

ORDINANCE NO. 93-2

AN ORDINANCE OF THE CITY OF BELLE GLADE, FLORIDA, RELATING TO DRAINAGE; PROVIDING PROVISIONS RELATING TO CONTROL AND USE OF THE CITY STORMWATER DRAINAGE SYSTEM; AMENDING CHAPTER 8 OF THE CODE OF ORDINANCES BY ESTABLISHING ARTICLE I TO BE ENTITLED, DRAINAGE FACILITIES, ESTABLISHING ARTICLE II, TO BE ENTITLED, CONTROL AND USE OF DRAINAGE SYSTEM, AND ADDING PROVISIONS RELATING TO USE AND CONTROL OF THE SYSTEM; PROVIDING PENALTIES; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF BELLE GLADE, FLORIDA:

SECTION I

Chapter 8 of the Code of Ordinances is amended by adding Article I to be entitled, "Drainage Facilities" and to include Sections 8-2 through 8-29 (of which sections 8-11 through 8-29 are reserved).

SECTION II

Chapter 8 of the Code of Ordinances is amended by adding Article II to be entitled, "Use and Control of Drainage System", to contain the following provisions:

"ARTICLE II. Use and Control of Drainage System

Sec. 8-30. Purpose and intent.

It is the purpose of the provisions of Article II of this ordinance to provide for the use and control of the City stormwater drainage system so as to meet the intended purpose of complying with mandated Federal and State law and regulations applicable to the system.

Sec. 8-31. Definitions.

a. Authorized official: The City Manager, the Public Works Director and City employees designated in writing by the City Manager to administer one or more of the provisions of this ordinance.

b. Director: The Director of Public Works.

c. Discharge: Entry into the City drainage system of any solid, liquid or gaseous matter.

d. Person: Any one or more of the following, to-wit: Any

natural individual, legal entity, partnership or association of any one or more of the foregoing.

e. Site of Industrial Activity: Any area or facility used for manufacturing, processing or storage or any combination thereof of any products as defined in 40 Code of Federal Regulations (CFR), Section 122.26(a)(14), as amended.

f. Stormwater: Any runoff and drainage, or either of them, of surface waters into the drainage system.

g. Stormwater system: That portion of the drainage system consisting of each part of it used for the collecting, conveying, storing, transporting, treating and discharging stormwater.

Sec. 8-32. Pollutant quality control.

The Authorized Official, upon written request of the Director, may impose, in writing, reasonable limitations as to the quality of Stormwater Discharged into the Stormwater System from Sites of Industrial Activity.

Sec. 8-33. NPDES Permits.

Any Person who holds a National Pollutant Discharge Elimination System (NPDES) permit authorizing Discharge of Stormwater into the Stormwater System shall provide a copy of such permit to the Director not later than the later of 60 calendar days from the effective date of this ordinance or 60 calendar days after the issue date of the permit. The Director shall keep all such copies in a separate file.

Sec. 8-34. Monitoring; authority.

The Authorized Official may establish, at the point or points of discharge, from any property in the City to the Stormwater System such devices as the Authorized Official deems appropriate to determine the quality and quantity of discharges to the Stormwater System from such property. No metering, sampling or similar device intended to monitor discharge into the Stormwater System from any property other than City property, shall be placed upon such other property until such time as the City has received permission of the owner or occupant of such property or an order from a court of competent jurisdiction authorizing the placement of such device

application form will be supplied by the City and will contain requisite minimum/maximum requirements as to quality and quantity of materials acceptable for discharge to the Stormwater System.

Sec. 8-37. Fees.

The following fees relating to discharges to the Stormwater System are hereby imposed:

- (1) Activity Generated Permit Applications..... \$\_\_\_\_\_
- (2) Monthly fee for administering Activity  
Generated Discharge Reports and regular  
monitoring and sampling.....\$\_\_\_\_\_

Sec. 8-38. Unlawful Discharges.

(1) It is unlawful for any Person to discharge into the Stormwater System any quality or quantity, or both of them, of any materials which are prohibited from such discharge by any applicable statute, ordinance, rule or regulation.

(2) It is unlawful for any person to conduct any activity generating discharge to the Stormwater System without first having a valid current permit for such discharge.

(3) It is unlawful for any person to fail to comply with the requirements of this ordinance, any permit imposed by this ordinance, any applicable statute, ordinance, rule or regulation referred to in this ordinance or any combination of the foregoing.

Sec. 8-39. Penalties.

In addition to the penalties provided in and the provisions of Sec. 1-10 of the City Code, the City, for violation of any of the provisions of this ordinance, may use any one or combination of the following:

- (1) Submit the matter to the Code Enforcement Board for enforcement as provided in Division 3, Chapter 2 of the Code of Ordinances; and
- (2) City may seek and utilize any administrative equitable and legal remedies available through any forum having jurisdiction.
- (3) Take such emergency action as may be appropriate to protect persons from imminent peril or injury.

Sec. 8-40. Exemptions.

Discharge of materials to the Stormwater System are exempt from the requirements of this ordinance under the following conditions:

- (1) Municipal water line flushing.
- (2) Flows from fire fighting activities.
- (3) Potable water discharges.
- (4) Home, landscape irrigation and lawn watering discharges.
- (5) Direct infiltration to the Stormwater System.
- (6) Rising groundwaters.
- (7) Air conditioning condensation.
- (8) Domestic water well discharges.
- (9) Discharges from residential use of potable water such as motor vehicle washing, pet washing, window cleaning, sidewalk and driveway flushing, and similar domestic activities.
- (10) De-chlorinated swimming pool contributions.
- (11) Discharges occasioned by reason of water or sewer main ruptures.
- (12) Effluent discharges where the effluent quality complies with all applicable Federal, State and municipal statutes, ordinances, rules and regulations pertaining to the discharge of water to surface waters.

Sec. 8-41. Application.

This ordinance shall apply to all discharges to the Stormwater System of the City."

SECTION III

This Ordinance shall become effective 30 calendar days after the date the City receives National Pollutant Discharge Elimination System (NPDES) Permit from the U.S. Environmental Protection Agency (EPA) for the operation and maintenance of the City's stormwater drainage system.

PASSED on first reading the 14<sup>th</sup> day of June,

1993, and PASSED on second and final reading the 28<sup>th</sup> day of June, 1993.

Bill Bailey  
Mayor/Commissioner

James J. Byrnes

John P. ...

Ernest T. Weeks  
As Commissioners

ATTEST:  
James H. ...  
City Clerk

(MUNICIPAL SEAL)