

INTRODUCED BY COUNCILMEMBER _____

APPROVED AS TO FORM AND LEGALITY

FILED
OFFICE OF THE CITY CLERK
OAKLAND

Patrick Tan
City Attorney

OAKLAND CITY COUNCIL

2008 DEC 22 AM 11:21

ORDINANCE NO. 12916 - C.M.S.

ORDINANCE AMENDING TITLE 13 OF THE OAKLAND MUNICIPAL CODE ADDING SECTION 13.14 TO ESTABLISH STORM DRAINAGE DESIGN STANDARDS

WHEREAS, the Oakland Municipal Code does currently regulate stormwater quality under the City's National Pollutant Discharge Elimination System Clean Water Permit (NPDES permit); and

WHEREAS, the Oakland Municipal Code does not currently provide non-NPDES permit related design guidelines and standards for constructing or improving storm drainage facilities; and

WHEREAS, it is in the interest of the City to establish and provide clear design criteria, guidelines and standards for storm drainage projects; and

WHEREAS, it is in the interest of the City to establish responsibilities for development and implementation of Storm Drainage Design Standards and enforce them as part of the Oakland Municipal Code; and

WHEREAS, the City Council finds and determines that the adoption of this Ordinance is exempt from CEQA under sections 150308, 15332 and 15378(b)(5) of the State CEQA Guidelines; now, therefore

THE COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:

Section 1. Chapter 13 of the Oakland Municipal Code is amended to add Section 13.14. The added Section shall now read as follows:

Chapter 13.14 STORM DRAINAGE STANDARDS.

13.14.010 Definitions

13.14.020 Purpose

13.14.030 Responsibility

13.14.040 Construction and Application

13.14.050 Severability

13.14.060 Effective Date

Chapter 13.14.010 Definitions.

“City” means the City of Oakland.

“City Storm Drain System” means and includes, but is not limited to, those structures within the City right-of-way or easement by which stormwater may be stored or conveyed to receiving waters including any private storm drain system, roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels or storm drains, which does not convey water to a Publicly owned treatment works (POTW) as defined by 40 CFR Section 122.2.

“Engineer” means the professional civil engineer, licensed to practice engineering by the State of California, designated by the City Administrator to manage the City’s Storm Drain System.

“Private Storm Drainage Facility” means any pipe, conduit, channel, or structure, not maintained by the City, used to store or carry stormwater.

“Public Storm Drainage Facility” means any pipe, conduit, channel, or structure, maintained by the City, used to store or carry stormwater.

“Stormwater” means water or rain runoff, snow melt runoff and surface runoff and drainage.

Chapter 13.14.020 Purpose.

The purpose of this chapter is to provide standards for the design of the City Storm Drain System.

Chapter 13.14.030 Responsibilities.

The Engineer shall be responsible for developing, enforcing and making available to the public through the City website and upon request, the standards for the design and construction of public and private storm drainage facilities and for updating the standards from time to time. Such standards shall fully comply with stormwater quality regulations and shall apply to all storm drainage facilities regardless of whether they are public storm drainage facilities or private storm drainage facilities.

The Director of Public Works shall be responsible for operation and maintenance of Public Storm Drainage Facilities.

Chapter 13.14.040 Construction and application.

This section shall be construed as consistent with the requirements of the Federal Clean Water Act and acts amendatory thereof or supplementary thereto, applicable implementing regulations, and National Pollutant Discharge Elimination System Permit No. CA0029831 and any amendment, revision or reissuance thereof. If there is any inconsistency between this section and any other ordinance or regulation of the city, the more stringent provisions shall apply.

Chapter 13.14.050 Severability.

If any article, section, subsection, clause or phrase of this ordinance is held to be invalid or unconstitutional, the offending portion shall be severed and shall not affect the validity of remaining portions which shall remain in full force and effect.

Chapter 13.14.060 Effective Date.

This ordinance shall become effective immediately on final adoption if it receives six or more affirmative votes; otherwise it shall become effective upon the seventh day after final adoption.

IN COUNCIL, OAKLAND, CALIFORNIA, FEB 17 2009, 2009

PASSED BY THE FOLLOWING VOTE:

AYES – BROOKS, BRUNNER, KAPLAN, KERNIGHAN, NADEL, QUAN, REID, AND ~~PRESIDENT~~ DE LA FUENTE - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST: 

LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California

DATE OF ATTESTATION: 2/23/09

Introduction Date: FEB 3 2009