

***DIVISION 2. PROHIBITED DISCHARGE STANDARDS.***

**Sec. 18-84. Discharge prohibited to stormwater system.**

Any discharge into the stormwater system in violation of any federal, state, county, municipal or other law, rule, regulation or permit is prohibited and unlawful. It is also prohibited and unlawful for any person or facility to deposit any solids or discharge any liquid or gas that is not identified as acceptable stormwater or an identified allowable deposit or discharge directly or indirectly into the stormwater system. Such prohibited deposits and discharges are determined to be contaminants and or pollutants.

- (a) Solids: Solids are defined as materials and particulates suspended in or capable of being deposited in and or transported by stormwater. The allowable limits of solids occurring in stormwater are as found in the city's most recent Stormwater National Pollutant Discharge Elimination System (NPDES) permit.
- (b) Erosion control/construction sites: No property owner or other person shall allow through purpose or neglect, uncontrolled earthen exposure to deposit soil and related debris into any stormwater system.
- (c) Litter/trash/garbage: No person or facility may deposit any litter, trash, or garbage in any manner that will result in the material being transported by or obstructing a stormwater system.
- (d) Landscaping materials shall not be deposited in the storm system. All materials related to lawn and landscape maintenance capable of being transported by or obstructing a stormwater system must be controlled by the use of container and cover or compostable bag.
- (e) No person or facility shall allow through purpose or neglect the discharge of any volatile or organic solids, liquids, or gas into a stormwater system (i.e., benzene, motor oil, anti-freeze, soaps, chlorine, grease, etc.).
- (f) No sewage, industrial waste or other waste materials shall be discharged into the system. Animal feces must be disposed of in an appropriate manner.
- (g) Cooling and/or condensing water may only be discharged to the stormwater system if a NPDES permit is obtained from the FDEP.

(Ord. No. 2015-03, § 2, 2-17-15)

**Sec. 18-85. Exemptions.**

The following activities as defined in chapter 62-624.200, Florida Administrative Code, as amended, shall be exempt from the requirements of this division to the extent that these discharges meet state water quality standards:

- (a) Water line flushing;
- (b) Landscape irrigation;
- (c) Rising ground waters;
- (d) Uncontaminated ground water infiltration (as defined at 40 CFR 35.2005(20));
- (e) Uncontaminated pumped ground water;
- (f) Discharges from potable water sources;

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- (g) Irrigation water;
  - (h) Water from crawl space pumps;
  - (i) Footing drains;
  - (j) Lawn watering runoff;
  - (k) Water from individual residential car washing;
  - (l) Flows from riparian habitats and wetlands;
  - (m) Dechlorinated swimming pool discharges;
  - (n) Residual street wash water; and
  - (o) Discharges or flows from firefighting activities.

(Ord. No. 2015-03, § 2, 2-17-15)

### **Sec. 18-86. NPDES permits.**

- (a) Any person who holds a NPDES permit which provides for an authorized connection and/or authorized discharge to the city's system or regulated waters, shall provide a copy of such permit to the department of public services no later than sixty (60) calendar days after the effective date of this chapter or thirty (30) calendar days after the issuance of said permits.
- (b) Authorized discharges to the city's system shall be controlled so that they do not impair the operation of the city's system or contribute to the failure of the city's system to meet any applicable local, state, or federal law or regulation.
- (c) Authorized discharges to regulated waters shall be controlled so that they do not adversely impact the quality or beneficial uses of those waters or result in violation of any applicable local, state, or federal law or regulation.

(Ord. No. 2015-03, § 2, 2-17-15)

### **Sec. 18-87. Inspections.**

- (a) An authorized official shall be permitted to enter any building, structure, or property for the purpose of inspecting facilities or activities discharging or suspected of discharging to the system or regulated waters in order to enforce this division and to investigate potential violations of this division. All structures and processes that allow, contribute, or are exposed to stormwater discharges, and all records concerning them, shall be made accessible or available to authorized official for monitoring the quality of existing or potential stormwater discharges. Consent to such access shall be obtained from a person of suitable age and discretion therein or in control thereof. If such consent is refused, the city may seek enforcement pursuant to law.
- (b) Any authorized official may install and maintain such devices as are necessary to conduct sampling or monitoring of discharges to the separate storm sewer system. During any inspections made to enforce the provisions of this division, or regulations or permits issued under this article, any authorized official may take any samples deemed necessary.
- (c) The director may require any person engaging in any activity or owning any property, building or facility (including, but not limited to, a site of industrial activity) to undertake reasonable monitoring of any discharge(s) to the stormwater system and to furnish periodic reports.

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- (d) As part of the NPDES program, FDEP officials may also, at any given time, request permission to inspect any site or facility for NPDES compliance.
  - (e) The city may charge the applicable owner or person a reasonable fee for the cost of on-site inspection or re-inspection of stormwater, erosion, and sediment control plans associated BMPs if it is found applicant is in violation. The amount of the fee is established by resolution or ordinance.

(Ord. No. 2015-03, § 2, 2-17-15)

**Sec. 18-88. Discharges from commercial, industrial, or construction activities to the stormwater system or regulated waters.**

- (a) Stormwater from areas of any commercial, industrial, or construction activities shall be controlled, treated, and managed on-site using BMPs so as not to cause an illegal discharge to the city's system or regulated waters.
- (b) All erosion, pollutant, and sediment controls required by any applicable local, state, or federal permit, including elements of a stormwater pollution prevention plan required under a NPDES permit and the city's land development regulations, shall be properly implemented, installed, operated, and maintained so as to effectively prevent polluted stormwater discharges.
- (c) On-site disposal and temporary storage of construction-related materials and wastes at construction sites such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste shall be controlled through effective implementation of BMPs so as to effectively prevent mixing with stormwater, which may result in polluted stormwater discharges.
- (d) Authorized discharges to the city's system shall be controlled so that they do not impair the operation of the city's system or contribute to the failure of the city's system to meet any applicable local, state, or federal law or regulation.
- (e) Authorized discharges to regulated waters shall be controlled so that they do not adversely impact the quality or beneficial uses of those waters or result in violation of any applicable local, state, or federal law or regulation.

(Ord. No. 2015-03, § 2, 2-17-15)

**Sec. 18-89. Control of pollutant contributions from interconnected systems and privately-owned stormwater facilities.**

Stormwater flows from interconnected stormwater systems and privately-owned stormwater facilities shall be controlled so that they do not impair the operation of or contribute to the failure of the receiving stormwater system and privately-owned stormwater facilities to meet any applicable local, state, or federal law or regulation. Owners of an interconnected stormwater system and privately-owned stormwater facilities shall be responsible for the quality within their portion of the system and shall coordinate with the owners of the downstream (receiving) interconnected stormwater system.

(Ord. No. 2015-03, § 2, 2-17-15)

**Sec. 18-90. Reporting and correction of illegal connections and illegal discharges.**

- (a) Persons responsible for and/or currently operating known illegal connections or illegal discharges shall immediately initiate procedures to cease discharging and provide suitable containment facilities. Such

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procedures shall include a schedule for implementing proposed corrective measures that must be approved by the director or the director's designee.

- (b) The construction, use, maintenance, or continued existence of illegal connections to the city's system is prohibited. This prohibition includes illegal connections made prior to the effective date of this section, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection. Immediately upon discovery, persons currently operating an illegal connection shall initiate procedures to cease discharging, remove said illegal connection, and proceed in cleanup of any discharge.
- (c) As soon as a person responsible for and/or currently operating a commercial, industrial, or construction activity obtains information of a suspected and/or potential illegal discharge or illegal connection to the system or regulated waters from said activity, then all necessary actions shall be taken to locate the illegal discharge or illegal connection and, upon discovery, immediately initiate procedures to prevent and/or cease the illegal discharge and/or remove the illegal connection. Further, a schedule for implementing additional proposed corrective measures including authorized containment and cleanup of any discharge shall be submitted in writing to the public services department for approval prior to implementation. In the event of a discharge of a hazardous material said person shall immediately notify emergency response officials of the occurrence via emergency dispatch services (911).
- (d) The city may require, by written notice, that any owner and/or person engaged in any activity or owning or operating any facility that may cause or contribute to illegal connections or illegal discharges to the city's system or regulated waters to undertake at said owner's and/or person's expense such monitoring and analysis and furnish such reports to the city as deemed necessary to determine compliance with this section.
- (e) All owners and/or persons in violation of this division shall address such violations immediately. Violations shall be addressed as set forth in this division by providing a written response to the public services department, outlining the temporary and permanent measures that have or will be taken to correct the violation and a proposed schedule for completion of each of the corrective measures. Corrective actions are subject to the approval of the director.
- (f) Persons responsible for a discharge which adversely impacts the system or a regulated water shall be liable for all sampling and analytical costs incurred in monitoring the discharge; any city, county, state or federal fines imposed as a result of the discharge; and the cost of removing or properly treating the discharge for complete restoration of the quality the system and/or regulated waters.
- (g) If the owner and/or person responsible for a violation fail to take corrective action approved by the director, the city has the right to take remedial action as provided in this article. In addition to such remedies, the owner and/or person responsible for the illegal discharge or illegal connection shall reimburse all costs incurred by the city in taking such actions and satisfy all liens imposed for the remedial action.

(Ord. No. 2015-03, § 2, 2-17-15)

### **Sec. 18-91. Enforcement and penalties.**

- (a) This article may be enforced by any method prescribed by law, including injunctive relief and the provisions of F.S. Ch. 162, Florida Statutes. The director may issue an administrative order to any person to immediately cease any activity in violation of this article, any applicable law, regulation or permit.
- (b) If the owner fails to remedy the violation within the time allotted causing the city to perform or cause to be performed the work necessary to remedy the violation, the city shall bill the owner the city's cost of bringing the real property into compliance. The aforesaid costs shall include all costs to the city, including direct salary, salary overhead (fringe benefits), inspection costs, administration costs, billing costs and penalties. If the owner fails to pay this bill within thirty (30) days of mailing of said bill, the city shall then assess the total

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amount of costs against the real property improved. Said assessment shall constitute a lien as any special assessment on the property and shall bear the maximum interest rate as permitted by law. In the event that such lien is not paid, the city may enforce and collect such lien as the collection and enforcement of any special improvement liens as provided by this Code or the laws of Florida.

- (c) If a violation of this article is continued, each day of such violation shall constitute a separate offense.

(Ord. No. 2015-03, § 2, 2-17-15)

### **Sec. 18-92. Construction sites and construction activities.**

Construction sites and operations shall be required to maintain during and after all construction, development, excavation and/or alteration operations, structural and non-structural BMPs with the intent to reduce pollutants and sediment in stormwater runoff.

- (a) Construction and operations site plans and permits shall be required and reviewed by the city prior to the initiation of construction operations. Site plans shall include descriptions of structures, procedures, and or control measures designed to reduce and control sediment and pollutant loading either directly or indirectly to stormwater runoff.
- (b) Construction or construction operations over any existing or planned stormwater management system or any such operations causing interference with any stormwater management system shall not be permitted.
- (c) A schedule of inspections for monitoring shall be developed to be carried out during and after the construction and operation phases as conditions to the permit to determine and verify compliance with this section.

(Ord. No. 2015-03, § 2, 2-17-15)

### **Sec. 18-93. Industrial sites and industrial activities.**

Industrial sites and industrial activities determined by the city to contribute pollutant loadings to stormwater and/or the system shall be inspected and monitored by the city in order to verify compliance with this section.

- (a) It shall be unlawful to deposit, spill, dump, or introduce any significant material or pollutants that may contribute contamination to any surface area, stormwater, system, and/or stormwater runoff. It shall be unlawful to deposit, spill, dump or introduce:
  - (1) Substances that settle to form sludge deposits.
  - (2) Floatable or suspended substances such as debris, oil, scum, and other materials.
  - (3) Any significant substance, petroleum product, infectious matter, toxic or hazardous substance or hazardous material onto surface areas or to stormwater management systems.
  - (4) Industrial wastewater, domestic, cooling or any other wastewater into any area designated to carry stormwater without prior city approval.
- (b) Any site and or activity identified as contributing any significant material and or pollutants shall be required:
  - (1) To develop and initiate structural systems and or non-structural management practices designed to reduce and control the contribution or pollutants to stormwater, surface areas and/or to the system.
  - (2) To be inspected and monitored by the city in order to verify compliance with this section.

(Ord. No. 2015-03, § 2, 2-17-15)

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**Sec. 18-94. Site runoff control.**

Operations of any dump site shall be conducted to provide for collection, control and treatment of surface runoff and verification that no significant pollutant contribution to receiving waters shall occur upon discharge of said runoff.

(Ord. No. 2015-03, § 2, 2-17-15)

**Sec 18-95. Alterations or obstructions to stormwater management.**

Alterations or obstructions to any stormwater management system, including pump stations, sewer lines, structural controls, catch basins, culverts, wetlands or swales shall be prohibited without prior written approval of the city.

(Ord. No. 2015-03, § 2, 2-17-15)

**Sec. 18-96. Herbicide, pesticide, fertilizer applications.**

Companies involved in the application of herbicides, pesticides, fertilizers, or any regulated material shall be required to adhere to the city's fertilizer friendly use regulations ordinance with the intent of minimizing or preventing over application and spills and develop plans for spill response and spill control of said materials.

(Ord. No. 2015-03, § 2, 2-17-15)

**Sec. 18-97. Storage tanks.**

The discharge of hazardous and or significant materials from storage tank facilities to ground or surface waters, to surface areas, to ground waters during remediation activities, to stormwater runoff, and/or to any stormwater systems shall be prohibited.

(Ord. No. 2015-03, § 2, 2-17-15)

**Sec. 18-98. Backwash disposal.**

The disposal of filter backwash water to stormwater management systems shall be prohibited. Disposal of backwash shall provide for separation before final disposal to:

- (a) Irrigation of pervious surface areas where sufficient pervious area exists, remote from water supply wells, disposal systems, pits, and septic tanks.
- (b) Concentrate disposal deep injection well.
- (c) Sanitary sewers after prior written approval by the city.

(Ord. No. 2015-03, § 2, 2-17-15)

**Sec. 18-99. Litter, littering material.**

The accumulation, placing, sweeping, scattering, throwing, or dumping of litter, or littering material such as dead plants, yard clippings, stagnant water, rubbish, debris, trash, including any wrecked derelict or partially dismantled motor vehicle, trailer, boats, machinery, appliances, furniture or similar article, or any unsanitary,

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hazardous or significant material upon any surface area, stormwater system or water body within the city is hereby prohibited.

(Ord. No. 2015-03, § 2, 2-17-15)

#### **Sec. 18-100. Stormwater interagency agreements and stormwater programs.**

The city is authorized to develop interagency agreements and mutually compatible programs with the South Florida Water Management District, Florida Department of Transportation, all other local governmental agencies, and all private agencies; with the intent to control the contribution of pollutants within inter-system stormwater management system linkages; in order to develop mutually compatible stormwater management programs and systems; and, to develop and enforce stormwater management, inspections, and monitoring programs.

(Ord. No. 2015-03, § 2, 2-17-15)

#### **Sec. 18-101. Determination of compliance or non-compliance.**

The city shall be granted the authority to determine the compliance or non-compliance with this article based on investigation, surveillance, monitoring, sampling, testing, and or sound engineering and operational evaluations; and, as required in any applicable violation hearing or process.

(Ord. No. 2015-03, § 2, 2-17-15)

#### **Sec. 18-102. Effluent standards and water quality criteria.**

The city adopts the criteria set forth in section 62-302, Florida Administrative Code, "Surface Water Quality Standards", as amended from time to time, as the minimum surface water criteria and effluent standards for discharges to surface water.

(Ord. No. 2015-03, § 2, 2-17-15)

#### **Sec. 18-103. On site drainage.**

Prior to the issuance of a building permit for construction on property, a site drainage plan and drainage computations shall be submitted for approval by the director or designee. The drainage plan must indicate facilities which will totally contain on-site a three-year one-hour storm event and such facilities must be constructed prior to final inspection by the city. For zero lot line lots, a three-foot maintenance easement shall be provided on the non-zero side of each zero-lot-line lot to allow for maintenance of the adjoining property and whenever feasible on existing non-conforming lots as determined by the city engineer and the development review official.

(Ord. No. 2015-03, § 2, 2-17-15; Ord. No. 2020-20 , § 2(Exh. A), 2-16-21)