

ORDINANCE NO. 166-93-31

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF JUPITER INLET COLONY, FLORIDA, AMENDING CHAPTER 18. UTILITIES, OF THE CODE OF ORDINANCES, TOWN OF JUPITER INLET COLONY, FLORIDA, TO ADD A NEW ARTICLE III. STORMWATER CONTROL; BY CREATING A NEW SECTION 18-40. TITLE; BY CREATING A NEW SECTION 18-41. PURPOSE AND INTENT; BY CREATING A NEW SECTION 18-42. DEFINITIONS; BY CREATING A NEW SECTION 18-43. ILLICIT DISCHARGES; BY CREATING A NEW SECTION 18-44. SPILLS AND DUMPING; BY CREATING A NEW SECTION 18-45. ENFORCEMENT; BY CREATING A NEW SECTION 18-46. INSPECTIONS AND MONITORING; PROVIDING AUTHORITY TO CODIFY; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the federal Clean Water Act (33 U.S.C. 1252, et seq.) as implemented by regulations of the U.S. Environmental Protection Agency adopted November 16, 1990 (40 CFR Part 122), make necessary the adoption of local ordinance provisions relating to the Stormwater System; and

WHEREAS, the Town of Jupiter Inlet Colony is seeking to comply with all provisions of federal and state law; and

WHEREAS, the Town Commission has conducted legally noticed public hearings and has provided all interested parties an opportunity to be heard on these ordinance provisions.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF JUPITER INLET COLONY, FLORIDA, THAT:

Section 1: Chapter 18. UTILITIES., of the Code of Ordinances, Town of Jupiter Inlet Colony, Florida, is hereby amended by creating a new Article III. Stormwater Control, as follows:

ARTICLE III. STORMWATER CONTROL

Sec. 18-40. TITLE.

This ordinance shall be known as the Town of Jupiter Inlet Colony Stormwater Control Ordinance, and may be so cited.

Sec. 18-41. Purpose and Intent:

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

Sec. 18-42. Definitions:

(a) Authorized Official: any employee or agent of the Town authorized by the Town Commission to administer or enforce the provisions of this ordinance.

(b) Discharge: any direct or indirect entry of any solid, liquid or gaseous matter.

(c) Person: any natural individual, corporation, partnership, institution or other entity.

(d) Stormwater: any stormwater run-off, and surface run-off and drainage.

(e) 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.

Sec. 18-43. Illicit Discharges.

A. General Prohibitions.

Except as set forth under Section 18-45 of this ordinance or as in accordance with a valid NPDES permit, any Discharge to the Stormwater System that is not composed entirely of Stormwater is prohibited.

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 his 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 Section 18-43(A) of this ordinance:

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. direct 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; and
15. dechlorinated - swimming pool contributions.

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 Ordinance. This prohibition is retroactive and applies to connections made in the past, regardless of whether made under a permit, or other authorization, or whether permissible under laws or practices applicable or prevailing at the time the connection was made.

E. Administrative Order.

The Mayor, or his 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 his designee, to be in violation of any provision of this Ordinance, or in violation of any regulation or permit issued hereunder.

Sec. 18-44. Spills and Dumping.

A. General Prohibitions.

Except as set forth under Section 18-43(C) of this Ordinance or as in accordance with a valid NPDES permit, any Discharge to the Stormwater System that is not composed entirely of Stormwater is prohibited.

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 Ordinance, such Person shall immediately notify the Mayor or Town Clerk 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 Mayor within three calendar days.

D. Administrative Order.

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

Sec. 18-45. Enforcement.

A. Injunctive Relief.

Any violation of any provision of this Ordinance, or of any regulation or order issued hereunder, shall be subject to injunctive relief if necessary to protect the public health, safety or general welfare.

B. Continuing Violation.

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

C. Enforcement Actions.

The Mayor, or his designee, 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 Town code enforcement Board to require and enforce compliance with the provisions of this ordinance and with any regulation or permit issued hereunder.

Sec. 18-46. Inspections and Monitoring.

A. Authority for Inspections.

Whenever necessary to make an inspection to enforce any of the provisions of this Ordinance, or regulation or permit issued hereunder, or whenever an Authorized Official has reasonable cause to believe there exists any condition constituting a violation of any of the provisions of this Ordinance, or regulation or permit issued hereunder, any Authorized Official may enter any property, building or facility at any reasonable time to inspect the same or to perform any duty related to enforcement of the provisions of this ordinance 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 search 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 his designee, may require any Person engaging in any activity or owning any property, building or facility to undertake such reasonable monitoring of any Discharge(s) to the Stormwater System and to furnish periodic reports.

SECTION 2: Each and every other provision of Chapter 18. UTILITIES., of the Code of Ordinances of the Town of Jupiter Inlet Colony shall remain in full force and effect as previously enacted.

SECTION 3: Specific authority is hereby granted to codify and incorporate this ordinance into the existing Code of Ordinances of the Town of Jupiter Inlet Colony.

SECTION 4: All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

SECTION 5: Should any section or provision of this ordinance or any portion thereof, any paragraph, sentence or

word be declared by a Court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder of this ordinance,

SECTION 6: This ordinance shall take effect immediately upon passage.

FIRST READING this 5th day of April, 1993.

SECOND READING and FINAL PASSAGE this 3rd day of May, 1993.

TOWN OF JUPITER INLET COLONY, FLORIDA

NICHOLAS F. PORTO  
MAYOR

RUTH MC KENTY  
TOWN COMMISSIONER

RICHARD PARMALEE  
TOWN COMMISSIONER

THOMAS BODTH  
TOWN COMMISSIONER

C. B. MILLER - absent  
TOWN COMMISSIONER

ATTEST:

JANET E. POTVIN  
TOWN CLERK

*Approved  
4-0*

