waste droppings from any animal.

NONRESIDENTIAL OWNER: Any person, firm, corporation or other enterprise or organization holding or occupying, alone or with others, nonresidential premises, whether or not it is the holder of the title or the owner of record of the nonresidential premises.

NONRESIDENTIAL PREMISES: All occupied real property in the City, except residential premises as defined in this Section.

PERSON: Any individual, association, firm, partnership, corporation or any other group or combination thereof acting as a unit.

PROCESSING: The reduction, separation, recovery and conversion of solid waste.

PUBLIC AGENCY: Any governmental agency or department thereof, whether Federal, State or local.

RECYCLABLES: Such materials as the City Council may designate by resolution from time to time.

RECYCLING: The process of collecting, sorting, cleansing, treating and reconstituting materials that would otherwise become solid waste, and returning them to the economic mainstream in the form of raw material for new, reused or reconstituted products which meet the quality standards necessary to be used in the marketplace. Recycling does not include transformation as defined in Public Resources Code Section 40201.

RECYCLING CONTAINER: A container which is provided to residential premises for use in collecting and moving recyclables to curbside for collection by the collector, or a container which is provided to nonresidential premises for use by the collector in collecting and moving recyclables.

RESIDENTIAL HOUSEHOLDER: Any person or persons holding or occupying residential premises in the City, whether or not the owner of the residential premises.

RESIDENTIAL OWNER: The owner of any residential premises within the City.

RESIDENTIAL PREMISES: Any residential dwelling unit within the City.

RESOURCE RECOVERY: Any use of solid waste collected pursuant to this Chapter, except for landfill disposal or transfer for landfill disposal. "Resource recovery" shall include, but is not limited to, transformation, composting and multi-material recycling.

SOLID WASTE: All putrescible and nonputrescible solid and semi-solid wastes, generated in or upon, related to the occupancy of, remaining in or emanating from residential premises or nonresidential premises, including garbage, trash, refuse, paper, rubbish, ashes, demolition and construction wastes, discarded appliances, manure, vegetable or animal solid or semi-solid wastes, and other solid and semi-solid wastes, as defined in Public Resources Code Section 49503, excluding liquid wastes and abandoned vehicles; provided, however, that "solid waste" shall not include hazardous waste.

SOLID WASTE CONTAINER: Any vessel, tank, receptacle, box or bin permitted to be used for the purpose of holding solid waste for collection.

SOLID WASTE ENTERPRISE: Any individual, partnership, joint venture, unincorporated private organization or private corporation regularly engaged in the business of providing solid waste handling services.

SOLID WASTE HANDLING SERVICES: The collection, transportation, storage, transfer or processing of solid wastes for residential or nonresidential users or customers.

SPECIAL COLLECTION SERVICES: The removal by a collector of oversized or overweight household articles placed curbside by a residential householder or owner, which oversized or overweight household articles have weights, volumes or dimensions which cannot be accommodated by solid waste containers for residential premises, such as stoves, refrigerators, water heaters, washing machines, furniture, sofas, mattresses, box springs and large rugs.

STANDARD COMMERCIAL SOLID WASTE CONTAINER: A state-of-the-art bin or solid waste container used in connection with nonresidential premises, designed for mechanical pickup by collection vehicles and equipped with a lid, and shall include other types of containers suitable for the storage

and collection of nonresidential solid waste if approved in writing by the City Council. (Ord. 264, 3-22-93; Ord. 275, 12-11-95)

3-4-4: FRANCHISES:

A. Authorization by City Council; Franchise Requirement:

1. The City Council may authorize, by franchise, a solid waste enterprise to provide solid waste handling services for residential and nonresidential users or customers. In the sole discretion of the City Council, the solid waste handling services may be authorized on an exclusive or nonexclusive basis and with or without competitive bidding, and may relate to any class or type of solid waste within all or any part of the territory of the City.

2. No person shall collect or dispose of solid waste or recyclables in the City unless that person has been awarded a solid waste collector franchise and has entered into a franchise agreement with the City, except as otherwise specifically provided in this Chapter. Any such franchise shall be in addition to any business license or permit otherwise required by the City. No permit issued by any other governmental agency authorizing collection of solid waste or recyclables shall be valid in the City. Collectors operating in the City on the effective date of this Chapter under a permit or a nonexclusive franchise agreement may continue to operate only until the rights thereunder are terminated or revoked, or until such rights expire pursuant to the provisions of Section 49520 of the Public Resources Code.

B. Contents: The terms and provisions of any franchise agreement for solid waste handling services may relate to or include, without limitation, the following subject matters:

1. The nature, scope and duration of the franchise.
2. The collection schedule, including the frequency, days and hours of collection.
3. The applicable franchise fee, including the amount, method of computation, and time for payment.
4. The applicable rates, fees and charges for regular, special and emergency collection services, including the method of setting and adjusting same, and the responsibility for billing and collecting same.
5. Collection vehicles, including the permissible size

and color, and any required identification, safety equipment, maintenance, inspection and operational requirements.

6. The receipt, processing and reporting of customer inquiries and complaints.

7. The collection of solid waste from publicly-owned property and facilities.

8. Performance standards for the collector's personnel and equipment.

9. Solid waste and recycling containers, including size, repair or replacement, handling, placement, obligations of the collector to provide, and permissible charges therefor.

10. Standards and procedures for periodic performance reviews by the City.

11. Noise attenuation policies and procedures.

12. The maintenance by the collector of an office for the conduct of business.

13. Policies and procedures relating to the noncollection of solid waste, the composting of green waste, the collection of recyclables, and resource recovery.

14. Requirements relating to comprehensive liability insurance and workers' compensation insurance.

15. Requirements relating to the dissemination of information to the public concerning regular and special solid waste collection and recycling services.

16. Actions or omissions constituting breaches or defaults, and the imposition of applicable penalties, liquidated damages, and other remedies, including suspension, revocation or termination.

17. Requirements relating to performance bonds and to indemnification.

18. Requirements relating to affirmative action programs.

19. Requirements relating to recordkeeping, accounting procedures, reporting, periodic audits and inspection of records.

20. Requirements relating to the assignment, transfer and renewal of the franchise.

21. Requirements relating to compliance with and implementation of State and Federal laws, rules or regulations pertaining to solid waste handling services, and to the implementation by the City of State-mandated programs, including, without limitation, the City's "Source Reduction and Recycling Element" and the City's "Household Hazardous Waste Element."

22. Such additional requirements, conditions, policies and procedures as may be mutually agreed upon by the parties to the franchise agreement and which will, in the judgment and discretion of the City Council, best serve the public interest and protect the public health, safety and welfare.

C. Collector Franchise Fee: Each collector shall pay a franchise fee in an amount determined by resolution of the City Council or established in the franchise agreement authorizing the collection of solid waste or recyclables.

D. Resolution of Conflicts: In the event of any conflict between the provisions of a franchise agreement which is authorized and approved by the City Council and the provisions of this Chapter, the provisions of the franchise agreement shall control.

E. Permits and Licenses: Every collector shall obtain and maintain at all times during the collector's operations a business license issued by the City, and all applicable permits and licenses required by any public agency having jurisdiction.

F. Transfer of Franchise: No permit or franchise which is authorized by, subject to, or issued under the provisions of this Chapter shall be transferred, delegated, sublet, subcontracted to or assigned to another person without the prior approval of the City Council. This restriction includes the transfer of ownership or the majority of the ownership or control of the permittee or the franchisee, and the transfer of a majority of the permittee's or franchisee's stock to another person.

G. Revocation or Suspension of Permit or Franchise: After a hearing at which the collector shall have the right to be heard, the City Council may revoke or suspend any collection permit or franchise for violation of a provision of this Chapter or any other applicable law, ordinance or regulation of any public agency.

H. Notice of Hearing; Revocation or Suspension: The City Council shall mail notice of a hearing to revoke or suspend a collection permit or franchise to the collector not less than fifteen (15) days prior to such hearing. In the event of the revocation or suspension of a franchise or a permit, the City Council shall notify the collector in writing of the reasons therefor. Notification may be made in person or by mail. (Ord. 264, 3-22-93)

3-4-5: RATES AND BILLINGS:

A. Rates: The City Council may, by resolution, establish rates to be charged to residential householders or owners and to nonresidential owners for the collection of solid waste and recyclables. The City Council may, by resolution, establish or adjust the rates charged by those collectors which, upon the effective date of this Chapter, are operating in the City pursuant to permits or nonexclusive franchise agreements. No collector shall charge any rate or fee which is greater or less than the permissible maximum or minimum rate established by the City Council, unless otherwise authorized in this Chapter. Every nonresidential owner and residential householder or owner shall pay the rates established from time to time by the City Council for collection services rendered pursuant to this Chapter in the manner set forth in subsection B hereof.

B. Billing and Collection of Rates, Fees and Charges:

1. The billing and collection of the rates, fees and charges authorized by the City Council for solid waste handling services shall be the responsibility of the franchised collector, and the City shall have no liability or responsibility therefor.

2. The City may collect fees for solid waste handling services by causing fees to be placed on the Los Angeles County Tax rolls through procedures established by the Los Angeles County Tax Collector. (Ord. 264, 3-22-93)

3-4-6: VEHICLES:

A. Vehicle Identification: No person may operate any vehicle for the collection of solid waste or recyclables other than a collector who has a valid business license and solid waste collection franchise and who has paid all required license, franchise and other

City charges. Each vehicle used by the collector shall have an identification number printed or painted in legible numbers not less than five inches (5") in height in plain sight from four (4) directions.

B. Vehicle Standards: Any vehicle utilized for the collection, transportation or disposal of solid waste and/or recyclables shall comply with the following standards:

1. Each vehicle shall be constructed and used so that no solid waste, oil, grease or other substance will blow, fall or leak out of the vehicle.
2. A broom and shovel shall be carried on each vehicle at all times.
3. Each vehicle shall comply with all applicable statutes, laws or ordinances of any public agency.
4. Each vehicle must be under seven (7) years of age unless specifically authorized in writing by the City Council.
5. Routine inspections by the California Highway Patrol shall be conducted annually and certificates for the inspection shall be filed annually with the City Clerk.
6. All vehicles shall at all times be kept clean and sanitary, in good repair and well and uniformly painted to the satisfaction of the City Council.
7. Each vehicle shall be equipped with watertight bodies fitted with close-fitting metal covers.
8. The collector's name or firm name and telephone number shall be printed or painted in legible letters not less than five inches (5") in height on both sides of all of collector's vehicles used in the City.
9. High intensity fog lamps shall be maintained on any vehicle eighty inches (80") or wider, which shall consist of two (2) red tail lamps in addition to the standard tail lamps. The fog lamps shall be used when visibility is less than fifty feet (50').
10. All equipment shall be maintained at all times in a manner to prevent unnecessary noise during its operation.
11. As the collector replaces existing equipment, the type and make of the new equipment shall be subject to prior approval by the City Council.

C. Operation of Equipment: All persons operating solid waste collection and transportation equipment shall do so in compliance with all applicable Federal, State and local laws and ordinances. Such vehicles shall not be operated in a manner which results in undue interference with normal traffic flows. No such vehicle shall be parked or left unattended on the public streets. No such vehicle shall be parked overnight on a public street or thoroughfare in the City.

D. Compliance with Vehicle Standards: Any vehicle used in the collection or transportation of solid waste in the City shall, at all times, be maintained in accordance with all the standards set forth in subsection B of this Section. The use of a vehicle which fails to comply with each of the standards set forth in subsection B is prohibited. A collector shall immediately remove any vehicle from collection service which fails, at any time, to conform to any of the standards recited in subsection B and shall not use that vehicle until it is repaired. Should the City Council give notification at any time to a collector that any of the collector's vehicles is not in compliance with the standards of this Chapter, the vehicle shall be immediately removed from service by the collector. The vehicle shall not again be utilized in the City until it has been inspected and approved by the designee of the City Council. The collector shall maintain its regular collection schedule regardless of the repair of any vehicle.

3-4-7: EXCLUSIONS:

A. Residential Householder Exclusion: No provision of this Chapter shall prevent residential householders from collecting and disposing of occasional loads of solid waste generated in or on their residential premises, or from composting green waste, or from selling or disposing of recyclables generated in or on their residential premises. However, no residential householder shall employ or engage any solid waste enterprise, other than the franchised collector, to haul or transport such materials to a transfer station or landfill.

B. Gardener's Exclusion: No provisions of this Chapter shall prevent a gardener, tree trimmer or person engaged in a similar trade from collecting and disposing of grass cuttings, prunings, and similar material not

containing other solid waste when incidental to providing such gardening, tree trimming or similar services.

C. Nonresidential Exclusions; Source Separated Recyclables:

1. No provision of this Chapter shall prevent a nonresidential owner from selling to a buyer, for a monetary or other valuable consideration, any source separated recyclables, including without limitation, any saleable scrap, discard, reject, by-product, packaging material, paper or other similar item generated in, on or by a nonresidential premises or business, and no longer useful to such nonresidential business but having market value, whether such buyer is a recycler, junk dealer or other enterprise engaged in the business of buying and marketing such materials in the stream of commerce; provided, however, that such buyer is not engaged in the business of collecting solid waste for a fee or other charge or consideration, and that no such materials are transported for disposition to a landfill or transfer station (as defined in Public Resources Code Section 40200). Source separated recyclables within the meaning of this Section shall mean recyclables separated on the nonresidential premises from solid waste for the purpose of sale, not mixed with or containing more than incidental or minimal solid waste, and having a market value.

2. No provision of this Chapter shall prevent a recycler, junk dealer or other enterprise engaged in the business of buying and marketing such materials in the stream of commerce and which is not engaged in the business of collecting solid waste or providing solid waste collection services for a fee or other charge, or consideration, from buying any materials referenced in this Section for a monetary or other valuable consideration, and which buys such materials for marketing and not for disposition in a landfill or transfer station (as defined in Public Resources Code Section 40200); nor shall any provision of this Chapter prevent such recycler, junk dealer or enterprise which buys such materials from removing and transporting such materials to a destination for marketing in the stream of commerce. No such buyer shall buy or transport such materials without prior authorization from the City, as required by this Code, whether in the form of a business license, a business permit or a nonexclusive franchise agreement.

D. Contractors' Exclusions: No provision of this Chapter shall prevent a licensed contractor having a contract for the demolition or reconstruction of a building, structure, pavement or concrete installation from marketing any saleable items

salvaged from such demolition or reconstruction, or from causing such salvageable items or demolition waste to be removed and transported from the premises on which such waste is generated, pursuant to the provisions of the demolition or construction contract; provided, however, that if a subcontractor is to be engaged to remove such demolition waste, the franchised collector shall have the right of first refusal to provide such services. If the franchised collector cannot guarantee that such services will be provided within a period of twenty four (24) hours, then the City Council may authorize the licensed contractor or the owner of the premises to utilize the services of another duly authorized solid waste enterprise.

3-4-8: GENERAL REQUIREMENTS:

A. Mandatory Service:

1. All solid waste collected from residential or nonresidential premises for a fee, service charge or other consideration shall be collected by a solid waste enterprise under the provisions of a franchise awarded by the City Council pursuant to this Chapter ("franchised collector"), subject only to subsection A5 below.

2. No person, firm, corporation or solid waste enterprise, other than those referenced in subsection A1 above, shall negotiate or contract for, undertake to receive, collect or transport solid waste from within the City for a fee, service charge or other consideration therefor, except as specifically provided herein.

3. Except as otherwise provided in this Chapter, each residential owner and nonresidential owner shall utilize the services of the franchised collector for the collection of solid waste from the residential or nonresidential premises held or occupied by such owner and shall pay for such services the fees approved by the City Council. No residential or nonresidential owner shall enter into an agreement for solid waste handling services with any person, firm or corporation other than the franchised collector, except as otherwise provided in this Chapter.

4. Nothing in this Chapter shall prevent a nonresidential business which has its own recycling or resource recovery program for recyclables generated by such business and not utilizing a solid waste enterprise which provides collection services for a fee, service charge or other consideration, from continuing such recycling or resource

recovery program, and the recyclables included in such program are excepted from the franchise between the City and the franchised collector.

5. Notwithstanding the provisions of subsection A2 above, certain solid waste enterprises that have been authorized by permit or by a nonexclusive franchise agreement to provide solid waste handling services in the City may continue to provide these services to their existing customers until the rights thereunder expire pursuant to the provisions of Section 49520 of the Public Resources Code, or are earlier terminated or revoked. Such solid waste enterprises are hereinafter referred to as "excepted collectors". The franchise of the franchised collector shall not preclude the owner of a residential or nonresidential premises served by an excepted collector from continuing to use the solid waste handling services of that excepted collector until the rights of that excepted collector to operate in the City are terminated or revoked or have expired.

B. Litter: Any person who deposits or causes to be deposited any solid waste or recyclables on the public right of way or on private property within public view, except in a container provided therefor as herein specified, shall immediately clean up, contain, collect and remove same.

C. Transfer of Loads on Public Streets: No person shall transfer solid waste or recyclables from one collection vehicle to another on any public street or road unless such transfer is essential to the method of operation and is approved by the City Council, or is necessary owing to mechanical failure or accidental damage to a vehicle.

D. Unauthorized Removal from Containers: No person other than the collector which provides collection services at residential premises, or the residential owner or householder occupying the residential premises in or upon which a solid waste container or recyclables container is placed at curbside for collection, shall remove any material from such container.

E. Hours of Collection:

1. No collection within the City, or delivery or removal of containers by a collector, shall be made between the hours of ten o'clock (10:00) P.M. and seven o'clock (7:00) A.M. the next day, Monday through Saturday, or at any time on Sunday.

2. The City Council may waive the requirements of this

Section when necessitated by conditions beyond the control of the collector.

F. Resource Recovery: Every collector shall, at all times, comply with City policies and programs with regard to solid waste recovery, reduction of solid waste and recycling of solid waste.

G. Ownership: At such time as the solid waste or recyclables are placed in the solid waste or recycling containers and the containers are placed at curbside for collection, the solid waste or recyclables are the property of the collector.

H. Disposal:

1. It shall be unlawful at any time for any person, including collectors, to burn any solid waste or recyclables within the City.

2. It shall be unlawful at any time for any person, including collectors, to bury or dump any solid waste or recyclables within the City.

I. Manager to Supervise: Each collector shall identify in writing to the City the name of a manager or responsible party, who shall supervise the collection, transportation and disposition of solid waste and/or recyclables. The collector shall promptly notify the City of any change of manager.

J. Trespass: No person authorized to collect or transport solid waste or recyclables shall enter on private property beyond the extent necessary to collect the solid waste or recyclables, properly placed for collection.

K. Required Monthly Reports:

1. Each collector shall provide the City with monthly tonnage reports which include the following:

a. Total amount of solid waste removed from the City for the respective reporting month.

b. The name, address and telephone number of each solid waste disposal and/or recycling facility used by the collector during the reporting month.

c. Copies of waste disposal facility weight tickets/invoices which indicate the net amount of all waste disposed, transferred and/or recycled during the reporting month.

d. In the event that a collector adds and/or deletes a collection service customer, the collector must submit a revised collection service identification list with the monthly report for the reporting month.

e. The complaint log described in subsection P2.

2. Each report shall be signed by an officer of the collector. If the collector has more than one collection route, it shall submit a separate report for each collection route. Each report shall be submitted to the City on the last day of each month following each reporting month. Reports must be received by the City Clerk by five o'clock (5:00) P.M.

L. Annual Report: Every collector shall furnish an annual report to the City detailing the quantity and nature of all solid waste or recyclables removed from the City. Reports shall be delivered to the City on or before July 31 of each year, for the immediately preceding period of July 1 through June 30 period. This report shall also include permitted waste disposal facilities where the collector has disposed and/or transferred all solid waste removed from the City. This report is to also include a compilation of monthly tonnage reports and/or copies of tipping receipts. The report shall include a customer service identification list which identifies the name and address of each customer receiving collection and/or recycling service from the collector. The timely filing of a complete annual report is a condition of any permit or franchise awarded by the City.

M. Workers' Compensation Insurance: Each collector shall at all times provide, at its own expense, Workers' Compensation Insurance coverage for all employees as required by State law. Each collector shall file and maintain certificates with the City Clerk showing the insurance to be in full force and effect at all times the collector shall have a permit issued by the City.

N. Collector's Liability Insurance: Each collector shall furnish the City a policy or certificate of comprehensive general and automobile liability insurance insuring the collector against bodily injury, property damage and automobile liability in the sum of one million dollars (\$1,000,000.00) combined single limits. These limits shall be subject to annual review by the City for the purpose of reasonably adjusting to current insurance

conditions and requirements. The insurance shall provide that the coverage is primary and that any insurance maintained by the City shall be excess insurance, shall be procured from an insurer authorized to do business in the State of California, shall name the City and its officers, employees and agents as additional insureds and shall not be canceled or modified without first giving to the City thirty (30) days' prior written notice.

O. City to be Free From Liability: Each collector shall indemnify, defend and hold harmless the City and its officers, employees and agents against any and all claims, demands, losses, costs, expenses, obligations, liabilities, damages, recoveries and deficiencies, including interest, penalties and reasonable attorneys fees, that the City shall incur or suffer, which arise, result from or relate to the collection, transportation or disposal of solid waste or recyclables by that collector.

P. Office for Inquiries and Complaints:

1. Any collector with a franchise shall maintain an office at some fixed location and shall maintain a telephone at the office, listed in the current telephone directory in the firm name by which it conducts business in the City, and shall at all times during the hours between ten o'clock (10:00) A.M. and ten o'clock (10:00) P.M. of each weekday and between ten o'clock (10:00) A.M. and ten o'clock (10:00) P.M. on Saturday, have an employee or agent at that office to answer inquiries and receive complaints. The telephone number shall be a toll-free number from all portions of the City.

2. The collector shall maintain at the office a written log of all complaints/ inquiries received. Such log shall contain the date of inquiry/complaint, the callers name, address and telephone number, the nature of the complaint/inquiry, the action taken or the reason for nonaction, and the date such action was taken. All inquiries and complaints shall be promptly answered or responded to and/or dealt with to the satisfaction of the City. Such log of complaints and other records pertaining to solid waste and recyclable collection and disposal shall be open to the inspection of the City at all reasonable times and shall be maintained for a period of one year. Compliance with the requirements of this Section are conditions to any permit or franchise which is awarded by the City. (Ord. 264, 3-22-93)

3-4-9: RESIDENTIAL COLLECTION:

A. Disposal and Status of Solid Waste or Recyclables: All solid waste collected by a collector shall be disposed of by the collector in accordance with all applicable Federal, State and local laws and regulations and the controlling permit or franchise agreement. Upon placement at the residential curb-side for collection, all solid waste and recyclables shall become the property of the collector holding the franchise for residential collection services.

B. Frequency of Collections: The collector shall collect all solid waste and recyclables placed for collection in compliance with this Chapter from each occupied residential premises in accordance with a schedule which has been approved by the City Council. The schedule shall identify the routes and days of pickup for each collection district established within the City. Unless otherwise approved by the City Council, collection of solid waste and recyclables shall take place no less than once each calendar week. Not more than seven (7) days shall elapse between one collection and the next unless the regular day of collection falls on a holiday. When the collection day falls on a holiday, the collector shall collect one day after the holiday. Routes of collection shall be so arranged that collection from any premises will be made on the same day of each week.

C. Solid Waste Containers: All solid waste containers shall have tight-fitting lids. No cardboard box or paper bag may be used as a container for solid waste. The City Council may, by resolution, establish standards for residential solid waste containers.

D. Recycling Containers: The collector shall provide each residential premises with at least one recycling container. If one recycling container is inadequate, the collector shall provide one or more additional recycling containers upon request, and at no charge to the residential householder.

E. Placement and Removal of Containers: Every residential householder shall place each solid waste container and recycling container for collection at the curb in front of the premises, or at the curb at the side of the premises where the premises are adjacent to more than one street. No person shall place any such container for collection more than twenty four (24) hours before collection is scheduled to commence in the district, or leave any such con-

tainer at the place of collection after eleven o'clock (11:00) P.M. on the day of collection. Such containers shall be removed to a storage location which is not visible from any public right of way.

F. Care of Containers: Upon collection, all solid waste containers shall be replaced, by the collector, upright, where found, with the lids replaced, and all recycling containers shall be replaced in an upright or upside down position, at the location where found by the collector.

G. Special Collection Services: The franchised collector shall provide, upon request from a residential householder, special collection of solid waste, at such rates as may be approved by the City and at such times as may be agreed upon by the collector and the person requesting the service. If no agreement is reached, such special collections shall be provided as determined by the City Council. (Ord. 264, 3-22-93)

3-4-10: NONRESIDENTIAL COLLECTION:

A. Solid Waste: The collector shall collect and dispose of all solid waste generated and presented for collection at each nonresidential premises in conformity with the provisions of this Chapter. Any such collection and disposal shall be in accordance with all applicable Federal, State and local laws and regulations and any controlling permit or franchise agreement between the collector and the City. All solid waste collected by a collector shall be the exclusive property of the collector.

B. Frequency of Collection: The collector shall collect solid waste from nonresidential premises on a schedule which is agreed upon between the nonresidential owner and the collector. In no event shall such collection schedule permit the accumulation of solid waste in quantities detrimental to public health or safety.

C. Containers:

1. Every nonresidential premises served by the franchised collector shall have the option to:

a. Provide the necessary container or containers to accommodate solid waste generated from the nonresidential premises; or

b. Use the standard nonresidential solid waste container or containers provided by the franchised collector, which containers are compatible with the franchised collector's collection equipment. Where a nonresidential owner is served by an excepted collector, such excepted collector and nonresidential owner shall determine by private agreement who is to provide the container.

2. Every collector which provides any container or other equipment used for the storage of nonresidential solid waste shall:

a. Place and maintain on the outside of such container, bin or other equipment, in legible letters and numerals not less than one inch (1") in height, the collector's business name and telephone number, in a color contrasting with the background color of the container; and

b. Provide containers on casters or hasps or locks upon request by the nonresidential owner.

D. Maintenance and Placement of Containers: Solid waste containers provided by the collector shall be maintained in a clean and sanitary condition by the collector. Solid waste containers which are not provided by the collector shall be maintained in a clean and sanitary condition by the nonresidential owner. Every nonresidential owner shall provide a solid waste container location on the nonresidential premises and shall keep the area in good repair, clean and free of refuse outside of the container. Every collector shall remove any solid waste or litter that is spilled or deposited on the ground as a result of the collector's emptying of the container or other activities of the collector.

E. Care of Containers: Upon collection of solid waste by the collector, all containers shall be replaced, upright where found, with the lids closed. No person, other than the owner thereof, shall in any manner, break, damage, roughly handle or destroy containers placed on the nonresidential premises. (Ord. 264, 3-22-93)

CHAPTER 5

WATER USE AND SERVICE

SECTION:

- 3-5-1: Compliance with Provisions
- 3-5-2: Special Provisions for Certain Areas
- 3-5-3: Water Runoff

3-5-1: COMPLIANCE WITH PROVISIONS: Persons using the public water system serving the City shall comply with the regulations established by Las Virgenes Municipal Water District. (Ord. 165, 3-18-85)

3-5-2: SPECIAL PROVISIONS FOR CERTAIN AREAS:

- A. Definitions: The following terms are defined for the purposes of this Section:

CALABASAS SERVICE AREA: The area within the City not included within the Lewis and Clark Service Area.

DWELLING UNIT: A unit which provides complete, independent living facilities for one or more persons.

LEWIS AND CLARK SERVICE AREA: Description of Lewis and Clark Service Area (elevation 1290 feet). Beginning at the most westerly boundary of the City of Hidden Hills at its intersection with the boundary of Ventura County; thence southerly to Lewis and Clark Road; thence southerly along the boundary of Hidden Hills; thence easterly along the boundary of Hidden Hills to westerly line of lot 74; thence northerly along the westerly lines of lots 74-71; thence easterly along northerly lines of lots 71 and 14; thence southerly along easterly lines of lots 14-19; all per R.S. 72-3-6; thence easterly along boundary of Hidden Hills; thence northerly along boundary of Hidden Hills; approximately 1,380 feet; thence due east approximately 1980 feet; thence northerly approximately 1425 feet to southerly line of lot 85; thence along southerly line of lot 85; thence northwesterly along southwesterly line of lot 85 of L.A.C.A. 65 to lot 79 of AMB 1-19-40; thence northerly along westerly lines of lots 80-81; thence westerly along southerly lines of lot 58-50 all of

L.A.C.A. 65; thence southerly along boundary of Hidden Hills; thence westerly along boundary of Hidden Hills to point of beginning.

U.S.G.S. DATUM: The bench mark elevation reference based on United States Coast Geodetic Survey.

B. Elevation Provisions: Water service shall not be provided to a dwelling unit where the finished floor elevation of the dwelling unit is above elevation one thousand one hundred thirty feet (1,130') U.S.G.S. Datum in the Calabasas service area or above one thousand two hundred ninety feet (1,290') U.S.G.S. Datum in the Lewis and Clark service area except as provided herein:

1. Water service shall be provided to additions to an existing dwelling unit if the applicant for service enters into an elevation agreement with Las Virgenes Municipal Water District; and

2. Water service shall be provided to a new dwelling unit if the applicant for service enters into an elevation agreement with Las Virgenes Municipal Water District and constructs a private pumping system which meets the requirements of the Building Official.

C. Building Permit Issuance: No building permit shall be issued to any person who does not comply with the provisions of this Section. (Ord. 165, 3-18-85; 1994 Code)

3-5-3: WATER RUNOFF:

A. Limitation on Landscape Runoff: No person shall use water supplied by a public purveyor for landscape irrigation in such a way as to result in runoff to a street, alley or equestrian trail for more than thirty (30) consecutive minutes per twenty four (24) hour period.

B. Swimming Pool Discharge: No person shall discharge the contents of a swimming pool into any street, alley or equestrian trail within the City. Persons whose property is connected to the community sewer system shall discharge the contents of a swimming pool, if at all, into the community sewer system pursuant to a permit issued by Las Virgenes Municipal Water District.

C. Violation; Enforcement: Any person violating the provisions of this Section is guilty of an infraction. The Building Official may enforce this provision. (Ord. 200, 10-19-87)

CHAPTER 6

ANIMAL CONTROL

SECTION:

- 3-6-1: Adoption of County Provisions
- 3-6-2: Amendments to County Provisions
- 3-6-3: Recovery of Costs for County Services
- 3-6-4: Rental of Skunk Traps
- 3-6-5: Violations and Penalties

3-6-1: ADOPTION OF COUNTY PROVISIONS: Except as hereinafter provided, Title 10, Animals, of the Los Angeles County Code, as amended and in effect on August 22, 1994, is hereby adopted by reference as the Animal Control Ordinance of the City. A copy of the Animal Control Ordinance has been deposited in the office of the City Clerk and shall, at all times, be maintained by the Clerk for use and examination by the public. (Ord. 256, 8-24-92)

3-6-2: AMENDMENTS TO COUNTY PROVISIONS: The following sections of the Animal Control Ordinance are amended to read as follows:

10.08.090 Cat kennel. "Cat kennel" means any lot building, structure, enclosure or premises whereupon or wherein seven or more cats, over four months of age, are kept or maintained for any purpose, including places where cats are boarded, kept for sale, or kept for hire.

10.08.130 Dog kennel. "Dog kennel" means any lot building, structure, enclosure or premises whereupon or wherein seven or more dogs, over four months of age, are kept or maintained for any purpose, including places where dogs are boarded, kept for sale, or kept for hire.

10.32.010 Dogs-Running at Large Prohibited.

No person owning or having charge, care, custody, or control of any dog shall cause, permit or allow the same to be or to run at large upon any highway, street, lane, alley, private street, court or other public place, or upon any private property or premises, other than those of the person owning or having charge, care, custody or control of such dog, in the City of Hidden Hills, unless

such dog be restrained by a substantial chain or leash not exceeding six (6) feet in length, and is in the charge, care, custody, or control of a competent person.

All dogs under four (4) months of age, and all dogs not vaccinated against rabies, regardless of age, shall be confined to the premises of the owner, keeper, or harbinger, or kept under physical restraint by the owner, keeper, or harbinger. Nothing in this Section shall be construed to prevent the sale or transportation of a puppy four (4) months old or younger. (Ord. 256, 8-24-92; Ord. 273, 7-24-95)

3-6-3: RECOVERY OF COSTS FOR COUNTY SERVICES: Any time a City resident who is a domestic pet owner requests, requires, receives or is directly benefitted by services for animal care or control from the County that are rendered in response to any incident regarding the resident's domestic pet, for which services the City is billed, the City Clerk or her designee is hereby authorized and directed to charge such resident a service fee as set forth by resolution of the City Council¹. (Ord. 248, 1-13-92; Ord. 275, 12-11-95)

3-6-4: RENTAL OF SKUNK TRAPS: The City Clerk or her designee is hereby authorized and directed to rent skunk traps, as available, to City residents for rent, as set forth by resolution of the City Council. Such rent may include a refundable deposit. The traps shall be rented for two (2) week terms, renewable, unless another resident has requested a trap and no others are available.

The foregoing fees and rent shall not exceed the cost of providing the services, including associated administrative costs. (Ord. 248, 1-13-92)

3-6-5: VIOLATIONS AND PENALTIES:

A. Infractions: Except as provided in subsection B of this Section, any person violating any of the provisions of this Chapter is guilty of an infraction which is punishable as provided in Section 1-5-1 of this Code.

B. Specific Violations of County Provisions: Violations of sections:

10.12.190

¹ See Title 2, Chapter 1 of this Code for collection procedures.

10.12.200
10.20.280
10.20.310
10.28.060
10.32.020
10.32.070
10.32.080
10.37.030
10.37.050 (C)
10.37.050 (F)
10.40.010
10.40.040
10.86.010

or any provision of Division 2, except Chapter 10.84, of the Animal Control Ordinance is a misdemeanor, punishable as provided in Section 1-5-1 of this Code. (Ord. 256, 8-24-92; 1994 Code)

CHAPTER 7

NUISANCES

SECTION:

- 3-7-1: Definition of Nuisance
- 3-7-2: Duty of Owner or Possessor of Property
- 3-7-3: Vacant and Undeveloped Property Declared a Nuisance
- 3-7-4: Notice to Abate Nuisance
- 3-7-5: Hearing and Decision
- 3-7-6: Abatement Procedures
- 3-7-7: Collection of Abatement Costs
- 3-7-8: Violation

3-7-1: DEFINITION OF NUISANCE:

A.As used in this Chapter, "nuisance" shall mean anything which is injurious to health or safety, or is indecent or offensive to the senses, or an obstruction to the free use of property or injurious to the stability of real property so as to interfere with the comfortable enjoyment of life or property, or unlawfully obstructs the free passage or use, in the customary manner, of any street and affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal.

B.Notwithstanding any provisions of this Chapter, the City Council may define by ordinance any particular condition constituting a nuisance. (1994 Code)

3-7-2: DUTY OF OWNER OR POSSESSOR OF PROPERTY: Every person who shall own or be in possession of any property, place or area within the boundaries of the City shall, at his own expense, maintain that property, place or area free from any nuisance. (1994 Code)

3-7-3: VACANT AND UNDEVELOPED PROPERTY DECLARED A NUISANCE:

A.It shall be unlawful to maintain property in any residential zone in a vacant and undeveloped condition for a period of thirty (30) days or more unless the property is secured in such manner as to be inaccessible to

motor vehicles. Property located in a residential zone that remains vacant and undeveloped for a period of thirty (30) days or more and is not properly secured to prevent access to motor vehicles is hereby declared to constitute a public nuisance. This Section shall not apply to property being used as a parking lot for which a parking permit or other approval has been received.

B.A public nuisance defined in subsection A may be abated by the City as set forth in this Chapter. (1994 Code)

3-7-4: NOTICE TO ABATE NUISANCE:

A.Issuance of Notice: Whenever the City Manager or his designee (all reference hereafter to the City Manager shall include his designee) determines that a nuisance exists upon any property, place or area within the boundaries of the City, the City Manager may notify in writing the owner or person in possession of said property, place or area to abate the nuisance within ten (10) days from the date of the notice, or such other shorter or greater period of time as the City Manager shall require. Said notice shall be given by registered or certified mail addressed to the owner or the person in possession of the property, place or area as shown on the latest equalized tax assessment role, at his last known address. Further, within the same time period, notice shall be given by conspicuously posting on the affected property, place or area a copy of the notice.

B.Contents of Notice: The notice shall set forth the conditions constituting the nuisance, describe the property involved, offer any suggested methods of correcting the nuisance and shall require that if the nuisance is not abated to the satisfaction of the City Manager within ten (10) days from the date thereof, or such other reasonable period of time as the City Manager may stipulate, a hearing shall be held before the City Council to hear any protest of the owner, possessor or other interested person. The notice shall specify the time, date and place of the hearing, which shall be set for the regular meeting of the Council next following the expiration of the period stipulated by the City Manager. (1994 Code)

3-7-5: HEARING AND DECISION:

A.If the nuisance is not abated within the time set forth in Section 3-7-4 of this Chapter, the City Council shall conduct a hearing at the time and place fixed in the

notice at which evidence may be submitted by interested persons. Upon consideration of the evidence, the Council may 1) terminate the proceedings, 2) confirm the action and decision of the City Manager and declare the condition to constitute a public nuisance, or 3) modify the decision of the City Manager based upon evidence presented at the hearing. Where the proceedings are not terminated, the Council shall take action by resolution and such resolution shall declare the condition to be a public nuisance, make any finding required by Section 3-7-1 of this Chapter, and order the abatement of the conditions constituting the nuisance within thirty (30) days of notice of the Council's decision, or such other appropriate period of time as the Council may stipulate, by having such conditions abated, repaired or cured in the manner and means specifically set forth in said resolution.

B. The City Council shall also order the City Manager to abate the public nuisance in the event that the violator fails to comply with the abatement order. Any abatement order of the Council may include conditions governing the future maintenance of the property, place or area intended to prevent the recurrence of said conditions. Violation of the conditions shall constitute a public nuisance. The decision of the City Council shall be final.

C. The City Clerk shall notify all owners and possessors of the subject property, place or area of the decision of the Council. The City Clerk may file with the County Recorder for recordation a declaration of substandard property declaring that by resolution of the City Council certain property has been found to be a nuisance in accordance with this Chapter and that the conditions constituting said nuisance must be abated. The declaration shall be released upon abatement of the nuisance. (1994 Code)

3-7-6: ABATEMENT PROCEDURES:

A. Abatement by City Manager; Notice of Charge:

1. Upon failure, neglect or refusal by a person notified pursuant to Section 3-7-5 of this Chapter, to abate a nuisance within the stipulated time period after the date of notice, the City Manager is authorized to cause the abatement of the nuisance and pay for such abatement upon the person's failure to abate a nuisance within the period required in the notice to abate nuisance.

2. The City Manager shall keep an account of the costs,

including incidental expenses, of abating such nuisance on each separate property, place or area where the work is done and shall render an itemized report in writing to the City Council showing the cost of abatement of the conditions determined to constitute a nuisance, less any salvage value relating thereto. The term "incidental expenses" shall include, but is not limited to, the actual expenses and costs of the City in the preparation of notices, title searches, specifications and contracts, inspection of the work, the cost of printings and mailings required under this Chapter, any attorney's fees expended in the abatement of the nuisance, all costs and expenses for which the City may be liable under State law arising from or related to the nuisance abatement action, and all costs or expenses to which the City may be entitled under State law. Costs and expenses for which the City may be reimbursed begin to accrue at the time the City first receives a complaint regarding a problem on the property, place or area. Costs and expenses may be recovered once it has become necessary for the City to conduct an abatement hearing.

3. The City Manager shall notify, in writing, the owner or possessor of the property, place or area upon which a nuisance has been abated by the City, of the cost of said abatement in accordance with Section 38773.1 of the Government Code. Such notice shall be given in the same manner as required by subsection 3-7-4A of this Chapter. Within ten (10) days of the mailing of such notice any such party concerned and any other person having any right, title or interest in the property, place or area or part thereof may file with the City Clerk a written request for a hearing on the correctness, reasonableness or both of such claim of abatement costs. The City Manager shall then cause notice of the time and place of the hearing before the City Council to be given to the owners and possessors of the property, place or area to which the same relate, and to any other interested person requesting the same by United States mail, postage prepaid, addressed to the person at his last known address at least five (5) days in advance of the hearing.

4. At the time and place fixed for receiving the report, the City Council shall hear and pass upon the report of the City Manager together with any objections or protests raised by any of the persons liable for the cost of abating the nuisance. Thereupon, the City Council shall make such revision, correction and modification to the report as it may deem just, after which the report as submitted, or as revised, corrected or modified, shall be confirmed. The decision of the City Council is final.

B. Summary Abatement: Notwithstanding any provisions of this Chapter, the City Council may cause a nuisance to be summarily abated if the City Manager determines that the nuisance creates an emergency condition involving

an immediate threat to the physical safety of the population. Prior to abating the nuisance, the City Manager shall attempt to notify the owner or possessor of the property, place or area involved of the nuisance and request him immediately to abate said nuisance. If, in the sole discretion of the City Manager, the owner or possessor of the property, place or area containing the nuisance which creates an emergency condition fails to take immediate and meaningful steps to abate the nuisance, the City may abate the nuisance and charge the cost of abating such nuisance to the owner or possessor of the property, place or area involved. The City shall notify in writing the owner or possessor of the property, place or area upon which a nuisance has been abated by the City, of the cost of the abatement. Such notification shall be given in the same manner as required by subsection 3-7-4A of this Chapter. The provisions of Section 3-7-7 of this Chapter shall thereafter be applicable. (1994 Code)

3-7-7: COLLECTION OF ABATEMENT COSTS:

- A.Lien: If the total cost of the abatement of the nuisance by the City is not paid to the City in full within ten (10) days after the date of the notice of the cost of the abatement, the City Clerk shall record, in the office of the County Recorder, a statement of the total balance due to the City, a legal description of the property, place or area involved, and the name of the owner or possessor concerned. From the date of such recording, the balance due will constitute a lien on the property. The lien will continue in full force and effect until the entire amount due, together with interest at the maximum legal rate accruing from the date of the completion of the abatement, is paid in full.
- B.Charges Billed on Tax Bill: The City may also, in accordance with the provisions of the laws of the State, cause the amount due to the City by reason of its abating a nuisance together with interest at the maximum legal rate, accruing from the date of the completion of the abatement, to be charged to the owners of the property, place or area on the next regular tax bill. All laws of the State applicable to the levy, collection and enforcement of City taxes and County taxes are hereby made applicable to the collection of these charges.
- C.Court Action: The City Council may bring appropriate actions, in a court of competent jurisdiction, to collect any amounts due by reason of the abatement of

a nuisance by the City and to foreclose any existing liens for such amounts. Notwithstanding the provisions of this Chapter, the City may bring the appropriate civil and criminal action in a court of competent jurisdiction for abatement of any nuisance within the City pursuant to any other provision of the law. Upon entry of a second or subsequent civil or criminal judgment within a two (2) year period, finding that the owner or possessor of a property, place or area is responsible for a condition that may be abated in accordance with this Chapter, except for conditions abated pursuant to Section 17980 of the Health and Safety Code, the court may order the owner or possessor to pay treble the costs of the abatement. (1994 Code)

3-7-8: VIOLATION: Any person causing, permitting or maintaining any condition subject to abatement pursuant to the provisions of this Chapter to exist on any property, place or area within the City shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punishable as provided in Section 1-5-1 of this Code. (1994 Code)

CHAPTER 8

NOISE CONTROL

SECTION:

- 3-8-1: Short Title
- 3-8-2: Declaration of Policy
- 3-8-3: Definitions
- 3-8-4: Prohibited Noises
- 3-8-5: Prohibited Acts
- 3-8-6: Exemptions
- 3-8-7: Enforcement
- 3-8-8: Additional Remedies - Motor Vehicle Alarms

3-8-1: SHORT TITLE: This Chapter may be cited as the "Noise Control Ordinance of the City of Hidden Hills." (1994 Code)

3-8-2: DECLARATION OF POLICY: In order to control unnecessary, excessive and annoying noise and vibration in the City, it is hereby declared to be the policy of the City to prohibit such noise and vibration. (1994 Code)

3-8-3: DEFINITIONS: The following words, phrases and terms as used in this Chapter shall have the meanings indicated as follows:

CONSTRUCTION shall mean any site preparation, assembly, erection, substantial repair, alteration or similar action, for or of public or private right-of-way, structures, utilities or similar property.

EMERGENCY MACHINERY, VEHICLE or ALARM shall mean any machinery, vehicle or alarm used, employed, performed or operated in an effort to protect, provide or restore safe conditions in the community or for the citizenry or work by private or public utilities when restoring utility service.

EMERGENCY WORK shall mean any work performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency or work by private or public utilities when restoring utility services.

WEEKDAY shall mean any day, Monday through Friday, which is not a legal holiday. (1994 Code)

3-8-4: PROHIBITED NOISES: No person shall make, or cause or suffer, or permit to be made upon any premises owned, occupied or controlled by such person, any unnecessary noises, sounds or vibrations which are physically annoying to reasonable persons of ordinary sensitivity or which are so harsh or so prolonged or unnatural or unusual in their use, time, or place as to occasion unnecessary discomfort to any persons within the neighborhood from which said noises emanate or which interfere with the peace and comfort of the residents or their guests, or the operators or customers in places of business in the vicinity, or which may detrimentally or adversely affect such residences or places of business. (1994 Code)

3-8-5: PROHIBITED ACTS: Notwithstanding any other provisions of this Chapter, the following acts and the causing or permitting thereof, are declared to be in violation of this Chapter:

- A. UNNECESSARY NOISES. The unnecessary making of, or knowingly and unnecessarily permitting to be made, any loud, boisterous or unusual noise, disturbance, commotion or vibration in any boarding facility, dwelling, place of business or other structure, or upon any public street, park or other place or building, except the ordinary and usual sounds, noises, commotion or vibration incidental to the operation of these places when conducted in accordance with the usual and normal standard of practice applicable thereto and in a manner which will not disturb the peace and comfort of adjacent residences or which will not detrimentally affect the operators or customers of adjacent places of business. Violation of this subsection shall be deemed an infraction and shall be punishable as provided in Chapter 1-5 of this Code.
- B. RADIOS, PHONOGRAPHS, ETC. The using, operating or permitting to be played, used or operated between the hours of 10:00 p.m. and 7:00 a.m. of any radio, musical instrument, phonograph, television set, or instrument or device similar to those heretofore specifically mentioned for the production or reproduction of sound in volume sufficiently loud as to disturb the peace, quiet or repose of persons of ordinary and normal sensitiveness who are in the immediate vicinity of such machine or device. Violation of this subsection shall be deemed an infraction and shall be punishable as provided in Chapter 1-5 of this Code.
- C. BAND OR ORCHESTRAL REHEARSALS. The conducting of or carrying on of band or orchestral concerts or rehearsals or practice between the hours of 10:00 p.m. and 7:00 a.m. sufficiently loud as to disturb the peace, quiet or

repose of persons of ordinary and normal sensitiveness who reside in the immediate vicinity of such band or orchestral concerts or rehearsals or practice. Violation of this subsection shall be deemed an infraction and shall be punishable as provided in Chapter 1-5 of this Code.

- D. ENGINES, MOTORS AND MECHANICAL DEVICES NEAR RESIDENTIAL DISTRICT. The sustained operation or use between the hours of 10:00 p.m. and 7:00 a.m. of any electric or gasoline powered motor or engine or the repair, modification, reconstruction, resting or operation of any automobile, motorcycle, machine or mechanical device or other contrivance or facility unless such motor, engine, automobile, motorcycle, machine or mechanical device is enclosed within a sound insulated structure so as to prevent noise and sound from being plainly audible at a distance of fifty (50') feet from such structure, or within ten (10') feet of any residence. Violation of this subsection shall be deemed an infraction and shall be punishable as provided in Chapter 1-5 of this Code.
- E. MOTOR VEHICLES. Racing the engine of any motor vehicle or needlessly bringing to a sudden start or stop of any motor vehicle. Violation of this subsection shall be deemed an infraction and shall be punishable as provided in Chapter 1-5 of this Code.
- F. LOADING AND UNLOADING. Loading, unloading, opening, closing or other handling of boxes, crates, containers, building materials, garbage cans or similar objects between the hours of 10:00 p.m. and 7:00 a.m. in such a manner as to cause noise disturbance.
- G. CONSTRUCTION. Operating or causing the operation of any tools, equipment, impact devices, derricks or hoists used in construction, drilling, repair, alteration, demolition or earthwork after 8:00 p.m. or before 7:00 am. on weekdays, after 8:00 p.m. or before 8:00 am. Saturdays, or at any time on Sundays or holidays, except as provided in Section 3-8-6 herein. Violation of this subsection shall be deemed an infraction and shall be punishable as provided in Chapter 1-5 of this Code.
- H. NON-EMERGENCY SIGNALING DEVICES. Sounding or permitting the sounding of any electronically-amplified signal from any bell, chime, siren, whistle or similar device, intended primarily for non-emergency purposes, from any place, for more than ten (10) consecutive seconds in any hourly period. Houses of religious worship shall be exempt from the operation of this provision.

Sound sources included within this Section 3-8-5 which are not exempted under Section 3-8-6 may be exempted by

a variance issued by the City Manager.

I. EMERGENCY SIGNALING DEVICES.

1. Sounding or permitting the sounding of any motor vehicle alarm unless such alarm is terminated within five (5) minutes of activation. Violation of this subsection shall be deemed an infraction and shall be punishable as provided in Chapter 1-5 of this Code.

2. Sounding or permitting the sounding of any motor vehicle alarm more than three (3) times of any duration in any twenty-four (24) hour period. Violation of this subsection shall be deemed an infraction and shall be punishable as provided in Chapter 1-5 of this Code.

J. LEAF BLOWERS. The use or operation of any portable machine powered with a combustion or gasoline engine used to blow leaves, dirt and other debris off sidewalks, driveways, lawns and other surfaces.

L. COMMERCIAL ESTABLISHMENTS ADJACENT TO RESIDENTIAL PROPERTY. Sustained noise from the premises of any commercial establishment, including any outdoor area part of or under the control of the establishment, between the hours of 10:00 p.m. and 7:00 am. shall not be plainly audible at a distance of five (5) feet of any residential dwelling unit. (1994 Code)

3-8-6 EXEMPTIONS. The following activities shall be exempt from the provisions of this Chapter:

A. EMERGENCY EXEMPTION. The emission of sound for the purpose of alerting persons to the existence of an emergency or the emission of sound in the performance of emergency work.

B. WARNING DEVICES. Warning devices necessary for the protection of public safety as for example, police, fire and ambulance sirens and train horns.

C. OUTDOOR ACTIVITIES. Activities conducted on public playgrounds and public or private school grounds including but not limited to school athletic and school entertainment events.

D. CONSTRUCTION; SPECIAL CIRCUMSTANCES. The provisions of Section 3-8-5 do not apply to any person who performs construction, repair, excavation or earthmoving work pursuant to the expressed written permission of the Building Official to perform such work at times prohibited in Section 3-8-5. The applicant must submit to the Building an application in writing, stating the

reasons for the request and the facts upon which such reasons are based. The Building may grant written permission for the construction if he finds that:

1. The work proposed to be done is in the public interest; or
2. Hardship, injustice or unreasonable delay would result from the interruption thereof during the hours and days specified in Section 3-8-5; or
3. The building or structure involved is devoted or intended to be devoted to a use immediately incident to public defense.

Any applicant dissatisfied with the decision of the Building Official may appeal to the City Council by filing a Notice of Appeal with the City Clerk within ten (10) days after notice of the Building Official's decision. The City Council shall, within thirty (30) days of filing the appeal, affirm, reverse or modify the decision of the Building Official.

The provisions of Section 3-8-5 do not apply to the construction, repair, or excavation during prohibited hours as may be necessary for the preservation of life or property, when such necessity arises during such hours as the offices of the City are closed, or where such necessity requires immediate action prior to the time at which it would be possible to obtain a permit pursuant to this Section. The person doing such construction, repair or excavation shall obtain a permit therefor within one (1) business day of such construction, repair or evacuation.

- E. OUTDOOR GATHERINGS, PUBLIC DANCES, SHOWS AND SPORTING EVENTS. Provided the events are conducted pursuant to a permit issued by the City Manager. (1994 Code)

3-8-7 ENFORCEMENT. The Planning Director, with the assistance of the Sheriff as may be appropriate, shall have primary responsibility for the enforcement of the noise regulations contained herein. Nothing in this Chapter shall prevent the Planning Director or the Sheriff's Department from obtaining voluntary compliance by way of warning, notice or education. (1994 Code)

3-8-8 ADDITIONAL REMEDIES - MOTOR VEHICLE ALARMS.

- A. DEACTIVATION. In addition to the remedies set forth in this Chapter, the Sheriff's Department may undertake such procedures as a reasonably necessary to deactivate

a motor vehicle alarm generating noise in violation of this Chapter. If the Sheriff's Department is unable to deactivate the alarm, the Sheriff may cause the motor vehicle to be removed according to the procedure set forth in Section 22651.5 of the California Vehicle Code.

- B. REMOVAL. Any costs associated with the removal or storage of a motor vehicle pursuant to subsection (A) of this Section and any costs incurred by the City in connection therewith shall be paid by the registered owner of the motor vehicle. (1994 Code)

CHAPTER 9

REPORTING SALE OF UNREGULATED CHEMICALS

SECTION:

- 3-9-1: Reporting Transactions of Certain Chemicals
- 3-9-2: Identification of Purchaser
- 3-9-3: Report to Sheriff
- 3-9-4: Exemptions from Provisions
- 3-9-5: Penalties

3-9-1: REPORTING TRANSACTIONS OF CERTAIN CHEMICALS: Any manufacturer, wholesaler, retailer or other person who sells, transfers or otherwise furnishes any of the following substances to any person shall submit a report to the Sheriff of all of those transactions:

- N-methylephedrine
- N-methylpseudoephedrine
- N-ethylephedrine
- N-ethylpseudoephedrine
- Chloroephedrine
- (Ord. 209, 4-4-88)

3-9-2: IDENTIFICATION OF PURCHASER:

A. Identification Required: Any manufacturer, wholesaler, retailer or other person shall, prior to selling, transferring or otherwise furnishing any substance specified in this Chapter, obtain proper identification from the purchaser.

B. Proper Identification: For the purposes of this Section, "proper identification" means a motor vehicle operator's license or other official State-issued identification of the purchaser which contains a photograph of the purchaser and includes the residential or mailing address of the purchaser, other than a post office box number, and motor vehicle license number of any motor vehicle owned or operated by the purchaser, a letter of authorization from the business for which any substance listed in this Chapter is being furnished, which includes the business license number and address of the business, a full description of how the substance is to be used and the signature of the purchaser. The person selling, transferring or otherwise furnishing any substance listed in this Chapter shall affix his

signature as a witness to the signature and identification of the purchaser.

C.Violation: Violation of this Section is a misdemeanor and shall be punishable as provided in Section 1-5-1 of this Code. (Ord. 209, 4-4-88; 1994 Code)

3-9-3: REPORT TO SHERIFF: Any manufacturer, wholesaler, retailer or other person who sells, transfers or otherwise furnishes any substance specified in this Chapter to any person shall, not less than twenty one (21) days prior to delivery of the substance, submit a report of the transaction to the Sheriff, including the identification specified above. However, the Sheriff may authorize the submission of the reports on a monthly basis with respect to repeated, regular transactions between the furnisher and the recipient involving the same substance if the Sheriff determines that either of the following exist:

A.A pattern of regular supply of the substance exists between the manufacturer, wholesaler, retailer or other person who sells, transfers or otherwise furnishes such substance and the recipient of the substance.

B.The recipient has established a record of utilization of the substance for lawful purposes. (Ord. 209, 4-4-88)

3-9-4: EXEMPTIONS FROM PROVISIONS: This Chapter shall not apply to any of the following:

A.Any pharmacist or other authorized person who sells or furnishes a substance upon the prescription of a physician, dentist, podiatrist or veterinarian.

B.Any physician, dentist, podiatrist or veterinarian who administers or furnishes a substance to his patients.

C.Any manufacturer or wholesaler licensed by the California State Board of Pharmacy who sells, transfers or otherwise furnishes a substance to a licensed pharmacy, physician, dentist, podiatrist or veterinarian.

D.Sales consistent with Federal law of any proprietary product containing substances listed in Section 3-9-1 of this Chapter. (Ord. 209, 4-4-88)

3-9-5: PENALTIES:

A.Any person specified in this Chapter who does not submit a report as required or who knowingly submits a report with false or fictitious information shall be punished

as set forth in Section 1-5-1 of this Code.

B. Any person specified in this Chapter who has previously been convicted of a violation of subsection A of this Section shall, upon a subsequent conviction thereof, be punished by imprisonment in the County jail not exceeding one year or by a fine not exceeding two thousand dollars (\$2,000.00) or by both the fine and imprisonment. (Ord. 209, 4-4-88; 1994 Code)

CHAPTER 10

SMOKING PROHIBITED IN CITY HALL

SECTION:

3-10-1:Definitions

3-10-2:Smoking in City Hall Prohibited

3-10-3:Smoking at Polling Places Prohibited

3-10-4:Posting of Signs

3-10-5:Violation

3-10-1:DEFINITIONS: As used in this Chapter, unless the context otherwise clearly indicates:

"Smoke" or "Smoking" shall mean the carrying or holding of a lighted pipe, cigar, cigarette or any other lighted smoking equipment or the lighting or emitting or exhaling of the smoke of a pipe, cigar, cigarette or other kind of smoking equipment. Smoke also means the gaseous products and particles created by the use of a lighted pipe, cigar, cigarette, or other kind of smoking equipment.

3-10-2: SMOKING IN CITY HALL PROHIBITED: It shall be unlawful for any person to smoke in City Hall, except such prohibition does not apply to outside walkways or other outside areas of City Hall.

3-10-3:SMOKING AT POLLING PLACES PROHIBITED: It shall be unlawful for any person to smoke at any polling place located in the City during an election.

3-10-4:POSTING OF SIGNS: The City Clerk is directed to post and prominently display "No Smoking" signs at the entrances to City Hall. Such signs shall clearly and conspicuously recite the phrase "No Smoking" and/or use the international no smoking symbol.

3-10-5:VIOLATION: Violation of this Chapter is an infraction, and shall be punishable as provided in Section 1-5-1(B) of this Code. (Ord. 268, 8-22-94)

CHAPTER 11

STORM WATER AND URBAN RUNOFF POLLUTION CONTROL

SECTION:

- 3-11-1 Title
- 3-11-2 Findings
- 3-11-3 Purpose and Intent
- 3-11-4 Definitions
- 3-11-5 Construction and Application
- 3-11-6 Prohibited Activities
- 3-11-7 Exempted Discharges
- 3-11-8 Good Housekeeping Provisions
- 3-11-9 Requirements for Construction Activities
- 3-11-10 Enforcement
- 3-11-11 No Taking

3-11-1: TITLE: This Chapter shall be known as the "City of Hidden Hills Storm Water Management and Discharge Control Ordinance."

3-11-2: FINDINGS:

- A. The federal Clean Water Act (33 U.S.C. § 1251, et seq.) provides for the regulation and reduction of pollutants discharged into the waters of the United States by extending National Pollutant Discharge Elimination System (hereinafter "NPDES") requirements to storm water and urban runoff discharge into storm drain systems.
- B. Storm water and urban runoff flows from individual properties onto streets, then through storm drains passing through the City.
- C. The City of Hidden Hills is a co-permittee under the "Waste Discharge Requirements for Municipal Storm Water and Urban Runoff Discharges within the County of Los Angeles," issued by the California Regional Water Quality Control Board- Los Angeles Region," (Order No. 96-054), dated July 15, 1996, which also serves as a NPDES Permit under the Federal Clean Water Act (NPDES No. CAS614001), as well as Waste Discharge Requirements under California law [the "Municipal NPDES Permit"], and, as a co-permittee under the Municipal NPDES Permit, the City is required to adopt ordinances and implement procedures with respect to the entry of non-storm water discharges into the Municipal Separate Storm Sewer System.

- D. Part 1, Section I of the Municipal NPDES Permit requires the City effectively to prohibit non-storm water discharges from within its boundaries, into the storm sewer system and into watercourses, except where such discharges are: (1) In compliance with a separate individual or general NPDES permit; or (2) Identified and in compliance with Part 2.II.C (Non-Storm Water Discharges) of the Municipal NPDES Permit; or (3) Discharges originating from federal, state or other facilities which the City is pre-empted from regulating, and further provides that compliance with the terms of the Municipal NPDES Permit through the development and implementation of the programs described in the Municipal NPDES Permit will constitute compliance with the Discharge Prohibition therein.
- E. Part 2, Section I.E of the Municipal NPDES Permit requires the City to demonstrate by November 28, 1996 that it possesses the legal authority necessary to control discharges to and from those portions of the storm water system over which it has jurisdiction, so as to comply with the Municipal NPDES Permit and specifically to prohibit certain discharges identified in the Municipal NPDES Permit.
- F. The Municipal NPDES Permit contemplates the development of a Countywide Storm Water Management Plan (CSWMP) and then a Watershed Management Area Plan ("WMAP"), in which the City will participate, which will in turn require the development and the implementation of programs for, among other things, the elimination of illicit connections and illicit discharges, development planning, development construction, and public information and education requirements, and which may require the later adoption of additional legal authority to implement such programs as they are developed by the Permittees and approved by the Regional Board.
- G. In order to control, in a cost-effective manner, the quantity and quality of storm water and urban runoff to the maximum extent practicable, the adoption of reasonable regulations, as set forth herein, is essential.
- H. The City is a unique, virtually built-out residential community where development consists of single-family residential homes on large estate-size lots; the only non-residential development in the City consists of a City administration building, several community use areas for recreation and other community uses, a public school campus, and less than one block of limited commercial uses. There are no industrial uses in the City and there is no land in the City zoned for such purposes.

- I. Almost all streets and roads and all trails in the City are privately owned and maintained by the Hidden Hills Community Association. All storm drains in the City are owned and maintained either by the Community Association or the County of Los Angeles. Many natural watercourses are located on private property.
- J. Active landslides in some areas of the City make it hazardous for the City to encourage storm retention on site if such retention will result in absorption of water in slide planes.

3-11-3: PURPOSE AND INTENT:

- A. The purpose of this Chapter is to ensure the future health, safety and general welfare of the citizens of the City and the water quality of the receiving waters of the County of Los Angeles and surrounding coastal areas by:
 - 1. Reducing pollutants in storm water discharges to the maximum extent practicable;
 - 2. Regulating illicit connections and illicit discharges and thereby reducing the level of contamination of storm water and urban runoff into the Santa Monica Bay; and
 - 3. Regulating Non-Storm Water Discharges to the storm water system.
- B. The intent of this Chapter is to protect and enhance the quality of watercourses, water bodies, and wetlands within the City in a manner consistent with the federal Clean Water Act, the California Porter-Cologne Water Quality Control Act and the Municipal NPDES Permit.
- C. This Chapter is also intended to provide the City with the legal authority necessary to control discharges to and from those portions of the storm water system over which it has jurisdiction as required by the Municipal NPDES Permit, and thereby fully and timely comply with the terms of the Municipal NPDES Permit while the CSWMP and the WMAP are being developed by the Permittees under the Municipal NPDES Permit, and in contemplation of the subsequent amendment of this Chapter or adoption by the City of additional provisions of this Chapter to implement the subsequently adopted CSWMP and WMAP, or other programs developed under the Municipal NPDES Permit.

3-11-4: DEFINITIONS: Except as specifically provided herein, any term used in this Chapter shall have the same meaning as

that term is defined in the Municipal NPDES Permit or, if it is not specifically defined in the Municipal NPDES Permit, then as such term is defined in the federal Clean Water Act, as amended, or the regulations promulgated thereunder. The following words and phrases shall have the following meanings when used in this Chapter:

- A. "Area susceptible to runoff" means any surface directly exposed to precipitation or in the path of runoff caused by precipitation which path leads off the parcel on which the surface is located.
- B. "Authorized enforcement officer" means the City Manager or his or her designee.
- C. "Best Management Practices (BMP's)" means activities, practices, facilities, or procedures that when implemented to their maximum efficiency will prevent or reduce pollutants in discharges. Examples of BMP's may include public education and outreach, proper planning of development projects, proper clean out of catch basin inlets, and proper sludge or waste handling and disposal, among others.
- D. "City" means the City of Hidden Hills.
- E. "Good Housekeeping Practices" means common practices related to the storage, use, or cleanup of materials, performed in a manner that minimizes the discharge of pollutants. Examples include, but are not limited to, purchasing only the quantity of materials to be used at a given time, use of alternative and less environmentally harmful products, cleaning up spills and leaks, and storing materials in a manner that will contain any leaks or spills.
- F. "Illicit Connection" means any human-made conveyance that is connected to the storm drain system without a permit, excluding roof-drains and other similar types of connections. Examples include channels, pipelines, conduits, inlets, or outlets that are connected directly to the storm drain system.
- G. "Illicit Discharge" means any discharge to the storm drain system that is prohibited under local, state or federal statutes, ordinances, codes or regulations. This includes all Non-Storm Water Discharges except discharges pursuant to a separate NPDES permit and discharges that are exempted or conditionally exempted in accordance with Section II of the Municipal NPDES Permit.
- H. "Material" means any substance, including but not limited to: garbage and debris; lawn clippings, leaves, and other

vegetation; biological and fecal waste; sediment and sludge; oil and grease; gasoline; paints, solvents, cleaners, and any fluid or solid containing chemicals.

- I. "Municipal NPDES Permit" means the "Waste Discharge Requirements for Municipal Storm Water and Urban Runoff Discharges Within the County of Los Angeles" (Order No. 96-054), dated July 15, 1996, issued by the California Regional Water Quality Control Board-Los Angeles Region, and any successor permit to that permit.
- J. "Municipal Separate Storm Sewer System" or "MS4" means streets, gutters, conduits, natural or artificial drains, channels and watercourses, or other facilities, publicly or privately owned, that are located within the City and used for the purpose of collecting, storing, transporting, or disposing of storm water.
- K. "Non-Storm Water Discharge" means any discharge to a Municipal Storm Water System that is not composed entirely of storm water.
- L. "NPDES permit" means any waste discharge requirements issued by the Regional Board or the State Water Resources Control Board as an NPDES Permit pursuant to Water Code § 13370 (other than the Municipal NPDES Permit).
- M. "Pollutant" means any of those pollutants defined in Section 502(6) of the federal Clean Water Act (33 U.S.C. § 1362(6)), or incorporated into California Water Code § 13373. Examples of pollutants include but are not limited to the following:
 - 1. Commercial and industrial waste (such as fuels, solvents, detergents, plastic pellets, hazardous substances, fertilizers, pesticides, slag, ash, and sludge);
 - 2. Metals such as cadmium, lead, zinc, copper, silver, nickel, chromium; and non-metals such as phosphorus and arsenic;
 - 3. Petroleum hydrocarbons (such as fuels, lubricants, surfactants, waste oils, solvents, coolants and grease);
 - 4. Excessive eroded soils, sediment and particulate materials in amounts which may adversely affect the beneficial use of the receiving waters, flora or fauna of the State;
 - 5. Animal wastes (such as discharge from confinement facilities, kennels, pens, recreational facilities, stables, and show facilities); and

6. Substances having characteristics such as pH less than 6 or greater than 9, or unusual coloration or turbidity, or excessive levels of fecal coliform, or fecal streptococcus, or enterococcus;

The term "Pollutant" shall not include uncontaminated storm water, potable water or reclaimed water generated by a lawfully permitted water treatment facility.

The term "Pollutant" also shall not include any substance identified in this definition, if through compliance with the Best Management Practices available, the discharge of such substance has been reduced or eliminated to the maximum extent practicable. In an enforcement action, the burden shall be on the person who is the subject of such action to establish the reduction or elimination of the discharge to the maximum extent practicable through compliance with the Best Management Practices available.

N. "Regional Board" means the California Regional Water Quality Control Board-Los Angeles Region.

O. "Storm Water Runoff" means that part of precipitation (rainfall or snowmelt) which travels via flow across a surface to the MS4 or receiving waters from impervious, semi-pervious or pervious surfaces. When all other factors are equal, runoff increases as the perviousness of a surface decreases.

P. "Urban runoff" means surface water flow produced by non-storm water resulting from residential, commercial, and institutional activities involving the use of potable and non-potable water.

3-11-5: CONSTRUCTION AND APPLICATION: This Chapter shall be construed to assure consistency with the requirements of the federal Clean Water Act and acts amendatory thereof or supplementary thereto, applicable implementing regulations, and the Municipal NPDES Permit, and any amendment, revision or reissuance thereof.

3-11-6: PROHIBITED ACTIVITIES:

A. Illicit Discharges and Connections: It is prohibited to commence, establish, use, maintain, or continue any Illicit Connections to the Municipal Separate Storm Sewer System or any Illicit Discharges to the Municipal Separate Storm Sewer System. This prohibition against Illicit Connections applies to the use, maintenance, or continuation of any Illicit Connection, whether that

connection was established prior to, or after the effective date of this ordinance.

- B. Littering: It is prohibited to throw, deposit, place, leave, maintain, keep, or permit to be thrown, deposited, placed, left, or maintained or kept, any refuse, rubbish, garbage, or any other discarded or abandoned objects, articles or accumulations, in or upon any street, driveway, trail, storm drain, inlet, catch basin conduit or drainage structure, or upon any private plot of land in the City, so that the same might be or become a pollutant. No person shall throw or deposit litter in any fountain, pond, stream, or other body of water within the City. This subsection shall not apply to refuse, rubbish or garbage deposited in containers, bags or other appropriate receptacles which are placed in designated locations for regular solid waste pick up and disposal.
- C. Disposal of Landscape Debris: It is prohibited to intentionally dispose of leaves, dirt, or other landscape debris into the Municipal Separate Storm Sewer System.
- D. Non-Storm Water Discharges: The following Non-Storm Water Discharges into the Municipal Storm Water System are prohibited unless in compliance with a separate NPDES permit or pursuant to a discharge exemption by the Regional Board, the Regional Board's Executive Officer, or the State Water Resources Control Board:
1. The discharge of untreated wastewater to the MS4 from mobile auto washing, steam cleaning, mobile carpet cleaning, and other such mobile commercial and industrial operations;
 2. To the maximum extent practicable, discharges to the MS4 from areas where repair of machinery and equipment, including motor vehicles, which are visibly leaking oil, fluid or antifreeze, is undertaken;
 3. Discharges of untreated runoff to the MS4 from storage areas of materials containing grease, oil, or other hazardous substances, and uncovered receptacles containing hazardous materials;
 4. Discharges of commercial swimming pool filter backwash to the MS4;
 5. Discharges of untreated runoff from the washing of toxic materials from paved or unpaved areas to the MS4; provided, however, that non-industrial and non-commercial activities which incidentally generate urban runoff, such as the hosing of driveways, and the non-commercial hand-washing of cars, shall be excluded from this prohibition;

6. To the maximum extent practicable, discharges to the MS4 from washing impervious surfaces in commercial areas which results in a discharge of untreated runoff to the MS4, unless specifically required by State's, or the City's, or Los Angeles County's health and safety codes, or permitted under a separate NPDES permit;

7. Discharges from the washing out of concrete trucks into the MS4;

8. Discharges to the MS4 of any pesticide, fungicide, or herbicide, banned by the USEPA or the California Department of Pesticide Regulation; or

9. The disposal of hazardous wastes into trash containers used for municipal trash disposal where such disposal causes or threatens to cause a direct or indirect discharge to the MS4.

E. Discharges in Violation of the Municipal NPDES Permit: Any discharge that would result in or contribute to a violation of the Municipal NPDES Permit, either separately or in combination with other discharges, is prohibited. Liability for any such discharge shall be the responsibility of the person(s) causing or responsible for the discharge, and such person(s) shall defend, indemnify and hold harmless the City from all losses, liabilities, claims, or causes of actions in any administrative or judicial action relating to such discharge.

3-11-7: EXEMPTED DISCHARGES, CONDITIONALLY EXEMPTED DISCHARGES, OR DESIGNATED DISCHARGES: Discharges from those activities specifically identified in, or pursuant to, Part 2, Section II.C of the Municipal NPDES Permit as being Exempted Discharges, Conditionally Exempted Discharges, or Designated Discharges shall not be considered a violation of this Chapter, provided that any applicable BMP's developed pursuant to the Municipal NPDES Permit are implemented to minimize any adverse impacts from such identified sources.

3-11-8: GOOD HOUSEKEEPING PROVISIONS: Owners and occupants of property within the City shall comply with the following requirements:

A. Septic Waste: No person shall leave, deposit, discharge, dump, or otherwise expose any chemical or septic waste to precipitation in an area where a discharge to streets or the MS4 may or does occur.

B. Use of Water: Runoff of water used for irrigation

purposes shall be minimized to the maximum extent practicable. Runoff of water from the permitted washing down of paved areas shall be minimized to the maximum extent practicable.

- C. Storage of materials, machinery, and equipment: Machinery or equipment that is to be repaired or maintained in areas susceptible to or exposed to storm water, shall be placed in a manner so that leaks, spills and other maintenance-related pollutants are not discharged to the MS4.
- D. Removal and disposal of debris from commercial and institutional motor vehicle parking lots: Commercial and institutional motor vehicle parking lots with more than twenty-five (25) parking spaces that are located in areas potentially exposed to storm water shall be swept regularly or other equally effective measures shall be utilized to remove debris from such parking lots.
- E. Food Wastes: Food wastes generated by non-residential food service and food distribution sources shall be properly disposed of and in a manner so such wastes are not discharged to the Municipal Separate Storm Sewer System.
- F. Best Management Practices: Best Management Practices shall be used in areas exposed to storm water for the removal and lawful disposal of all fuels, chemicals, fuel and chemical wastes, animal wastes, garbage, batteries, or other materials which have potential adverse impacts on water quality.

3-11-9: REQUIREMENTS FOR COMMERCIAL AND CONSTRUCTION ACTIVITIES: Each commercial discharger, discharger associated with construction activity, or other discharger described in any general storm water permit addressing such discharges as may be issued by the U.S. Environmental Protection Agency, the State Water Resources Control Board, or the Regional Board shall comply with all requirements of such permit. Each discharger identified in an individual NPDES Permit shall comply with and undertake all activities required by such permit. Proof of compliance with any such permit may be required in a form acceptable to the Authorized Enforcement Officer prior to the issuance of any grading, building or occupancy permits, or any other type of permit or license issued by the City.

3-11-10: ENFORCEMENT:

- A. Violations Deemed a Public Nuisance:

1. Any condition caused or permitted to exist in violation of any of the provisions of this Chapter is hereby determined to be a threat to the public health, safety and welfare, is declared and deemed a public nuisance, and may be abated or restored by any authorized enforcement officer, and a civil or criminal action to abate, enjoin or otherwise compel the cessation of such nuisance may be brought by the City Attorney.

2. The cost of such abatement and restoration shall be borne by the owner of the property and the cost thereof shall be invoiced to the owner of the property, as provided by law or ordinance for the recovery of nuisance abatement costs.

3. If any violation of this Chapter constitutes a seasonal and recurrent nuisance, the Authorized Enforcement Officer shall so declare. The failure of any person to take appropriate annual precautions to prevent storm water pollution after written notice of a determination under this paragraph shall constitute a public nuisance and a violation of this Chapter.

B. Concealment: Causing, permitting, aiding, abetting, or concealing a violation of any provision of this Chapter shall constitute a violation of such provision.

C. Civil Actions: In addition to any other remedies provided in this section, any violation of this Chapter may be enforced by civil action brought by the City. In any such action, the City may seek, as appropriate, any or all of the following remedies:

1. A temporary and/or permanent injunction.

2. Assessment of the violator for the costs of any investigation, inspection, or monitoring survey which led to the establishment of the violation, and for the reasonable costs of preparing and bringing legal action under this subsection.

3. Costs incurred in removing, correcting, or terminating the adverse effects resulting from violation.

4. Compensatory damages for loss or destruction to water quality, wildlife, fish and aquatic life.

D. Administrative Enforcement Powers: In addition to the other enforcement powers and remedies established by this Chapter, the authorized enforcement officer has the authority to utilize the following administrative remedies:

1. Cease and Desist Orders: When an authorized enforcement

officer finds that a discharge has taken place or is likely to take place in violation of this Chapter, the officer may issue an order to cease and desist such discharge, or practice, or operation likely to cause such discharge and direct that those persons not complying shall: (i) comply with the requirement, (ii) comply with a time schedule for compliance, and (iii) take appropriate remedial or preventive action to prevent the violation from recurring.

2. Notice to Clean: Whenever an authorized enforcement officer finds any oil, earth, debris, grass, weeds, dead trees, tin cans, rubbish, refuse, waste or any other material of any kind, in or upon the roadway or trail abutting or adjoining any parcel of land, or upon any parcel of land or grounds, which may result in pollutants entering the Municipal Separate Storm Sewer System or a non-storm water discharge to the MS4, he or she may give notice to the owner or occupant of the adjacent property to remove such oil, earth, debris, grass, weeds, dead trees, tin cans, rubbish, refuse, waste or other material, in any manner that he or she may reasonably provide. The recipient of such notice shall undertake the activities as described in the notice.

E. Penalties: Violation of this Chapter shall be punishable as a misdemeanor, punishable as set forth in Section 1-5-1(A) of this Code. Each day that a violation continues shall constitute a separate offense.

F. Permit Revocation: To the extent the City makes a provision of this Chapter or any identified BMP a condition of approval to the issuance of a permit or license, any person in violation of such condition is subject to the permit revocation procedures set forth in this Code.

G. Remedies: Remedies specified in this Chapter are in addition to and do not supersede or limit any and all other remedies, civil or criminal. The remedies provided for herein shall be cumulative and not exclusive.

3-11-11: NO TAKING: The provisions of this Chapter shall not be construed or operate to deprive any property owner of substantially all of the market value of such owner's property or otherwise constitute an unconstitutional taking without compensation. (Ord. 272, 5-8-95; Ord. 279, 11-25-96)