

## **ORDINANCE NO.**

### **AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF SOUTH BAY ADOPTING PROVISIONS RELATING TO USE OF THE STORMWATER SYSTEM.**

**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 is seeking to comply with all provisions of federal and state law; and

**WHEREAS;** the City Commission has conducted legally noticed public hearings and has provided all interested parties an opportunity to be heard on these ordinance provisions;

**NOW, THEREFORE, THE CITY COMMISSION OF THE CITY OF SOUTH BAY, FLORIDA DOES ORDAIN AS FOLLOWS:**

#### **Article 1.0 Title, Purpose and Definitions**

This ordinance shall be known as the "City of South Bay Initial 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 South Bay. This ordinance is intended to comply with federal and state law and regulations regarding water quality.

#### **Section 1.2 Definitions**

- (a) **Authorized Official:** any employee or agent of the City authorized in writing by the City Manager to administer or enforce the provisions of this ordinance.
- (b) **City Manager:** The South Bay City Manager
- (c) **Discharge:** any direct or indirect entry of any solid, liquid or gaseous matter
- (d) **Person:** any natural 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 owned by the City 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 City Manager may impose reasonable limitations as to the quality of Stormwater (including without limitation the designation of maximum levels of pollutants) Discharged into the Stormwater System from Sites of Industrial Activity. Any promulgation of such regulations and issuance of permits by the City Manager shall be in accordance with applicable law.

### **Section 2.3 Administrative Orders**

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

### **Section 2.4 NPDES Permits**

Any Person who holds a National Pollutant Discharge Elimination System (NPDES) permit shall provide a copy of such permit to the City Manager no later than the later of: sixty (60) calendar days after this 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 City Manager 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 condensaton, 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 permissable under laws or practices applicable or prevailing at the time the connection was made.

### **Section 3.5 Administrative Order**

The City Manager may issue an order to any Person to immediately cease any Discharge, or any connection to the Stormwater System, determined by the City Manager 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 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 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 City Manager by telephoning (407-996-6511), 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 City Manager at 335 S.W. 2nd Avenue, South Bay, Fl 33493 within three calendar days.

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

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

### **Article 5.0 ENFORCEMENT**

#### **Section 5.1 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 5.2 Continuing Violation**

A Person shall be deemed guilty of a separate violation for each and every day during any continuing violation of an provision of this ordinance, or of any regulation or permit issued hereunder.

#### **Section 5.3 Enforcement Actions**

The City Manager may take all actions necessary, including the issuance of notices of violation, 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 ordinance and with any regulation or permit issued hereunder.

Passed and Ordained This \_\_\_\_\_ day of \_\_\_\_\_, 1993.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Vice Mayor

\_\_\_\_\_  
Commissioner

Attest:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Commissioner

\_\_\_\_\_  
Commissioner