

**Environmental Protection Agency
National Pollutant Discharge
Elimination System**

**Palm Beach County MS4
Permit No. FLS000018**

**Annual Report
Appendix AA**

**Town of Palm Beach Shores
Co-Permittee**

August 1998

EPA/NPDES

APPENDIX 2

PALM BEACH SHORES MUNICIPAL STORM WATER ORDINANCE

Sec. 74-175. Rainfall sensing device.

New installations of automatic irrigation systems shall be equipped with a water sensing device which will automatically discontinue irrigation during periods of rainfall.
(Ord. No. 287, § 4.03, 12-9-91)

Secs. 74-176--74-210. Reserved.

ARTICLE IV. STORMWATER SEWER SYSTEM*

DIVISION 1. GENERALLY

Sec. 74-211. Title, purpose and definitions.

This article shall be known as the "Town of Palm Beach Shores Initial Stormwater Control Ordinance", and may be so cited.
(Ord. No. 309, § 1, 6-14-93)

Sec. 74-212. Purpose and intent.

The purpose of this article is to promote the health, safety and general welfare of the inhabitants of the Town of Palm Beach Shores. This article is intended to comply with federal and state law and regulations regarding water quality.
(Ord. No. 309, § 1, 6-14-93)

Sec. 74-213. Definitions.

[The following words and phrases, when used in this article, shall have the meanings ascribed to them in this section:]

Authorized official shall mean any employee or agent of the town, authorized in writing by the director to administer or enforce the provisions of this article.

Director shall mean the mayor.

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

Person shall mean any natural individual, corporation, partnership, institution or other entity.

***Editor's note**—Ord. No. 309, adopted June 14, 1993, added a stormwater system, although not designated specifically, it has been added as Article IV, at the discretion of the editor.

Site of industrial activity shall mean any area or facility used for manufacturing, processing or raw materials storage, as defined under 40 CFR Section 122.26(a)(14) of regulations of the U.S. Environmental Protection Agency, as amended.

Stormwater shall mean any stormwater runoff, and surface runoff and drainage.

Stormwater System shall mean 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. 309, § 1, 6-14-93)

Secs. 74-214--74-220. Reserved.

DIVISION 2. INDUSTRIAL ACTIVITY

Sec. 74-221. 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.
(Ord. No. 309, § 2, 6-14-93)

Sec. 74-222. Specific prohibitions.

By adoption of industrial activity stormwater regulations or by issuance of industrial activity stormwater permits, or both, the director 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 director shall be in accordance with applicable law.
(Ord. No. 309, § 2, 6-14-93)

Sec. 74-223. Administrative orders.

The director may issue an order to any person to immediately cease any discharge determined by the director to be in violation of any provision of this article, or in violation of any regulation or permit issued hereunder.
(Ord. No. 309, § 2, 6-14-93)

Sec. 74-224. NPDES permits.

Any person who holds a National Pollutant Discharge Elimination System (NPDES) permit shall provide a copy of such permit to the director no later than the later of:

- (1) 60 calendar days after the effective date of this article; or
 - (2) 60 calendar days after issuance.
- (Ord. No. 309, § 2, 6-14-93)

Secs. 74-225–74-230. Reserved.

DIVISION 3. ILLICIT DISCHARGES

Sec. 74-231. General prohibitions.

Except as set forth under section 74-233 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.

Sec. 74-232. 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.

(Ord. No. 309, § 3, 6-14-93)

Sec. 74-233. Authorized exceptions.

Unless the director determines that it is not properly managed or otherwise is not acceptable, the following discharges are exempt from the general prohibition set forth under section 74-231 of this article:

- (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 habitants and wetlands; and
 - (15) Dechlorinated swimming pool contributions.
- (Ord. No. 309, § 3, 6-14-93)

Sec. 74-234. 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.

(Ord. No. 309, § 3, 6-14-93)

Sec. 74-235. Administrative order.

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

(Ord. No. 309, § 3, 6-14-93)

Secs. 74-236–74-240. Reserved.

DIVISION 4. SPILLS AND DUMPING

Sec. 74-241. General prohibitions.

Except as set forth under section 74-233 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.

(Ord. No. 309, § 4, 6-14-93)

Sec. 74-242. 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.

(Ord. No. 309, § 4, 6-14-93)

Sec. 74-243. 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 director by telephoning (407) 844-3457, and if such person is directly or indirectly responsible for such discharge, then such person shall also take immediate action to ensure the containment and clean up of such discharge and shall confirm such telephone notification in writing to the director at 247 Edwards Lane, Palm Beach Shores, Florida 33404, within three calendar days.

(Ord. No. 309, § 4, 6-14-93)

Sec. 74-244. Administrative order.

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

(Ord. No. 309, § 4, 6-14-93)

Secs. 74-245–74-250. Reserved.

DIVISION 5. ENFORCEMENT

Sec. 74-251. 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.

(Ord. No. 309, § 5, 6-14-93)

Sec. 74-252. 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.

(Ord. No. 309, § 5, 6-14-93)

Sec. 74-253. Enforcement actions.

The director 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.

(Ord. No. 309, § 5, 6-14-93)

Secs. 74-254–74-260. Reserved.

**DIVISION 6. INSPECTIONS AND
MONITORING**

Sec. 74-261. Authority for inspections.

(a) 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 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.

(b) 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.

(c) 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.

(d) 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, non-stormwater discharges or similar factors.

(Ord. No. 309, § 6, 6-14-93)

Sec. 74-262. 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.

(Ord. No. 309, § 6, 6-14-93)

Sec. 74-263. Requirements for monitoring.

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

(b) The EPA requirements pertaining to legal authority for interagency agreements does not require the adoption of local ordinance provisions, as long as ordinances are adequate in all respects under 40 CFR Sections 122.26(d)(1)(ii)(A), (B), (C), (E) and (F).

(c) It appears that adequate state enabling authority for interagency agreements among the various co-applicants exists under the Florida Interlocal Cooperation Act of 1969 (F.S. § 163.01 et seq.).

(d) However, it may be necessary to demonstrate to EPA that agreements among the co-applicants enabling the contribution of pollutants from one portion of the municipal stormwater system to another portion of the municipal stormwater system to be controlled have been drafted and signed.

(Ord. No. 309, § 6, 6-14-93)