

ORDINANCE NO. 532

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF TEQUESTA, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 19 OF THE VILLAGE CODE OF ORDINANCES RELATING TO STORMWATER UTILITY SO AS TO PROVIDE A NEW ARTICLE RELATING TO STORMWATER CONTROL; PROVIDING FOR DEFINITIONS; PROVIDING FOR PROHIBITIONS; PROVIDING FOR EXEMPTIONS; PROVIDING FOR INSPECTIONS AND MONITORING; PROVIDING FOR ENFORCEMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

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 Par 122), makes necessary the adoption of local ordinance provisions relating to the Stormwater System; and

WHEREAS, the Village is seeking to comply with all provisions of federal and state law.

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF TEQUESTA, PALM BEACH COUNTY, FLORIDA, AS FOLLOWS:

Section 1. Chapter 19 of the Village Code of Ordinances relating to Stormwater Utility is hereby amended to include a new Article to read as follows:

**"Sec. 1. PURPOSE AND INTENT.**

(a) This ordinance shall be known as the "Village of Tequesta Stormwater Control Ordinance".

(b) Purpose and Intent. The purpose of this ordinance is to promote the health, safety and general welfare of the inhabitants of the Village of Tequesta. This ordinance is intended to comply with federal and state law and regulations regarding water quality.

**Sec. 2. DEFINITIONS.**

(a) *Authorized Official.* Any employee or agent of the Village authorized in writing by the Director to administer or enforce the provisions of this ordinance.

(b) *Director.* Any person so designated by the Stormwater Utility Board.

- (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 Village, but not including any facilities intended to be used in accordance with applicable law for collecting and transporting sanitary or other wastewater.

### **Sec. 3. ILLICIT DISCHARGES.**

- (a) *Prohibitions.* Except as set forth under Section 3(b) 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. 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 Section 3(a) 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 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 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 ordinance, 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 ordinance, 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 ordinance, such person shall immediately notify the Director by telephoning (561) 575-6200, 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 250 Tequesta Drive, Suite 300, Post Office Box 3273, Tequesta, Florida 33469-0273, within three (3) calendar days.

#### **Sec. 4. INSPECTIONS AND MONITORING.**

(a) **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 provisions 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 the 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 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 ordinance, including, but not limited to, random sampling and sampling in areas with evidence of stormwater contamination, non-stormwater 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 ordinance, 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.

## **Sec. 5. ENFORCEMENT.**

(a) 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.

(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 ordinance, 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 officer, to require and enforce compliance with the provisions of this ordinance and with any regulation or permit issued hereunder."

Section 2. Severability. If any provision of this Ordinance or the application thereof is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provisions or applications, and to this end, the provisions of this Ordinance are hereby declared severable.

Section 3. Repeal of Ordinances in Conflict. All other ordinances of the Village of Tequesta, Florida, or parts thereof which conflict with this or any part of this Ordinance are hereby repealed.

Section 4. Codification. This Ordinance shall be codified and made a part of the official Code of Ordinances of the Village of Tequesta.

Section 5. Effective Date. This Ordinance shall take effect immediately upon its passage and approval, as provided by law.

THE FOREGOING ORDINANCE was offered by Councilmember Mackail, who moved its adoption. The Ordinance was seconded by Councilmember Hansen and upon being put to a vote, the vote was as follows:

FOR ADOPTION

AGAINST ADOPTION

Alexander W. Cameron

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Joseph N. Capretta

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Carl C. Hansen

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Ron T. Mackail

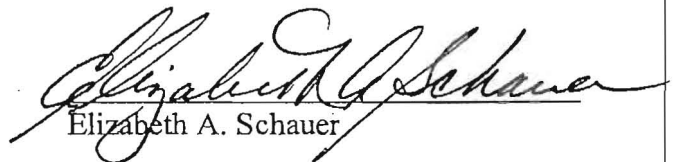
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Elizabeth A. Schauer

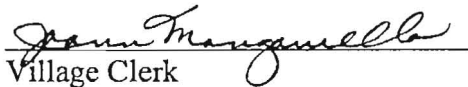
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The Mayor thereupon declared the Ordinance duly passed and adopted this 14th day of May, 1998.

MAYOR OF TEQUESTA

  
Elizabeth A. Schauer

ATTEST:

  
Village Clerk

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