

COPY

ORDINANCE NO. 93-02

AN ORDINANCE OF THE VILLAGE OF PALM SPRINGS, FLORIDA, ADOPTING PROVISIONS RELATING TO USE OF THE STORMWATER SYSTEM; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the federal Clean Water Act (33 U.S.C. 1251 et seq.) as implemented by regulations of the U.S. Environmental Protection Agency adopted November 16, 1990 (40 CFR Part 122), made necessary the adoption of local ordinance provisions relating to the Stormwater System; and,

WHEREAS, the Village of Palm Springs, Florida, is seeking to comply with all provisions of federal and state law; and,

WHEREAS, the Village Council of the Village of Palm Springs, Florida has conducted legally noticed public hearings and has provided all interested parties an opportunity to be heard on these ordinance provisions;

NOW, THEREFORE, THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS DOES ORDAIN THE FOLLOWING:

SECTION 1:

ARTICLE 1.0 TITLE, PURPOSE AND DEFINITIONS

This ordinance shall be known as the Village of Palm Springs Initial Stormwater Control Ordinance, and may be so cited.

Section 1.1 Purpose and Intent

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

Section 1.2 Definitions

- (a) Authorized Official: any employee or agent of the Village of Palm Springs authorized in writing by the Director to administer or enforce the provisions of this ordinance.
- (b) Director: the Director of Public Services.
- (c) Discharge: any direct or indirect entry of any solid, liquid or gaseous matter
- (d) Person: any natural individual, corporation, partnership, institution, or other entity
- (e) 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 of the U.S. Environmental Protection Agency, as amended.

Agenda	<u>RCM</u>
Date	<u>4-8-93</u>
Item No.	<u>8-A</u>
Action	

(f) Stormwater: any stormwater runoff, and surface runoff and drainage.

(g) Stormwater System: the system of conveyances used for collecting, storing, and transporting Stormwater owned by the Village of Palm Springs, but not including any facilities intended to be used in accordance with applicable law for collecting and transporting sanitary or other wastewater.

## ARTICLE 2.0 INDUSTRIAL ACTIVITY

### Section 2.1 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.

### Section 2.2 Specific Prohibitions

By adoption of industrial activity stormwater regulations or by assurance 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.

### Section 2.3 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 provisions of this ordinance, or in violation of any regulation or permit issued hereunder.

### Section 2.4 NPDES Permits

Any Person who holds National Pollutant Discharge Elimination System (NPDES) permit shall provide a copy of such permit to the Director no later than the later of: sixty (60) calendar days after the effective date of this ordinance or sixty (60) calendar days after issuance.

## ARTICLE 3.0 ILLICIT DISCHARGES

### Section 3.1 General Provisions

Except as set forth under Section 3.3 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.

### Section 3.2 Specific Prohibitions

Any Discharge to the Stormwater System containing any sewage, industrial waste or other materials, or containing any materials in

violation of federal, state, county, municipal, or other laws, rules, regulations, orders or permits, is prohibited.

### Section 3.3 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 3.1 of this ordinance: flows from fire fighting, 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, flows from riparian habitats and wetlands, and dechlorinated swimming pool contributions.

### Section 3.4 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.

### Section 3.5 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 ordinance, or in violation of any regulation or permit issued hereunder.

## ARTICLE 4.0 SPILLS AND DUMPING

### Section 4.1 General Prohibitions

Except as set forth under Section 3.3 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.

### Section 4.2 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.

### Section 4.3 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 Director by telephoning (407) 965-4010, 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 226 Cypress Lane, Palm Springs, Florida, 33461, within three calendar days.

#### Section 4.4 Administrative Order

The Director may issue any 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 provisions of this ordinance, or in violation of any regulation or permit issued hereunder.

### ARTICLE 5.0 ENFORCEMENT

#### Section 5.1 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.

#### Section 5.2 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.

#### Section 5.3 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 ordinance and with any regulation or permit issued hereunder.

### ARTICLE 6.0 INSPECTIONS AND MONITORING

#### Section 6.1 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 (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 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. 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 ordinance, including but not limited to random sampling and sampling in areas with evidence of stormwater contamination, non-stormwater discharges, or similar factors.

#### Section 6.2 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 ordinance, or regulations or permits issued hereunder, any Authorized Official may take any samples deemed necessary.

#### Section 6.3 Requirements For Monitoring

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.

#### SECTION 2: REPEAL OF CONFLICTING ORDINANCES

All Ordinances or parts thereof or parts of the Code conflicting or inconsistent with the provisions of this Ordinance are hereby repealed.

#### SECTION 3: SEVERABILITY:

If any section, part of a section, paragraph, sentence, clause, phrase or word of this Ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holdings on invalidity shall not affect this remaining portion of this Ordinance and it shall be construed to have been the legislative intent to pass this Ordinance without such unconstitutional, invalid or inoperative part herein, and the remainder of the Ordinance after the exclusion of such part or parts shall be deemed to be held valid as if such part or parts had not been included therein, or if this Ordinance or any of the provisions thereof shall be held inapplicable to any person, group of persons, property, kind of property, circumstances, or set of circumstances, such holding shall not affect the applicability thereof to any other person, property or circumstances.

#### SECTION 4: INCLUSION IN THE CODE

It is the intention of the Village Council of the Village of Palm Springs, entered as hereby ordained, that the provisions of this Ordinance shall become and be made part of the Code of Laws and Ordinances of the Village of Palm Springs, Florida; that the Section(s) of the Ordinance may be renumbered or relettered to accomplish such intention, and that the word "Ordinance" may be changed to "Section", "Article", or other word.

SECTION 5: PUBLICATION

The Clerk of the Village of Palm Springs, Florida, is hereby directed to notice once in a newspaper of general circulation in Palm Beach County, Florida, the title of this Ordinance, the date, time, and place of the meeting of the Village Council at which the subject Ordinance may be inspected by the public. The notice shall be published at least ten (10) days prior to the date of the second reading, and shall also advise that interested parties may appear at the meeting and be heard with respect to the subject Ordinance.

SECTION 6: EFFECTIVE DATE

The provisions of this Ordinance shall become effective in accordance with the laws of the State of Florida.

Councilmember Lowenkron, offered the foregoing Ordinance, and moved its adoption. The motion was seconded by Councilmember Shoda, and upon being put to a vote, the vote was as follows:

RICHARD H. JETTE, Mayor	<u>Aye</u>
KARON B. SHODA, Vice Mayor	<u>Aye</u>
CHESTER D. OSBORNE, Mayor Pro Tem	<u>Aye</u>
HARRY LOWENKRON, Councilmember	<u>Aye</u>
JOHN M. DAVIS, Councilmember	<u>Aye</u>

The Mayor thereupon declared this Ordinance approved and adopted by the Village Council of the Village of Palm Springs, Florida, on second reading, the 8th day of April, 1993.

VILLAGE OF PALM SPRINGS, FLORIDA  
BY ITS VILLAGE COUNCIL

BY: Richard H. Jette  
RICHARD H. JETTE, Mayor

ATTEST: Diane L. Burroughs  
Village Clerk

1st Reading March 25, 1993

2nd Reading April 8, 1993

# THE PALM BEACH POST

Published Daily and Sunday  
West Palm Beach, Palm Beach County, Florida

## PROOF OF PUBLICATION

STATE OF FLORIDA  
COUNTY OF PALM BEACH

Before the undersigned authority personally appeared Chris Bull  
who on oath says that she/he is Class. Sales Mgr. 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, being a Notice  
in the matter of public hearing  
in the --- Court, was published in said newspaper in  
the issues of March 29, 1993

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.

*Chris Bull*

Sworn to and subscribed before me this 29 day of March A.D. 19 93

NOTARIAL NOTARY SEAL  
KAREN M. MCLINTON  
NOTARY PUBLIC STATE OF FLORIDA  
COMMISSION NO. CC290183  
EXPIRES NOV. 15, 1996

*Karen M. McLinton*

Karen M. McLinton, Notary Public

Personally known XX or Produced Identification \_\_\_\_\_  
Type of Identification Produced \_\_\_\_\_

NO. 624780  
NOTICE OF PUBLIC HEARING  
A Public Hearing will be held on the following proposed ordinance at 7:30 p.m. on April 8, 1993, in the Council Chambers, 228 Cypress Lane, Palm Springs, FL, at which time the Palm Springs Village Council will consider its adoption into law. The ordinance in its entirety may be inspected at the Office of the Village Clerk during regular working hours. All interested parties may appear at the meeting and be heard with respect to this proposed ordinance.  
ORDINANCE NO. 93-02  
ADOPTING PROVISIONS RELATING TO THE USE OF THE STORMWATER SYSTEM OF THE VILLAGE OF PALM SPRINGS, FLORIDA.  
If a person decides to appeal any decision made by the above Village Council with respect to any matter considered at such hearing, he will need a record of the proceedings, and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.  
Irene L. Burroughs  
Village Clerk  
Village of Palm Springs  
PUB: The Palm Beach Post  
March 29, 1993