

## **ARTICLE III. STORMWATER SYSTEMS**

### **DIVISION 1. GENERALLY; ENFORCEMENT; INSPECTIONS AND MONITORING**

#### **Sec. 66-36. Purpose and intent.**

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

(Code 1993, § 26-271)

#### **Sec. 66-37. 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.

(Code 1993, § 26-273)

#### **Sec. 66-38. 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.

(Code 1993, § 26-274)

#### **Sec. 66-39. Enforcement actions.**

The building official may take all actions necessary, including the issuance of notices of violation, the filing of court actions and/or referral of the matter to the local code enforcement board to require and enforce compliance with the provisions of this article and with any regulation or permit issued hereunder.

(Code 1993, § 26-275)

#### **Sec. 66-40. Authority for inspections.**

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

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

(Code 1993, § 26-276)

#### **Sec. 66-41. 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.

(Code 1993, § 26-277)

#### **Sec. 66-42. Requirements for monitoring.**

The building official may require any person engaging in any activity or owning any property, building or facility (including but not limited to a site of industrial activity) to undertake such reasonable monitoring of any discharge(s) to the stormwater system and to furnish periodic reports.

(Code 1993, § 26-278)

Note--Provisions required by 40 CFR, 122.26(d)(1)(ii)(A), (B), (C), (E) and (F), and the Florida Interlocal Cooperation Act of 1969 (F.S. § 163.01 et seq.)

#### **Sec. 66-43. Maintenance of privately owned stormwater management systems.**

(a) *Maintenance required.* All privately owned stormwater management systems that discharge into the town's stormwater management system are responsible for establishing and implementing an effective maintenance program.

(b) *Entity responsible; plan.* A statement designating the entity that will be responsible for the operation and maintenance of the stormwater management system must be provided to the Town prior to issuance of any development order affecting or potentially affecting the town's stormwater management system. A proposed maintenance plan for the stormwater management system must also be submitted to the town, prior to the issuance of a certificate of occupancy or certificate of completion for any construction affecting the town's stormwater management system. Notwithstanding the above, all owners of existing privately owned stormwater management systems must submit a maintenance plan and designated entity within 120 days of the adoption of this section.

(c) *System functioning.* If a privately owned stormwater management system does not function as designed and intended, the owner and any contracted maintenance entity shall be responsible for correcting all deficiencies to restore and ensure the proper operation of the system.

(d) *Right to inspect.* The administrative official or his duly authorized agent may enter at all reasonable times in or upon any privately owned and maintained stormwater management system which discharges into the town's stormwater management system, or into any water body over which there is governmental jurisdiction, for the purpose of inspection, and to verify

operation and maintenance of the privately owned system. Owners of private stormwater management systems will permit town employees or agents access to property to perform inspections, will provide maintenance records from the prior year or since the last inspection, whichever is the longer time period, and shall certify to the town each year any changes made in the system, or that no changes have been made. Upon written notification by the town, to the owner, said owner shall cause any deficiencies in the system to be corrected within a reasonable time to be established by the town.

(e) *Violation.* The code enforcement special master shall have authority to levy fines and penalties for violations of this section.

(Code 1993, § 26-279)

Secs. 66-44--66-60. Reserved.

## **DIVISION 2. INDUSTRIAL ACTIVITY (formerly section 14-151)**

### **Sec. 66-61. 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.

(Code 1993, § 26-301)

### **Sec. 66-62. Specific prohibitions.**

By adoption of industrial activity stormwater regulations or by issuance of industrial activity stormwater permits, or both, the building official 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 building official shall be in accordance with the applicable law.

(Code 1993, § 26-302)

### **Sec. 66-63. Administrative orders.**

The building official may issue an order to any person to immediately cease any discharge determined by the building official to be in violation of any provision of this article, or in violation of any regulation or permit issued hereunder.

(Code 1993, § 26-303)

### **Sec. 66-64. NPDES permit.**

Any person who holds a national pollutant discharge elimination system (NPDES) permit shall provide a copy of such permit to the building official no later than the later of: 60 calendar days after the effective date of this article or 60 calendar days after issuance of the NPDES permit.

(Code 1993, § 26-304)

Secs. 66-65--66-75. Reserved.

### **DIVISION 3. ILLICIT DISCHARGES**

#### **Sec. 66-76. General prohibitions.**

Except as set forth under section 66-78 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.

(Code 1993, § 26-311)

#### **Sec. 66-77. 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.

(Code 1993, § 26-312)

#### **Sec. 66-78. Authorized exceptions.**

Unless the building official determines that it is not properly managed or otherwise is not acceptable, the following discharges are exempt from the general prohibition set forth under section 66-76 of this article: flows from firefighting, water line flushing and other contributions from potable water sources, landscape irrigation and lawn watering, irrigation water, diverted stream flows, rising groundwaters, direct infiltration to the stormwater system, uncontaminated pumped groundwater, foundation and footing drains, water from crawl space pumps, air conditioning condensation, springs, individual residential car washings, flow from riparian habitats and wetlands, and dechlorinated swimming pool contributions.

(Code 1993, § 26-313)

#### **Sec. 66-79. 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 authorized, or whether permissible under laws or practices applicable or prevailing at the time the connection was made.

(Code 1993, § 26-314)

#### **Sec. 66-80. Administrative order.**

The building official may issue an order to any person to immediately cease any discharge, or any connection to the stormwater system, determined by the building official to be in violation of any provisions of this article, or in violation of any regulation or permit issued hereunder.

(Code 1993, § 26-315)

Secs. 66-81--66-95. Reserved.

## **DIVISION 4. SPILLS AND DUMPING**

### **Sec. 66-96. General prohibitions.**

Except as set forth under section 66-78 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.

(Code 1993, § 26-321)

### **Sec. 66-97. 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.

(Code 1993, § 26-322)

### **Sec. 66-98. 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 building official 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 containment and clean up of such discharge and shall confirm such telephone notification in writing to the building official, at mailing address, within three calendar days.

(Ord. No. 540, 3-13-2003)

### **Sec. 66-99. Administrative order.**

The building official may issue an order to any person to immediately cease any discharge, or connection to the stormwater system, determined by the building official to be in violation of any provision of this article, or in violation of any regulation or permit used hereunder.

(Code 1993, § 26-324)

Secs. 66-100--66-115. Reserved.