

Palm Beach County
National Pollutant Discharge
Elimination System
Municipal Separate Storm System
Permit No. FLS 000018

**FIRST ANNUAL REPORT
FEBRUARY 1997 TO JANUARY 1998**

Appendix Y
Town of Palm Beach

prepared by
Town of Palm Beach
as Co-Permittee

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EXHIBIT #2
Municipal Code of Ordinances
Article V - Stormwater Management
Article VI - Soil Erosion, Sediment Control, and Fugitive Dust
Article VII- Miscellaneous
and
Article VIII - Stormwater Control

**CODE OF ORDINANCES
TOWN OF PALM BEACH, FLORIDA**

**ARTICLE V - STORMWATER MANAGEMENT
ARTICLE VI - SOIL EROSION, SEDIMENT CONTROL, AND
FUGITIVE DUST
ARTICLE VII - MISCELLANEOUS
AND
ARTICLE VIII - STORMWATER CONTROL**

Distributed by: Public Works Department

ARTICLE V. STORMWATER MANAGEMENT

Sec. 11.5-61. Purpose and intent.

This article is intended to protect, maintain, and enhance both the immediate and the long-term health, safety and general welfare of the citizens of the Town of Palm Beach by protecting and maintaining the chemical, physical, and biological integrity of ground and surface waters through:

- (a) Preventing activities which adversely affect ground and surface waters;
- (b) Minimizing runoff pollution to ground and surface waters; and,
- (c) Minimizing erosion and sedimentation of receiving waters.
(Ord. No. 8-90, § 1, 4-11-90)

Sec. 11.5-62. General provisions.

In addition to meeting the requirements of this section, the design and performance of all stormwater management systems shall comply with applicable federal and state regulations and requirements of the South Florida Water Management District. In all cases, the strictest of the applicable standards shall apply.
(Ord. No. 8-90, § 1, 4-11-90)

Sec. 11.5-63. Exemptions.

The following development activities are exempt from the requirements of this article.

- (a) Any development within a subdivision if each of the following conditions have been met:
 - (1) Stormwater management provisions for the subdivision were previously approved and remain valid as part of final plat or development plan; and,
 - (2) The development is conducted in accordance with the stormwater management provisions submitted with the final plat or development plan.

- (b) Maintenance activity that does not change or affect the quality, rate, volume, or location of stormwater flows on the site or of stormwater runoff.
- (c) Action taken under emergency conditions to prevent imminent harm or danger to persons, or to protect property from imminent hazards, with approval from the town engineer. (Ord. No. 8-90, § 1, 4-11-90)

Sec. 11.5-64. Standards.

(a) The proposed development and development activity shall not violate the water quality standards as set forth in Chapter 17-3, Florida Administrative Code.

(b) The design and construction of the proposed stormwater management system will be reviewed to ensure that they do not violate guidelines incorporated in the Town of Palm Beach Public Works Department Engineering Standards, and will be certified as meeting the requirements of this Code by the town engineer.

(c) No surface water shall be channelled or directed into the sanitary sewer system.

(d) The proposed stormwater management system shall be compatible with the drainage systems or drainage ways on surrounding properties or streets.

(e) Stormwater systems shall be designed to meet the town's adopted level of service for drainage as follows:

- (1) Flooding will not occur during a one-year storm for systems served by pumping stations, or during a three-year storm for systems with gravity outfalls, and, the minor flooding associated with a five-year storm would be carried off within sixty (60) minutes.
- (2) Water quality will be protected by the retention of the first one (1) inch of rainfall prior to discharge into the town system, or the post development runoff does not exceed pre-development run-off, which is greater.

(f) All stormwater must run over permeable surfaces prior to discharge into the town drainage systems.

(g) All stormwater management systems shall use soil erosion control techniques during construction, as described in the soil erosion, sediment control, and fugitive dust ordinance in this chapter.

(h) In phased developments, the stormwater management system for each integrated stage of completion shall be capable of functioning independently.

(i) The characteristics of stormwater conveyed from the site should meet the public works department engineering standards, or approximate the rate, volume, quality, and timing that occurred on the site under conditions preceding the proposed development, whichever is more stringent.

(j) Methods to calculate runoff shall be calculated as shown in the public works department engineering standards. (Ord. No. 8-90, § 1, 4-11-90)

Sec. 11.5-65. Stormwater management plan.

A stormwater management plan shall be submitted with all applications for building permits or site plan approval, as applicable. The stormwater management plan shall contain sufficient information to allow the town engineer to determine whether the proposed development meets the requirements of this section.

(a) The following specific information shall be submitted:

- (1) Topographic map of the site clearly showing the location, identification, and elevation of bench marks. The contour interval of the topographic map shall not be greater than one (1) foot.
- (2) An overall project area map showing existing hydrography and runoff patterns, and the size, location, topography, and land use of any off-site areas that drain onto, through, or from the project area.
- (3) A map of vegetative cover if wetlands or other specially protected vegetation is present.
- (4) A map showing the locations of any soil borings or percolation tests. Percolation tests representative of design conditions shall be performed if the stormwater management system will use swales, percolation (re-

tention), or exfiltration (detention with filtration) designs.

- (5) Grading plans specifically describing the interface of the proposed development with abutting properties.
- (6) Paving, road, and building plan showing the location, dimensions, and specifications of roads and buildings (including ground or finished floor elevations).
- (7) An erosion and sedimentation control plan that describes the type and location of control measures, the stage of development at which they will be put into place or used, and maintenance provisions.
- (8) Any other requirements deemed by the town engineer to be necessary due to unique site or design conditions.
(Ord. No. 8-90, § 1, 4-11-90)

Sec. 11.5-66. Stormwater management system requirements.

A description of the proposed stormwater management system shall be provided to include the following information:

- (a) Channel, direction, flow rate, and volume of stormwater that will be conveyed from the site, with a comparison to natural or existing conditions.
- (b) Detention and retention areas, including plans for the discharge of contained waters, maintenance plans, and predictions of surface water quality changes.
- (c) Areas of the site to be used or reserved for percolation.
- (d) Location of all water bodies to be included in the surface water management system (natural and artificial) with details of hydrography, side slopes, depths, and water-surface elevations or hydrographs.
- (e) Any off-site rights-of-way required for the proper functioning of the system.
- (f) Drainage basin or watershed boundaries identifying locations of routes of off-site water onto, through, or around the project.
- (g) Rights-of-way and easements for the system, including locations and a statement of the nature of the reservation of

all areas to be reserved as part of the stormwater management system.

- (h) The entity or agency responsible for the operation of the stormwater management system. (Ord. No. 8-90, § 1, 4-11-90)

Sec. 11.5-67. Exemptions.

Single-family development of one-half (1/2) acre or less may be exempted from some requirements upon approval by the town public works department. (Ord. No. 8-90, § 1, 4-11-90)

Secs. 11.5-68—11.5-70. Reserved.

ARTICLE VI. SOIL EROSION, SEDIMENT CONTROL, AND FUGITIVE DUST

Sec. 11.5-71. Findings.

Land-disturbing activities can cause excessive runoff and accelerate the process of soil erosion, resulting in the damage and loss of natural resources, including the degradation of water quality.

In addition, emissions of particulate matter during construction and demolition, including but not limited to incidents caused by vehicular movement, transportation of materials, construction, alteration, demolition, or wrecking of buildings or structures, or the stockpiling of particulate substances, may trespass on neighboring properties, and degrade air quality.

The Town of Palm Beach hereby finds that:

- (a) Excessive quantities of soil may erode from areas undergoing development due to land-disturbing activity.
- (b) Soil erosion can result in the degradation of valuable shoreline resources, such as dunes and lagoonal shoreline communities.
- (c) Sediment from soil erosion can clog storm sewers and swales, and silt navigational channels.

- (d) Sediment and sediment-related pollutants degrade wetland systems, including Lake Worth, resulting in the destruction of aquatic life and degradation of water quality.
- (e) Airborne sediments can constitute a nuisance for adjacent property owners, and degrade the quality of the air. (Ord. No. 8-90, § 1, 4-11-90)

Sec. 11.5-72. Purpose.

The purpose of these regulations is to safeguard persons, protect property, prevent damage to the environment, and promote the public welfare by guiding, regulating, and controlling the design, construction, use, and maintenance of any development or other activity which disturbs or otherwise results in the movement on earth of land situated in the town. (Ord. No. 8-90, § 1, 4-11-90)

Sec. 11.5-73. Erosion control plan.

No person may engage in land-disturbing activity until a plan has been submitted for erosion and sediment control and the plan has been approved by the town. The following erosion control standards should be incorporated, as appropriate, into the erosion and sediment control plan. (Ord. No. 8-90, § 1, 4-11-90)

Sec. 11.5-74. Standards.

(a) No land-disturbing activity during periods of construction or improvement to land shall be permitted in proximity to wetlands or the shoreline of Lake Worth unless a twenty-five-foot buffer zone is provided along the margin of the watercourse.

(b) The angle for graded slopes and fills shall not be greater than the angle which can be retained by vegetative cover, or other adequate erosion-control, devices or structures (generally 4:1 or less). Slopes left exposed will, within ten (10) working days of completion of any phase of grading, be planted or otherwise provided with ground cover, devices, or structures sufficient to restrain erosion.

(c) Groundcover sufficient to restrain erosion must be planted or otherwise provided within ten (10) working days on portions of

cleared land upon which further construction activity is not being undertaken within thirty (30) days of clearing.

(d) Vegetative cover or other erosion control devices or structures used to meet these requirements shall be properly maintained during and after construction.

(e) Use temporary seeding or sodding, adequate covering, or chemical application, on exposed soils, including stockpiles of topsoil, sand, or other construction fill, where delays in construction of more than one (1) day are anticipated.

(Ord. No. 8-90, § 1, 4-11-90)

Sec. 11.5-75. Exemptions.

Minor land-disturbing activities, such as home gardens and individual home landscaping, repairs, maintenance work, and other related activities, provided such activities do not contribute to any on-site generated erosion, or degradation of lands or water beyond the boundaries of the property of the residence involved. (Ord. No. 8-90, § 1, 4-11-90)

Sec. 11.5-76. Violations.

In addition to other remedies for violation of this chapter, violation of this section shall constitute grounds for the issuance of a stop-work order by the building official in accordance with the provisions of the building code.

(Ord. No. 8-90, § 1, 4-11-90)

Secs. 11.5-77—11.5-80. Reserved.

ARTICLE VII. MISCELLANEOUS

Sec. 11.5-81. Priorities for shoreline land use.

(a) When reviewing applications for rezoning or amendments to the town's comprehensive plan, shoreline land use shall have the following priorities:

- (1) Water-dependent uses such as production or protection of fish, shellfish and wildlife; protection or conservation of

coastal and natural resources; recreation, public access, navigation and water dependent utilities; provided they have no significant adverse impact upon the land, waters or adjacent land uses.

- (2) Water-related or water-enhanced uses such as recreation and water-related utilities.
 - (3) Scenic waterfront communities.
 - (4) Uses which are not water-dependent or water-related which do not result in a diminution of coastal resources, and which are compatible with existing or committed uses in the town.
- (Ord. No. 8-90, § 1, 4-11-90)

Secs. 11.5-82—11.5-90. Reserved.

ARTICLE VIII. STORMWATER CONTROL

Sec. 11.5-91. Purpose and intent.

(a) *Title.* This article shall be known as the "Town of Palm Beach Stormwater Control Ordinance."

(b) *Purpose and intent.* The purpose of this article is to promote the health, safety and general welfare of the inhabitants of the town. This article is intended to comply with federal and state law and regulations regarding water quality.
(Ord. No. 12-93, § 1, 5-11-93)

Sec. 11.5-92. Definitions.

Authorized official means any employee or agent of the town authorized in writing by the director to administer or enforce the provisions of this article.

Director means the director of public works.

Discharge means any direct or indirect entry of any solid, liquid or gaseous matter.

Person means any natural individual, corporation, partnership, institution or other entity.

Stormwater means any stormwater runoff, and surface runoff and drainage.

Stormwater system means the system of conveyances used for collecting, storing, and transporting stormwater owned by the town, but not including any facilities intended to be used in accordance with applicable law for collecting and transporting sanitary or other wastewater.

(Ord. No. 12-93, § 2, 5-11-93)

Sec. 11.5-93. Illicit discharges.

(a) *Prohibitions.* Except as set forth under subsection (b) of this section or as in accordance with a valid NPDES permit, any discharge to the stormwater system that is not composed entirely of stormwater is prohibited. Further, any discharge to the stormwater system containing any sewage, industrial waste or other waste materials, or containing any materials in violation of federal, state, county, municipal or other laws, rules, regulations, orders or permits is prohibited.

(b) *Authorized exceptions.* Unless the director determines that it is not properly managed or otherwise is not acceptable, the following discharges are exempt from the general prohibitions set forth under subsection (a) of this section: Flows from fire fighting, water line flushing and other contributions from potable water sources, landscape irrigation and lawn watering, irrigation water, diverted stream flows, rising groundwaters, direct infiltration to the stormwater system, uncontaminated pumped groundwater, foundation and footing drains, water from crawl space pumps, air conditioning condensation, springs, individual residential car washings, flows from riparian habitats and wetlands, and de-chlorinated swimming pool contributions. Chlorinated swimming pools shall not be drained into the stormwater system with the following exceptions: (1) Discharges associated with backwashing filters when the backwash cycle generates less than one thousand (1,000) gallons; and (2) Chlorinated water overflowing from a pool associated with a storm event.

(c) *Illicit connections.* No person may maintain, use or establish any direct or indirect connection to the stormwater system that results in any discharge in violation of this ordinance. This

prohibition is retroactive and applies to connections made in the past, regardless of whether made under a permit, or other authorization, or whether permissible under the laws or practices applicable or prevailing at the time the connection was made.

(d) *Administrative order.* The director may issue an order to any person to immediately cease any discharge, or any connection to the stormwater system, determined by the director to be in violation of any provision of this article, or in violation of any regulation or permit issued hereunder.

(e) *NPDES permits.* Any person who holds a National Pollutant Discharge Elimination System (NPDES) permit shall provide a copy of such permit to the director no later than the later of sixty (60) calendar days after the effective date of this article, or sixty (60) calendar days after issuance.

(f) *Notification of spills.* As soon as any person has knowledge of any discharge to the stormwater system in violation of this article, such person shall immediately notify the director by telephoning (407-838-5440), and if such person is directly or indirectly responsible for such discharge, then such person shall also take immediate action to ensure the containment and clean up of such discharge and shall confirm such telephone notification in writing to the Director at Post Office Box 2029, Palm Beach, Florida 33480, within three (3) calendar days.

(Ord. No. 12-93, § 3, 5-11-93)

Sec. 11.5-94. Inspections and monitoring.

(a) *Authority for inspections.* Whenever necessary to make an inspection to enforce any of the provisions of this article, or regulation or permit issued hereunder, or whenever an authorized official has reasonable cause to believe there exists any condition constituting a violation of any of the provisions of this article, or regulation or permit issued hereunder, any authorized official may enter any property, building or facility at any reasonable time to inspect the same or to perform any duty related to the enforcement of the provisions of this article or any regulations or permits issued hereunder; provided that (a) if such property, building or facility is occupied, such authorized official shall first present proper credentials and request permission to enter, and (b) if such

property, building or facility is unoccupied, such authorized official shall make a reasonable effort to locate the owner or other person having charge or control of the property, building or facility, and shall request permission to enter. Any request for permission to enter made hereunder shall state that the owner or person in control has the right to refuse entry, and that in such event that entry is refused, the authorized official may enter to make inspection only upon issuance of a search warrant by a duly authorized magistrate. If the owner or person in control refuses permission to enter after such request has been made, the authorized official is hereby authorized to seek assistance from any court of competent jurisdiction in obtaining entry. Routine or area-wide inspections shall be based upon such reasonable selection processes as may be necessary to carry out the purposes of this article, including, but not limited to, random sampling and sampling in areas with evidence of stormwater contamination, nonstormwater discharges or similar factors.

(b) *Authority for monitoring and sampling.* Any authorized official may establish on any property such devices as are necessary to conduct sampling or metering of discharges to the stormwater system. During any inspections made to enforce the provisions of this article, or regulations or permits issued hereunder, any authorized official may take any samples deemed necessary.

(c) *Requirements for monitoring.* 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 such reasonable monitoring of any discharge(s) to the stormwater system and to furnish periodic reports.
(Ord. No. 12-93, § 4, 5-11-93)

Sec. 11.5-95. Enforcement.

(a) *Injunctive relief.* Any violation of any provision of this article, or of any regulation or order issued hereunder, shall be subject to injunctive relief if necessary to protect the public health, safety or general welfare.

(b) *Continuing violation.* A person shall be deemed guilty of a separate violation for each and every day during any continuing violation of any provision of this article, or of any regulation or permit issued hereunder.

(c) *Enforcement actions.* The director may take all actions necessary, including the issuance of notices and violations, the filing of court actions and/or referral of the matter to the local code enforcement board, to require and enforce compliance with the provisions of this article and with any regulation or permit issued hereunder.

(Ord. No. 12-93, § 5, 5-11-93)