

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA,  
ADOPTING PROVISIONS RELATING TO STORMWATER  
CONTROL.**

**WHEREAS**, the Federal Clean Water Act (33 U.S.C. 1251 et seq.), as implemented by regulations of the U. S. Environmental Protection Agency adopted November 16, 1990 (40 CFR Part 122), make necessary the adoption of local ordinance provisions relating to the Stormwater System; and

**WHEREAS**, the City of Riviera Beach is seeking to comply with all provisions of federal and state law; and

**WHEREAS**, the City Council of the City of Riviera Beach has conducted legally noticed public hearings and has provided all interested parties an opportunity to be heard on these ordinance provisions.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AS FOLLOWS:**

**Section 1.** That a new Chapter 32 is hereby created in the *City of Riviera Beach Code of Ordinances*, which shall read as follows:

**Chapter 32**

**ARTICLE 1.0 TITLE, PURPOSE AND DEFINITIONS**

This Ordinance shall be known as the City of Riviera Beach Stormwater Control Ordinance, and may be so cited.

**Section 1.1 Purpose and Intent**

The purpose of this ordinance is to promote the health, safety and general welfare of the inhabitants of the City of Riviera Beach. This ordinance is intended to comply with federal and state laws and regulations regarding water quality.

**Section 1.2 Definitions**

- a. *Administrator*: The City Manager or his designee.
- b. *Authorized Official*: Any employee or agent of the City of Riviera Beach authorized in writing by the Administrator to enforce the provisions of this ordinance.
- c. *Discharge*: Any direct or indirect entry of any solid, liquid or gaseous matter.
- d. *Person*: Any individual, corporation, partnership, institution, or other entity.
- e. *Site of Industrial Activity*: Any area or facility used for manufacturing, processing or raw materials storage, as defined under 40 CFR Section 122.26(a)(14) of regulations of the U. S. Environmental Protection Agency, as amended. ✓

f. *Stormwater*: Any stormwater runoff, and surface runoff and drainage.

g. *Stormwater System*: The system of conveyances used for collecting, storing, and transporting Stormwater in the City of Riviera Beach but not including any facilities intended to be used in accordance with applicable law for collecting and transporting sanitary or other wastewater.

## ARTICLE 2.0 INDUSTRIAL ACTIVITY

### ***Section 2.1 General Prohibitions***

Any discharge into the Stormwater System in violation of any federal, state, county, municipal, or other law, rule, regulation or permit is prohibited.

### ***Section 2.2 Specific Prohibitions***

By adoption of industrial activity stormwater regulations or by issuance of industrial activity stormwater permits, or both, the Administrator may impose reasonable limitations as to the quality of Stormwater discharged into the Stormwater System from Sites of Industrial Activity. The Administrator may designate the maximum level of pollutants that may be discharged into the system. This designation will be based on the requirements of the State and Federal Environmental Protection Agencies.

### ***Section 2.3 Administrative Orders***

The Administrator may issue an order to any Person to immediately cease any Discharge determined by the Administrator to be in violation of any provision of this ordinance, or in violation of any regulation or permit issued hereunder.

### ***Section 2.4 National Pollutant Discharge Elimination System (NPDES) Permits***

No person shall discharge Stormwater from any Site of Industrial Activity without an NPDES permit. Any Person who holds an NPDES permit shall provide a copy of such permit to the Administrator no later than sixty (60) days after the effective date of this ordinance or sixty (60) calendar days after issuance.

## ARTICLE 3.0 ILLICIT DISCHARGES

### ***Section 3.1 General Prohibitions***

Except as set forth under Section 3.3 of this ordinance or as in accordance with a valid NPDES permit, any Discharge to the Stormwater System that is not composed entirely of Stormwater is prohibited.

### ***Section 3.2 Specific Prohibitions***

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.

### ***Section 3.3 Authorized Exceptions***

Unless the Administrator determines that it is not properly managed or otherwise is not acceptable, the following Discharges are exempt from the general prohibition set forth under Section 3.1 of this ordinance: 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 dechlorinated swimming pool contributions.

### ***Section 3.4 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 laws or practices applicable or prevailing at the time the connection was made.

### ***Section 3.5 Administrative Order***

The Administrator may issue an Administrative Order to any Person to immediately cease any Discharge, or any connection to the Stormwater System, determined by the Administrator to be in violation of any provision of this ordinance, or in violation of any regulation or permit issued hereunder.

## **ARTICLE 4.0 SPILLS AND DUMPING**

### ***Section 4.1 General Prohibitions***

Except as set forth under Section 3.3 of this ordinance or as in accordance with a valid NPDES permit, any Discharge to the Stormwater System that is not composed entirely of Stormwater is prohibited.

### ***Section 4.2 Specific Prohibitions***

Any Discharge to the Stormwater System containing any sewage, industrial waster or other waste materials, or containing any materials in violation of federal, state, county, municipal, or other laws rules, regulations, order, or permits, is prohibited.

### ***Section 4.3 Notification of Spills***

As soon as any Person has knowledge of any Discharge to the Stormwater System in violation of this ordinance, such Person shall immediately notify the Administrator by telephoning (561) 845-4010, 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 Administrator at 600 West Blue Heron Boulevard, Riviera Beach, Florida 33404 within three calendar days.

### ***Section 4.4 Administrative Order***

The Administrator may issue an order to any Person to immediately cease any Discharge, or connection to the Stormwater System, determined by the Administrator to be in violation of any provision of this ordinance, or in violation of any regulation or permit issued hereunder.

## **ARTICLE 5.0 PROHIBITION OF ILLICIT CONNECTION**

### ***Section 5.0 Prohibition of Illicit Connection***

It shall be unlawful for any person to make any stormwater connection which shall be defined as a connection to a stormwater drainage system, i.e., swales, pipes, catch basins, etc. without first obtaining approval by the City of Riviera Beach, which shall not be given unless proof is shown that all federal, state, and local rules and regulations have been met for the system and the discharge quality.

## **ARTICLE 6.0 ENFORCEMENT AND PENALTIES**

### ***Section 6.1 Civil Penalties***

Any violation of any provision of this ordinance, or of any regulation or order issued hereunder, shall be subject to a civil penalty of \$500 per day for each violation.

### ***Section 6.2 Criminal Penalties***

Any intentional or willful violation of any provision of this ordinance, or of any regulation or order issued hereunder, shall be subject to a criminal penalty as set forth by the Environmental Protection Agency.

### ***Section 6.3 Injunctive Relief***

Any violation of any provision of this ordinance, 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.

***Section 6.4 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 ordinance, or of any regulation order, or permit issued hereunder.

***Section 6.5 Enforcement Actions***

The Administrator may take all actions necessary, including the issuance of notices of violation and the filing of court actions, to require and enforce compliance with the provisions of this ordinance and with any regulation or permit issued hereunder.

**ARTICLE 7.0 INSPECTIONS AND MONITORING**

***Section 7.1 Authority for Inspections***

Whenever necessary to make an inspection to enforce any of the provisions of this ordinance, 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 provision of this ordinance, 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 enforcement of the provisions of this ordinance 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 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 ordinance, including but not limited to random sampling and sampling in areas with evidence of stormwater contamination, non-stormwater discharges, or similar factors.

***Section 7.2 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 ordinance, or regulations or permits issued hereunder, any Authorized Official may take any samples deemed necessary.

***Section 7.3 Requirements for Monitoring***

The Administrator 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.

**Section 2.** It is the intention of the City Council and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the *City of Riviera Beach Code of Ordinances*, and the sections of this ordinance may be renumbered to accomplish such intentions.

**Section 3.** If any word, phrase, clause, subsection or section of this ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining portions of this ordinance.

**Section 4.** That all sections or parts of sections of the *City of Riviera Beach Code of Ordinances*, all ordinances or parts of ordinances, and all resolutions or parts of resolutions in conflict herewith, be and the same are hereby repealed to extent of such conflict.

**Section 5.** Specific authority is hereby granted to codify this ordinance.

**Section 6.** That this ordinance shall be in full force and effect immediately upon its final passage and adoption.

PASSED and APPROVED this 1ST day of OCTOBER 1997.

PASSED AND ADOPTED on second and final reading this 5TH day of  
NOVEMBER 1997.

APPROVED:

Clara K. Williams  
CLARA K. WILLIAMS, MAYOR

[MUNICIPAL SEAL]

Marge Confrey  
MARGE CONFREY, CHAIRPERSON

Lenora Hurley  
LENORA HURLEY, CHAIRPERSON PRO-TEM

Marilyn S. Moffitt  
MARILYN MOFFITT

ATTEST:

Carrie E. Ward  
CARRIE E. WARD, CMC/AEE  
CITY CLERK

Hyacintha "Cynthia" Becton  
CYNTHIA BECTON

William H. Burrs  
WILLIAM BURRS  
COUNCIL MEMBERS

|              | FIRST READING     |              | SECOND AND FINAL READING              |
|--------------|-------------------|--------------|---------------------------------------|
| MOTIONED BY: | <u>C. BECTON</u>  | MOTIONED BY: | <u>C. BECTON</u>                      |
| SECONDED BY: | <u>M. MOFFITT</u> | SECONDED BY: | <u>W. BURRS</u>                       |
| M. CONFREY   | <u>AYE</u>        | M. CONFREY   | <u>AYE</u>                            |
| L. HURLEY    | <u>AYE</u>        | L. HURLEY    | <u>AYE</u>                            |
| M. MOFFITT   | <u>AYE</u>        | M. MOFFITT   | <u>AYE</u>                            |
| C. BECTON    | <u>AYE</u>        | C. BECTON    | <u>AYE</u>                            |
| W. BURRS     | <u>AYE</u>        | W. BURRS     | <u>AYE</u><br><u>William H. Burrs</u> |



CERTIFICATION OF PUBLICATION

I hereby certify that notice of the proposed enactment of this ordinance was duly published in a newspaper of general circulation within the City of Riviera Beach as required by applicable Florida Statutes.

November 5, 1997  
Date

Carrie E. Ward  
Carrie E. Ward, CMC/AAE, City Clerk

REVIEWED AS TO LEGAL SUFFICIENCY  
[Signature]  
City Attorney  
City of Riviera Beach

Date \_\_\_\_\_

LJS/rmt/October 13, 1997

STATE OF FLORIDA  
COUNTY OF PALM BEACH  
CITY OF RIVIERA BEACH

SS.

I, CARRIE E. WARD, CMC/AAE, CITY CLERK OF  
THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY,  
FLORIDA, DO HEREBY CERTIFY THAT THIS IS A TRUE  
AND CORRECT COPY OF Ordinance No. 2763

AS SHOWN IN THE RECORDS OF THE CITY ON FILE IN  
THE OFFICE OF THE CITY CLERK.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET  
MY HAND AND AFFIXED THE SEAL OF THE CITY OF  
RIVIERA BEACH, FLORIDA, THIS 12 DAY OF  
November, 19 97.

(SEAL)

Carrie E. Ward  
CARRIE E. WARD, CMC/AAE