



ANNUAL REPORT FORM FOR INDIVIDUAL NPDES PERMITS FOR MUNICIPAL SEPARATE STORM SEWER SYSTEMS (RULE 62-624.600(2), F.A.C.)

- This Annual Report Form must be completed and submitted to the Department to satisfy the annual reporting requirements established in Rule 62-621.600, F.A.C.
- Submit this fully completed and signed form and any REQUIRED attachments by mail to the address in the box at right.
- Refer to the Form Instructions for guidance on completing each section.
- Please print or type information in the appropriate areas below.

Submit the form and attachments to:
 Florida Department of Environmental Protection
 Mail Station 2500
 2600 Blair Stone Road
 Tallahassee, Florida 32399-2400

SECTION I. BACKGROUND INFORMATION

A.	Permittee Name: Town of Hypoluxo		
B.	Permit Name: Palm Beach County Municipal Separate Storm Sewer System		
C.	Permit Number: FLS000018-003 (Cycle 3)		
D.	Annual Report Year: ☐ Year 1 ☒ Year 2 ☐ Year 3 ☐ Year 4 ☐ Year 5 ☐ Other, specify Year:		
E.	Reporting Time Period (month/year): 10/01/ 2011 through 09/30 / 2012		
F.	Name of the Responsible Authority: Kenneth M. Schultz		
	Title: Mayor		
	Mailing Address: 7580 South Federal Highway		
	City: Hypoluxo	Zip Code: 33462	County: Palm Beach
	Telephone Number: (561) 582-0155		Fax Number: (561) 582-0703
	E-mail Address: kschultz@hypoluxo.org		
G.	Name of the Designated Stormwater Management Program Contact (if different from Section I.F above): Leonard G. Rubin		
	Title: Town Attorney		
	Department: Leonard G. Rubin, P.A.		
	Mailing Address: 701 Northpoint Parkway, Suite 209		
	City: West Palm Beach	Zip Code: 33407	County: Palm Beach
	Telephone Number: (561) 721-1683		Fax Number: (561) 686-8764
	E-mail Address: lgrubin@bellsouth.net		

SECTION II. MS4 MAJOR OUTFALL INVENTORY (Not Applicable In Year 1)

A.	Number of outfalls ADDED to the outfall inventory in the current reporting year (insert "0" if none): 0 (Does this number include non-major outfalls? ☐ Yes ☐ No ☒ Not Applicable)
B.	Number of outfalls REMOVED from the outfall inventory in the current reporting year (insert "0" if none): 0 (Does this number include non-major outfalls? ☐ Yes ☐ No ☒ Not Applicable)
C.	Is the change in the total number of outfalls due to lands annexed or vacated? ☐ Yes ☐ No ☒ Not Applicable

SECTION III. MONITORING PROGRAM

Provide a brief statement as to the status of monitoring plan implementation:

A. *The monitoring plan is carried out as a joint effort by the Palm Beach County Co-permittees. Please see the Palm Beach County Joint Annual Report for the monitoring information.*

Provide a brief discussion of the monitoring results to date:

B. *Please see the Palm Beach County Joint Annual Report for the monitoring information. See Part V of the permit for the monitoring requirements.*

C. *Attach a monitoring data summary, as required by the permit. See Joint Annual Report – Palm Beach County MS4 Permit No. FLS000018-3 (Cycle 3)*

SECTION IV. FISCAL ANALYSIS

A. Total expenditures for the NPDES stormwater management program for the current reporting year: \$3,000
DEP Note: If program resources have decreased from the previous year, attach a discussion of the impacts on the implementation of the SWMP as per Part II.F of the permit.

B. Total budget for the NPDES stormwater management program for the subsequent reporting year: \$3,000

SECTION V. MATERIALS TO BE SUBMITTED WITH THIS ANNUAL REPORT FORM

Only the following materials are to be submitted to the Department along with this fully completed and signed Annual Report Form (check the appropriate box to indicate whether the item is attached or is not applicable):

Attached	N/A	
☐	☒	***DEP Note: Please complete Checklists A, B & C at the end of the tailored form.*** Any additional information required to be submitted in this current annual reporting year in accordance with Part III.A of your permit that is not otherwise included in Section VII below.
☒	☐	A monitoring data summary as directed in Section III.C above and in accordance with Rule 62-624.600(2)(c), F.A.C.
☐	☒	Year 1 ONLY: An inventory of all known major outfalls and a map depicting the location of the major outfalls (hard copy or CD-ROM) in accordance with Rule 62-624.600(2)(a), F.A.C.
☐	☒	Year 3 ONLY: The estimates of pollutant loadings and event mean concentrations for each major outfall or each major watershed in accordance with Rule 62-624.600(2)(b), F.A.C.
☐	☒	Year 4 ONLY: Permit re-application information in accordance with Rule 62-624.420(2), F.A.C.

DO NOT SUBMIT ANY OTHER MATERIALS

(such as records and logs of activities, monitoring raw data, public outreach materials, etc.)

SECTION VI. CERTIFICATION STATEMENT AND SIGNATURE

The Responsible Authority listed in Section I.F above must sign the following certification statement, as per Rule 62-620.305, F.A.C:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based upon my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Name of Responsible Authority (type or print): Kenneth M. Schultz

Title: Mayor

Signature: 

Date: 2/22/13

SECTION VII. STORMWATER MANAGEMENT PROGRAM (SWMP) SUMMARY TABLE

A.	B.	C.	D.	E.	F.
Permit Citation/ SWMP Element	Permit Requirement/Quantifiable SWMP Activity	Number of Activities Performed	Documentation / Record	Entity Performing the Activity	Comments
Part III.A.1	Structural Controls and Stormwater Collection Systems Operation				
	Maintain an up-to-date inventory of the structural controls and roadway stormwater collection structures operated by the permittee, including, at a minimum, all of the types of control structures listed in Table II.A.1.a of the permit. Report the current known inventory. <i>DEP Note: The permittee needs to "customize" this section by adding any structural controls to the list below that are part of the permittee's MS4 currently or are planned for the future. The permittee may remove any structural controls listed that it does not have currently or will likely not have during this permit cycle. Please see the attached description of each type of structure. In addition, the permittee may choose its own unit of measurement for each structural control to be consistent with the unit of measurement in the documentation. Unit options include: miles, linear feet, acres, etc.</i> Report the number of inspection and maintenance activities conducted for each type of structure included in Table II.A.1.a, and the percentage of the total inventory of each type of structure inspected and maintained. If the minimum inspection frequencies set forth in Table II.A.1.a were not met, provide as an attachment an explanation of why they were not and a description of the actions that will be taken to ensure that they will be met. <i>DEP Note: If the minimum inspection frequencies set forth in Table II.A.1.a of the permit were not met for one or more type of structure, the permittee must provide as an attachment an explanation of why they were not and a description of the actions that will be taken to ensure that they will be met. Please provide the title of the attached explanation in Column D and the name of the entity who finalized the explanation in Column E.</i>				
Type of Structure	Number of Activities Performed			Entity Performing the Activity	Comments
	Total Number of Structures	Number of Inspections	Percentage Inspected	Number of Maintenance Activities	Percentage Maintained
Grass treatment swales (miles)	1.5	2	100	26	100
Major stormwater outfalls	0	0	0	0	0
MS4 pipes / culverts (feet)	300	5	100	0	0
Inlets / catch basins / grates	4	5	100	0	0
ATTACH explanation if any of the minimum inspection frequencies in Table II.A.1.a were <u>not</u> met					

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	Year 1 ONLY: Attach a map of all known major outfalls as per Rule 62-624.600(2)(a), F.A.C.		Stormwater Drainage Map	Building Official	4 Minor Outfalls (no major outfalls)
Part III.A.2	Areas of New Development and Significant Redevelopment				
	Report the number of new development and significant redevelopment projects reviewed by the permittee for post-development stormwater considerations.				
	<u>DEP Note:</u> Please provide an explanation in Column F for any "0" reported in Column C. This provision <u>DOES NOT APPLY</u> to Indian Trail Improvement District (ITID), Northern Palm Beach County Improvement District (NPBCID), South Indian River Water Control District (SIRWCD), and FDOT. Number of new development / significant redevelopment projects reviewed	0	Site Plan Review	Building Official	No new development or redevelopment during permit period
	Provide in the Year 2 Annual Report the summary report of the review of local codes activity. Provide in the Year 4 Annual Report the follow-up report on plan implementation of modifying codes to allow low impact design BMPs.				
	<u>DEP Note:</u> Refer to Part III.A.2 of the permit for details regarding what the review entails, and what must be included in the summary report and follow-up report. Please provide the title of the attached report in Column D and the name of the entity who finalized the report in Column E. This provision <u>DOES NOT APPLY</u> to ITID, NPBCID, SIRWCD, and FDOT. Year 2 ONLY: Attach the summary report of the review activity Year 4 ONLY: Attach the follow-up report on plan implementation				N/A N/A
Part III.A.3	Roadways				
	Annually review (and revise, as needed) and implement the permittee's written procedures for the litter control program(s) for public streets, roads, and highways, including rights-of-way, employed within the permittee's jurisdictional area and properly dispose of collected material. Implement the program on a monthly, or on an as needed, basis. Report on the litter control program, including the frequency of litter collection, an estimate of the total number of road miles cleaned or amount of area covered by the activities, and an estimate of the quantity of litter collected.				
	<u>DEP Note:</u> Please provide an explanation in Column F for any "0" reported in Column C. In addition, the permittee may choose its own units of measurement for the reporting items. Unit options for the amount of litter include: bags, cubic yards, pounds, tons. Unit options for the amount of area covered by the activity include: square feet, linear feet, yards, miles, acres. If all litter collection is performed by staff or by contractors, but not by both, please remove the non-applicable reporting items. PERMITTEE Litter Control Program: Frequency of litter collection	Monthly	Inspection Form	Individual Property Owners/Residents	Property owners are responsible for trash removal in swales per Town Code
	PERMITTEE Litter Control Program: Estimated amount of area maintained (miles)	1.5	Town Map	Mayor/Building Official/Town Clerk	Inspection Form

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	Proactive Litter Inspections	5	Inspection Checklist	Mayor/Building Official/Town Clerk	
	Litter Found: Estimated amount (bags)	0	Inspection Checklist	Mayor/Building Official/Town Clerk	
	Notice of Violations (NOVs) issued	0	NOV Form	Town Clerk	No violations
	Fines issued	0	Same	Town Clerk	No fines issued
	Develop a description of the municipally-operated litter control program(s) for highways and streets, including rights-of-way, within each permittee's jurisdictional area. The description shall include a map identifying the highways and streets (including rights-of-way) and the total miles addressed under the litter control program, the frequency of litter collection activities, and the record keeping process that documents the implementation of the litter control program activities. Provide the description of the litter control program.				
	<u>DEP Note:</u> Please provide the title of the attachment in Column D and the name of the entity who finalized the attachment in Column E.				
	Year 1 ONLY: Attach description of the litter control program		SOP	Mayor/Building Official/Town Clerk	
	If an Adopt-A-Road or similar program is implemented, report the total number of road miles cleaned and an estimate of the quantity of litter collected.				
	<u>DEP Note:</u> The permittee may choose its own unit of measurement for the amount of litter collected. Unit options include: bags, cubic yards, pounds, tons. If an Adopt-A-Road or similar program is not implemented by the permittee, please note that in Column F but do not remove the Adopt-A-Road Program reporting items.				
	Adopt-A-Road Program: Total miles cleaned	0	N/A	N/A	No program needed
	Adopt-A-Road Program: Estimated amount of litter collected (cubic yards)	0	N/A	N/A	No program needed
	Report on the street sweeping program, including the frequency of the sweeping, total miles swept, an estimate of the quantity of sweepings collected, and the total nitrogen (TN) and total phosphorus (TP) loadings that were removed by the collection of sweepings. If no street sweeping program is implemented, provide the explanation of why not in the Year 1 Annual Report.				
	<u>DEP Note:</u> Please provide an explanation in Column F for any "0" reported in Column C. Also, the permittee may choose its own unit of measurement for the amount of sweeping material collected. Unit options include: cubic yards, pounds, tons.				
	<u>DEP Note:</u> If the permittee has curbs and gutters but no street sweeping program is implemented, the permittee must provide an explanation of why not in the Year 1 Annual Report. Refer to Part III.A.3 of the permit for the information that must be included in the explanation (including the alternate BMPs used or planned in lieu of street sweeping). Please provide the title of the attached explanation in Column D and the name of the entity who finalized the explanation in Column E.				
	Frequency of street sweeping	0	N/A	N/A	Roadway system within MS4 is entirely served by grass swales
	Annually review (and revise, as needed) and implement the permittee's written standard practices to reduce the pollutants in stormwater runoff from areas associated with road repair and maintenance, and from permittee-owned or operated equipment yards and maintenance shops that support road maintenance activities. Report the number of applicable facilities and the number of inspections conducted for each facility.				

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Permit Citation/ SWMP Element	Permit Requirement/Quantifiable SWMP Activity	Number of Activities Performed	Documentation / Record	Entity Performing the Activity	Comments
	DEP Note: The permittee needs to "customize" this section by listing the names of the applicable facilities in Column B and the number of inspections of each facility in Column C. Add more rows if necessary. If "0" is reported in Column C for the number of inspections conducted and the permittee has one or more applicable facilities, please provide an explanation in Column F for why no inspections were conducted. In addition, if the same facility is applicable under both Parts III.A.3 and III.A.5 of the permit, the same site inspection can count towards both inspection requirements as long as it covers the applicable waste area(s). Be sure to report the site inspection under both Parts III.A.3 and III.A.5.				
		Number of Inspections			
		0			No facilities
Part III.A.4	Flood Control Projects				
	Report the total number of flood control projects that were constructed by the permittee during the reporting period and the number of those projects that did NOT include stormwater treatment. The permittee shall provide a list of the projects where stormwater treatment was not included with an explanation for each of why it was not. Report on any stormwater retrofit planning activities and the associated implementation of retrofitting projects to reduce stormwater pollutant loads from existing drainage systems that do not have treatment BMPs. DEP Note: A "stormwater retrofit project" is one implemented primarily to provide stormwater treatment. DEP Note: The status of the flood control and retrofit projects should be reported as of the last day of the applicable reporting period. Therefore, there should be no duplication for those reported as planned, for those reported as under construction and for those reported as completed. DEP Note: If applicable, please provide the title of the attached list of flood control projects that did not include stormwater treatment in Column D and the name of the entity who finalized the list in Column E.				
	Flood control projects completed during the reporting period	0			Town essentially built out – no projects or retrofits planned
	Flood control projects completed during the reporting period that did not include stormwater treatment	0			N/A
	ATTACH a list of the flood control projects that did not include stormwater treatment and an explanation for each of why it was not				
	Stormwater retrofit projects planned during the reporting period	0			N/A
	Stormwater retrofit projects under construction during the reporting period	0			N/A
	Stormwater retrofit projects completed during the reporting period	0			N/A
Part III.A.5	Municipal Waste Treatment, Storage, and Disposal Facilities Not Covered by an NPDES Stormwater Permit				
	Annually review (and revise, as needed) and implement the permittee's written procedures for inspections and the implementation of measures to control discharges from the following facilities that are not otherwise covered by an NPDES stormwater permit: - Operating municipal landfills; - Municipal waste transfer stations;				

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	- Municipal waste fleet maintenance facilities; and - Any other municipal waste treatment, waste storage, and waste disposal facilities. Report the number of applicable facilities and the number of the inspections conducted for each facility. <i>DEP Note: The permittee needs to "customize" this section by listing the names of the applicable facilities in Column B and the number of inspections of each facility in Column C. Add more rows if necessary. If "0" is reported in Column C for the number of inspections conducted and the permittee has one or more applicable facilities, please provide an explanation in Column F for why no inspections were conducted. An applicable facility under Part III.A.5 includes, but is not limited to, those facilities/yards where street sweeping material and/or yard waste are temporary stockpiled, and where solid waste collection vehicles are parked and/or maintained. In addition, if the same facility is applicable under both Parts III.A.3 and III.A.5 of the permit, the same site inspection can count towards both inspection requirements as long as it covers the applicable waste area(s). Be sure to report the site inspection under both Parts III.A.3 and III.A.5.</i>	Number of Inspections 0			
Part III.A.6	Pesticides, Herbicides, and Fertilizer Application				No facilities
	Continue to require proper certification and licensing by the Florida Department of Agriculture and Consumer Services (FDACS) for all applicators contracted to apply pesticides, herbicides, or fertilizers on permittee-owned property, as well as any permittee personnel employed in the application of these products. Report the number of permittee personnel applicators and contracted commercial applicators of pesticides and herbicides who are FDACS certified / licensed. Report the number of permittee personnel and contractors who have been trained through the Green Industry BMP Program, and the number of contracted commercial applicators of fertilizer who are FDACS certified / licensed. <i>DEP Note: If "0" is reported in Column C for any of the reporting items, please include in Column F an explanation of why training was not provided to / obtained by personnel and contractors during the applicable reporting year, the most recent year that training / certification was previously provided / obtained, and the names of the personnel and contractors previously trained / certified.</i> PERSONNEL: Florida Department of Agriculture and Consumer Services (FDACS) certified applicators of pesticides and herbicides CONTRACTORS: FDACS certified / licensed applicators of pesticides and herbicides CONTRACTORS: FDACS certified / licensed applicators of fertilizer PERSONNEL: Green Industry BMP Program training completed CONTRACTORS: Green Industry BMP Program training completed Pursuant to SB 2080 (2009), all local governments are encouraged to adopt a Florida-friendly Landscaping Ordinance similar to the one set forth in the document "Florida-friendly Guidance Models for Ordinances, Covenants and Restrictions." If the broader Florida-friendly ordinance described above is not adopted, then all local governments within the watershed of a nutrient-impaired water body shall adopt the Department's Model Ordinance for Florida-Friendly Fertilizer Use on Urban Landscapes pursuant to SB 494 (2009) or an ordinance that includes all of the requirements set forth in the Model Ordinance. The ordinance shall be adopted within 24 months of the date of permit issuance. Provide a copy of the adopted ordinance with the subsequent Year 1 or Year 2 Annual Report.				
		0		Services contracted out	
		1	State license	Gonzalez Lawn and Landscape	
		0		Required by 2014	
		0		No fertilizers applied by Town personnel	
		0		N/A until 12/31/13	

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	<i>DEP Note: This provision DOES NOT APPLY to ITID, NPBCID, SIRWCD, and FDOT. For all other permittees, if this provision is not applicable because the permittee is not within the watershed of a nutrient-impaired water body, then please indicate that in Column F, but do not remove this reporting item.</i> <i>DEP Note: Please provide the title and citation of the ordinance in Column D, and the name of the entity who finalized the ordinance in Column E.</i>															
	Year 1 or Year 2 ONLY: Attach copy of adopted Florida-friendly ordinance During Year 1 of the permit, develop and implement a written public education and outreach program plan to encourage citizens to reduce their use of pesticides, herbicides, and fertilizers. Report on the public education and outreach activities that are performed or sponsored by the permittee within the permittee's jurisdiction to encourage citizens to reduce their use of pesticides, herbicides, and fertilizers, including the type and number of activities conducted, the type and number of materials distributed, the percentage of the population reached by the activities in total, and the number of Web site visits (if applicable). Activities performed under the Florida Yards and Neighborhoods (FYN) program should only be reported if the permittee is contributing funding towards the FYN staff and program within its jurisdiction. <i>DEP Note: The permittee should "customize" the list of public outreach activities by removing items or adding items to the list below as appropriate to their particular public outreach program. However, the reporting item of "Estimated percentage of the population reached by the activities in total" must remain unless the permittee chooses to reference the PBC Joint AR, as demonstrated in the first reporting item below. The permittee may add more specifics to the reporting items, such as the name of the brochure or newsletter distributed. If "0" is reported in Column C for all the reporting items, and the PBC Joint AR is not referenced, please include in Column F an explanation for why no outreach was performed.</i> <i>DEP Note: All the permittees may refer to the PBC Joint AR in place of reporting individual items as demonstrated in the row below. The permittees may remove all reporting items except the first reporting item if they include reference to the PBC Joint AR. However, a permittee can choose to also report any outreach activities it performs in addition to the joint effort – in such a case, please keep the reporting items that are applicable.</i> <i>DEP Note: Indicate under Column E "Entity Performing the Activity" if FYN or IFAS is performing any of the reported public education and outreach activities. In addition, please complete the following line:</i> FYN PROGRAM FUNDING: Permittee Provides Funding? ☐ Yes ☒ No Amount of Funding = \$			Copy of adopted Florida-Friendly Ordinance Attached												
	Public education and outreach program The public outreach and education plan is carried out as a joint effort by the Palm Beach County Co-permittees. Please see the Palm Beach County Joint Annual Report for the public education and outreach information. <table border="1"> <tr> <td>1</td> <td>Newsletter</td> <td>Town of Hypoluxo</td> <td>Mailed to residents</td> </tr> <tr> <td>2,000</td> <td>Newsletter</td> <td>Town of Hypoluxo</td> <td>Mailed to residents</td> </tr> <tr> <td>1</td> <td>Town Hall Display Rack</td> <td>Town Clerk</td> <td></td> </tr> </table> Newspapers & newsletters: Number of articles/notices published Newsletters: Number of newsletters distributed Public displays (e.g., kiosks, storyboards, posters, etc.) During Year 1 of the permit, develop and implement a written plan for the training of all permittee personnel-applicators and contracted applicators to emphasize the stormwater implications of pesticide, herbicide and fertilizer application. Follow-up training shall be provided annually. Training to obtain or maintain an FDACS certificate and/or license does not satisfy this requirement. Report the number of permittee personnel-applicators and contracted applicators who participated in training on the stormwater implications of pesticide, herbicide and fertilizer application (both in-house and outside training).	1	Newsletter	Town of Hypoluxo	Mailed to residents	2,000	Newsletter	Town of Hypoluxo	Mailed to residents	1	Town Hall Display Rack	Town Clerk				
1	Newsletter	Town of Hypoluxo	Mailed to residents													
2,000	Newsletter	Town of Hypoluxo	Mailed to residents													
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	DEP Note: This permit requirement has been removed from other Phase I MS4 permits that were reissued after the Palm Beach County MS4 permit since recent changes to the FDACS certification / licensing program have allowed it to adequately fulfill this requirement. Therefore, at this time, this permit requirement does not need to be implemented.												
Part III.A.7.a	Illicit Discharges and Improper Disposal — Inspections, Ordinances, and Enforcement Measures Where applicable, strengthen the legal authority to conduct inspections, conduct monitoring, control illicit discharges, illicit connections, illegal dumping and spills into the MS4 and to require compliance with conditions in ordinances, permits, contracts, and orders. Report amendments, as needed. DEP Note: If applicable, please provide the title of the attached report in Column D and the name of the entity who finalized the report in Column E. <table border="1"> <tr> <td>ATTACH a report on any amendments to the applicable legal authority</td> <td>Town Ordinance No. 155</td> <td>Town of Hypoluxo</td> <td>None needed</td> </tr> </table> Develop and implement the legal authorities necessary to conduct inspections, conduct monitoring, control illicit discharges, illicit connections, illegal dumping and spills into the MS4 and to require compliance with conditions in ordinances, permits, contracts, and orders. This includes the legal authority to take legal action to eliminate illicit discharges or connections. Perform an assessment of the non-stormwater discharges listed under Part II.A.7.a of this permit, as well as any other non-stormwater discharges, which will be allowed to be discharged to the MS4. Provide copies of the legal authorities that allow the permittee to control illicit discharges into the MS4 and to require compliance with stormwater BMPs in permits, contracts, and orders. DEP Note: Please provide the title of the attachment in Column D and the name of the entity who finalized the attachment in Column E. <table border="1"> <tr> <td>Year 1 ONLY: Attach copies of the applicable legal authorities</td> <td>Town Ordinance No. 155</td> <td>Town of Hypoluxo</td> <td>None needed</td> </tr> </table>					ATTACH a report on any amendments to the applicable legal authority	Town Ordinance No. 155	Town of Hypoluxo	None needed	Year 1 ONLY: Attach copies of the applicable legal authorities	Town Ordinance No. 155	Town of Hypoluxo	None needed
ATTACH a report on any amendments to the applicable legal authority	Town Ordinance No. 155	Town of Hypoluxo	None needed										
Year 1 ONLY: Attach copies of the applicable legal authorities	Town Ordinance No. 155	Town of Hypoluxo	None needed										
Part III.A.7.c	Illicit Discharges and Improper Disposal — Investigation of Suspected Illicit Discharges and/or Improper Disposal During Year 1 of the permit, develop and implement a written proactive inspection program plan for identifying and eliminating sources of illicit discharges, illicit connections, or dumping to the MS4. Report on the proactive inspection program, including the number of inspections conducted, the number of illicit activities found, and the number and type of enforcement actions taken. DEP Note: If "0" is reported in Column C for the first reporting item, please include an explanation in Column F for why no proactive inspections were performed. In addition, the permittee should re-word the "NOVs / warning letters / citations issued" reporting item to more accurately reflect its particular initial enforcement activity, if necessary. DEP Note: Proactive inspections may include, for example, suspect areas (e.g., industrial areas), commercial businesses (e.g., restaurants, car washes, service stations, laundries / dry cleaners, auto body shops, mobile carpet cleaners) or temporary activities (e.g., special events / fairs / circus) that would not otherwise be inspected during routine inspections and maintenance of the MS4, in association with high risk industrial facilities or construction sites, or in response to citizen or staff reports. DEP Note: Refer to Part III.A.7.c of the permit for what must be included in the written proactive inspection program plan. Please provide the title of the attached plan in Column D and the name of the entity who finalized the plan in Column E. Proactive inspections for suspected illicit discharges / connections / dumping <table border="1"> <tr> <td>3</td> <td>Inspection Form</td> <td>Mayor/Building Official/Town Clerk</td> </tr> </table>					3	Inspection Form	Mayor/Building Official/Town Clerk					
3	Inspection Form	Mayor/Building Official/Town Clerk											

Illicit discharges / connections / dumping found during a proactive inspection Notices of Violation (NOVs) / warning letters / citations issued for illicit discharges / connections / dumping found during a proactive inspection Fines issued for illicit discharges / connections / dumping found during a proactive inspection Year 1 ONLY: Attach the written proactive inspection program plan Annually review (and revise, as needed) and implement the permittee's written procedures to conduct reactive investigations to identify and eliminate the source(s) of illicit discharges, illicit connections or improper disposal to the MS4, based on reports received from permittee personnel, contractors, citizens, or other entities regarding suspected illicit activity. Report on the reactive investigation program as it relates to responding to reports of suspected illicit discharges, including the number of reports received, the number of investigations conducted, the number of illicit activities found, and the number and type of enforcement actions taken.	0			None found
	0			None issued
	0			No fines issued
<i>DEP Note: If the number of reports received differs from the number of reactive investigations, please provide an explanation for the discrepancy in Column F. In addition, the permittee should re-word the "NOVs / warning letters / citations issued" reporting item to more accurately reflect its particular initial enforcement activity, if necessary.</i>				
Reports of suspected illicit connections / discharges / dumping received Reactive investigations of reports of suspected illicit discharges / connections / dumping Illicit discharges / connections / dumping found during a reactive investigation Notices of Violation (NOVs) / warning letters / citations issued for illicit discharges / connections / dumping found during a reactive investigation Fines issued for illicit discharges / connections / dumping found during a reactive investigation Develop and implement a reactive investigation program to inspect and investigate suspected illicit discharges, including explicit written standard investigative procedures and designation of a single reporting point that maintains reports received from permittee personnel, contractors, citizens, or other entities of suspected illicit discharges/connections/dumping. Provide a description of the reactive investigation program.	0			None reported
	0			None
	0			None found
	0			None issued
	0			No fines issued
<i>DEP Note: Please provide the title of the attachment in Column D and the name of the entity who finalized the attachment in Column E.</i>				
Year 1 ONLY: Attach a description of the reactive investigation program During Year 1 of the permit, develop and implement a written plan for the training of all appropriate permittee personnel (including field crews, fleet maintenance staff, and inspectors) and contractors to identify and report conditions in the stormwater facilities that may indicate the presence of illicit discharges / connections / dumping to the MS4. Follow-up training shall be provided annually. Report the number and type of training activities, and the number of permittee personnel and contractors trained (both in-house and outside training). <i>DEP Note: If "0" is reported for either reporting item, please include in Column F an explanation of why training was not provided to / obtained by personnel and contractors during the applicable reporting year, the most recent year that training was previously provided / obtained, and the names of the personnel and contractors previously trained.</i>		SOP	Building Official/ Town Clerk	
Personnel trained Initial Training 1	Refresher Training 1			
		Municipal Stormwater Pollution Prevention Video – Rain Check	PBC Steering Committee	Town Building Official (City of Boynton Beach)

	Contractors trained	0	0		Municipal Stormwater Pollution Prevention Video – Rain Check	PBC Steering Committee	N/A
Part III.A.7.d	Illicit Discharges and Improper Disposal — Spill Prevention and Response						
	Annually review (and revise, as needed) and implement the permittee's written spill-prevention/spill-response plan and procedures to prevent, contain, and respond to spills that discharge into the MS4. Report on the spill prevention and response activities, including the number of spills addressed.						
	<i>DEP Note: The permittee may report the number of hazardous material spills separately from the number of non-hazardous material spills, or report one combined number, to more accurately reflect its tracking of these spills.</i>						
	Hazardous and non-hazardous material spills responded to	0			Confirmation e-mail from Boynton Beach	Boynton Beach Fire Department	None
	During Year 1 of the permit, develop and implement a written plan for the training of all appropriate permittee personnel (including field crews, firefighters, fleet maintenance staff and inspectors) and contractors on proper spill prevention, containment, and response techniques and procedures. Follow-up training shall be provided annually. Report the number and type of training activities, and the number of permittee personnel and contractors trained (both in-house and outside training).						
	<i>DEP Note: If "0" is reported for either reporting item, please include in Column F an explanation of why training was not provided to / obtained by personnel and contractors during the applicable reporting year, the most recent year that training was previously provided / obtained, and the names of the personnel and contractors previously trained.</i>						
	Personnel trained	Initial Training	Refresher Training		Municipal Stormwater Pollution Prevention Video – Rain Check	PBC Steering Committee	Town Building Official (City of Boynton Beach)
		1	1				
	Contractors trained	0	0		Municipal Stormwater Pollution Prevention Video – Rain Check	PBC Steering Committee	
Part III.A.7.e	Illicit Discharges and Improper Disposal — Public Reporting						
	During Year 1 of the permit, develop and implement a written public education and outreach program plan to promote, publicize, and facilitate public reporting of the presence of illicit discharges and improper disposal of materials into the MS4. Report on the public education and outreach activities that are performed or sponsored by the permittee within the permittee's jurisdiction to encourage the public reporting of suspected illicit discharges and improper disposal of materials, including the type and number of activities conducted, the type and number of materials distributed, the percentage of the population reached by the activities in total, and the number of Web site visits (if applicable).						
	<i>DEP Note: The permittee should "customize" the list of public outreach activities by removing items or adding items to the list below as appropriate to their particular public outreach program. However, the reporting item of "Estimated percentage of the population reached by the activities in total" must remain unless the permittee chooses to reference the PBC Joint AR, as demonstrated in the first reporting item below. The permittee may add more specifics to the reporting items, such as the name of the brochure or newsletter distributed. If "0" is reported in Column C for all the reporting items, and the PBC Joint AR is not referenced, please include in Column F an explanation for why no outreach was performed.</i>						
	<i>DEP Note: All the co-permittees may refer to the PBC Joint AR in place of reporting individual items as demonstrated in the first line below. The co-permittees may remove all the other reporting items except the first one if they include reference to the PBC Joint AR. However, a permittee can choose to also report any outreach activities it performs in addition to the joint effort – in such a case, please keep the reporting items that are applicable.</i>						

Part III.A.7.f	Public education and outreach program Estimated percentage of the population reached by the activities in total Newspapers & newsletters: Number of articles/notices published Newsletters: Number of newsletters distributed Public displays (e.g., kiosks, storyboards, posters, etc.)	The public outreach and education plan is carried out as a joint effort by the Palm Beach County Co-permittees. Please see the Palm Beach County Joint Annual Report for the public education and outreach information. <table border="1"> <tr> <td>100</td> <td>Newsletter</td> <td>Town of Hypoluxo</td> </tr> <tr> <td>2</td> <td>Newsletter</td> <td>Town of Hypoluxo</td> </tr> <tr> <td>2,000</td> <td>Newsletter</td> <td>Town of Hypoluxo</td> </tr> <tr> <td>1</td> <td>Town Hall Display Rack</td> <td>Town of Hypoluxo</td> </tr> </table>	100	Newsletter	Town of Hypoluxo	2	Newsletter	Town of Hypoluxo	2,000	Newsletter	Town of Hypoluxo	1	Town Hall Display Rack	Town of Hypoluxo
100	Newsletter	Town of Hypoluxo												
2	Newsletter	Town of Hypoluxo												
2,000	Newsletter	Town of Hypoluxo												
1	Town Hall Display Rack	Town of Hypoluxo												
Part III.A.7.g	Illicit Discharges and Improper Disposal — Oils, Toxics, and Household Hazardous Waste Control During Year 1 of the permit, develop and implement a written public education and outreach program plan to encourage the proper use and disposal of used motor vehicle fluids, leftover hazardous household products, and lead acid batteries. Report on the public education and outreach activities that are performed or sponsored by the permittee within the permittee's jurisdiction to encourage the proper use and disposal of oils, toxics, and household hazardous waste, including the type and number of activities conducted, the type and number of materials distributed, the amount of waste collected / recycled / properly disposed, the percentage of the population reached by the activities in total, and the number of Web site visits (if applicable). <i>DEP Note: The permittee should "customize" the list of public outreach activities by removing items or adding items to the list below as appropriate to their particular public outreach program. However, the reporting item of "Estimated percentage of the population reached by the activities in total" must remain unless the permittee chooses to reference the PBC Joint AR, as demonstrated in the first reporting item below. The permittee may add more specifics to the reporting items, such as the name of the brochure or newsletter distributed. If "0" is reported in Column C for all the reporting items, and the PBC Joint AR is not referenced, please include in Column F an explanation for why no outreach was performed.</i> <i>DEP Note: All the co-permittees may refer to the PBC Joint AR in place of reporting individual items as demonstrated in the first line below. The co-permittees may remove all the other reporting items if they include reference to the PBC Joint AR. However, a permittee can choose to also report any outreach activities it performs in addition to the joint effort – in such a case, please keep the reporting items that are applicable.</i> Public education and outreach program Estimated percentage of the population reached by the activities in total	The public outreach and education plan is carried out as a joint effort by the Palm Beach County Co-permittees. Please see the Palm Beach County Joint Annual Report for the public education and outreach information. <table border="1"> <tr> <td>100</td> <td>Palm Beach County Annual Report</td> <td>Palm Beach County SWA</td> </tr> </table>	100	Palm Beach County Annual Report	Palm Beach County SWA									
100	Palm Beach County Annual Report	Palm Beach County SWA												
Part III.A.7.g	Illicit Discharges and Improper Disposal — Limitation of Sanitary Sewer Seepage Annually review (and revise, as needed) and implement the permittee's written procedures to reduce or eliminate sanitary wastewater contamination into the MS4, including discharges to the MS4 from sanitary sewer overflows (SSOs) and from inflow / infiltration from collection / transmission systems and/or septic tank systems. Advise the appropriate utility owner of a violation if constituents common to wastewater contamination are discovered in the MS4. Report on the type and number of activities undertaken to reduce or eliminate SSOs and inflow / infiltration, the number of SSOs or inflow / infiltration incidents found and the number resolved, and the name of the owner of the sanitary sewer system within the permittee's jurisdiction. <i>DEP Note: The permittee needs to "customize" this section as it pertains to the type of activities undertaken to reduce or eliminate SSOs and inflow / infiltration into the MS4. The first three reporting items below are examples.</i> <i>DEP Note: The permittee should contact the appropriate authorities for accurate reporting information, such as the sanitary sewer system operator who is responsible for investigating and eliminating SSOs and the local health department who is responsible for permitting / overseeing septic tank systems.</i> <i>DEP Note: Report only the SSOs and inflow / infiltration incidents into the MS4.</i>													

	Activity to reduce/eliminate SSOs and inflow / infiltration: Repair / lining of sanitary sewer system	0 Sanitary sewers installed along Park Lane East approximately 4 years ago and sanitary sewers installed along Lucina Drive, Neptune Drive and Periwinkle Drive approximately 8 years ago
	Activity to reduce/eliminate SSOs and inflow / infiltration: Septic systems removed	0 N/A
	Activity to reduce/eliminate SSOs and inflow / infiltration: Emergency generator added	0 N/A
	SSO incidents discovered	0 Confirmation e-mail from City of Boynton Beach City of Boynton Beach
	SSO incidents resolved	0 N/A
	Inflow / infiltration incidents discovered	0 None discovered
	Inflow / infiltration incidents resolved	0 None discovered
	Name of owner of the sanitary sewer system	City of Boynton Beach
Part III.A.8.a	Industrial and High-Risk Runoff — Identification of Priorities and Procedures for Inspections Continue to maintain an up-to-date inventory of all existing high risk facilities discharging into the permittee's MS4. The inventory shall identify the outfall and surface water body into which each high risk facility discharges. For the purposes of this permit, high risk facilities include: • Operating municipal landfills; • Hazardous waste treatment, storage, disposal and recovery facilities; • Facilities that are subject to EPCRA Title III, Section 313 (also known as the Toxics Release Inventory (TRI) maintained by the U.S. EPA); and • Any other industrial or commercial discharge that the permittee determines is contributing a substantial pollutant loading to the permittee's MS4. This could include facilities identified through the proactive inspection program as per Part III.A.7.c of the permit. Report on the high risk facilities inventory, including the type and total number of high risk facilities and the number of facilities newly added each year. <i>DEP Note: The TRI is updated every spring / summer by the U.S. EPA at www.epa.gov/triexplorer. Select "Facility" on the left, chose your Geographic Location, and then select "Generate Report." Please indicate in Column F when (month / year) you last checked EPA's TRI for applicable facilities.</i> <i>DEP Note: The total number of high risk facilities reported needs to equal the sum of the numbers of the four types of applicable facilities.</i> During Year 1 of the permit, develop and implement a written plan for conducting inspections of high risk facilities to determine compliance with all appropriate aspects of the stormwater program. While the permittee may determine the order and frequency of the inspections, the permittee shall inspect each identified facility at least once during the permit term; however, facilities identified as high risk due to the findings of the proactive inspection program as per Part III.A.7.c of the permit shall be inspected annually. Report on the high risk facilities inspection program, including the number of inspections conducted and the number and type of enforcement actions taken.	0 Sanitary sewers installed along Park Lane East approximately 4 years ago and sanitary sewers installed along Lucina Drive, Neptune Drive and Periwinkle Drive approximately 8 years ago

	Number of Facilities	Number of Inspections	For violations discovered during a high risk inspection					
			Fines issued	Notices of Violation (NOVs) / warning letters / citations issued				
Total high risk facilities	0						No facilities – all properties within MS4 are residential	
New high risk facilities added to the inventory during the current reporting period	0						No new high risk facilities	
Operating municipal landfills	0						No landfills	
Hazardous waste treatment, storage, disposal and recovery (HWTSDR) facilities	0						No hazardous waste facilities	
EPCRA Title III, Section 313 facilities (that are not landfills or HWTSDR facilities)	0						No EPCRA facilities	
Facilities determined as high risk by the permittee through the proactive inspections as per Part III.A.7.c	0						No facilities	
Other facilities determined as high risk by the permittee (that are <u>not</u> facilities identified through the proactive inspections)	0						No other high risk facilities	

Sampling of the discharge to the stormwater system may be required on an as-needed basis in the event that inspections of high-risk facilities disclose suspected illicit discharges to the MS4. New high-risk industrial facilities as defined in 40 CFR 122.26(d)(2)(iv)(C) must be evaluated to determine if the new discharge is contributing a substantial pollutant load to the MS4. The evaluation may include site-specific monitoring. Report the number of high-risk facilities inspected, the number of facilities inspected that have a new discharge, and the number of facilities inspected that have a new discharge contributing a substantial pollutant load to the MS4.

2018-2019 One Spawning Monitoring: Report are number of high risk facilities sampled.		
High risk facilities sampled	0	No high risk facilities

Continue to implement the local codes or land development regulations and the written pre-construction site plan review procedures that require the use and maintenance of appropriate structural and non-structural erosion and sedimentation controls during construction to reduce the discharge of pollutants to the MS4. Report the number of permittee and private pre-construction site plans reviewed for stormwater, erosion, and sedimentation controls, and the number approved

DEP Note: Please provide an explanation in Column F for any "0" reported in Column C.

PERMITTEE SITES: Construction site plans reviewed				No construction site plans reviewed during
		0		

PERMITTEE SITES: Construction site plans approved	0	permit period
		N/A

	PRIVATE SITES: Construction site plans reviewed PRIVATE SITES: Construction site plans approved				0 0			No private construction site plan reviewed N/A
	Annually review (and revise, as needed) and implement the permittee's written procedures to notify all new development / redevelopment permit applicants of the need to obtain all required stormwater permits. Report the number of new development/redevelopment permit applicants notified of the ERP and CGP, and the number of applicants who confirmed ERP and CGP coverage. <i>DEP Note: Please provide an explanation in Column F for any "0" reported in Column C. If the number of applicants notified of ERP or CGP coverage is less than the number of construction site plans reviewed, please provide an explanation for the discrepancy in Column F.</i>							
	Notified of ERP stormwater permit requirements Confirmed ERP coverage Notified of CGP stormwater permit requirements Confirmed CGP coverage				0 0 0 0			No new development or redevelopment applied for during permit period N/A No new development or redevelopment applied for during permit period N/A
	Develop and implement written procedures for a pre-construction site plan review program that allows the permittee to require construction site planning and review prior to permitting, and require the use of stormwater, erosion, and sedimentation control BMPs during construction to reduce pollutants to the MS4 and receiving waters. Include procedures to notify all new development/ redevelopment permit applicants of the need to obtain all required stormwater permits. Ensure that the ERP and the CGP have been obtained, as applicable, prior to issuing any local grading or clearing permits or approvals. Develop and implement an inspection program for construction sites to verify and maintain compliance with local stormwater ordinances and codes following the requirements specified in Part III.A.9.b below for all other permittees. Provide copies of the legal authorities and a detailed description of the program for: construction site plan review, inspection of active construction sites; and training to certify municipal inspectors in stormwater, sedimentation, and erosion control. <i>DEP Note: Please provide the title of the attachment in Column D and the name of the entity who finalized the attachment in Column E.</i> Year 1 ONLY: Attach copies of the applicable legal authorities and a description of the program							
Part III.A.9.b	Construction Site Runoff — Inspection and Enforcement					Land Development Regulations	Town of Hypoluxo	Town Ordinance 192
	As an attachment to the Year 1 Annual Report, the permittee shall submit a written plan that details the standard operating procedures for implementation of the stormwater, erosion and sedimentation inspection program for construction sites discharging stormwater to the MS4. The permittee shall implement the plan for inspecting construction sites immediately upon written approval by the Department. Prior to Department approval, the permittee shall continue to perform inspections in accordance with its previously developed construction site inspection procedures. Report on the inspection program for privately-operated and permittee-operated construction sites, including the number of active construction sites during the reporting year, the number of inspections of active construction sites, the percentage of active construction sites inspected, and the number and type of enforcement actions / referrals taken. <i>DEP Note: If "0" is reported in Column C for the number of inspections conducted, please provide an explanation in Column F of why no inspections were conducted. If the number of inspections reported is equal to or less than the number of active construction sites, or the percentage inspected is less than 100%, please provide an explanation in Column F. In addition, the permittee should re-word the "NOVs / warning letters / citations issued" reporting item to more accurately reflect its particular initial enforcement activity, if necessary.</i>							

	<i>DEP Note: Refer to Part III.A.9.b of the permit for what must be included in the construction site inspection program plan. Please provide the title of the attached plan in Column D and the name of the entity who finalized the plan in Column E.</i> PERMITTEE SITES: Active construction sites <table border="1"> <tr> <td data-bbox="162 60 259 273">No active construction sites</td> <td data-bbox="259 60 341 273">0</td> <td data-bbox="341 60 422 273"></td> <td data-bbox="422 60 503 273"></td> <td data-bbox="503 60 633 273"></td> </tr> <tr> <td data-bbox="162 273 259 378">N/A</td> <td data-bbox="259 273 341 378">0</td> <td data-bbox="341 273 422 378"></td> <td data-bbox="422 273 503 378"></td> <td data-bbox="503 273 633 378"></td> </tr> <tr> <td data-bbox="162 378 259 483">N/A</td> <td data-bbox="259 378 341 483">0</td> <td data-bbox="341 378 422 483"></td> <td data-bbox="422 378 503 483"></td> <td data-bbox="503 378 633 483"></td> </tr> <tr> <td data-bbox="162 483 259 588">No active construction sites</td> <td data-bbox="259 483 341 588">0</td> <td data-bbox="341 483 422 588"></td> <td data-bbox="422 483 503 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341 2016">0</td> <td data-bbox="341 1953 422 2016"></td> <td data-bbox="422 1953 503 2016"></td> <td data-bbox="503 1953 633 2016"></td> </tr> </table> PRIVATE SITES: Inspections of active construction sites for proper stormwater, erosion and sedimentation BMPs PRIVATE SITES: Percentage of active construction sites inspected PRIVATE SITES: Active construction sites PRIVATE SITES: Inspections of active construction sites for proper stormwater, erosion and sedimentation BMPs PRIVATE SITES: Percentage of active construction sites inspected Notices of Violation (NOVs) / warning letters / citations issued Stop Work Orders issued Fines issued Year 1 ONLY: Attach the written construction site inspection program plan					No active construction sites	0				N/A	0				N/A	0				No active construction sites	0				N/A	0				N/A	0				No active construction sites	0				N/A	0				N/A	0				No active construction sites	0				N/A	0				N/A	0				No active construction sites	0				N/A	0				N/A	0				No active 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Part III.A.9.c	Construction Site Runoff — Site Operator Training During Year 1 of the permit, develop and implement a written plan for stormwater training / outreach for construction site plan reviewers, site inspectors and site operators. Provide training for permittee personnel (employed by or under contract with the permittee) and private persons involved in the site plan review, inspection or construction of stormwater management, erosion, and sedimentation controls. All inspectors of construction sites shall be certified through the Florida Stormwater, Erosion, and Sedimentation Control Inspector Training program, or an equivalent program approved by the Department. Follow-up training shall be provided annually. Report the number and type of training activities, the number of inspectors, site plan reviewers and site operators trained (both in-house and outside training), and the number of private persons trained by the permittee. <i>DEP Note: If "0" is reported for any of these reporting items, please include in Column F an explanation of why training was not provided to / obtained by the permittee's staff and private persons during the applicable reporting year.</i> <i>DEP Note: The permittee should report only the number of staff and private persons (i.e., private construction site operators) trained / certified during the applicable reporting year, and then note in Column F the number of staff and private persons who were previously trained / certified. Private site operator training can include pre-construction meetings.</i>																																																																																														
	Permittee construction site inspectors	0	0	2	Refresher Training																																																																																										
	Permittee construction site plan reviewers	0	0	2	Refresher Training																																																																																										
			Attendance Sheet (Ian Gayle and Andrae Robinson)	PBC Steering Committee	Contract with City of Boynton Beach for Building Official Services																																																																																										
			Attendance Sheet (Glenda Hall and Jeff Livergood)	PBC Steering Committee	Contract with City of Boynton Beach for Building Official Services																																																																																										

	Permittee construction site operators	0							N/A
	Private persons	0							N/A

SECTION VIII. CHANGES TO THE STORMWATER MANAGEMENT PROGRAM (SWMP) ACTIVITIES (Not Applicable In Year 4)

A.	Permit Citation/ SWMP Element	Proposed Changes to the Stormwater Management Program Activities Established as Specific Requirements Under Part III.A of the Permit (Including the Rationale for the Change) — REQUIRES DEP APPROVAL PRIOR TO CHANGE IF PROPOSING TO REPLACE OR DELETE AN ACTIVITY. <i>DEP Note: There may be changes deemed necessary after developing / reviewing your plans and SOPs as per Part III.A of the permit, after completing your SWMP evaluation as per Part VI.B.2 of the permit, or due to a TMDL / BMAP as per Part VIII.B of the permit.</i>
		N/A
B.	Permit Citation/ SWMP Element	Changes to the Stormwater Management Program Activities NOT Established as Specific Requirements Under Part III.A of the Permit (Including the Rationale for the Change) <i>DEP Note: There may be changes deemed necessary after developing / reviewing your plans and SOPs as per Part III.A of the permit, after completing your SWMP evaluation as per Part VI.B.2 of the permit, or due to a TMDL / BMAP as per Part VIII.B of the permit.</i>
		N/A

CHECKLIST A: ATTACHMENTS TO BE SUBMITTED WITH THE ANNUAL REPORTS

Below is a list of items required by the permit that may need to be attached to the annual report. Please check the appropriate box to indicate whether the item is attached or is not applicable for the current reporting period. Please provide the number and the title of the attachments in the blanks provided.

Attached	N/A	Rule / Permit Citation	Required Attachment	Attachment Number	Attachment Title
☐	☒	Part II.F	EACH ANNUAL REPORT: If program resources have decreased from the previous year, a discussion of the impacts on the implementation of the SWMP.		
☐	☒	Part III.A.1	EACH ANNUAL REPORT: An explanation of why the minimum inspection frequency in Table II.A.1.a was not met, if applicable.		
☐	☒	Part III.A.4	EACH ANNUAL REPORT: A list of the flood control projects that did not include stormwater treatment and an explanation for each of why it did not, if applicable.		
☐	☒	Part III.A.7.a	EACH ANNUAL REPORT: A report on amendments / changes to the legal authority to control illicit discharges, connections, dumping, and spills, if applicable.		
☒	☐	Part V.B.9	EACH ANNUAL REPORT: Reporting and assessment of monitoring results. [Also addressed in Section III of the Annual Report Form]		Refer to Joint Annual Report
☒	☐	Part VI.B.2	EACH ANNUAL REPORT: An evaluation of the effectiveness of the SWMP in reducing pollutant loads discharged from the MS4 that, at a minimum, must include responses to the questions listed in the permit.	1	SWMP Effectiveness
☐	☒	Part VIII.B.3.e	EACH ANNUAL REPORT: A status report on the implementation of the requirements in this section of the permit and on the estimated load reductions that have occurred for the pollutant(s) of concern.		
☐	☒	Part VIII.B.4.f	EACH ANNUAL REPORT after approval of the BPCP: The status of the implementation of the Bacterial Pollution Control Plan (BPCP).		
☐	☒	Rule 62-624.600(2)(a), FAC	YEAR 1: An inventory of all known major outfalls and a map depicting the location of the major outfalls (hard copy or CD-ROM).		
☐	☒	Part III.A.3	YEAR 1: If have curbs and gutters but no street sweeping program, an explanation of why no street sweeping program and the alternate BMPs used or planned.		
☒	☐	Part III.A.6	YEAR 1 or YEAR 2: A copy of the adopted Florida-friendly Ordinance, if	2	Town Ordinance No. 195
☐	☒	Part III.A.7.c	YEAR 1: A proactive illicit discharge / connection / dumping inspection program		
☐	☒	Part III.A.9.b	YEAR 1: A construction site inspection program plan. [For approval by DEP]		
☒	☐	Part II.A	YEAR 2: Stormwater Management Program (SWMP)	3	Stormwater Management Program
☒	☐	Part III.A.2	YEAR 2: A summary report of a review of codes and regulations to reduce the stormwater impact from new development / redevelopment.	4	Code and Land Development Review
☐	☒	Part V.A.2	YEAR 3: Estimates of annual pollutant loadings and EMCs, and a table comparing the current calculated loadings with those from the previous two Year 3 ARs.		
☐	☒	Part III.A.2	YEAR 4: A follow-up report on plan implementation of changes to codes and regulations to reduce the stormwater impact from new development /		
☐	☒	Part V.A.3	YEAR 4: If the total annual pollutant loadings have not decreased over the past two permit cycles, revisions to the SWMP, as appropriate.		
☐	☒	Part V.B.3	YEAR 4: The monitoring plan (with revisions, if applicable).		
☐	☒	Part VII.C	YEAR 4: An application to renew the permit.		
☐	☒	Part VIII.B.3.d	YEAR 4: A TMDL Implementation Plan / Supplemental SWMP.		

CHECKLIST B: THE REQUIRED ANNUAL REVIEWS OF WRITTEN STANDARD OPERATING PROCEDURES (SOPs) & PLANS

The permit requires annual review, and revision if needed, of written Standard Operating Procedures (SOPs) and plans (e.g., public education and outreach, training, inspections). Please indicate your review status below. If you have made revisions that need DEP approval, you must complete Section VIII.A of the annual report.

Did not complete review of existing SOP / Plan	Developed new written SOP / Plan	Reviewed & no revision needed to existing SOP / Plan	Reviewed & revised existing SOP / Plan	Permit Citation	Description of Required SOPs / Plans
☐	☐	☒	☐	Part III.A.1	SOP and/or schedule of inspections and maintenance activities of the structural controls and roadway stormwater collection system.
☐	☐	☒	☐	Part III.A.2	SOP for development project review and permitting procedures and/or local codes and regulations for new development / areas of significant development.
☐	☐	☒	☐	Part III.A.3	SOP for the litter control program.
N/A	N/A	N/A	N/A	Part III.A.3	SOP for the street sweeping program.
N/A	N/A	N/A	N/A	Part III.A.3	SOP for inspections of equipment yards and maintenance shops that support road maintenance activities.
N/A	N/A	N/A	N/A	Part III.A.5	SOP for inspections of waste treatment, storage, and disposal facilities not covered by an NPDES stormwater permit.
☐	☐	☒	☐	Part III.A.6	Plan for public education and outreach on reducing the use of pesticides, herbicides and fertilizer.
N/A	N/A	N/A	N/A	Part III.A.6	Plan for pesticide, herbicide and fertilizer application training <i>DEP Note: A plan is not necessary since the FDACS certification / licensing program adequately fulfills the permit requirement.</i>
☐	☐	☒	☐	Part III.A.6	SOP for reducing the use of pesticides, herbicides and fertilizer, and for the proper application, storage and mixing of these products.
☐	☐	☒	☐	Part III.A.7.c	Plan for proactive illicit discharge / connections / dumping inspections.*
☐	☐	☒	☐	Part III.A.7.c	SOP for reactive illicit discharge / connections / dumping investigations.
☐	☐	☒	☐	Part III.A.7.c	Plan for illicit discharge training.
☐	☐	☒	☐	Part III.A.7.d	SOP for spill prevention and response efforts.
☐	☐	☒	☐	Part III.A.7.d	Plan for spill prevention and response training.
☐	☐	☒	☐	Part III.A.7.e	Plan for public education and outreach on how to identify and report the illicit discharges and improper disposal to the MS4.
☐	☐	☒	☐	Part III.A.7.f	Plan for public education and outreach on the proper use and disposal of oils, toxics, and household hazardous waste.
☐	☐	☒	☐	Part III.A.7.g	SOP to reduce / eliminate sanitary wastewater contamination of the MS4.
N/A	N/A	N/A	N/A	Part III.A.8	SOP for inspections of high risk industrial facilities.
☐	☐	☒	☐	Part III.A.9.a	SOP for construction site plan review for stormwater, erosion and sedimentation controls, and ERP and CGP coverage.
☐	☐	☒	☐	Part III.A.9.b	Plan for inspections of construction sites.*
☐	☐	☒	☐	Part III.A.9.c	Plan for stormwater, erosion and sedimentation BMPs training.

* Revisions to these plans require DEP approval -- please complete Section VIII.A of the annual report.

REMINDER LIST OF THE TMDL / BMAP REPORTS TO BE SUBMITTED SEPARATELY FROM AN ANNUAL REPORT

Rule / Permit Citation	Report Title	Due Date
Part VIII.B.3.a	6 MONTHS from effective date of permit: TMDL Prioritization Report.	9/2/11
Part VIII.B.3.b	12 MONTHS from effective date of permit: TMDL Monitoring and Assessment Plan.	3/2/12
Part VIII.B.3.c	6 MONTHS from receiving analyses from the lab: TMDL Monitoring Report.	TBD
Part VIII.B.4	30 MONTHS from effective date of permit: A Bacterial Pollution Control Plan (BPCP).	9/2/13

**END OF REVISED TAILORED MS4 AR FORM
CYCLE 3 PERMIT**

ATTACHMENT 1

SWMP EFFECTIVENESS

SWMP Effectiveness

Year 2 Report

In accordance with Part VI.B.2.:

- The ANNUAL REPORT shall include as an attachment an evaluation of the effectiveness of the permittee's SWMP in reducing pollutant loads discharged from the MS4. At a minimum, the permittee shall attach to the ANNUAL REPORT an explanation of how its SWMP is addressing each of the following:

1. Have stormwater pollutant loadings discharged from the MS4 decreased?

Yes. Stormwater pollutant loadings discharged from the MS4 have decreased based on public education and awareness.

2. Which components of the SWMP are working well and are effective in reducing stormwater pollutant loadings? Why are they effective?

Public education. Members of the public were unaware how the use of fertilizers, pesticides and other contaminants negatively impacted discharge into adjacent waters through the MS4.

3. Which components of the SWMP are not working well and need to be revised to make them more effective in reducing stormwater pollutant loadings? ***None.***

4. Which components of the SWMP do not contribute to reducing stormwater pollutant loads and could be revised or eliminated, and why? ***None.***

5. Is the monitoring program providing data that can be used to assess the effectiveness of the SWMP in reducing stormwater pollutant loadings, assess the effectiveness of specific BMPs, and determine where stormwater retrofitting projects should be prioritized for implementation? ***Yes.***

ATTACHMENT 2

FERTILIZER-FRIENDLY ORDINANCE

ORDINANCE NO. 195

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HYPOLUXO, FLORIDA, AMENDING CHAPTER 22, "ENVIRONMENT," OF THE TOWN CODE OF ORDINANCES BY ADOPTING A NEW ARTICLE X, "FERTILIZER FRIENDLY ORDINANCE;" PROVIDING FOR TITLE; PROVIDING FOR DEFINITIONS; PROVIDING FOR FINDINGS; PROVIDING FOR PURPOSE AND INTENT; PROVIDING FOR APPLICABILITY; PROVIDING FOR TIMING OF FERTILIZER APPLICATIONS; PROVIDING FOR FERTILIZER FREE ZONES; PROVIDING FOR FERTILIZER CONTENT AND APPLICATION RATES; PROVIDING FOR FERTILIZER APPLICATION PRACTICES; PROVIDING FOR MANAGEMENT OF GRASS CLIPPINGS AND VEGETATIVE MATTER; PROVIDING FOR EXEMPTIONS; PROVIDING FOR TRAINING; PROVIDING FOR LICENSING OF COMMERCIAL APPLICATORS; PROVIDING FOR ENFORCEMENT; PROVIDING FOR PENALTIES; PROVIDING FOR APPEAL; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, pursuant to Section 303(d) of the federal Clean Water Act and the resulting Florida Impaired Waters Rule (Chapter 62-303, Florida Administrative Code), the Florida Department of Environmental Protection ("FDEP") has classified specific water bodies in Palm Beach County as "impaired" as a result of the presence of excessive nutrients; and

WHEREAS, Section 403.9337, Florida Statutes, requires that local governments located within the watershed of a water body or water segment that is listed as impaired by nutrients pursuant to Section 403.067, Florida Statutes, adopt an ordinance for Florida-Friendly™ fertilizer use on urban landscapes; and

WHEREAS, on March 2, 2011, FDEP issued its Palm Beach County Municipal Separate Storm Sewer System Permit No. FLS 000018-003 ("MS4 Permit") to forty-one (41) governmental entities, including the Town of Hypoluxo; and

WHEREAS, the MS4 permit requires local governments within the watershed of a nutrient impaired water body to adopt FDEP's Model Ordinance for Florida Friendly Fertilizer Use on Urban Landscapes or an Ordinance that includes all the requirements set forth in the Model Ordinance; and

WHEREAS, surface water runoff and base flow runoff leaves residential neighborhoods, commercial centers, industrial areas, and other lands of Palm Beach County and enters into natural and artificial stormwater and drainage conveyances and natural water bodies in Palm Beach County; and

1 **WHEREAS**, phosphorus and nitrogen, the primary nutrients associated with the
2 degradation of surface water, are commonly the primary components of fertilizer for turf
3 and landscape application; and
4

5 **WHEREAS**, the quality of streams, lakes, and wetlands is important to
6 environmental, economic, and recreational prosperity and to the health, safety, and
7 welfare of the residents of Palm Beach County; and
8

9 **WHEREAS**, algae blooms and accelerated growth of aquatic weeds in Palm
10 Beach County's water bodies have heightened community concerns about water quality
11 and eutrophication of surrounding waters; and
12

13 **WHEREAS**, it is generally recognized that eastern Palm Beach County soils
14 naturally have adequate phosphorus content for most vegetative needs and that
15 additional phosphorus is therefore only occasionally needed to create or maintain a
16 vibrant landscape; and
17

18 **WHEREAS**, it has been recognized that proper application of slow-release
19 nitrogen sources is more efficiently used by plants and less likely to leach or runoff; and
20

21 **WHEREAS**, this Ordinance is part of a regulatory program to address non-point
22 sources of nutrient pollution which is scientifically based, and economically and
23 technically feasible; and
24

25 **WHEREAS**, in the process of adoption of this Ordinance, the Town Council has
26 considered scientific information, including input from the Department of Environmental
27 Protection, the Department of Agriculture and Consumer Services, and the University of
28 Florida Institute of Food and Agricultural Sciences; and
29

30 **WHEREAS**, the Town Council determines that the adoption of this Ordinance is
31 in the best interests of the residents and citizens of the Town of Hypoluxo.
32

33 **NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE**
34 **TOWN OF HYPOLUXO, FLORIDA** as follows:
35

36 **Section 1.** The foregoing "Whereas" clauses are hereby ratified and
37 incorporated herein.
38

39 **Section 2.** The Town Council hereby amends Chapter 22, "Environment," of
40 the Town Code of Ordinances by adopting a new Article X, "Fertilizer-Friendly Use
41 Ordinance," to read as follows (additional language underlined):
42

1 **ARTICLE X. FERTILIZER-FRIENDLY USE ORDINANCE**

2
3 **Sec. 22-196. Title.**

4
5 This article shall be known as the town's fertilizer-friendly use
6 ordinance.

7
8 **Sec. 22-197. Definitions.**

9
10 When used in this article, the following terms shall have the
11 meanings ascribed to them in this section except where the context clearly
12 indicates a different meaning:

13
14 Application or apply means the actual physical deposition of
15 fertilizer to turf or landscape plants.

16
17 Applicator means any person who applies fertilizer on turf and/or
18 landscape plants in the town.

19
20 Approved test means a soil test from the University of Florida,
21 government, or other commercial licensed laboratory that regularly
22 performs soil testing and recommendations.

23
24 Best management practices (BMP's) means turf and landscape
25 practices or combination of practices based on research, field-testing, and
26 expert review, determined to be the most effective and practical site-
27 specific means, including economic and technological considerations, for
28 improving water quality, conserving water supplies and protecting natural
29 resources.

30
31 Code enforcement officer, official, or inspector means any
32 designated employee or agent of the town whose duty it is to enforce
33 codes and ordinances enacted by the town.

34
35 Commercial fertilizer applicator except as provided in section
36 482.1562(9), Florida Statutes, means any person who applies fertilizer for
37 payment or other consideration to property not owned by the person or
38 firm applying the fertilizer or the employer of the applicators.

39
40 Fertilizing or fertilization means the act of applying fertilizer to turf,
41 specialized turf, or landscape plants.

42
43 Fertilizer means any substance or mixture of substances that
44 contains one or more recognized plant nutrients and promotes plant
45 growth, or controls soil acidity or alkalinity, or provides other soil
46 enrichment, or provides other corrective measures to the soil.

1
2 Institutional applicator means any person, other than a private, non-
3 commercial or a commercial applicator (unless such definitions also apply
4 under the circumstances), that applies fertilizer for the purpose of
5 maintaining turf and/or landscape plants. Institutional applicators shall
6 include, but shall not be limited to, owners, managers, or employees of
7 public lands, schools, parks, religious institutions, utilities, industrial or
8 business sites and any residential properties maintained in condominium
9 and/or common ownership.

10
11 Landscape plant means any native or non-native tree, shrub, or
12 groundcover (excluding turf).

13
14 Pasture means land managed for livestock grazing.

15
16 Person means any natural person, business, corporation, limited
17 liability company, partnership, limited partnership, association, club,
18 organization, and/or any group of people acting as an organized entity.

19
20 Prohibited application period means the time period during which a
21 flood watch or warning, a tropical storm watch or warning, or a hurricane
22 watch or warning is in effect for any portion of the town, issued by the
23 national weather service, or if heavy rain (2 inches or more within a
24 twenty-four (24) hour period) is likely.

25
26 Saturated soil means a soil in which the voids are filled with water.
27 Saturation does not require flow. For the purposes of this article, soils
28 shall be considered saturated if standing water is present or the pressure
29 of a person standing on the soil causes the release of free water.

30
31 Slow-release, controlled release, timed release, slowly-available, or
32 water insoluble nitrogen means nitrogen in a form which delays its
33 availability for vegetative uptake and use after application, or which
34 extends its availability to the vegetation longer than a reference rapid or
35 quick release product.

36
37 Turf, sod, or lawn means an area of grass-covered soil held
38 together by the roots of the grass.

39
40 Urban landscape means pervious areas on residential, commercial,
41 industrial, institutional, highway rights-of-way, or other nonagricultural
42 lands that are planted with turf or landscape plants. For the purposes of
43 this section, agriculture has the same meaning as provided in section
44 570.02, Florida Statutes.

1 **Sec. 22-198. Findings.**

2
3 As a result of the Florida Department of Environmental Protection's
4 determination that certain water bodies within Palm Beach County are
5 impaired for excessive nutrient levels, the town council finds that the best
6 management practices contained in the most recent edition of the "Florida-
7 Friendly Best Management Practices for Protection of Water Resources
8 by the Green Industries", are required in this article.
9

10 **Sec. 22-199. Purpose and intent.**

11
12 This article regulates the proper use of fertilizers by any applicator;
13 requires proper training of commercial and institutional fertilizer
14 applicators; establishes training and licensing requirements; establishes a
15 prohibited application period; and specifies allowable fertilizer application
16 rates and methods, fertilizer-free zones, and exemptions. This article
17 requires the use of best management practices to minimize negative
18 environmental effects associated with excessive nutrients in our water
19 bodies. These environmental effects have been observed in and on Palm
20 Beach County's natural and constructed stormwater conveyances, rivers,
21 creeks, canals, lakes, estuaries and other water bodies. Collectively,
22 these water bodies are an asset important to the environmental,
23 recreational, cultural and economic well-being of Palm Beach County
24 residents and the public health. Overgrowth of algae and vegetation
25 hinders the effectiveness of flood attenuation provided by natural and
26 constructed stormwater conveyances. Regulation of nutrients, including
27 both phosphorus and nitrogen contained in fertilizer, is anticipated to help
28 improve and maintain water and habitat quality.
29

30 **Sec. 22-200. Applicability.**

31
32 This article shall be applicable to and shall regulate any and all
33 applicators of fertilizer and areas of application of fertilizer to urban
34 landscapes within the Town, unless such application is specifically
35 exempted by section 22-206 of this article. This article shall be
36 prospective only, and shall not impair any existing contracts.
37

38 **Sec. 22-201. Timing of fertilizer application.**

39
40 (a) No applicator shall apply fertilizers containing nitrogen
41 and/or phosphorus to turf and/or landscape plants during the prohibited
42 application period or to saturated soils.
43

44 (b) Fertilizer containing nitrogen and/or phosphorus shall not be
45 applied before seeding or sodding a site, and shall not be applied for the
46 first thirty (30) days after seeding or sodding, except when hydro-seeding

1 for temporary or permanent erosion control in an emergency situation
2 (wildfire, etc), or in accordance with the stormwater pollution prevention
3 plan for that site.

4
5 **Sec. 22-202. Fertilizer free zones.**
6

7 Fertilizer shall not be applied within ten (10) feet, or three (3) feet if
8 a deflector shield or drop spreader is used, of any pond, stream, water
9 body, lake, canal, or wetland as defined by the Florida Department of
10 Environmental Protection in Chapter 62-340, Florida Administrative Code
11 or from the top of a seawall or lake bulkhead. Newly planted turf or
12 landscape plants may be fertilized in this zone only for a sixty (60) day
13 period beginning thirty (30) days after planting if needed to allow the
14 vegetation to become well established. Caution shall be used to prevent
15 the direct deposit of fertilizer into the water.
16

17 **Sec. 22-203. Fertilizer content and application rates.**
18

19 (a) Fertilizers applied to turf within the town shall be applied in
20 accordance with requirements and directions provided by Rule 5E-
21 1.003(2), Florida Administrative Code, *Labeling Requirements For Urban*
22 *Turf Fertilizers*. Under Rule 5E-1.003(2), Florida Administrative Code,
23 required application rate and frequency maximums, which vary by plant
24 and turf types, are found on the labeled fertilizer bag or container.
25

26 (b) Nitrogen or phosphorus fertilizer shall not be applied to turf
27 or landscape plants except as provided in section (a) above for turf, or in
28 UF/IFAS recommendations for landscape plants, vegetable gardens, and
29 fruit trees and shrubs, unless a soil or tissue deficiency has been verified
30 by an approved test.
31

32 (c) Fertilizer used for sports turf at golf courses shall be applied
33 in accordance with the recommendations in "Best Management Practices
34 for the Enhancement of Environmental Quality on Florida Golf Courses",
35 published by the Florida Department of Environmental Protection, dated
36 January 2007, as may be amended. Fertilizer used at park or athletic
37 fields shall be applied in accordance with Rule 5E-1.003(2), Florida
38 Administrative Code.
39

40 **Sec. 22-204. Fertilizer application practices.**
41

42 (a) As required in section 22-202 of this article, spreader
43 deflector shields shall be used when fertilizing via rotary (broadcast)
44 spreaders. Deflectors must be positioned such that fertilizer granules are
45 deflected away from all impervious surfaces, fertilizer-free zones and
46 water bodies, including wetlands. Any fertilizer applied, spilled, or

1 deposited, either intentionally or accidentally, on any impervious surface
2 shall be immediately and completely removed to the greatest extent
3 practicable.

4
5 (b) Fertilizer released on an impervious surface must be
6 immediately contained and either legally applied to turf or any other legal
7 site, or returned to the original or other appropriate container.

8
9 (c) In no case shall fertilizer be washed, swept, or blown off
10 impervious surfaces into stormwater drains, ditches, conveyances, or
11 water bodies.

12
13 (d) Property owners and managers are encouraged to use an
14 Integrated Pest Management (IPM) strategy as currently recommended by
15 the University of Florida Cooperative Extension Service publications.

16
17 **Sec. 22-205. Management of grass clippings and vegetative matter.**

18
19 In no case shall grass clippings, vegetative material, and/or
20 vegetative debris intentionally be washed, swept, or blown on to or into
21 stormwater drains, ditches, conveyances, water bodies, wetlands,
22 sidewalks or roadways. Vegetative material may be placed within the
23 roadway right-of-way, but not over the storm drains, for pickup by the
24 town's vegetative waste hauler.

25
26 **Sec. 22-206. Exemptions.**

27
28 The provisions of this article shall not apply to:

29
30 (a) Bona fide farm operations as defined in the Florida Right-to-
31 Farm Act, Section 823.14, Florida Statutes;

32
33 (b) Other properties not subject to or covered under the Florida
34 Right-to-Farm Act that have pastures used for grazing livestock; and

35
36 (c) Any lands used for bona fide scientific research, including,
37 but not limited to, research on the effects of fertilizer use on urban
38 stormwater, water quality, agronomics, or horticulture.

39
40 **Sec. 22-207. Training.**

41
42 (a) All commercial and institutional applicators of fertilizer within
43 Palm Beach County shall abide by and successfully complete the six-hour
44 training program in the "Florida-Friendly Best Management Practices for
45 Protection of Water Resources by the Green Industries" offered by the
46 Florida Department of Environmental Protection through the University of

1 Florida/Palm Beach County Cooperative Extension Service "Florida-
2 Friendly Landscapes" program or an approved equivalent program.

3
4 (b) Non-commercial and non-institutional applicators not
5 otherwise required to be certified, such as private citizens on their own
6 residential property, are encouraged to follow the recommendations of the
7 University of Florida/IFAS "Florida-Friendly Landscape Program" and label
8 instructions when applying fertilizers.

9
10 **Sec. 22-208. Licensing of commercial applicators.**

11
12 (a) All businesses applying fertilizer to turf or landscape plants
13 (including, but not limited to, residential lawns, golf courses, commercial
14 properties, and multi-family and condominium properties) must ensure that
15 the business owner or his/her designee holds the appropriate "Florida-
16 Friendly Best Management Practices for Protection of Water Resources
17 by the Green Industries" training certificate prior to the business owner
18 obtaining a business tax receipt. Owners for any category of occupation
19 which may apply any fertilizer to turf and/or landscape plants shall provide
20 proof of completion of the program to the town. It is the responsibility of
21 the business owner to maintain the "Florida-Friendly Best Management
22 Practices for Protection of Water Resources by the Green Industries"
23 certificate to receive a business tax receipt annually.

24
25 (b) After December 31, 2013, all commercial applicators of
26 fertilizer within the town shall have and carry in their possession at all
27 times when applying fertilizer, evidence of certification by the Florida
28 Department of Agriculture and Consumer Services as a commercial
29 fertilizer applicator per Rule 5E-14.117(18), Florida Administrative Code.

30
31 (c) After December 31, 2012, all businesses applying fertilizer to
32 turf and/or landscape plants (including, but not limited to, residential
33 lawns, golf courses, commercial properties and multi-family and
34 condominium properties) must ensure that at least one (1) employee has
35 an appropriate "Florida-Friendly Best Management Practices for
36 Protection of Water Resources by the Green Industries" training certificate
37 prior to the business owner obtaining a business tax receipt.

38
39 **Sec. 22-209. Enforcement; penalties; appeals.**

40
41 (a) Enforcement. The provisions of this article shall be enforced
42 by the town's code enforcement special magistrate pursuant to the
43 authority granted by Section 162.01, Florida Statutes, et seq., as may be
44 amended, and the town through its authority to enjoin and fine any person
45 violating its code. The town may pursue these or any other enforcement
46 remedies available to the town under state law.

1
2 (b) Penalties. Failure to comply with the requirements of this
3 article shall constitute a violation of this article and each new day the
4 violation exists shall be considered a separate and distinct offense. Fines
5 shall be determined by considering the factors set forth in Section 162.09,
6 Florida Statutes, as may be amended, and shall not exceed the amounts
7 authorized by state law.
8

9 (c) Disposition of penalty funds. Funds generated by penalties
10 imposed pursuant to this article shall be used by the town for the
11 administration and enforcement of Section 403.9337, Florida Statutes, and
12 the corresponding sections of this article, and to further water
13 conservation and non-point pollution prevention activities.
14

15 (d) Appeals. Appeals of administrative orders of the special
16 magistrate shall be as provided under state law, and as further set forth in
17 section 2-51 of the town code.
18

19 **Section 3.** The provisions of this Ordinance shall become and be made a part
20 of the Code of the Town of Hypoluxo, Florida.
21

22 **Section 4.** If any section, paragraph, sentence, clause, phrase, or word of this
23 Ordinance is for any reason held by a court of competent jurisdiction to be
24 unconstitutional, inoperative or void, such holding shall not affect the remainder of the
25 Ordinance.
26

27 **Section 5.** All ordinances and resolutions, or parts of ordinances and
28 resolution, in conflict with this Ordinance are hereby repealed to the extent of such
29 conflict.
30

31 **Section 6.** This Ordinance shall become effective immediately upon adoption
32

33 [Remainder of page intentionally blank]
34

Signature Page for Ordinance 195

Passed on first reading this 19th day of Sept., 2012.

APPROVED:

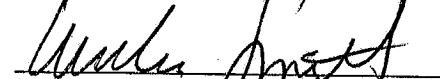

Mayor Kenneth M. Schultz

AYE NAY COUNCIL:

☒ 
Vice Mayor Michael C. Brown

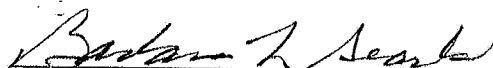
☒ 
Karen C. Miller

☒ 
Daniel L. Monahan

☒ 
William J. Smith

☒ 
Richard J. Roney

ATTEST:


Barbara L. Searls, Town Clerk

Passed on second and final reading this 17th day of October, 2012.

APPROVED:


Mayor Kenneth M. Schultz

AYE NAY COUNCIL:

☒ 
Vice Mayor Michael C. Brown

☒ 
Karen C. Miller

☐ 
Daniel L. Monahan

☒ 
William J. Smith

☒ 
Richard J. Roney

ATTEST:


Barbara L. Searls, Town Clerk

Approved as to form and legal sufficiency:

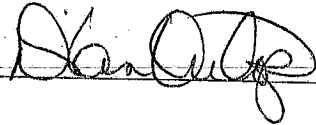

Leonard G. Rubin, Town Attorney

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West Palm Beach, Palm Beach County, Florida

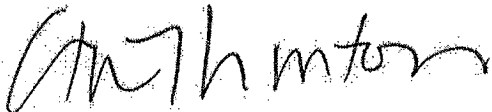
PROOF OF PUBLICATION

STATE OF FLORIDA
COUNTY OF PALM BEACH

Before the undersigned authority personally appeared **Dottie Van Overloop**, who on oath says that she is **Legal Advertising Clerk** of The Palm Beach Post, a daily and Sunday newspaper, published at West Palm Beach in Palm Beach County, Florida; that the attached copy of advertising for a **Notice** in the matter **Ordinances 194, 195 & 196** was published in said newspaper in the issues of **October 7, 2012**. Affiant further says that the said The Post is a newspaper published at West Palm Beach, in said Palm Beach County, Florida, and that the said newspaper has heretofore been continuously published in said Palm Beach County, Florida, daily and Sunday and has been entered as second class mail matter at the post office in West Palm Beach, in said Palm Beach County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that she/he has neither paid nor promised any person, firm or corporation any discount rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper. Also published in Martin and St. Lucie Counties.



Sworn to and subscribed before 8th day of October, A.D. 2012.
Who is personally known to me.



NOTARY PUBLIC-STATE OF FLORIDA
 **Karen M. McLinton**
Commission #DD832672
Expires: NOV. 15, 2012
BONDED THRU ATLANTIC BONDING CO., INC.

NO. 15545
NOTICE OF PUBLIC HEARINGS
The Town Council for the Town of Hypoluxo, Florida, will hold public hearings to consider the adoption of the following ordinances on second and final reading:

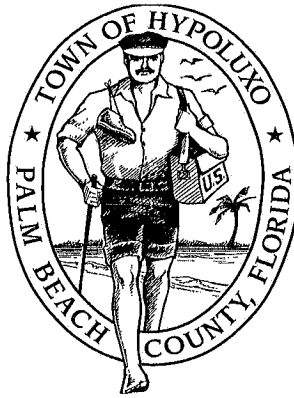
ORDINANCE NO. 194
AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HYPOLUXO, FLORIDA, AMENDING CHAPTER 14, "LICENSES AND MISCELLANEOUS BUSINESS REGULATIONS," OF THE TOWN CODE OF ORDINANCES BY ADOPTING A NEW ARTICLE IV, "SIMULATED GAMBLING DEVICES," TO PROHIBIT THE USE OF SUCH DEVICES WITHIN THE TOWN; PROVIDING FOR EXEMPTIONS; PROVIDING FOR ENFORCEMENT; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

ORDINANCE NO. 195
AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HYPOLUXO, FLORIDA, AMENDING CHAPTER 22, "ENVIRONMENT," OF THE TOWN CODE OF ORDINANCES BY ADOPTING A NEW ARTICLE X, "FERTILIZER FRIENDLY ORDINANCE," PROVIDING FOR TITLE; PROVIDING FOR DEFINITIONS; PROVIDING FOR FINDINGS; PROVIDING FOR PURPOSE AND INTENT; PROVIDING FOR APPLICABILITY; PROVIDING FOR TIMING OF FERTILIZER APPLICATIONS; PROVIDING FOR FERTILIZER FREE ZONES; PROVIDING FOR FERTILIZER CONTENT AND APPLICATION RATES; PROVIDING FOR FERTILIZER APPLICATION PRACTICES; PROVIDING FOR MANAGEMENT OF GRASS CLIPPINGS AND VEGETATIVE MATTER; PROVIDING FOR EXEMPTIONS; PROVIDING FOR TRAINING; PROVIDING FOR LICENSING OF COMMERCIAL APPLICATORS; PROVIDING FOR ENFORCEMENT; PROVIDING FOR PENALTIES; PROVIDING FOR APPEAL; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

ORDINANCE NO. 196
AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HYPOLUXO, FLORIDA, AMENDING ARTICLE I, "IN GENERAL," OF CHAPTER 34, "SOLID WASTE," OF THE TOWN CODE OF ORDINANCES TO ADOPT A NEW SECTION 34-1, "PLACEMENT OF SOLID WASTE MATERIALS FOR COLLECTION," PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.
The Town Council will conduct the public hearings on Wednesday, October 17, 2012 at 7:00 p.m., or as soon thereafter as these matters can be heard, at Hypoluxo Town Hall, 7580 South Federal Highway, Hypoluxo, Florida 33462. All members of the public are invited to appear at the public hearings, which may be continued from time to time, and be heard with respect to these matters. Copies of the ordinances are on file at the Town Clerk's Office for inspection by members of the public.
If a person decides to appeal any decision made with respect to any matter considered at the subject meeting, he or she will need to ensure that a verbatim record of the proceedings is made, which record shall include the testimony and evidence upon which the decision is based. (F.S. 286.0105). In accordance with the Americans with Disabilities Act, any person who may require special accommodation to participate in this meeting should contact the Town Clerk's Office at 582-0155 at least 72 hours prior to the meeting date.
Town of Hypoluxo
PUB: The Palm Beach Post
October 7, 2012

ATTACHMENT 3

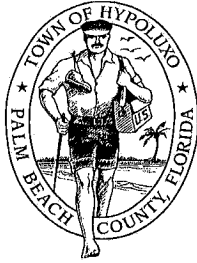
STORMWATER MANAGEMENT PROGRAM



TOWN OF HYPOLUXO STORMWATER MANAGEMENT PROGRAM

Contents:

- 1. Development Review Procedures**
- 2. Construction Site Inspection Plan and Inspection Form**
- 3. SOP for Litter Control and Inspection of Swales, Catch Basins and Pipes)**
- 4. SOP for Proactive Inspection of Illicit Discharges**
- 5. SOP for Reactive Inspections of Illicit Discharges**
- 6. Monthly Inspection Form**
- 7. Legal Authority (Article III, Chapter 50 of the Town Code of Ordinances and Ordinance No. 192)**
- 8. Interlocal Agreements with City of Boynton Beach**
- 9. MS4 Outfall Map with Contributing Areas**



TOWN OF HYPOLUXO
NPDES MS4 COMPLIANCE
DEVELOPMENT REVIEW PROCEDURES

All development within the Town, with the exception of one or two-family dwellings on lots within a valid recorded subdivision, is required to undergo the development review process set forth in Section 28-204 of the Town Code of Ordinances.

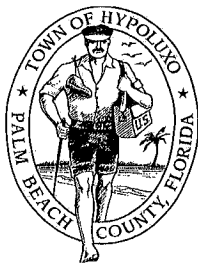
At the pre-application meeting, potential developers will be provided with brochures presenting the need for obtaining an Environmental Resource Permit ("ERP") and/or coverage under the NPDES Generic Permit for Stormwater Discharge from Large and Small Construction Activities ("CGP").

The Building Official shall conduct all development review and shall use all applicable local, state and federal criteria for review of temporary and permanent stormwater practices proposed by the development plan.

Applicants for building permits shall be advised that coverage under the CGP may be required. Applicants are further advised that authorization to perform clearing, grading or construction activities will not be granted until proof of a SFMWD or FDEP ERP and/or coverage under the CGP is provided, if required.

The following checklist is used when performing development plan review:

YES	NO	N/A	
☐	☐	☐	Proposed work requires coverage under CGP.
☐	☐	☐	Proposed work appears to require an ERP.
☐	☐	☐	Proposed temporary stormwater sedimentation & erosion control BMP's appear to be appropriate for the project.
☐	☐	☐	Proposed permanent stormwater BMP's meet local requirements.
☐	☐	☐	Copy of confirmed coverage under CGP provided.
☐	☐	☐	Copy of ERP provided.



TOWN OF HYPOLUXO
NPDES MS4 COMPLIANCE
CONSTRUCTION SITE INSPECTION PLAN
AND INSPECTION FORM

Construction site inspections are required for projects that have the potential to discharge stormwater runoff into the Town's Municipal Separate Stormwater System (MS4) or which disturb more than one acre of land.

Construction site inspections are conducted:

1. Before the start of construction, after the placement of BMP's;
2. During construction (one or more depending on potential for discharge into the Town's MS4); and
3. At the end of construction.

Inspections are the responsibility of the Building Official and are conducted using the attached inspection form. The intent of inspection is to ensure that BMP's are performing and to document the inspections. A copy of each inspection form shall be transmitted to the Town Clerk.

Instances of non-compliance shall be handled with successively more rigorous enforcement measure, including, but not limited to, the issuance of a stop work order or the issuance of a notice of violation to appear before the Code Enforcement Special Magistrate. The Special Magistrate may assess fines against the violator in accordance with the criteria set forth in Article II of Chapter 2 of the Town Code of Ordinances.

Construction Site Inspection Form

Site: _____ Date of Inspection: _____

Address: _____

Receiving water body: _____

Project owner: ☐ Private ☐ Town of Hypoluxo

YES NO N/A

☐ ☐ ☐ Erosion & Sedimentation Controls are installed as shown on plan.

☐ ☐ ☐ Erosion is being controlled on site.

☐ ☐ ☐ Sedimentation is being contained on site.

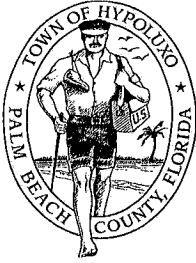
☐ ☐ ☐ No indication of sedimentation leaving the site.

☐ ☐ ☐ SWPP & completed inspection forms are on site & available.

☐ ☐ ☐ Prior non-compliance issues have been addressed.

☐ ☐ ☐ All other sources of pollution are being controlled.

Comments:



TOWN OF HYPOLUXO

NPDES MS4 COMPLIANCE

STANDARD OPERATING PROCEDURES LITTER CONTROL AND INSPECTION OF SWALES, CATCH BASINS AND PIPES

On a monthly basis, the Town Clerk or Town Building Official shall conduct the following activities within the Town's Municipal Separate Stormwater System (MS4). The Town's MS4 consists of the four single-family residential streets located within the Town, namely, Park Lane East, Lucina Drive, Neptune Drive and Periwinkle Drive.

Litter Control

The pick up and control of litter within the swales comprising the Town's Municipal Separate Stormwater System (MS4) is the responsibility of the owner and/or resident of each property adjacent to the swale area.

Each month, the Town shall inspect the swales for litter and debris. Any litter and debris shall be removed from the swales and noted on the Monthly Inspection Form. ~~If warranted, the Town shall issue a Notice of Violation to the property owner and/or~~ resident of the adjacent property for failure to maintain the swale area.

Condition of Swales

Each month, the Town shall inspect the condition of the swales within the MS4 and note on the Monthly Inspection Form whether the swales are being properly maintained, including mowing, and whether the swales appear to be operating properly. Any instances of standing water in the swales (unless within 72 hours of a significant rainfall event) or other deficiency shall be noted on the Monthly Inspection Form.

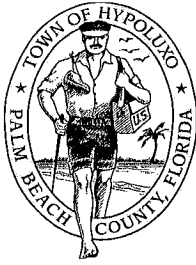
Condition of Catch Basins

Each month, the Town shall inspect the condition of the catch basins constituting the Town's MS4 and shall note on the Monthly Inspection Form whether the outfalls appear to be operating properly. The Town shall also inspect the catch basins for litter and debris. Any litter and debris removed from the catch basin shall be noted on the Monthly Inspection Form.

Condition of Pipe

The pipe connecting the catch basin to the outfall shall be visually inspected as noted on the Monthly Inspection Form. Any evidence of settling above the pipe alignment and any sediment or other accumulation within the pipe as viewed from the catch basin shall

be indicated on the Monthly Inspection Form. Any settling, sediment accumulation or other condition that may require repair shall be reported to the Town for additional inspection and/or review. If necessary, the Town shall make any repairs necessary to ensure the proper functioning of the stormwater system and assess the costs of such repair to the properties served by the catch basin at issue.



TOWN OF HYPOLUXO

NPDES MS4 COMPLIANCE

STANDARD OPERATING PROCEDURE

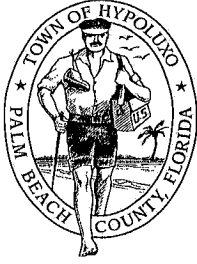
PROACTIVE INSPECTIONS OF ILLICIT DISCHARGES

In conjunction with the monthly inspection of the swales, catch basins and pipes, the Town Clerk or Town Building Official shall drive through the streets comprising the Town's Municipal Separate Stormwater System (MS4) and search for illicit discharges.

If any illicit discharges (meaning any discharge other than those specifically authorized by Section 50-55(c) of the Town Code of Ordinances) are identified, they shall be noted on the Monthly Inspection Form. The Town Clerk or Building Official shall make an attempt to identify the source of the illicit discharge and notify the violator of the issue and follow up to ensure that the violation is corrected.

If the violation is not corrected, or if the source cannot be identified, the matter shall be referred to code enforcement for additional investigation and/or the issuance of a Notice of Violation to the responsible party.

The Town's MS4 consists solely of residential properties. However, the Town shall, on an annual basis, determine whether any commercial or industrial properties have been added to the Town's MS4 and cross-reference such properties with the Florida Department of Environmental Protection's list of facilities with Multi-Sector Generic Permits.



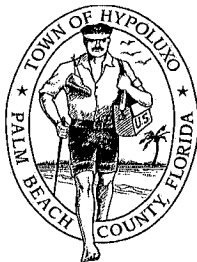
TOWN OF HYPOLUXO

NPDES MS4 COMPLIANCE

STANDARD OPERATING PROCEDURE

REACTIVE INSPECTIONS OF ILLICIT DISCHARGES

The Town shall respond to all reports of any illicit discharge or disposal into the Town's Municipal Separate Stormwater System (MS4) by referring the matter to code enforcement for investigation and/or issuance of a notice of violation to the responsible party. The Town shall encourage residents to report any such illicit discharges or disposals into the stormwater system and publish the number for reporting illicit discharges or improper disposals (582-0155) in each of its semi-annual newsletters.



TOWN OF HYPOLUXO
NPDES MS4 COMPLIANCE
MONTHLY INSPECTION FORM

Date: _____

Catch Basin 1: Park Lane East

Swales Inspected? Yes No

Description of Condition of Swale:

Debris/Litter Removed from Swales? Yes No

If yes, describe debris/litter removed:

Catch Basin Inspected? Yes No

Description of Condition of Catch Basin:

Debris/Litter Removed from Catch Basin? Yes No

If yes, describe debris/litter removed:

Suspected Illicit Discharges:

Evidence of illicit connections to storm sewer?	Yes	No
Evidence of dumping/spills to storm sewer?	Yes	No
Evidence of wash water going to storm sewer?	Yes	No
Storage tanks leaking or improperly contained?	Yes	No
Stockpiles/debris piles uncontained	Yes	No

If yes to any of the above, description of Suspected Illicit Discharge:

Type of Enforcement Action Taken: _____

Date to Verify Correction: _____

Condition of Pipe Inspected? Yes No

If yes, describe inspection performed and condition:

Catch Basin 2: Lucina Drive

Swales Inspected? Yes No

Description of Condition of Swale:

Debris/Litter Removed from Swales? Yes No

If yes, describe debris/litter removed:

Catch Basin Inspected? Yes No

Description of Condition of Catch Basin:

Debris/Litter Removed from Catch Basin? Yes No

If yes, describe debris/litter removed:

Suspected Illicit Discharges:

Evidence of illicit connections to storm sewer?	Yes	No
Evidence of dumping/spills to storm sewer?	Yes	No
Evidence of wash water going to storm sewer?	Yes	No
Storage tanks leaking or improperly contained?	Yes	No
Stockpiles/debris piles uncontained?	Yes	No

If yes to any of the above, description of Suspected Illicit Discharge:

Type of Enforcement Action Taken: _____

Date to Verify Correction: _____

Condition of Pipe Inspected? Yes No

If yes, describe inspection performed and condition:

Catch Basin 3: **Neptune Drive**

Swales Inspected? Yes No

Description of Condition of Swale:

Debris/Litter Removed from Swales? Yes No

If yes, describe debris/litter removed:

Catch Basin Inspected? Yes No

Description of Condition of Catch Basin:

Debris/Litter Removed from Catch Basin? Yes No

If yes, describe debris/litter removed:

Suspected Illicit Discharges:

Evidence of illicit connections to storm sewer?	Yes	No
Evidence of dumping/spills to storm sewer?	Yes	No
Evidence of wash water going to storm sewer?	Yes	No
Storage tanks leaking or improperly contained?	Yes	No
Stockpiles/debris piles uncontained?	Yes	No

If yes to any of the above, description of Suspected Illicit Discharge:

Type of Enforcement Action Taken: _____

Date to Verify Correction: _____

Condition of Pipe Inspected? Yes No

If yes, describe inspection performed and condition:

Catch Basin 4: Periwinkle Drive

Swales Inspected? Yes No

Description of Condition of Swale:

Debris/Litter Removed from Swales? Yes No

If yes, describe debris/litter removed:

Catch Basin Inspected? Yes No

Description of Condition of Catch Basin:

Debris/Litter Removed from Catch Basin? Yes No

If yes, describe debris/litter removed:

Suspected Illicit Discharges:

Evidence of illicit connections to storm sewer?	Yes	No
Evidence of dumping/spills to storm sewer?	Yes	No
Evidence of wash water going to storm sewer?	Yes	No
Storage tanks leaking or improperly contained?	Yes	No
Stockpiles/debris piles uncontained	Yes	No

If yes to any of the above, description of Suspected Illicit Discharge:

Type of Enforcement Action Taken: _____

Date to Verify Correction: _____

Condition of Pipe Inspected? Yes No

If yes, describe inspection performed and condition:

Inspection Performed by:

Name: _____

Title: _____

(f) All damage to meters and meter boxes caused by negligence of the consumer shall be charged to the owner of the property upon which such damage occurs.

(g) Manalapan shall read all meters monthly and shall bill users for water consumed each month. The water bills shall be due ten days after they are mailed and shall become delinquent 30 days after mailing.

(Ord. No. 12, §§ 2—4, 6—8, 14, 9-12-60)

Sec. 50-30. Service connection charges.

No charge shall be made for terminating or disconnecting service, but a charge as prescribed from time to time by resolution of the town council may be made for reconnecting services up to one inch and a charge equal to the actual cost of the work shall be made for larger connections. Service connections shall be reduced in size for a charge as prescribed from time to time by resolution of the town council for existing services up to two inches in size. For services in excess of two inches in size a charge equal to Manalapan's actual expense shall be made.

(Ord. No. 12, § 13, 9-12-60)

Sec. 50-31. Damages caused by certain connections; installation of checkvalves.

Wherever steam boilers, water heating plants of any and all kinds, or other similar apparatus or devices are connected to the waterworks system of Manalapan by any user or owner whatsoever, damage caused by such connection to the property of Manalapan shall be chargeable to such user or owner. Service pipes for such service must have a suitable checkvalve installed in the water line to prevent hot water from entering the water mains or damaging the meter. Such checkvalves shall be installed with the approval of the Town Manager of Manalapan, or his designate, but such approval shall not release the user from liability for damage due to the failure of such checkvalve to function.

(Ord. No. 12, § 9, 9-12-60)

Sec. 50-32. Use of equipment restricted.

(a) Fire hydrants, service control valves, checkvalves, tanks, pumps and any other equipment used in connection with the waterworks system of Manalapan shall not be molested or interfered with by any person whomsoever.

(b) The operation of all apparatus and equipment connected with the Manalapan water plant and distribution system shall be solely and exclusively in charge of its duly authorized caretakers and operators.

(c) The premises and buildings in which pumps, water tanks, etc., are located shall not be trespassed upon by any person other than those legally in charge of the operation and maintenance of such pumps, water tanks, etc.

(d) No person or corporation shall install any booster pump or similar mechanical device to withdraw water from Manalapan water mains under pressure.

(Ord. No. 12, §§ 11, 12, 9-12-60)

~~Secs. 50-33—50-50. Reserved.~~

ARTICLE III. STORMWATER SYSTEM

Sec. 50-51. Title.

This article shall be known as the Town of Hypoluxo Stormwater Control Ordinance, and may be so cited.

(Ord. No. 155, § 2, 7-7-04)

Sec. 50-52. Purpose and intent.

The purpose of this article is to promote the health, safety and general welfare of the inhabitants of the Town of Hypoluxo. This article is intended to comply with federal and state law and regulations regarding water quality.

(Ord. No. 155, § 2, 7-7-04)

Sec. 50-53. Definitions.

When used in this article, the following words and terms shall have the meanings ascribed to them herein:

Authorized official. Any employee or agent of the town authorized by the mayor to administer or enforce the provisions of this article.

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

Person. Any natural individual, corporation, partnership, institution or other entity.

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 the U.S. Environmental Protection Agency, as amended.

Stormwater. Any stormwater runoff, and surface runoff and drainage.

Stormwater system. 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. 155, § 2, 7-7-04)

Sec. 50-54. Industrial activity.

(a) *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.

(b) *Specific prohibitions.* By adoption of industrial activity stormwater regulations or by issuance of industrial activity stormwater permits, or both, the Town of Hypoluxo 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 town shall be in accordance with applicable law.

(c) *Administrative orders.* The mayor or the mayor's designee may issue an order to any person to immediately cease any discharge determined by the mayor or the mayor's designee to be in violation of any provision of this article, or in violation of any regulation or permit issued hereunder.

(d) *NPDES permits.* Any person who holds a National Pollutant Discharge Elimination System (NPDES) permit shall provide a copy of such

permit to the town no later than the later of: 60 calendar days after the effective date of this article or 60 calendar days after issuance. (Ord. No. 155, § 2, 7-7-04)

Sec. 50-55. Illicit discharges.

(a) *General prohibitions.* Except as set forth under subsection (c) below or as in accordance with a valid NPDES permit, any discharge to the stormwater system that is not composed entirely of stormwater is prohibited.

(b) *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.

(c) *Authorized exceptions.* Unless the mayor or the mayor's designee determines that it is not properly managed or otherwise is not acceptable, the following discharges are exempt from the general prohibition set forth under subsection (a) above.

- (1) Flows from fire fighting;
- (2) Water line flushing and other contributions from potable water sources;
- (3) Landscape irrigation and lawn watering;
- (4) Irrigation water;
- (5) Diverted stream flows;
- (6) Rising groundwaters;
- (7) Uncontaminated ground water infiltration to the stormwater system;
- (8) Uncontaminated pumped groundwater;
- (9) Foundation and footing drains;
- (10) Water from crawl space pumps;
- (11) Air conditioning condensation;
- (12) Springs;
- (13) Individual residential car washings;
- (14) Flows from riparian habitats and wetlands;
- (15) Dechlorinated swimming pool contributions;
- (16) Discharges from potable water sources;

- (17) Discharges from emergency firefighting activities;
- (18) Flows from uncontaminated roof drains; and
- (19) Uncontaminated residential pressure cleaning.

(d) *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 article. 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.

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

(Ord. No. 155, § 2, 7-7-04)

Sec. 50-56. Spills and dumping.

(a) *General prohibitions.* Except as set forth under section 50-55 of this article or as in accordance with a valid NPDES permit, any discharge to the stormwater system that is not composed entirely of stormwater is prohibited.

(b) *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.

(c) *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 mayor by telephone and if such person is directly or indirectly responsible for such discharge, then such person shall also take immediate action to ensure the contain-

ment and clean up of such discharge and shall confirm such telephone notification in writing to the mayor within three calendar days.

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

(Ord. No. 155, § 2, 7-7-04)

Sec. 50-57. 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 mayor or the mayor's designee may take all actions necessary, including, but limited to, the issuance of notices of violation, the filing of court actions and/or referral of the matter to the town code enforcement special master to require and enforce compliance with the provisions of this article and with any regulation or permit issued hereunder.

(Ord. No. 155, § 2, 7-7-04)

Sec. 50-58. Inspection and monitoring.

(a) *Authority for inspections.* Whenever necessary to make an inspection to enforce any of the provisions of this article, or any 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 enforcement of the provisions of this article or any regulations or permits issued hereunder; provided that:

- (1) If such property, building or facility is occupied, such authorized official shall first present proper credentials and request permission to enter; and
- (2) 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 warrant by a duly authorized magistrate or judge. 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 inspection 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, 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 article, or regulations or permits issued hereunder, any authorized official may take any samples deemed necessary.

(c) *Requirements for monitoring.* The mayor or the mayor's designee 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 rea-

sonable monitoring of any discharge(s) to the stormwater system and to furnish periodic reports.

(Ord. No. 155, § 2, 7-7-04)

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TOWN OF HYPOLUXO

ORDINANCE NO. 192

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HYPOLUXO, FLORIDA, AMENDING ARTICLE X, "ADMINISTRATION AND ENFORCEMENT," OF CHAPTER 28, "LAND DEVELOPMENT," OF THE TOWN CODE OF ORDINANCES BY AMENDING SECTION 28-204, "PROCEDURE FOR REVIEW OF DEVELOPMENT PLANS," TO ADD REQUIREMENTS RELATING TO STORMWATER PERMITS AND POLLUTION CONTROLS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town is subject to the requirements of Florida Department of Environmental Protection Permit No. FLS000018 for the discharge of stormwater from the Municipal Separate Stormwater Systems located in Palm Beach County ("MS4 Permit"); and

WHEREAS, the MS4 Permit requires the Town to adopt certain review procedures applicable to stormwater discharge and pollution controls for development and construction activities within the Town; and

WHEREAS, the Town Council wishes to amend the Town's Land Development Regulations to comply with the MS4 Permit requirements and determines that the adoption of this Ordinance is in the best interests of the residents and citizens of the Town of Hypoluxo.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF HYPOLUXO as follows:

Section 1. The foregoing recitals are hereby ratified as true and correct and incorporated herein.

Section 2. The Town Council hereby amends Article X, "Administration and Enforcement," of Chapter 28, "Land Development," of the Town Code of Ordinances by amending Section 28-204 to read as follows (additional language is underlined):

Sec. 28-204. Procedure for review of development plans.

* * *

(i) Stormwater Permits and Pollution Controls. All development approvals shall be contingent upon the developer obtaining an Environmental Resource Management Permit and/or confirming coverage under the State Department of Environmental Protection

1 Generic Permit for Stormwater Discharge from Large and Small
2 Construction Activities, where applicable, prior to commencement of
3 development.
4

5 **Section 3.** The provisions of this Ordinance shall become and be made a part
6 of the Code of the Town of Hypoluxo, Florida.
7

8 **Section 4.** If any section, paragraph, sentence, clause, phrase, or word of this
9 Ordinance is for any reason held by a court of competent jurisdiction to be
10 unconstitutional, inoperative or void, such holding shall not affect the remainder of the
11 Ordinance.
12

13 **Section 5.** All remaining provisions of Ordinance No. 180, to the extent not
14 expressly modified herein, shall remain in full force and effect.
15

16 **Section 6.** This Ordinance shall become effective immediately upon adoption
17

18 *[Remainder of page intentionally blank]*
19

Signature Page for Ordinance 192

Passed on first reading this 16th day of May, 2012.

APPROVED:

Kenneth M. Schultz
Mayor Kenneth M. Schultz

AYE NAY COUNCIL:

✓ Michael C. Brown
Vice Mayor Michael C. Brown

✓ Karen C. Miller
Karen C. Miller

✓ Daniel L. Monahan
Daniel L. Monahan

✓ William J. Smith
William J. Smith

✓ Richard J. Roney
Richard J. Roney

ATTEST:

Barbara L. Searls
Barbara L. Searls, Town Clerk

Passed on second and final reading this 20th day of June, 2012.

APPROVED:

Kenneth M. Schultz
Mayor Kenneth M. Schultz

AYE NAY COUNCIL:

✓ Michael C. Brown
Vice Mayor Michael C. Brown

✓ Karen C. Miller
Karen C. Miller

✓ Daniel L. Monahan
Daniel L. Monahan

✓ William J. Smith
William J. Smith

✓ Richard J. Roney
Richard J. Roney

ATTEST:

Barbara L. Searls
Barbara L. Searls, Town Clerk

Approved as to form and legal sufficiency:

Leonard G. Rubin
Leonard G. Rubin, Town Attorney

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TOWN OF HYPOLUXO

RESOLUTION NO. 12-412

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF HYPOLUXO, FLORIDA APPROVING A FIRST AMENDMENT TO THE INTERLOCAL AGREEMENT WITH THE CITY OF BOYNTON BEACH FOR BUILDING CODE ADMINISTRATION AND INSPECTION SERVICES AND AUTHORIZING THE MAYOR AND TOWN CLERK TO EXECUTE SAME; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, through the adoption of Resolution 11-397 on July 20, 2011, the Town Council approved an Interlocal Agreement with the City of Boynton Beach whereby the City agreed to provide building code administration and inspection services within the Town; and

WHEREAS, the Interlocal Agreement expires on July 31, 2012, and the Town and the City have agreed to a First Amendment to the Interlocal Agreement extending the term for an additional one-year period, providing for automatic renewals, and specifying the rate of compensation for plan review services; and

WHEREAS, the Town Council determines that the execution of the First Amendment to the Interlocal Agreement with the City of Boynton Beach is in the best interests of the health, safety and welfare of the citizens and residents of the Town.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF HYPOLUXO, FLORIDA as follows:

Section 1. The foregoing recitals are ratified as true and incorporated herein.

Section 2. The Town Council hereby approves the First Amendment to the Interlocal Agreement between the Town of Hypoluxo and the City of Boynton Beach for Building Code Administration Services, a copy of which is attached hereto and incorporated herein by reference, and authorizes the Mayor and Town Clerk to execute the Agreement on behalf of the Town.

Section 3. All resolutions or parts of resolutions in conflict with this Resolution are hereby repealed to the extent of such conflict,

Section 4. This Resolution shall become effective immediately upon adoption.

RESOLVED AND ADOPTED this 18th day of July, 2012.

[Remainder of page intentionally left blank]

TOWN OF HYPOLUXO, FLORIDA

BY: Kenneth M. Schultz
Kenneth M. Schultz, Mayor

ATTEST:

Barbara Lee Searls
Barbara Lee Searls, Town Clerk

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY:

Leonard G. Rubin
Leonard G. Rubin, Town Attorney

VOTE:

AYE:

NAY:

ABSENT:

VICE MAYOR MICHAEL C. BROWN

✓

COUNCILMEMBER KAREN C. MILLER

✓

COUNCILMEMBER DANIEL L. MONAHAN

✓

COUNCILMEMBER WILLIAM J. SMITH

✓

COUNCILMEMBER RICHARD J. RONEY

✓

**FIRST AMENDMENT TO INTERLOCAL AGREEMENT BETWEEN
THE TOWN OF HYPOLUXO AND THE CITY OF BOYNTON BEACH FOR
BUILDING CODE ADMINISTRATION SERVICES**

This First Amendment to Interlocal Agreement ("First Amendment") is made and entered into by and between: The CITY BOYNTON BEACH, a municipal corporation organized and existing under the laws of the State of Florida, hereinafter referred to as "BOYNTON BEACH;"

AND

The TOWN OF HYPOLUXO, a municipal corporation organized and existing under the laws of the state of Florida, hereinafter referred to as "HYPOLUXO."

WHEREAS, BOYNTON BEACH and HYPOLUXO entered into an Interlocal Agreement in July 2011 ("Interlocal Agreement") whereby BOYNTON BEACH agreed to provide building code administration and inspection services within the boundaries of HYPOLUXO commencing August 1, 2011; and

WHEREAS, the Interlocal Agreement expires on July 31, 2012 and BOYNTON BEACH and HYPOLUXO wish to amend the Interlocal Agreement to extend the term for an additional one-year period, provide for additional renewal terms, and specify the rate of compensation for plan review services.

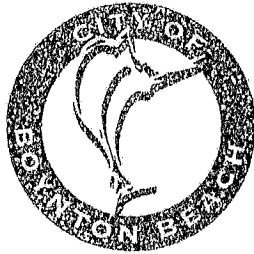
NOW, THEREFORE, IN CONSIDERATION of the mutual terms, conditions, promises, covenants and payments set forth in the Interlocal Agreement and this First Amendment, and other good and valuable consideration, BOYNTON BEACH and HYPOLUXO agree as follows:

1. The foregoing recitals are ratified and incorporated herein.
2. The parties hereby amend Article 3 of the Interlocal Agreement to add the following service at the specified rate:
 - Plan Review -- \$55.00 per hour.
3. The parties hereby amend Article 4 of the Interlocal Agreement to extend the term of the Agreement for an additional one-year period, from August 1, 2012 through July 31, 2013, and to provide that the Agreement shall automatically renew for additional one-year terms unless written notice of termination by BOYNTON BEACH or HYPOLUXO is provided pursuant to Section 8 of the Interlocal Agreement, Notices.
4. An executed original of this First Amendment to Interlocal Agreement shall be filed with the Clerk of the Circuit Court in and for Palm Beach County, Florida pursuant to Section 9.9 of the Interlocal Agreement.

5. All other provisions of the Interlocal Agreement, to the extent not expressly modified herein, shall remain in full force and effect.

Attest:

Janet M. Prainito
City Clerk



Attest:

Barbara L. Seab
Town Clerk

CITY OF BOYNTON BEACH

By Lori LaVerriere
Lori LaVerriere, Interim City Manager

____ day of _____, _____ (date)

APPROVED AS TO FORM:

By [Signature]
City Attorney

TOWN OF HYPOLUXO

By Kenneth M. Schultz
Kenneth M. Schultz, Mayor

18th day of July, 2012 (date)

APPROVED AS TO FORM:

By [Signature]
Town Attorney

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TOWN OF HYPOLUXO

RESOLUTION NO. 11-397

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF HYPOLUXO, FLORIDA APPROVING AN INTERLOCAL AGREEMENT WITH THE CITY OF BOYNTON BEACH FOR BUILDING CODE ADMINISTRATION AND INSPECTION SERVICES AND AUTHORIZING THE MAYOR AND TOWN CLERK TO EXECUTE SAME; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town neither maintains its own Building Department nor employs a Building Code Administrator or Building Official; and

WHEREAS, as authorized by Sections 163.01 and 468.617, Florida Statutes, the Town wishes to enter into an Interlocal Agreement with the City of Boynton Beach whereby the City agrees to provide building code administration and inspection services in accordance with the terms and conditions set forth therein; and

WHEREAS, the Town Council determines that the execution of an Interlocal Agreement for with the City of Boynton Beach for building code administration and inspection services is in the best interests of the health, safety and welfare of the citizens and residents of the Town.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF HYPOLUXO, FLORIDA as follows:

Section 1. The foregoing recitals are ratified as true and incorporated herein.

Section 2. The Town Council hereby approves the Interlocal Agreement between the Town of Hypoluxo and the City of Boynton Beach for Building Code Administration Services, a copy of which is attached hereto and incorporated herein by reference, and authorizes the Mayor and Town Clerk to execute the Agreement on behalf of the Town.

Section 3. This Resolution shall become effective immediately upon adoption.

RESOLVED AND ADOPTED this 20th day of July, 2011.

TOWN OF HYPOLUXO, FLORIDA

BY: _____

Kenneth M. Schultz, Mayor

ATTEST:

Barbara Lee Searls
Barbara Lee Searls, Town Clerk

1 APPROVED AS TO FORM AND LEGAL
2 SUFFICIENCY:

3 
4

5 Leonard G. Rubin, Town Attorney
6

7 **VOTE:**

AYE:

NAY:

ABSENT:

8
9 VICE MAYOR MICHAEL C. BROWN

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11 COUNCILMEMBER KAREN C. MILLER

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13 COUNCILMEMBER DANIEL L. MONAHAN

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15 COUNCILMEMBER WILLIAM J. SMITH

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16
17 COUNCILMEMBER RICHARD J. RONEY

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**INTERLOCAL AGREEMENT BETWEEN THE TOWN OF HYPOLUXO AND
THE CITY OF BOYNTON BEACH FOR
BUILDING CODE ADMINISTRATION SERVICES**

This Interlocal Agreement, ("Agreement") is made and entered into by and between: The CITY BOYNTON BEACH, a municipal corporation organized and existing under the laws of the State of Florida, hereinafter referred to as "BOYNTON BEACH;"

AND

The TOWN OF HYPOLUXO, a municipal corporation organized and existing under the laws of the state of Florida, hereinafter referred to as "HYPOLUXO."

WHEREAS, this Agreement is entered into pursuant to §163.01, Florida Statutes, also known as the "Florida Interlocal Cooperation Act of 1969" and §468.617, Florida Statutes, which authorizes local governments to enter into contracts with each other to provide building code administration and inspection services; and

WHEREAS, BOYNTON BEACH maintains a Development Department that provides building code administration and inspection services; and

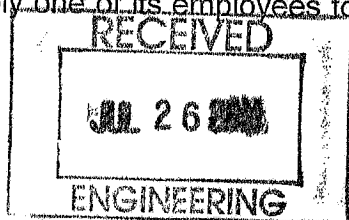
WHEREAS, HYPOLUXO is desirous of procuring all or some of BOYNTON BEACH's building code administration and inspection services within the municipal boundaries of HYPOLUXO; and

WHEREAS, BOYNTON BEACH is willing to perform such Services pursuant to the terms and conditions hereafter set forth in this Agreement.

NOW, THEREFORE, IN CONSIDERATION of the mutual terms, conditions, promises, covenants and payments hereinafter set forth, and other good and valuable consideration, BOYNTON BEACH and HYPOLUXO agree as follows:

ARTICLE 1 - SCOPE OF SERVICES

1.1 BOYNTON BEACH agrees to perform building code inspection and administration services within HYPOLUXO in accordance with the terms of this Agreement, on an as needed basis. These services shall include serving as HYPOLUXO's building code administrator in accordance with Section 468.604, Florida Statutes, and as contemplated under the Florida Building Code, performing all necessary reviews and inspections, including, but not limited to, issuing building permits, providing inspections relating to such permits, and issuing certificates of occupancy ("Services"). The Services shall also include providing inspections and testimony relating to code enforcement. In providing the Services, BOYNTON BEACH shall supply one of its employees to be on site within HYPOLUXO as may be required



by the work load and at times mutually agreed upon between BOYNTON BEACH and HYPOLUXO, but no less than one (1) day per week. BOYNTON BEACH shall also provide consultation from its Development Department located within BOYNTON BEACH City Hall. HYPOLUXO and BOYNTON BEACH may provide for a specific schedule of services, a method of contact, a method of tracking permits and other matters through a Memorandum of Understanding acceptable to each municipality.

1.2 BOYNTON BEACH shall be solely responsible for obtaining and complying with all necessary licensures, approvals and authorizations required for maintaining employees who are building code administrators and inspectors.

1.3 BOYNTON BEACH shall perform the Services pursuant to this Agreement through its Development Department, or any successor division as may be designated by the BOYNTON BEACH City Manager.

1.4 Additional Services may be provided to HYPOLUXO upon written Amendment to this Agreement, as provided in Section 9.6.

ARTICLE 2 - FUNCTIONS AND DUTIES NOT TRANSFERRED

2.1 It is specifically understood and agreed that all rights and powers as may be vested in HYPOLUXO pursuant to the Florida Constitution and Chapter 166, Florida Statutes, or any other law or ordinance or Charter provision of HYPOLUXO not specifically addressed by this Agreement, shall be retained by HYPOLUXO.

ARTICLE 3 - COMPENSATION

3.1 BOYNTON BEACH shall provide the Services as required pursuant to this Agreement at the following rates:

- Field Inspector - \$50.00 per hour
- Building Official (Licensed Building Code Administrator) - \$70.00 per hour
- Additional services as may be negotiated

3.2 BOYNTON BEACH shall invoice HYPOLUXO on a monthly basis for Services actually provided to HYPOLUXO by BOYNTON BEACH during the preceding month. HYPOLUXO shall reimburse BOYNTON BEACH within forty-five (45) days of the date of the invoice. HYPOLUXO shall be invoiced for fractional portions of an hour in quarter hour increments to the nearest quarter hour at the rate set forth herein.

3.3 BOYNTON BEACH shall maintain adequate records to justify all charges for Services performed pursuant to this Agreement. HYPOLUXO shall have access to all books, records and documents for the purposes of audit or inspection during normal business hours.

TO BOYNTON BEACH:

Lori LaVerriere, Interim City Manager
100 E. Boynton Beach Boulevard
P.O. Box 310
Boynton Beach, FL 33425

With Copy to:

Quintus Greene, Development Director
100 E. Boynton Beach Boulevard
P.O. Box 310
Boynton Beach, FL 33425

City Attorney
Goren, Cherof, Doody & Ezrol, P.A.
3099 East Commercial Boulevard
Suite 200
Fort Lauderdale, FL 333080

TO HYPOLUXO:

Mayor
Hypoluxo Town Hall
7580 S. Federal Highway
Hypoluxo, FL 33462

With Copy to:

Barbara Lee Searls, Town Clerk
Hypoluxo Town Hall
7580 S. Federal Highway
Hypoluxo, FL 33462

Leonard G. Rubin, Esquire
Town Attorney
701 Northpoint Parkway
Suite 209
West Palm Beach, FL 33407

ARTICLE 9 - MISCELLANEOUS PROVISIONS

9.1 ASSIGNMENT: BOYNTON BEACH shall perform the Services provided for in this Agreement exclusively and solely for the benefit of HYPOLUXO. Neither party shall have the right to assign this Agreement.

9.2 WAIVER: The waiver by either party of any failure on the part of the other party to perform in accordance with any of the terms or conditions of this Agreement shall not be construed as a waiver of any future or continuing similar or dissimilar failure.

9.3 SEVERABILITY: The invalidity of any provision of this Agreement shall in no way affect the validity of any other provision.

9.4 ENTIRE AGREEMENT: It is understood and agreed that this Agreement incorporates and includes all prior negotiations, agreements or understandings applicable to the matters contained herein and the parties agree that there are no commitments, agreements or understandings concerning the subject matter of this Agreement that are not contained in this document. Accordingly, it is agreed that no deviation from the terms hereof shall be predicated upon any prior representations or agreements, whether oral or written.

9.5 INDEPENDENT CONTRACTOR: BOYNTON BEACH is an independent contractor under this Agreement. Services provided by BOYNTON BEACH pursuant to this Agreement shall be subject to the supervision of BOYNTON BEACH. In providing such services, neither BOYNTON BEACH nor its agents shall act as officers, employees, or agents of HYPOLUXO. This Agreement shall not constitute or make the parties a partnership or joint venture.

9.6 MODIFICATION: It is further agreed that no modifications, amendments or alterations in the terms or conditions contained herein shall be effective unless contained in a written document executed with the same formality and of equal dignity herewith.

9.7 CHOICE OF LAW: Any controversies or legal problems arising out of this transaction and any action involving the enforcement or interpretation of any rights hereunder shall be submitted to the jurisdiction of the State courts of the Fifteenth Judicial Circuit in and for Palm Beach County, Florida, the venue situs, and shall be governed by the laws of the State of Florida.

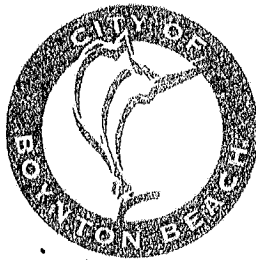
9.8 DRAFTING: This Agreement has been negotiated and drafted by all parties hereto and shall not be more strictly construed against any party because of such party's preparation of this Agreement.

9.9 FILING. An executed original of this Agreement and any amendment(s) hereto shall be filed with the Clerk of the Circuit Court in and for Palm Beach County, Florida.

[Remainder of page intentionally blank]

Attest:

Janet M. Prainito
City Clerk



CITY OF BOYNTON BEACH

By Lori LaVerriere
Lori LaVerriere, Interim City Manager

1st day of August, 2011 (date)

APPROVED AS TO FORM:

By [Signature]
City Attorney

Attest:

Bartman Lee Search
Town Clerk

TOWN OF HYPOLUXO

By Kenneth M. Schultz
Kenneth M. Schultz, Mayor

20th day of July, 2011 (date)

APPROVED AS TO FORM:

By [Signature]
Town Attorney

Legend



City Limits

Palm Beach County
Conservation Area

Drainage Area, by Owner



Hypoluxo MS4



PB County MS4



non-MS4

Outfall Owner

- Hypoluxo MS4
- PB County MS4
- non-MS4

Catch Basin 1
Park Lane East

Catch Basin 2
Lucina Drive

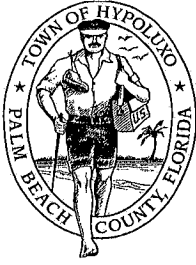
Catch Basin 3
Neptune Drive

Catch Basin 4
Periwinkle Drive

Town of Hypoluxo

ATTACHMENT 4

REVIEW OF CODES AND REGULATIONS TO REDUCE STORMWATER IMPACT



TOWN OF HYPOLUXO

REVIEW OF TOWN CODES AND REGULATIONS TO REDUCE STORMWATER IMPACT OF NEW DEVELOPMENT AND SIGNIFICANT AREAS OF REDEVELOPMENT

The Town of Hypoluxo reviewed its existing Code of Ordinances, including its adopted Land Development Regulations, to determine potential amendments to reduce the stormwater impacts of new development and areas of significant redevelopment. As a preliminary note, the Town is essentially built-out, with the exception of one platted single-family residential lot and one 4.1 acre commercial parcel (for which the development order approving a mixed use planned development has expired). The Town has limited land areas with commercial land uses and no significant redevelopment activities are anticipated within the next five to ten years. Finally, the Town's municipal separate storm sewer system (MS-4) consists solely of four catch basins located at the terminus of the Town's four single-family residential streets, all adjacent to the Lake Worth Lagoon.

In conducting its review, the Town focused on changes to the Code of Ordinances that would promote:

- a reduction in impervious surfaces;
- a reduction in the flow and volume of stormwater;
- an increase in natural hydrology; and
- the adherence to the principles of the Florida Yards and Neighborhoods program in new landscaping.

A. Impervious Surface Requirements

The Town's Land Development Regulations restrict lot coverage in each of its residential zoning districts as follows (Sections 28-41, 28-42 and 28-43 of the Town Code of Ordinances):

RS (Residential Single-Family):	35 percent
RM (Residential Multiple-Family – Medium Density):	40 percent
RH (Residential Multiple-Family – High Density):	40 percent

Section 28-14 of the Town's Code of Ordinances defines lot coverage as "the portion of the area of a lot expressed as a percentage, occupied by all buildings or structures, measured from the exterior walls, that are roofed or otherwise covered and that extend more than three feet above the surface ground level, excluding screen enclosures and swimming pools, but including detached garages and guesthouses."

The Town's MS-4 is located solely within the Town's RS zoning district. On parcels exceeding 14,000 square feet, Section 28-41(f) of the Town Code of Ordinances imposes a minimum landscaped open space of 40 percent. Section 28-14 of the Town Code defines landscaped open space as "open space that is covered and maintained with vegetation in a permeable soil."

Additionally, the Town's Planned Unit Development (Section 28-48) and Mixed Use Planned Development (Section 28-51) regulations place a strong emphasis on pervious open space. Section 28-48(d)(1)b.2 requires that all PUD's permanently provide open space for its residents. Common open spaces such as parks, recreation areas, golf courses, playgrounds, water bodies and other natural areas shall comprise at least 40 percent of the gross site acreage (excluding streets, roads, parking areas, and water areas below the mean high water level of Lake Worth). Similarly, Section 28-51(e)(2)a requires that the residential component of a mixed use development plan provide a minimum of 40 percent open space, with an emphasis on open space areas useable by its residents and businesses.

Conclusions and Possible Revisions:

While the Town's Land Development Regulations provide for minimum landscaped open space on larger lots, the Town will consider expanding this requirement to include a minimum landscaped open space requirement for all single-family lots located within the Town.

B. Landscaping Requirements

Section 28-162 of the Town Code establishes the Town's landscaping requirements, which provide as follows:

Trees:

Multiple-Family Residential – a minimum of one tree planted or preserved for each 1,500 square feet of lot area.

Non-Residential – a minimum of one tree planted or preserved for each 2,500 square feet of lot area.

Buffering:

Off-street parking areas adjacent to rights-of-way: A 10 foot landscape buffer is required between any off-street parking area and adjacent right-of-way (to include one tree for each 30 linear feet). Furthermore, all property lying between an off-street parking area and an adjacent right-of-way, other than required landscape strip, shall be landscaped with grass or other vegetative ground cover.

Off-street parking areas adjacent to property: A 5 foot landscape buffer is required between an off-street parking area and an adjacent property (to include one tree for each 30 linear feet).

Parking Areas:

Surface parking areas and vehicular use areas shall have at least one square foot of pervious interior landscaping for each 20 square feet of paved vehicular use area. Each separate interior landscaped area shall contain a minimum of 50 square feet and shall include at least one tree, with the remaining area adequately landscaped with shrubs, grass, ground cover or other plantings. One tree is required for each 100 square foot of the required minimum landscaped area. Landscaped areas shall be no further apart than 10 parking spaces and shall be curbed to prevent vehicular encroachment. Two feet of the required depth of each parking space abutting a landscaped area may be constructed as additional landscaped area provided that suitable motor vehicle stops are utilized.

Medians and Swales:

Developers are required to landscape, irrigate and maintain adjacent medians and swales. The Town Code requires that each section of the median along U.S. Highway One be irrigated, planted and maintained (and specifies that the required plantings shall consist of native, drought-tolerant vegetation).

Planting species:

Section 28-163 of the Town Code identifies a variety of shade tree species, both flowering and non-flowering, that meet the Town's landscaping requirements. Section 28-165 of the Town Code encourages the use of **xeric and drought -tolerant plant species**, and the Town Council routinely requires the use of native plants in development orders. Furthermore, Section 28-163 specifically prohibits the use of synthetic or artificial trees, shrubs, ground cover and vines in lieu of the plant requirements set forth in the Code.

Conclusions and Possible Revisions:

The Town's Land Development Regulations do require the planting of trees and the use of landscape buffers, and the Town does encourage the use of native, xeric and drought-tolerant landscaping. One area of deficiency, however, is the failure to prohibit the planting of invasive species within the Town. While Section 28-164 of the Town Code lists prohibited species of trees whose roots are known to cause damage to public roadways and for which landscaping credit is not granted, the Town will consider amending its Code to actually prohibit the installation of trees or plants listed in the most current edition of the Manual of Prohibited Invasive and Non-Native Plant Materials published by the South Florida Water Management District.

With regard to swales, the Town's MsS-4 consists of four streets within the residential single-family zoning district. The paved portion of the road comprises only one-half (twenty-feet) of the entire right-of-way (forty feet). While much of the remaining portion of the roadway consists of grassed areas, the Town Code does not currently require that any portion of the right-of-way remain grassed and/or landscaped. The Town will consider amending its Code to provide for such a requirement.

Drought Management Requirements

Article IV of Chapter 22 of the Town Code of Ordinances incorporates any water shortage or water shortage emergency as may be declared by the South Florida Water Management District and provides for enforcement of water use restrictions adopted by the District through the Town's code enforcement procedures. Specifically, Section 22-133 of the Town Code of Ordinances provides as follows:

The declaration of a water shortage or water shortage emergency within all or any part of the town by the Town Council or the executive director of the district shall invoke the provisions of this article. Upon such declaration all water use restrictions or other measures adopted by the district applicable to the town or any portion thereof, shall be subject to enforcement action pursuant to this article. Any violation of the provisions of Chapter 40E-21, Florida Administrative Code, or any order issued pursuant thereto, shall be a violation of this article.

Conclusion and Possible Revisions:

The Town Code adequately addresses water restrictions imposed by the South Florida Water Management District. The Town will, however, consider encouraging alternate methods of water conservation, such as requiring that downspouts are aimed at porous surfaces and encouraged the use of porous materials for walkways, driveways and patios.

Fertilizer Use Requirements

Article X of Chapter 22 of the Town Code of Ordinances sets forth the Town's "Fertilizer Friendly Use Ordinance" which is based on the model promulgated by the Florida Department of Environmental Protection.

Conclusion:

The Town Code adequately addresses the proper use of fertilizer and regulates non-point sources of nutrient pollution; therefore, no revisions are needed or contemplated.