



ANNUAL REPORT FORM FOR INDIVIDUAL NPDES PERMITS FOR MUNICIPAL SEPARATE STORM SEWER SYSTEMS (RULE 62-624.600(2), F.A.C.)

- This Annual Report Form must be completed and submitted to the Department to satisfy the annual reporting requirements established in Rule 62-621.600, F.A.C.
- Submit this fully completed and signed form and any REQUIRED attachments by mail to the address in the box at right.
- Refer to the Form Instructions for guidance on completing each section.
- **Please print or type information in the appropriate areas below.**

Submit the form and attachments to:
 Florida Department of Environmental Protection
 Mail Station 2500
 2600 Blair Stone Road
 Tallahassee, Florida 32399-2400

SECTION I. BACKGROUND INFORMATION

| | | | |
|-----------|--|-----------------|---------------------------|
| A. | Permittee Name: City of West Palm Beach | | |
| B. | Permit Name: Palm Beach County Municipal Separate Storm Sewer System | | |
| C. | Permit Number: FLS000018-003 (Cycle 3) | | |
| D. | Annual Report Year: <input type="checkbox"/> Year 1 <input checked="" type="checkbox"/> Year 2 <input type="checkbox"/> Year 3 <input type="checkbox"/> Year 4 <input type="checkbox"/> Year 5 <input type="checkbox"/> Other, specify Year: | | |
| E. | Reporting Time Period (month/year): 10/ 2011 through 9 / 2012 | | |
| F. | Name of the Responsible Authority: David Hanks | | |
| | Title: Director of Public Utilities | | |
| | Mailing Address: PO Box 3368 | | |
| | City: West Palm Beach | Zip Code: 33402 | County: Palm Beach County |
| | Telephone Number: 561.494.1046 | | Fax Number: 561.494.1115 |
| | E-mail Address: dhanks@wpb.org | | |
| G. | Name of the Designated Stormwater Management Program Contact (if different from Section I.F above): Stephon Harris | | |
| | Title: Acting Utilities Operations & Maintenance Superintendent | | |
| | Department: Public Utilities | | |
| | Mailing Address: P.O. Box 3368 | | |
| | City: West Palm Beach | Zip Code: 33402 | County: Palm Beach County |
| | Telephone Number: 561.822.2168 | | Fax Number: 561.822.2193 |
| | E-mail Address: harriss@wpb.org | | |

SECTION II. MS4 MAJOR OUTFALL INVENTORY (Not Applicable In Year 1)

| | |
|-----------|--|
| A. | Number of outfalls ADDED to the outfall inventory in the current reporting year (insert "0" if none): 0 (Does this number include non-major outfalls? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Not Applicable) |
| B. | Number of outfalls REMOVED from the outfall inventory in the current reporting year (insert "0" if none):0 (Does this number include non-major outfalls? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Not Applicable) |
| C. | Is the change in the total number of outfalls due to lands annexed or vacated? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Not Applicable |

SECTION III. MONITORING PROGRAM

| | |
|----|---|
| A. | Provide a brief statement as to the status of monitoring plan implementation: The monitoring plan is carried out as a joint effort by the Palm Beach County permittees. Please refer to the Palm Beach County Joint Annual Report for the monitoring information. <i>DEP Note: All co-permittees may refer to the PBC Joint AR here as follows: "The monitoring plan is carried out as a joint effort by the Palm Beach County Co-permittees. Please see the Palm Beach County Joint Annual Report for the monitoring information."</i> |
| B. | Provide a brief discussion of the monitoring results to date: Please see the Palm Beach County Joint Annual Report for the monitoring information. <i>DEP Notes:</i> <ul style="list-style-type: none"> All co-permittees may refer to the PBC Joint AR here as follows: "Please see the Palm Beach County Joint Annual Report for the monitoring information." See Part V of the permit for the monitoring requirements. |
| C. | Attach a monitoring data summary, as required by the permit. |

SECTION IV. FISCAL ANALYSIS

| | |
|----|--|
| A. | Total expenditures for the NPDES stormwater management program for the current reporting year: \$10,251,135. <i>DEP Note: If program resources have decreased from the previous year, attach a discussion of the impacts on the implementation of the SWMP as per Part II.F of the permit.</i> |
| B. | Total budget for the NPDES stormwater management program for the subsequent reporting year: \$11,062,000. |

SECTION V. MATERIALS TO BE SUBMITTED WITH THIS ANNUAL REPORT FORM

Only the following materials are to be submitted to the Department along with this fully completed and signed Annual Report Form (check the appropriate box to indicate whether the item is attached or is not applicable):

| Attached | N/A | ***DEP Note: Please complete Checklists A & B at the end of the tailored form.*** |
|-------------------------------------|-------------------------------------|---|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Any additional information required to be submitted in this current annual reporting year in accordance with Part III.A of your permit that is not otherwise included in Section VII below. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | A monitoring data summary as directed in Section III.C above and in accordance with Rule 62-624.600(2)(c), F.A.C. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Year 1 ONLY: An inventory of all known major outfalls and a map depicting the location of the major outfalls (hard copy or CD-ROM) in accordance with Rule 62-624.600(2)(a), F.A.C. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Year 3 ONLY: The estimates of pollutant loadings and event mean concentrations for each major outfall or each major watershed in accordance with Rule 62-624.600(2)(b), F.A.C. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Year 4 ONLY: Permit re-application information in accordance with Rule 62-624.420(2), F.A.C. |

DO NOT SUBMIT ANY OTHER MATERIALS
(such as records and logs of activities, monitoring raw data, public outreach materials, etc.)

SECTION VI. CERTIFICATION STATEMENT AND SIGNATURE

The Responsible Authority listed in Section I.F above must sign the following certification statement, as per Rule 62-620.305, F.A.C.:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based upon my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Name of Responsible Authority (type or print): David Hanks

Title: Director of Public Utilities

Signature:  Date: 03 /05 / 2013

SECTION VII. STORMWATER MANAGEMENT PROGRAM (SWMP) SUMMARY TABLE

| A. | B. | C. | D. | E. | F. |
|---|--|---|---|--|------------------------|
| Permit Citation/SWMP Element | Permit Requirement/Quantifiable SWMP Activity | Number of Activities Performed | Documentation / Record | Entity Performing the Activity | Comments |
| Part III.A.1 | Structural Controls and Stormwater Collection Systems Operation | | | | |
| | <p>Maintain an up-to-date inventory of the structural controls and roadway stormwater collection structures operated by the permittee, including, at a minimum, all of the types of control structures listed in Table II.A.1.a of the permit. Report the current known inventory.</p> <p><i>DEP Note: The permittee needs to "customize" this section by adding any structural controls to the list below that are part of the permittee's MS4 currently or are planned for the future. The permittee may remove any structural controls listed that it does not have currently or will likely not have during this permit cycle. Please see the attached description of each type of structure. In addition, the permittee may choose its own unit of measurement for each structural control to be consistent with the unit of measurement in the documentation. Unit options include: miles, linear feet, acres, etc.</i></p> <p>Report the number of inspection and maintenance activities conducted for each type of structure included in Table II.A.1.a, and the percentage of the total inventory of each type of structure inspected and maintained. If the minimum inspection frequencies set forth in Table II.A.1.a were not met, provide as an attachment an explanation of why they were not and a description of the actions that will be taken to ensure that they will be met.</p> <p><i>DEP Note: If the minimum inspection frequencies set forth in Table II.A.1.a of the permit were not met for one or more type of structure, the permittee must provide as an attachment an explanation of why they were not and a description of the actions that will be taken to ensure that they will be met. Please provide the title of the attached explanation in Column D and the name of the entity who finalized the explanation in Column E.</i></p> | | | | |
| | <p>Type of Structure</p> | <p>Number of Activities Performed</p> | <p>Documentation / Record</p> | <p>Entity Performing the Activity</p> | <p>Comments</p> |
| Dry retention systems | <p>Total Number of Structures: 8</p> <p>Number of Inspections: 26</p> <p>Percentage Inspected: 100</p> <p>Number of Maintenance Activities: 12</p> <p>Percentage Maintained: 100</p> | <p>Dry Retention Report/Hiperweb Work Order Tracking Software</p> | <p>Public Utilities Stormwater Drainage</p> | <p>Based on locations currently identified. Footage will increase as areas are identified during maintenance and inspection.</p> | |
| Exfiltration trench / French drains (linear feet) | <p>Total Number of Structures: 7325</p> <p>Number of Inspections: 2</p> <p>Percentage Inspected: 30</p> <p>Number of Maintenance Activities: 2</p> <p>Percentage Maintained: 0</p> | <p>Hiperweb Work Order Tracking Software</p> | <p>Public Utilities Stormwater Drainage</p> | | |
| Grass treatment swales (miles) | <p>Total Number of Structures: 1.3</p> <p>Number of Inspections: 12</p> <p>Percentage Inspected: 100</p> <p>Number of Maintenance Activities: 12</p> <p>Percentage Maintained: 100</p> | <p>Hiperweb Work Order Tracking Software</p> | <p>Public Utilities Stormwater Drainage</p> | | |

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|----------------------------------|---|------|------|-----|-----|--------------------------------|--|---------------------------------------|--------------------------------------|---|--|
| Permit Citation/ SWMP Element | Permit Requirement/Quantifiable SWMP Activity | | | | | Number of Activities Performed | | Documentation / Record | Entity Performing the Activity | Comments | |
| | Dry detention systems | 8 | 36 | 100 | 23 | 100 | | Hiperweb Work Order Tracking Software | Public Utilities Stormwater Drainage | | |
| | Wet detention systems | 2 | 6 | 100 | 12 | 100 | | Hiperweb Work Order Tracking Software | Public Utilities Stormwater Drainage | | |
| | Pollution control boxes | 13 | 23 | 100 | 26 | 100 | | Hiperweb Work Order Tracking Software | Public Utilities Stormwater Drainage | | |
| | Stormwater pump stations | | | | | | | | | Iron Horse, Dreher Park, Foxhall, Haverhill, Renaissance, (Baywinds-no maintenance) | |
| | Major stormwater outfalls | 44 | 2 | 100 | 2 | 100 | | Hiperweb Work Order Tracking Software | Public Utilities Stormwater Drainage | | |
| | Weirs or other control structures | 4 | 30 | 100 | 92 | 100 | | Hiperweb Work Order Tracking Software | Public Utilities Stormwater Drainage | | |
| | MS4 pipes / culverts (miles) | 169 | 165 | 15 | 165 | 15 | | GIS | Public Utilities Stormwater Drainage | Cleaned or inspected by TV | |
| | Inlets / catch basins / grates | 4315 | 4315 | 100 | 26 | 100 | | Hiperweb Work Order Tracking Software | Public Utilities Stormwater Drainage | | |
| | Ditches / conveyance swales (miles) | 0 | 0 | 0 | 0 | 0 | | | | | |
| | ATTACH explanation if any of the minimum inspection frequencies in Table II.A.1.a were not met | | | | | | | | | | |
| | Year 1 ONLY: Attach a map of all known major outfalls as per Rule 62-624.600(2)(a), F.A.C. | | | | | | | | | | |
| Part III.A.2 | Areas of New Development and Significant Redevelopment | | | | | | | | | | |
| | Report the number of new development and significant redevelopment projects reviewed by the permittee for post-development stormwater considerations. | | | | | | | | | | |
| | <i>DEP Note: Please provide an explanation in Column F for any "0" reported in Column C. This provision DOES NOT APPLY to Indian Trail Improvement District (ITID), Northern Palm Beach County Improvement District (NPBCID), South Indian River Water Control District (SIRWCD), and FDOT.</i> | | | | | | | | | | |
| | Number of new development / significant redevelopment projects reviewed | | | | | 31 | | Plan Pre-Construction Review | Engineering and Public Works Dept. | | |

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| Permit Citation/ SWMP Element | Permit Requirement/Quantifiable SWMP Activity | Number of Activities Performed | Documentation / Record | Entity Performing the Activity | Comments |
| | <p>Provide in the Year 2 Annual Report the summary report of the review of local codes activity. Provide in the Year 4 Annual Report the follow-up report on plan implementation of modifying codes to allow low impact design BMPs.</p> <p><u>DEP Note:</u> Refer to Part III.A.2 of the permit for details regarding what the review entails, and what must be included in the summary report and follow-up report. Please provide the title of the attached report in Column D and the name of the entity who finalized the report in Column E. This provision <u>DOES NOT APPLY</u> to ITID, NPBCID, SIRWCD, and FDOT.</p> <p>Year 2 ONLY: Attach the summary report of the review activity</p> <p>Year 4 ONLY: Attach the follow-up report on plan implementation</p> | | LDR Summary Report n/a | Engineering/Consultant n/a | See attached n/a |
| Part III.A.3 | Roadways | | | | |
| | <p>Annually review (and revise, as needed) and implement the permittee's written procedures for the litter control program(s) for public streets, roads, and highways, including rights-of-way, employed within the permittee's jurisdictional area and properly dispose of collected material. Implement the program on a monthly, or on an as needed, basis. Report on the litter control program, including the frequency of litter collection, an estimate of the total number of road miles cleaned or amount of area covered by the activities, and an estimate of the quantity of litter collected.</p> <p><u>DEP Note:</u> Please provide an explanation in Column F for any "0" reported in Column C. In addition, the permittee may choose its own units of measurement for the reporting items. Unit options for the amount of litter include: bags, cubic yards, pounds, tons. Unit options for the amount of area covered by the activity include: square feet, linear feet, yards, miles, acres. If all litter collection is performed by staff or by contractors, but not by both, please remove the non-applicable reporting items.</p> | | | | |
| | PERMITTEE Litter Control Program: Frequency of litter collection | Daily | Daily Work Assignment Sheet Schedule | Parks Maintenance | Litter is collected daily, locations varies by areas maintained |
| | PERMITTEE Litter Control Program: Estimated amount of area maintained (linear feet) | 213,750 | Daily Work Assignment Sheet Schedule | Parks Maintenance | Parks Maintenance removes litter as part of the right-of-way maintenance. Swales adjacent to private property are the property owner's responsibility. |
| | PERMITTEE Litter Control Program: Estimated amount of litter collected (cubic yards) | 135 | Solid Waste Authority Dump Tickets & Waste Management Invoice | Parks Maintenance | |
| | CONTRACTOR Litter Control Program: Frequency of litter collection | 0 | | | City does not contract for litter collection |

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| | CONTRACTOR Litter Control Program: Estimated amount of area maintained (linear feet) | 0 | | | City does not contract for litter collection |
| | CONTRACTOR Litter Control Program: Estimated amount of litter collected (cubic yards) | 0 | | | City does not contract for litter collection |
| | If an Adopt-A-Road or similar program is implemented, report the total number of road miles cleaned and an estimate of the quantity of litter collected. | | | | |
| | <p><i>DEP Note: The permittee may choose its own unit of measurement for the amount of litter collected. Unit options include: bags, cubic yards, pounds, tons. If an Adopt-A-Road or similar program is not implemented by the permittee, please note that in Column F but do not remove the Adopt-A-Road Program reporting items.</i></p> <p>Keep PBC Beautiful Trash Pick-up Events: Total miles cleaned</p> | | | | |
| | Keep PBC Beautiful Trash Pick-up Events: Estimated amount of litter collected (cubic yards) | 5 | Yard Trash Special Program Form | Public Works Sanitation | |
| | Adopt-A-Road Program: Total miles cleaned | 1383 | Yard Trash Special Program Form | Public Works Sanitation | |
| | Adopt-A-Road Program: Estimated amount of litter collected (cubic yards) | 0 | | | City does not have this program |
| | Adopt-A-Road Program: Estimated amount of litter collected (cubic yards) | 0 | | | City does not have this program |
| | <p>Report on the street sweeping program, including the frequency of the sweeping, total miles swept, an estimate of the quantity of sweepings collected, and the total nitrogen (TN) and total phosphorus (TP) loadings that were removed by the collection of sweepings. If no street sweeping program is implemented, provide the explanation of why not in the Year 1 Annual Report.</p> | | | | |
| | <p><i>DEP Note: Please provide an explanation in Column F for any "0" reported in Column C. Also, the permittee may choose its own unit of measurement for the amount of sweeping material collected. Unit options include: cubic yards, pounds, tons.</i></p> | | | | |
| | <p><i>DEP Note: If the permittee has curbs and gutters but no street sweeping program is implemented, the permittee must provide an explanation of why not in the Year 1 Annual Report. Refer to Part III.A.3 of the permit for the information that must be included in the explanation (including the alternate BMPs used or planned in lieu of street sweeping). Please provide the title of the attached explanation in Column D and the name of the entity who finalized the explanation in Column E.</i></p> | | | | |
| | Frequency of street sweeping | Weekly | Street Sweeping Monthly Report | Public Works Streets Maintenance-Sweeper Division | 682 miles swept weekly, Our number is low this F/Y because Sweeper Truck was out of service |
| | Total miles swept (per year) | 34,491 | Street Sweeping Monthly Report | Public Works Streets Maintenance-Sweeper Division | |
| | Estimated quantity of sweeping material collected (cubic yards) | 628,080 | Street Sweeping Monthly Report | Public Works Streets Maintenance-Sweeper Division | |

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| | <p>Total nitrogen loadings removed (pounds)</p> <p>Total phosphorus loadings removed (pounds)</p> | <p>25,460</p> <p>16,325</p> | <p>Load Reduction Spreadsheet</p> <p>Load Reduction Spreadsheet</p> | <p>Public Works Streets Maintenance-Sweeper Division</p> <p>Public Works Streets Maintenance-Sweeper Division</p> | |
| | <p>Year 1 ONLY: If have curbs and gutters, attach explanation of why no street sweeping program and the alternate BMPs used or planned</p> | | | | |
| | <p>Annually review (and revise, as needed) and implement the permittee's written standard practices to reduce the pollutants in stormwater runoff from areas associated with road repair and maintenance, and from permittee-owned or operated equipment yards and maintenance shops that support road maintenance activities. Report the number of applicable facilities and the number of inspections conducted for each facility.</p> | | | | |
| | <p><i>DEP Note: The permittee needs to "customize" this section by listing the names of the applicable facilities in Column B and the number of inspections of each facility in Column C. Add more rows if necessary. If "0" is reported in Column C for the number of inspections conducted and the permittee has one or more applicable facilities, please provide an explanation in Column F for why no inspections were conducted. In addition, if the same facility is applicable under both Parts III.A.3 and III.A.5 of the permit, the same site inspection can count towards both inspection requirements as long as it covers the applicable waste area(s). Be sure to report the site inspection under both Parts III.A.3 and III.A.5.</i></p> | | | | |
| | <p>CWPB Municipal Complex</p> | <p>Number of Inspections</p> <p>52</p> | <p>Hiperweb Management System</p> | <p>Public Utilities Stormwater Drainage</p> | |
| <p>Part III.A.4</p> | <p>Flood Control Projects</p> | | | | |
| | <p>Report the total number of flood control projects that were constructed by the permittee during the reporting period and the number of those projects that did NOT include stormwater treatment. The permittee shall provide a list of the projects where stormwater treatment was not included with an explanation for each of why it was not. Report on any stormwater retrofit planning activities and the associated implementation of retrofitting projects to reduce stormwater pollutant loads from existing drainage systems that do not have treatment BMPs.</p> | | | | |
| | <p><u>DEP Note:</u> A "stormwater retrofit project" is one implemented primarily to provide stormwater treatment.</p> | | | | |
| | <p><u>DEP Note:</u> The status of the flood control and retrofit projects should be reported as of the last day of the applicable reporting period. Therefore, there should be no duplication for those reported as planned, for those reported as under construction and for those reported as completed.</p> | | | | |
| | <p><u>DEP Note:</u> If applicable, please provide the title of the attached list of flood control projects that did not include stormwater treatment in Column D and the name of the entity who finalized the list in Column E.</p> | | | | |
| | <p>Flood control projects completed during the reporting period</p> | <p>3</p> | <p>Project Status Reports</p> | <p>Engineering Stormwater Project Senior Engineer – Tracy Ward</p> | |
| | <p>Flood control projects completed during the reporting period that did not include stormwater treatment</p> | <p>3</p> | <p>Project Status Reports</p> | <p>Engineering Stormwater Project Senior Engineer – Tracy Ward</p> | |

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| | ATTACH a list of the flood control projects that did not include stormwater treatment and an explanation for each of why it was not | | SFWMD ERP Permit | Engineering Stormwater Project Senior Engineer – Tracy Ward | See attachment: A4 Flood Control Projects for list of projects and explanation |
| | Stormwater retrofit projects planned | 5 | Completed, permitted construction plans | Engineering and Public Works Department | |
| | Stormwater retrofit projects under construction during the reporting period | 0 | | | Neither of the 2 projects reported on last year went out to bid. Flagler Court project postponed until its need is re-evaluated and funds are allocated for construction. The outfall dredging project will be delayed until 2014 so as to include end of pipe treatments in the design. |
| Part III.A.5 | Stormwater retrofit projects completed during the reporting period | 0 | | | |

Municipal Waste Treatment, Storage, and Disposal Facilities Not Covered by an NPDES Stormwater Permit

Annually review (and revise, as needed) and implement the permittee's written procedures for inspections and the implementation of measures to control discharges from the following facilities that are not otherwise covered by an NPDES stormwater permit:

- Operating municipal landfills;
- Municipal waste transfer stations;
- Municipal waste fleet maintenance facilities; and
- Any other municipal waste treatment, waste storage, and waste disposal facilities.

Report the number of applicable facilities and the number of the inspections conducted for each facility.

DEP Note: The permittee needs to "customize" this section by listing the names of the applicable facilities in Column B and the number of inspections of each facility in Column C. Add more rows if necessary. If "0" is reported in Column C for the number of inspections conducted and the permittee has one or more applicable facilities, please provide an explanation in Column F for why no inspections were conducted. An applicable facility under Part III.A.5 includes, but is not limited to, those facilities/yards where street sweeping material and/or yard waste are temporary stockpiled, and where solid waste collection vehicles are parked

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| | and/or maintained. In addition, if the same facility is applicable under both Parts III.A.3 and III.A.5 of the permit, the same site inspection can count towards both inspection requirements as long as it covers the applicable waste area(s). Be sure to report the site inspection under both Parts III.A.3 and III.A.5. | Number of Inspections | | | |
| | CWPB Municipal Complex | 52 | Hiperweb Management System | Public Utilities Stormwater Drainage | |
| Part III.A.6 | Pesticides, Herbicides, and Fertilizer Application | | | | |
| | Continue to require proper certification and licensing by the Florida Department of Agriculture and Consumer Services (FDACS) for all applicators contracted to apply pesticides, herbicides, or fertilizers on permittee-owned property, as well as any permittee personnel employed in the application of these products. Report the number of permittee personnel applicators and contracted commercial applicators of pesticides and herbicides who are FDACS certified / licensed. Report the number of permittee personnel and contractors who have been trained through the Green Industry BMP Program, and the number of contracted commercial applicators of fertilizer who are FDACS certified / licensed. | | | | |
| | <i>DEP Note: If "0" is reported in Column C for any of the reporting items, please include in Column F an explanation of why training was not provided to / obtained by personnel and contractors during the applicable reporting year, the most recent year that training / certification was previously provided / obtained, and the names of the personnel and contractors previously trained / certified.</i> | | | | |
| | PERSONNEL: Florida Department of Agriculture and Consumer Services (FDACS) certified applicators of pesticides and herbicides | 12 | State Certifications, Florida Department of Agriculture & Consumer Services | Florida Department of Agriculture & Consumer Services | 5 certified applicators in Parks Maintenance and 7 certified applicators in Watershed Management. |
| | CONTRACTORS: FDACS certified / licensed applicators of pesticides and herbicides | 1 | Florida Department of Agriculture & Consumer Services | Aquatic Plant Management Inc. | City does not hire contractor's for fertilizer application |
| | CONTRACTORS: FDACS certified / licensed applicators of fertilizer | 0 | | | City does not hire contractor's for fertilizer application |
| | PERSONNEL: Green Industry BMP Program training completed | 0 | | | City does not hire contractor's for fertilizer application |
| | CONTRACTORS: Green Industry BMP Program training completed | 0 | | | City does not hire contractor's for fertilizer application |
| | Pursuant to SB 2080 (2009), all local governments are encouraged to adopt a Florida-friendly Landscaping Ordinance similar to the one set forth in the document "Florida-friendly Guidance Models for Ordinances, Covenants and Restrictions." If the broader Florida-friendly ordinance described above is not adopted, then all local governments within the watershed of a nutrient-impaired water body shall adopt the Department's Model Ordinance for Florida-Friendly Fertilizer Use on Urban | | | | |

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| | <p>Landscapes pursuant to SB 494 (2009) or an ordinance that includes all of the requirements set forth in the Model Ordinance. The ordinance shall be adopted within 24 months of the date of permit issuance. Provide a copy of the adopted ordinance with the subsequent Year 1 or Year 2 Annual Report.</p> <p><u>DEP Note:</u> This provision DOES NOT APPLY to ITID, NPBCID, SIRWCD, and FDOT. For all other permittees, if this provision is not applicable because the permittee is not within the watershed of a nutrient-impaired water body, then please indicate that in Column F, but do not remove this reporting item.</p> <p><u>DEP Note:</u> Please provide the title and citation of the ordinance in Column D, and the name of the entity who finalized the ordinance in Column E.</p> | | <p>City Code: Chapter 34, Article V,</p> | <p>Inter-departmental</p> | <p>Adopted August 20, 2012, see Checklist A: Part III.A.4</p> |
| | <p>Year 1 or Year 2 ONLY: Attach copy of adopted Florida-friendly ordinance</p> | | | | |
| | <p>During Year 1 of the permit, develop and implement a written public education and outreach program plan to encourage citizens to reduce their use of pesticides, herbicides, and fertilizers. Report on the public education and outreach activities that are performed or sponsored by the permittee within the permittee's jurisdiction to encourage citizens to reduce their use of pesticides, herbicides, and fertilizers, including the type and number of activities conducted, the type and number of materials distributed, the percentage of the population reached by the activities in total, and the number of Web site visits (if applicable). Activities performed under the Florida Yards and Neighborhoods (FYN) program should only be reported if the permittee is contributing funding towards the FYN staff and program within its jurisdiction.</p> | | | | |
| | <p><u>DEP Note:</u> The permittee should "customize" the list of public outreach activities by removing items or adding items to the list below as appropriate to their particular public outreach program. However, the reporting item of "Estimated percentage of the population reached by the activities in total" must remain unless the permittee chooses to reference the PBC Joint AR, as demonstrated in the first reporting item below. The permittee may add more specifics to the reporting items, such as the name of the brochure or newsletter distributed. If "0" is reported in Column C for all the reporting items, and the PBC Joint AR is not referenced, please include in Column F an explanation for why no outreach was performed.</p> | | | | |
| | <p><u>DEP Note:</u> All the permittees may refer to the PBC Joint AR in place of reporting individual items as demonstrated in the row below. The permittees may remove all reporting items except the first reporting item if they include reference to the PBC Joint AR. However, a permittee can choose to also report any outreach activities it performs in addition to the joint effort – in such a case, please keep the reporting items that are applicable.</p> | | | | |
| | <p><u>DEP Note:</u> Indicate under Column E "Entity Performing the Activity" if FYN or IFAS is performing any of the reported public education and outreach activities. In addition, please complete the following line:</p> | | | | <p>FYN PROGRAM FUNDING: Permittee Provides Funding? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Amount of Funding = \$See Joint Annual Report</p> |
| | <p>Public education and outreach program</p> | | | | <p>The public outreach and education plan is carried out as a joint effort by the Palm Beach County Co-permittees. Please see the Palm Beach County Joint Annual Report for the public education and outreach information.</p> |
| <p>Part III.A.7.a</p> | <p>Illicit Discharges and Improper Disposal — Inspections, Ordinances, and Enforcement Measures</p> | | | | <p>Where applicable, strengthen the legal authority to conduct inspections, conduct monitoring, control illicit discharges, illicit connections, illegal dumping and spills into the MS4 and to require compliance with conditions in ordinances, permits, contracts, and orders. Report amendments, as needed.</p> <p><u>DEP Note:</u> If applicable, please provide the title of the attached report in Column D and the name of the entity who finalized the report in Column E.</p> |

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| Permit Citation/ SWMP Element | Permit Requirement/Quantifiable SWMP Activity | Number of Activities Performed | Documentation / Record | Entity Performing the Activity | Comments |
| Part III.A.7.c | <p>ATTACH a report on any amendments to the applicable legal authority</p> <p>Illicit Discharges and Improper Disposal — Investigation of Suspected Illicit Discharges and/or Improper Disposal</p> | | | | |
| | <p>During Year 1 of the permit, develop and implement a written proactive inspection program plan for identifying and eliminating sources of illicit discharges, illicit connections, or dumping to the MS4. Report on the proactive inspection program, including the number of inspections conducted, the number of illicit activities found, and the number and type of enforcement actions taken.</p> <p><i>DEP Note: If "0" is reported in Column C for the first reporting item, please include an explanation in Column F for why no proactive inspections were performed. In addition, the permittee should re-word the "NOVs / warning letters / citations issued" reporting item to more accurately reflect its particular initial enforcement activity, if necessary.</i></p> <p><i>DEP Note: Proactive inspections may include, for example, suspect areas (e.g., industrial areas), commercial businesses (e.g., restaurants, car washes, service stations, laundries / dry cleaners, auto body shops, mobile carpet cleaners) or temporary activities (e.g., special events / fairs / circuses) that would not otherwise be inspected during routine inspections and maintenance of the MS4, in association with high risk industrial facilities or construction sites, or in response to citizen or staff reports.</i></p> <p><i>DEP Note: Refer to Part III.A.7.c of the permit for what must be included in the written proactive inspection program plan. Please provide the title of the attached plan in Column D and the name of the entity who finalized the plan in Column E.</i></p> | | | | |
| | <p>Proactive inspections for suspected illicit discharges / connections / dumping</p> | 386 | CWPB Proactive Illicit Discharge/Illegal Connection Inspection Form | Code Enforcement | |
| | <p>Illicit discharges / connections / dumping found during a proactive inspection</p> | 312 | CommunityPlus | Code Enforcement | |
| | <p>Notices of Violation (NOVs) / warning letters / citations issued for illicit discharges / connections / dumping found during a proactive inspection</p> | 312 | CommunityPlus | Code Enforcement | |
| | <p>Fines issued for illicit discharges / connections / dumping found during a proactive inspection</p> | 3 | CommunityPlus | Code Enforcement | |
| | <p>Year 1 ONLY: Attach the written proactive inspection program plan</p> <p>Annually review (and revise, as needed) and implement the permittee's written procedures to conduct reactive investigations to identify and eliminate the source(s) of illicit discharges, illicit connections or improper disposal to the MS4, based on reports received from permittee personnel, contractors, citizens, or other entities regarding suspected illicit activity. Report on the reactive investigation program as it relates to reports of suspected illicit discharges, including the number of reports received, the number of investigations conducted, the number of illicit activities found, and the number and type of enforcement actions taken.</p> <p><i>DEP Note: If the number of reports received differs from the number of reactive investigations, please provide an explanation for the discrepancy in Column F. In addition, the permittee should re-word the "NOVs / warning letters / citations issued" reporting item to more accurately reflect its particular initial enforcement activity, if necessary.</i></p> | | | | |
| | <p>Reports of suspected illicit connections / discharges / dumping received</p> | | | | |

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| Permit Citation/ SWMP Element | Permit Requirement/Quantifiable SWMP Activity | Number of Activities Performed | Documentation / Record | Entity Performing the Activity | Comments |
| | <p>Reactive investigations of reports of suspected illicit discharges/ connections / dumping</p> | 598 | CommunityPlus | Code Enforcement | |
| | <p>Illicit discharges / connections / dumping found during a reactive investigation</p> | 0 | | | No illicit discharge violations issued this reporting year |
| | <p>Notices of Violation (NOVs) / warning letters / citations issued for illicit discharges / connections / dumping found during a reactive investigation</p> | 0 | | | No NOVs issued during this reporting year |
| | <p>Fines issued for illicit discharges / connections / dumping found during a reactive investigation</p> | 0 | | | No fines issued during this reporting year |
| | <p>During Year 1 of the permit, develop and implement a written plan for the training of all appropriate permittee personnel (including field crews, fleet maintenance staff, and inspectors) and contractors to identify and report conditions in the stormwater facilities that may indicate the presence of illicit discharges / connections / dumping to the MS4. Follow-up training shall be provided annually. Report the number and type of training activities, and the number of permittee personnel and contractors trained (both in-house and outside training).</p> <p><i>DEP Note: If "0" is reported for either reporting item, please include in Column F an explanation of why training was not provided to / obtained by personnel and contractors during the applicable reporting year, the most recent year that training was previously provided / obtained, and the names of the personnel and contractors previously trained.</i></p> | | | | |
| | <p>Personnel trained</p> | | | | |
| | <p>Initial Training</p> | 12 | | Public Utilities Stormwater Drainage | |
| | <p>Refresher Training</p> | 0 | Excel Visual Video Training, Erosion & Sedimentation Control Inspector Training Program | | Videos viewed: Drop in the Bucket; Ground Control; Stormwatch Municipal Stormwater; SPCC Controlling Oil; Everyday Best Management Practices; Lookout for Illicit Discharges Stormwater Pollution Prevention |

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| Permit Citation/ SWMP Element | Permit Requirement/Quantifiable SWMP Activity | | Number of Activities Performed | Documentation / Record | Entity Performing the Activity | Comments |
| | Contractors trained | 0 | 0 | | | None were captured during this reporting period, this will be corrected during the new reporting period. |
| Part III.A.7.d | Illicit Discharges and Improper Disposal — Spill Prevention and Response | | | | | |
| | Annually review (and revise, as needed) and implement the permittee's written spill-prevention/spill-response plan and procedures to prevent, contain, and respond to spills that discharge into the MS4. Report on the spill prevention and response activities, including the number of spills addressed. | | | | | |
| | <u>DEP Note:</u> The permittee may report the number of hazardous material spills separately from the number of non-hazardous material spills, or report one combined number, to more accurately reflect its tracking of these spills. | | | | | |
| | Hazardous and non-hazardous material spills responded to | | 37 | Firehouse Database | City of WPB Fire Department | |
| | During Year 1 of the permit, develop and implement a written plan for the training of all appropriate permittee personnel (including field crews, firefighters, fleet maintenance staff and inspectors) and contractors on proper spill prevention, containment, and response techniques and procedures. Follow-up training shall be provided annually. Report the number and type of training activities, and the number of permittee personnel and contractors trained (both in-house and outside training). | | | | | |
| | <u>DEP Note:</u> If "0" is reported for either reporting item, please include in Column F an explanation of why training was not provided to / obtained by personnel and contractors during the applicable reporting year, the most recent year that training was previously provided / obtained, and the names of the personnel and contractors previously trained. | | | | | |
| | Personnel trained | 3 | 77 | Firehouse Record Management System (RMS) | Fire Department | Training is conducted in an ongoing basis throughout the year. |
| | Initial Training | | Refresher Training | | | |

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| Permit Citation/ SWMP Element | Permit Requirement/Quantifiable SWMP Activity | | Number of Activities Performed | Documentation / Record | Entity Performing the Activity | Comments |
| | Contractors trained | 0 | 0 | | | City does not contract for spill prevention / response, this is done in house |
| Part III.A.7.e | <p>Illicit Discharges and Improper Disposal — Public Reporting</p> <p>During Year 1 of the permit, develop and implement a written public education and outreach program plan to promote, publicize, and facilitate public reporting of the presence of illicit discharges and improper disposal of materials into the MS4. Report on the public education and outreach activities that are performed or sponsored by the permittee within the permittee's jurisdiction to encourage the public reporting of suspected illicit discharges and improper disposal of materials, including the type and number of activities conducted, the type and number of materials distributed, the percentage of the population reached by the activities in total, and the number of Web site visits (if applicable).</p> <p><i>DEP Note: The permittee should "customize" the list of public outreach activities by removing items or adding items to the list below as appropriate to their particular public outreach program. However, the reporting item of "Estimated percentage of the population reached by the activities in total" must remain unless the permittee chooses to reference the PBC Joint AR, as demonstrated in the first reporting item below. The permittee may add more specifics to the reporting items, such as the name of the brochure or newsletter distributed. If "0" is reported in Column C for all the reporting items, and the PBC Joint AR is not referenced, please include in Column F an explanation for why no outreach was performed.</i></p> <p><i>DEP Note: All the co-permittees may refer to the PBC Joint AR in place of reporting individual items as demonstrated in the first line below. The co-permittees may remove all the other reporting items except the first one if they include reference to the PBC Joint AR. However, a permittee can choose to also report any outreach activities it performs in addition to the joint effort — in such a case, please keep the reporting items that are applicable.</i></p> | | | | | |
| Part III.A.7.f | <p>Public education and outreach program</p> <p>The public outreach and education plan is carried out as a joint effort by the Palm Beach County Co-permittees. Please see the Palm Beach County Joint Annual Report for the public education and outreach information.</p> <p>Illicit Discharges and Improper Disposal — Oils, Toxics, and Household Hazardous Waste Control</p> <p>During Year 1 of the permit, develop and implement a written public education and outreach program plan to encourage the proper use and disposal of used motor vehicle fluids, leftover hazardous household products, and lead acid batteries. Report on the public education and outreach activities that are performed or sponsored by the permittee within the permittee's jurisdiction to encourage the proper use and disposal of oils, toxics, and household hazardous waste, including the type and number of activities conducted, the type and number of materials distributed, the amount of waste collected / recycled / properly disposed, the percentage of the population reached by the activities in total, and the number of Web site visits (if applicable).</p> <p><i>DEP Note: The permittee should "customize" the list of public outreach activities by removing items or adding items to the list below as appropriate to their particular public outreach program. However, the reporting item of "Estimated percentage of the population reached by the activities in total" must remain unless the permittee chooses to reference the PBC Joint AR, as demonstrated in the first reporting item below. The permittee may add more specifics to the reporting items, such as the name of the brochure or newsletter distributed. If "0" is reported in Column C for all the reporting items, and the PBC Joint AR is not referenced, please include in Column F an explanation for why no outreach was performed.</i></p> <p><i>DEP Note: All the co-permittees may refer to the PBC Joint AR in place of reporting individual items as demonstrated in the first line below. The co-permittees may remove all the other reporting items if they include reference to the PBC Joint AR. However, a permittee can choose to also report any outreach activities it</i></p> | | | | | |

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| | <p><i>performs in addition to the joint effort – in such a case, please keep the reporting items that are applicable.</i></p> <p>Public education and outreach program</p> | | | | <p>The public outreach and education plan is carried out as a joint effort by the Palm Beach County Co-permittees. Please see the Palm Beach County Joint Annual Report for the public education and outreach information.</p> |
| <p>Part III.A.7.g</p> | <p>Illicit Discharges and Improper Disposal — Limitation of Sanitary Sewer Seepage</p> | | | | |
| | <p>Annually review (and revise, as needed) and implement the permittee's written procedures to reduce or eliminate sanitary wastewater contamination into the MS4, including discharges to the MS4 from sanitary sewer overflows (SSOs) and from inflow / infiltration from collection / transmission systems and/or septic tank systems. Advise the appropriate utility owner of a violation if constituents common to wastewater contamination are discovered in the MS4. Report on the type and number of activities undertaken to reduce or eliminate SSOs and inflow/ infiltration, the number of SSOs or inflow / infiltration incidents found and the number resolved, and the name of the owner of the sanitary sewer system within the permittee's jurisdiction.</p> | | | | |
| | <p><i>DEP Note: The permittee needs to "customize" this section as it pertains to the type of activities undertaken to reduce or eliminate SSOs and inflow / infiltration into the MS4. The first three reporting items below are examples.</i></p> | | | | |
| | <p><i>DEP Note: The permittee should contact the appropriate authorities for accurate reporting information, such as the sanitary sewer system operator who is responsible for investigating and eliminating SSOs and the local health department who is responsible for permitting / overseeing septic tank systems.</i></p> | | | | |
| | <p><i>DEP Note: Report only the SSOs and inflow / infiltration incidents into the MS4.</i></p> | | | | |
| | <p>Activity to reduce/eliminate SSOs and inflow / infiltration: Repair / lining of sanitary sewer system</p> | 10 | SAN Sewer Manhole Rehab Work Sheet | CWPB Waste Water Collections Department | |
| | <p>Activity to reduce/eliminate SSOs and inflow / infiltration: Septic systems removed</p> | 0 | | | |
| | <p>Activity to reduce/eliminate SSOs and inflow / infiltration: Emergency generator added</p> | 10 | Purchase Order Log | CWPB Waste Water Collections Department | No Purchase Orders issue during this reporting year |
| | <p>SSO incidents discovered</p> | 2 | FOG Response Tracking Sheet and copies of Spill Reports | CWPB Waste Water Collections Department | |
| | <p>SSO incidents resolved</p> | 2 | FOG Response Tracking Sheet | CWPB Waste Water Collections Department | |
| | <p>Inflow / infiltration incidents discovered</p> | 18 | FOG Response Tracking Sheet | CWPB Waste Water Collections Department | Implemented FOG Program |

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| | <p>Inflow / infiltration incidents resolved</p> | <p>18</p> | <p>FOG Response Tracking Sheet</p> | <p>CWPB Waste Water Collections Department</p> | |
| | <p>Name of owner of the sanitary sewer system</p> | <p>City of West Palm Beach</p> | | | |
| Part III.A.8.a | <p>Industrial and High-Risk Runoff — Identification of Priorities and Procedures for Inspections</p> | | | | |
| | <p>Continue to maintain an up-to-date inventory of all existing high risk facilities discharging into the permittee's MS4. The inventory shall identify the outfall and surface water body into which each high risk facility discharges. For the purposes of this permit, high risk facilities include:</p> <ul style="list-style-type: none"> • Operating municipal landfills; • Hazardous waste treatment, storage, disposal and recovery facilities; • Facilities that are subject to EPCRA Title III, Section 313 (also known as the Toxics Release Inventory (TRI) maintained by the U.S. EPA); and • Any other industrial or commercial discharge that the permittee determines is contributing a substantial pollutant loading to the permittee's MS4. This could include facilities identified through the proactive inspection program as per Part III.A.7.c of the permit. | | | | |
| | <p>Report on the high risk facilities inventory, including the type and total number of high risk facilities and the number of facilities newly added each year.</p> | | | | |
| | <p><u>DEP Note:</u> The TRI is updated every spring / summer by the U.S. EPA at www.epa.gov/triexplorer. Select "Facility" on the left, chose your Geographic Location, and then select "Generate Report." Please indicate in Column F when (month / year) you last checked EPA's TRI for applicable facilities.</p> | | | | |
| | <p><u>DEP Note:</u> The total number of high risk facilities reported needs to equal the sum of the numbers of the four types of applicable facilities.</p> | | | | |
| | <p>During Year 1 of the permit, develop and implement a written plan for conducting inspections of high risk facilities to determine compliance with all appropriate aspects of the stormwater program. While the permittee may determine the order and frequency of the inspections, the permittee shall inspect each identified facility at least once during the permit term; however, facilities identified as high risk due to the findings of the proactive inspection program as per Part III.A.7.c of the permit shall be inspected annually. Report on the high risk facilities inspection program, including the number of inspections conducted and the number and type of enforcement actions taken.</p> | | | | |
| | <p><u>DEP Note:</u> If "0" is reported for the number of inspections conducted and the permittee has one or more high risk facilities, please provide an explanation in Column F for why no inspections were conducted. In addition, the permittee should re-word the "NOVs / warning letters / citations issued" reporting item to more accurately reflect its particular initial enforcement activity, if necessary</p> | | | | |
| | <p>Number of Facilities</p> | <p>Number of Inspections</p> | <p>For violations discovered during a high risk inspection</p> | | |
| | <p>173</p> | <p></p> | <p>Fines issued</p> | <p>Notices of Violation (NOVs) / warning letters / citations issued</p> | <p>Potential High Risk Facilities Inventory</p> |
| | <p>Total high risk facilities</p> | | <p>173</p> | <p>Consultant (Mock Roofs)</p> | <p></p> |

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| | New high risk facilities added to the inventory during the current reporting period | 0 | | | | |
| | Operating municipal landfills | 0 | | | | Source: DEP Solid Waste Site |
| | Hazardous waste treatment, storage, disposal and recovery (HWTSDR) facilities | 171 | 0 | High Risk Facility Inspection Report | Code Enforcement | Source : EPA RCRIS |
| | EPCRA Title III, Section 313 facilities (that are not landfills or HWTSDR facilities) | 2 | 0 | High Risk Facility Inspection Report | Code Enforcement | Source: EPA TRIS |
| | Facilities determined as high risk by the permittee through the proactive inspections as per Part III.A.7.C | 0 | | | | |
| | Other facilities determined as high risk by the permittee (that are not facilities identified through the proactive inspections) | 0 | | | | |
| Part III.A.8.b | Industrial and High-Risk Runoff — Monitoring for High Risk Industries | | | | | |
| | Sampling of the discharge to the stormwater system may be required on an as-needed basis in the event that inspections of high-risk facilities disclose suspected illicit discharges to the MS4. New high-risk industrial facilities as defined in 40 CFR 122.26(d)(2)(iv)(C) must be evaluated to determine if the new discharge is contributing a substantial pollutant load to the MS4. The evaluation may include site-specific monitoring. Report the number of high risk facilities sampled. | | | | | |
| | High risk facilities sampled | | 0 | | | Not needed. |
| Part III.A.9.a | Construction Site Runoff — Site Planning and Non-Structural and Structural Best Management Practices | | | | | |
| | Continue to implement the local codes or land development regulations and the written pre-construction site plan review procedures that require the use and maintenance of appropriate structural and non-structural erosion and sedimentation controls during construction to reduce the discharge of pollutants to the MS4. Report the number of permittee and private pre-construction site plans reviewed for stormwater, erosion, and sedimentation controls, and the number approved. | | | | | |
| | <i>DEP Note: Please provide an explanation in Column F for any "0" reported in Column C.</i> | | | | | |
| | PERMITTEE SITES: Construction site plans reviewed | | 16 | Permit Applications | Developmental Services | Only 3 projects at 100% design phase |
| | PERMITTEE SITES: Construction site plans approved | | 3 | Permit Applications | Developmental Services | |
| | PRIVATE SITES: Construction site plans reviewed | | 36 | Permit Applications | Developmental Services | |
| | PRIVATE SITES: Construction site plans approved | | 36 | Permit Applications | Developmental Services | Annually review (and revise, as needed) and implement the permittee's written procedures to notify all new development / redevelopment permit applicants of the need to obtain all required stormwater permits. Report the number of new development/redevelopment permit applicants notified of the ERP and CGP, and the number of applicants who confirmed ERP and CGP coverage. |

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| | <p><i>DEP Note: Please provide an explanation in Column F for any "0" reported in Column C. If the number of applicants notified of ERP or CGP coverage is less than the number of construction site plans reviewed, please provide an explanation for the discrepancy in Column F.</i></p> <p>Notified of ERP stormwater permit requirements</p> <p>Confirmed ERP coverage</p> <p>Notified of CGP stormwater permit requirements</p> <p>Confirmed CGP coverage</p> | <p>36</p> <p>21</p> <p>36</p> <p>21</p> | <p>Engineering Site Development</p> <p>Engineering Site Development</p> <p>Engineering Site Development</p> <p>Engineering Site Development</p> | <p>Construction Administration</p> <p>Construction Administration</p> <p>Construction Administration</p> <p>Construction Administration</p> | |
| Part III.A.9.b | <p>Construction Site Runoff — Inspection and Enforcement</p> | | | | |
| | <p>As an attachment to the Year 1 Annual Report, the permittee shall submit a written plan that details the standard operating procedures for implementation of the stormwater, erosion and sedimentation inspection program for construction sites discharging stormwater to the MS4. The permittee shall implement the plan for inspecting construction sites immediately upon written approval by the Department. Prior to Department approval, the permittee shall continue to perform inspections in accordance with its previously developed construction site inspection procedures. Report on the inspection program for privately-operated and permittee-operated construction sites, including the number of active construction sites during the reporting year, the number of inspections of active construction sites, the percentage of active construction sites inspected, and the number and type of enforcement actions / referrals taken.</p> <p><i>DEP Note: If "0" is reported in Column C for the number of inspections conducted, please provide an explanation in Column F of why no inspections were conducted. If the number of inspections reported is equal to or less than the number of active construction sites, or the percentage inspected is less than 100%, please provide an explanation in Column F. In addition, the permittee should re-word the "NOVs / warning letters / citations issued" reporting item to more accurately reflect its particular initial enforcement activity, if necessary.</i></p> <p><i>DEP Note: Refer to Part III.A.9.b of the permit for what must be included in the construction site inspection program plan. Please provide the title of the attached plan in Column D and the name of the entity who finalized the plan in Column E.</i></p> | <p>24</p> <p>2016</p> <p>100%</p> <p>18</p> <p>1008</p> <p>100%</p> | <p>Daily Reports</p> <p>Daily Reports</p> <p>Daily Reports</p> <p>Daily Reports</p> <p>Daily Reports</p> <p>Daily Reports</p> | <p>Construction Services</p> <p>Construction Services</p> <p>Construction Services</p> <p>Construction Services</p> <p>Construction Services</p> <p>Construction Services</p> | <p>Does not include minor construction on private sites</p> |
| | <p>PERMITTEE SITES: Active construction sites</p> <p>PERMITTEE SITES: Inspections of active construction sites for proper stormwater, erosion and sedimentation BMPs</p> <p>PERMITTEE SITES: Percentage of active construction sites inspected</p> <p>PRIVATE SITES: Active construction sites</p> <p>PRIVATE SITES: Inspections of active construction sites for proper stormwater, erosion and sedimentation BMPs</p> <p>PRIVATE SITES: Percentage of active construction sites inspected</p> | | | | |

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| | <p>Notices of Violation (NOVs) / warning letters / citations issued</p> <p>Stop Work Orders issued</p> <p>Fines issued</p> <p>Year 1 ONLY: Attach the written construction site inspection program plan</p> | <p>46</p> <p>1</p> <p>0</p> | <p>Daily Reports and Emails</p> <p>Red Tag</p> | <p>Construction Services</p> <p>Developmental Services</p> <p>Developmental Services</p> | |
| <p>Part III.A.9.c</p> | <p>Construction Site Runoff — Site Operator Training</p> | | | | |
| | <p>During Year 1 of the permit, develop and implement a written plan for stormwater training / outreach for construction site plan reviewers, site inspectors and site operators. Provide training for permittee personnel (employed by or under contract with the permittee) and private persons involved in the site plan review, inspection or construction of stormwater management, erosion, and sedimentation controls. All inspectors of construction sites shall be certified through the Florida Stormwater, Erosion, and Sedimentation Control Inspector Training program, or an equivalent program approved by the Department. Follow-up training shall be provided annually. Report the number and type of training activities, the number of inspectors, site plan reviewers and site operators trained (both in-house and outside training), and the number of private persons trained by the permittee.</p> <p><i>DEP Note: If "0" is reported for any of these reporting items, please include in Column F an explanation of why training was not provided to / obtained by the permittee's staff and private persons during the applicable reporting year.</i></p> <p><i>DEP Note: The permittee should report only the number of staff and private persons (i.e., private construction site operators) trained / certified during the applicable reporting year, and then note in Column F the number of staff and private persons who were previously trained / certified. Private site operator training can include pre-construction meetings.</i></p> | | | | |
| | <p>Permittee construction site inspectors</p> <p>Permittee construction site plan reviewers</p> | <p>Certification Training</p> <p>14</p> <p>6</p> | <p>Initial Training (non-certification)</p> <p>0</p> <p>0</p> | <p>Refresher Training</p> <p>4</p> <p>4</p> | <p>Five (5) previously certified and trained. CWPB has videotapes available for viewing.</p> <p>Six (6) previously certified and trained. CWPB has videotapes available for viewing.</p> |

SECTION VII. STORMWATER MANAGEMENT PROGRAM (SWMP) SUMMARY TABLE

| A. | | B. | | | C. | D. | E. | F. |
|----------------------------------|---|---------------------------------------|-----------------|--------------------------------|------------------------|-------------------------------------|--|----|
| Permit Citation/ SWMP Element | Permit Requirement/Quantifiable SWMP Activity | Permittee construction site operators | Private persons | Number of Activities Performed | Documentation / Record | Entity Performing the Activity | Comments | |
| | | 0 | 0 | 0 | | | The City does not operate construction sites | |
| | | 0 | 18 | | Meeting Minutes | Engineering Public Works Department | Pre-construction meetings with contractors | |

SECTION VIII. CHANGES TO THE STORMWATER MANAGEMENT PROGRAM (SWMP) ACTIVITIES (Not Applicable In Year 4)

| | | |
|----|----------------------------------|---|
| A. | Permit Citation/ SWMP Element | Proposed Changes to the Stormwater Management Program Activities Established as Specific Requirements Under Part III.A of the Permit (Including the Rationale for the Change) — REQUIRES DEP APPROVAL PRIOR TO CHANGE IF PROPOSING TO REPLACE OR DELETE AN ACTIVITY. <i>DEP Note: There may be changes deemed necessary after developing / reviewing your plans and SOPs as per Part III.A of the permit, after completing your SWMP evaluation as per Part VI.B.2 of the permit, or due to a TMDL / BMAP as per Part VIII.B of the permit.</i> |
| | | None. |
| B. | Permit Citation/ SWMP Element | Changes to the Stormwater Management Program Activities NOT Established as Specific Requirements Under Part III.A of the Permit (Including the Rationale for the Change) <i>DEP Note: There may be changes deemed necessary after developing / reviewing your plans and SOPs as per Part III.A of the permit, after completing your SWMP evaluation as per Part VI.B.2 of the permit, or due to a TMDL / BMAP as per Part VIII.B of the permit.</i> |
| | | None. |

CHECKLIST A: ATTACHMENTS TO BE SUBMITTED WITH THE ANNUAL REPORTS

Below is a list of items required by the permit that may need to be attached to the annual report. Please check the appropriate box to indicate whether the item is attached or is not applicable for the current reporting period. Please provide the number and the title of the attachments in the blanks provided.

| Attached | N/A | Rule / Permit Citation | Required Attachment | Attachment Number | Attachment Title |
|-------------------------------------|-------------------------------------|----------------------------|---|-------------------|---------------------------|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Part II.F | EACH ANNUAL REPORT: If program resources have decreased from the previous year, a discussion of the impacts on the implementation of the SWMP. | | |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Part III.A.1 | EACH ANNUAL REPORT: An explanation of why the minimum inspection frequency in Table II.A.1.a was not met, if applicable. | | |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Part III.A.4 | EACH ANNUAL REPORT: A list of the flood control projects that did <u>not</u> include stormwater treatment and an explanation for each of why it did not, if applicable. | III.A.4 | Flood Control Project |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Part III.A.7.a | EACH ANNUAL REPORT: A report on amendments / changes to the legal authority to control illicit discharges, connections, dumping, and spills, if applicable. | | |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Part V.B.9 | EACH ANNUAL REPORT: Reporting and assessment of monitoring results. [Also addressed in Section III of the Annual Report Form] | | See Joint Annual Report |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Part VI.B.2 | EACH ANNUAL REPORT: An evaluation of the effectiveness of the SWMP in reducing pollutant loads discharged from the MS4 that, <u>at a minimum</u> , must include responses to the questions listed in the permit. | VI.B.2 | Effectiveness of the SWMP |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Part VIII.B.3.e | EACH ANNUAL REPORT: A status report on the implementation of the requirements in this section of the permit and on the estimated load reductions that have occurred for the pollutant(s) of concern. | | |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Part VIII.B.4.f | EACH ANNUAL REPORT after approval of the BPCP: The status of the implementation of the Bacterial Pollution Control Plan (BPCP). | | |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Rule 62-624.600(2)(a), FAC | YEAR 1: An inventory of all known major outfalls and a map depicting the location of the major outfalls (hard copy or CD-ROM). | | |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Part III.A.3 | YEAR 1: If have curbs and gutters but no street sweeping program, an explanation of why no street sweeping program and the alternate BMPs used or planned. | | |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Part III.A.6 | YEAR 1 or YEAR 2: A copy of the adopted Florida-friendly Ordinance, if | III.A.6 | FF Fertilizer_Ord 4432-12 |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Part III.A.7.c | YEAR 1: A proactive illicit discharge / connection / dumping inspection program | | |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Part III.A.9.b | YEAR 1: A construction site inspection program plan. [For approval by DEP] | | |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Part II.A | YEAR 2: Stormwater Management Program (SWMP) | II.A. | SWMP |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Part III.A.2 | YEAR 2: A summary report of a review of codes and regulations to reduce the stormwater impact from new development / redevelopment. | III.A.2 | LDR Review Summary |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Part V.A.2 | YEAR 3: Estimates of annual pollutant loadings and EMCs, and a table comparing the current calculated loadings with those from the previous two Year 3 ARs. | | |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Part III.A.2 | YEAR 4: A follow-up report on plan implementation of changes to codes and regulations to reduce the stormwater impact from new development / | | |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Part V.A.3 | YEAR 4: If the total annual pollutant loadings have not decreased over the past two permit cycles, revisions to the SWMP, as appropriate. | | |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Part V.B.3 | YEAR 4: The monitoring plan (with revisions, if applicable). | | |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Part VII.C | YEAR 4: An application to renew the permit. | | |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Part VIII.B.3.d | YEAR 4: A TMDL Implementation Plan / Supplemental SWMP. | | |

CHECKLIST B: THE REQUIRED ANNUAL REVIEWS OF WRITTEN STANDARD OPERATING PROCEDURES (SOPs) & PLANS

The permit requires annual review, and revision if needed, of written Standard Operating Procedures (SOPs) and plans (e.g., public education and outreach, training, inspections). Please indicate your review status below. **If you have made revisions that need DEP approval, you must complete Section VIII.A of the annual report.**

| Did not complete review of existing SOP / Plan | Developed new written SOP / Plan | Reviewed & no revision needed to existing SOP / Plan | Reviewed & revised existing SOP / Plan | Permit Citation | Description of Required SOPs / Plans |
|--|----------------------------------|--|--|-----------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Part III.A.1 | SOP and/or schedule of inspections and maintenance activities of the structural controls and roadway stormwater collection system. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Part III.A.2 | SOP for development project review and permitting procedures and/or local codes and regulations for new development / areas of significant development. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Part III.A.3 | SOP for the litter control program. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Part III.A.3 | SOP for the street sweeping program. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Part III.A.3 | SOP for inspections of equipment yards and maintenance shops that support road maintenance activities. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Part III.A.5 | SOP for inspections of waste treatment, storage, and disposal facilities not covered by an NPDES stormwater permit. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Part III.A.6 | Plan for public education and outreach on reducing the use of pesticides, herbicides and fertilizer. |
| N/A | N/A | N/A | N/A | Part III.A.6 | Plan for pesticide, herbicide and fertilizer application training DEP Note: A plan is not necessary since the FDACS certification / licensing program adequately fulfills the permit requirement. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Part III.A.6 | SOP for reducing the use of pesticides, herbicides and fertilizer, and for the proper application, storage and mixing of these products. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Part III.A.7.c | Plan for proactive illicit discharge / connections / dumping inspections.* |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Part III.A.7.c | SOP for reactive illicit discharge / connections / dumping investigations. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Part III.A.7.c | Plan for illicit discharge training. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Part III.A.7.d | SOP for spill prevention and response efforts. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Part III.A.7.d | Plan for spill prevention and response training. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Part III.A.7.e | Plan for public education and outreach on how to identify and report the illicit discharges and improper disposal to the MS4. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Part III.A.7.f | Plan for public education and outreach on the proper use and disposal of oils, toxics and household hazardous waste. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Part III.A.7.g | SOP to reduce / eliminate sanitary wastewater contamination of the MS4. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Part III.A.8 | SOP for inspections of high risk industrial facilities. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Part III.A.9.a | SOP for construction site plan review for stormwater, erosion and sedimentation controls, and ERP and CGP coverage. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Part III.A.9.b | Plan for inspections of construction sites.* |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Part III.A.9.c | Plan for stormwater, erosion and sedimentation BMPs training. |

REMINDER LIST OF THE TMDL / BMAP REPORTS TO BE SUBMITTED SEPARATELY FROM AN ANNUAL REPORT

| Rule / Permit Citation | Report Title | Due Date |
|-------------------------------|---|-----------------|
| Part VIII.B.3.a | 6 MONTHS from effective date of permit: TMDL Prioritization Report. | 9/2/11 |
| Part VIII.B.3.b | 12 MONTHS from effective date of permit: TMDL Monitoring and Assessment Plan. | 3/2/12 |
| Part VIII.B.3.c | 6 MONTHS from receiving analyses from the lab: TMDL Monitoring Report. | TBD |
| Part VIII.B.4 | 30 MONTHS from effective date of permit: A Bacterial Pollution Control Plan (BPCP). | 9/2/13 |

Section VII. Stormwater Management Program (SWMP) Summary Table

Part II.A.4 Flood Control Projects

List of the projects where stormwater treatment was not included with an explanation for each of why it was not.

a. North Flagler Drive Streetscape Phase 1 (23rd Street to 29th Street) Project

Water quality treatment was not included in this utility/streetscape project due to the high water table and insufficient room in the right-of-way with the other underground utilities.

b. Ironhorse Pump Stations Project

This project includes two storm water pump stations to provide back-up flood protection to the Ironhorse community. The existing storm water management system of lakes, swales and pump station already includes water quality treatment.

c. Market Street Utility Improvements and Roadway Reconstruction Project

This project is located in the tributary drainage area of the City's Renaissance Project. The replacement drainage system outfalls to the Stub Canal. The Renaissance Project provides water quality treatment for the area draining to the Stub Canal.

Attachment VI.B.2. Effectiveness of the SWMP

- a. *Have stormwater pollutant loadings discharged from the MS4 decreased? Why or why not?*

It's our observation that stormwater pollutant discharges from our MS4 have decreased as a result of the programs mandated by our MS4 NPDES permit. This is based on the known quantity of debris (sediment, biological, trash, etc.) that has been removed by street sweeping and catchbasin cleanout. We also believe that substantial pollutant loading removal has resulted from the pollution control devices that we have installed as part of our capital improvement plan (un-related to the requirements of the MS4 NPDES permit.)

- b. *Which components of the SWMP are working well and are effective in reducing stormwater pollutant loadings? Why are they effective?*

We believe that the street sweeping and catchbasin cleanout activities are effective measures in reducing pollutant loadings from our MS4.

- c. *Which components of the SWMP are not working well and need to be revised to make them more effective in reducing stormwater pollutant loadings?*

Public education is difficult to achieve on a local level. Residents do not tune in to local messages. We believe effective change will only be realized with a broader, possibly national-level, campaign. Something more like the "Keep America Beautiful" program in the 1960s/1970s. This could be combined with a curriculum change within the schools, so that students learn the rights and wrongs before they're making decisions themselves. Curriculum changes must occur at the state level.

- d. *Which components of the SWMP do not contribute to reducing stormwater pollutant loads and could be revised or eliminated, and why?*

The Industrial and High Risk Facility Inspection program is time consuming and redundant to the Illicit Discharge Inspection program that focuses on commercial and industrial areas within the MS4 area. Furthermore, the impairment of our waters is overwhelmingly the result of nutrients, not a toxic chemical. The amount of time/money this program takes seems counter-productive to getting at the source of the actual problems.

- e. *Is the monitoring program providing data that can be used to assess the effectiveness of the SWMP in reducing stormwater pollutant loadings, assess the effectiveness of specific BMPs, and determine where stormwater retrofitting projects should be prioritized for implementation?*

The current monitoring program is useful in assessing the overall (group- or Palm Beach County-wide) effectiveness of the MS4 NPDES permit requirements. The effectiveness can be seen in the results presented in the Joint Annual Report. The information can be used to determine where stormwater retrofit projects are most needed.

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES AT CHAPTER 34 (ENVIRONMENT), TO CREATE ARTICLE V (FLORIDA FRIENDLY FERTILIZER USE), SECTION 34-114 THROUGH SECTION 34-124 TO REQUIRE FLORIDA-FRIENDLY FERTILIZER PRACTICES IN THE APPLICATION OF FERTILIZER TO TURF AND LANDSCAPE PLANTS; PROVIDING FOR CERTIFICATION FOR COMMERCIAL APPLICATORS AND INSTITUTIONAL APPLICATORS OF FERTILIZER; PROVIDING FOR ENFORCEMENT; PROVIDING FOR CODIFICATION; PROVIDING A CONFLICTS AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the quality of streams, lakes, and wetlands is important to environmental, economic, and recreational prosperity and to the health, safety, and welfare of the residents of the City of West Palm Beach ; and

WHEREAS, surface water runoff and baseflow runoff leaves residential neighborhoods, commercial centers, industrial areas, and other lands of the City of West Palm Beach and enters into natural and artificial stormwater and drainage conveyances and natural water bodies of the City and the State of Florida; and

WHEREAS, pursuant to Section 303(d) of the Federal Clean Water Act and the resulting Florida Impaired Waters Rule (Chapter 62-303, Florida Administrative Code), the Florida Department of Environmental Protection ("FDEP") has classified specific water bodies in the City as "impaired" as a result of the presence of excess nutrients; and

WHEREAS, leaching and runoff of nutrients from improper or excess fertilization practices contributes to nitrogen and phosphorus loading in the City's stormwater conveyances and natural water bodies and thus to the overgrowth of algae and vegetation in these waterways; and

WHEREAS, the overgrowth of algae and vegetation in stormwater and drainage conveyances hinders the goal of flood prevention and proper water conduction; and algae blooms and accelerated growth of aquatic weeds in water bodies have heightened concerns about water quality and eutrophication of surrounding waters; and

WHEREAS, it is generally recognized that eastern Florida soils naturally have a suitable phosphorus content for most vegetative needs and that phosphorus is therefore rarely needed to create or maintain a vibrant landscape; and

WHEREAS, it has been recognized that the proper application of slow release nitrogen sources is more efficiently used by plants and less likely to leach out or wash away in stormwater runoff; and

ORDINANCE NO. 4432-12

WHEREAS, the United States Environmental Protection Agency ("EPA") issued its National Pollutant Discharge Elimination System ("NPDES") Permit No. FLS 000018 (with it and all such subsequent permits being hereinafter referred to as the "MS4 NPDES Permit") to approximately forty (40) governmental entities, including the City of West Palm Beach, designated as the Palm Beach County-Municipal Separate Storm Sewer System ("MS4"); and

WHEREAS, EPA has since delegated its regulatory and enforcement authority relating to the MS4 NPDES Permit to the Florida Department of Environmental Protection ("FDEP"); and

WHEREAS, FDEP recently renewed and re-issued the MS4 NPDES Permit, Permit No. FLS 000018-003; and

WHEREAS, both Sec. 403.9337, Florida Statutes, and the MS4 NPDES Permit requires local governments within the watershed of a nutrient impaired water body to adopt FDEP's Model Ordinance for Florida Friendly Fertilizer Use on Urban Landscapes, or an ordinance that includes all of the requirements contained in the model ordinance; and

WHEREAS, this Ordinance is part of a regulatory program to address nonpoint sources of nutrient pollution, considering scientifically based data and economic and technical feasibility; and

WHEREAS, as a result of impairment to the City's surface waters caused by excessive nutrients, or, as a result of increasing levels of nitrogen in the surface and/or ground water within the aquifers within the boundaries of the City, the City Commission of the City of West Palm Beach has determined that the use of fertilizers on lands within the City contributes to adverse effects on surface and/or ground water, and that management measures contained in the most recent edition of the "*Florida-friendly Best Management Practices for Protection of Water Resources by the Green Industries, 2008*," are necessary for the public health and well-being;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, THAT:

SECTION 1: Chapter 34 (Environment) of the Code of Ordinances of the City of West Palm Beach, Florida, is hereby amended to create Article V (Florida Friendly Fertilizer Use), Section 34-114 through 34-124 which shall read as follows:

ARTICLE V. FLORIDA FRIENDLY FERTILIZER USE

Sec. 34-114. - Definitions.

For the purpose of this article, the following terms shall have the meanings set forth by this section unless the context clearly indicates otherwise.

All words used in the present tense include the future; all words in the singular number include the plural and the plural the singular. Any word or term not interpreted or defined by this section shall be used with a common dictionary meaning of common or standard utilization.

Apply or application means the physical deposit, placement, or release of fertilizer upon soil or turf or landscape plants.

Applicator means any person who applies fertilizer.

Approved soil test means soil and tissue tests for phosphorus and/or nitrogen done by the University of Florida Institute of Food and Agricultural Sciences (UF/IFAS) or an accredited laboratory that regularly performs soil testing.

Commercial applicator means, except as provided in F.S. § 482.1562(9), any person who applies fertilizer in exchange for money, goods, services or other valuable consideration to property not owned by the person or firm applying the fertilizer.

Fertilizer means any substance or mixture of substances that contains one or more recognized plant nutrients and promotes plant growth, or controls soil acidity or alkalinity, or provides other soil enrichment, or provides other corrective measures to the soil.

Fertilizing means the act of applying fertilizer to soil, turf, specialized turf or landscape plants.

Institutional Applicator means any person, other than a private non-commercial or commercial applicator (unless such definitions also apply under the circumstances) that applies fertilizer for the purpose of maintaining turf and/or landscape plants. Institution Applicators shall include, but shall not be limited to, owners, manager or employees of public lands, schools, parks, religious institutions, utilities, industrial or business sites and any residential properties maintained in condominium and/or common ownership.

Landscape Plant means any native or non-native tree, shrub, bush or groundcover plant, excluding turf.

Person means any person, natural or artificial, individual, firm, association, organization, partnership, business trust, corporation, company, association, club, organization and/or any group of people acting as an organized entity.

Prohibited Application Period means the time period during which a flood watch or warning, or a tropical storm watch or warning, or a hurricane watch or warning, or a 3-day cone of uncertainty is in effect for any portion of the city, issued by the National Weather Service.

Saturated soil means soil in which the voids are filled with water. Saturation does not require flow. For the purpose of this ordinance, soil shall be considered saturated if standing water is present or the pressure of a person standing on the soil causes the release of free water.

Slow release means nitrogen in a form which delays its availability for landscape plant or turf uptake and use for an extended period after application, or which extends its availability to the landscape plant or turf longer than a readily available, rapid or quick-release product. This definition includes the terms "controlled release," "slow release," "slowly available," and "water insoluble".

Turf, sod, or lawn means an area of grass-covered soil held together by the roots of the grass, including but not limited to, Bahia, Bermuda, Centipede, Paspalum, St. Augustine, and Zoysia, or other grass groundcover.

Sec. 34-115. - Fertilizer Free Zones.

Fertilizer shall not be applied within ten feet, or three feet if a deflector shield or drop spreader is used, of any pond, stream, water course, lake, canal, or wetland as defined by the Florida Department of Environmental Protection (Chapter 62-340, Florida Administrative Code) or from the top of a seawall or lake bulkhead. Newly planted turf and/or landscape plants may be fertilized in this zone only for a 60 day establishment period beginning 30 days after planting, if needed to allow the plants to become established. Caution shall be used to prevent direct application of fertilizer into the water.

Sec. 34-116. - Fertilizer Application Restrictions.

(a) No applicator shall apply fertilizers containing nitrogen and/or phosphorus to saturated soil or to turf and/or landscape plants on saturated soil.

(b) No applicator shall apply fertilizers containing nitrogen and/or phosphorus to turf and/or landscape plants during any prohibited application period, including any period for which the National Weather Service has issued any of the following advisories for any portion of the City: flood warning or watch, tropical storm warning or watch, hurricane warning or watch, or a three-day cone of uncertainty.

(c) Fertilizers containing nitrogen and/or phosphorus shall not be applied before seeding or sodding a site, and shall not be applied for the first 30 days after seeding or sodding, except when hydro-seeding for temporary or permanent erosions control in an emergency situation (wildfire, etc.,) or in accordance with the stormwater pollution prevention plan for that site.

Sec. 34-117. - Fertilizer Content and Application Rates.

(a) All fertilizer to be applied shall be labeled in accordance with state law.

(b) Fertilizers applied to turf and/or landscape plants within the City shall be applied in accordance with directions provided by Rule 5E-1.003(2), Florida Administrative Code, Labeling Requirements For Urban Turf Fertilizers, and shall not exceed the application rates and frequency maximums, which vary by plant and turf type, found on the labeled fertilizer bag or container.

(c) Unless a soil or tissue deficiency has been verified by an approved soil test:

(i) nitrogen or phosphorus fertilizer shall be applied to turf in accordance with the rates and frequency requirements of subsection (b) above; and

(ii) nitrogen or phosphorus fertilizer shall be applied to landscape plants in accordance with the rates and frequency requirements of subsection (b) above, or in accordance with the University of Florida/Institute of Food and Agricultural Sciences recommendations for landscape plants, vegetable gardens and fruit trees and shrubs.

Sec. 34-118. - Mode of Application.

Spreader deflector shields are required when fertilizing via broadcast spreaders. Deflectors must be positioned such that fertilizer granules are deflected away from all impervious surfaces, fertilizer free zones, water bodies including wetlands, and saturated soil.

Sec. 34-119. - Impervious Surfaces.

Fertilizer shall not be applied, spilled, or otherwise deposited on any impervious surfaces. Any fertilizer applied, spilled, or deposited, either intentionally or accidentally, on any impervious surface shall be immediately and completely removed to the greatest extent practicable. Fertilizer released on an impervious surface must be immediately contained and either legally applied to turf or any other legal site, or returned to the original or other appropriate container. In no case shall fertilizer be washed, swept, or

blown off impervious surfaces into stormwater drains, ditches, conveyances, fertilizer free zones or water bodies including wetlands.

Sec. 34-120. – Management of Grass Clippings and Vegetative Matter.

In no case shall grass clippings, plant material, vegetative debris and/or yard and garden waste, intentionally be washed, swept, or blown onto or into stormwater drains, ditches, conveyances, fertilizer free zones, water bodies, wetlands, sidewalks or roadways. Any material that is accidently so deposited shall be immediately removed to the maximum extent practicable. Yard and garden waste material may be placed for pick up, in accordance with the city code, within the swale, parkway or street, but not in such a manner which may block or wash into the storm drains.

Sec. 34-121. - Exemptions.

The provisions of this article shall not apply to:

- (a) bona fide farm operations or other properties that have pastures used for grazing livestock, which are covered under the Florida Right to Farm Act, F.S. § 823.14.
- (b) any lands used for bona fide scientific research, including but not limited to, research on the effects of fertilizer use on urban stormwater, water quality, agronomics or horticulture.

Sec. 34-122. – Commercial Applicators.

- (a) Effective January 1, 2014, all commercial applicators applying fertilizer within the municipal boundary of the city shall provide evidence of successfully completion of training in the requirements of the “Florida-Friendly Best Management Practices for Protection of Water Resources by the Green Industries” offered by the Florida Department of Environmental Protection through the University of Florida IFAS “Florida-Friendly Landscapes” program, or an approved equivalent program, prior to obtaining or renewing a certificate of use and/or obtaining a business tax receipt for any category of occupation which may apply any fertilizer to turf and/or landscape plants.
- (b) Effective January 1, 2014, all commercial applicators applying fertilizer within the municipal boundary of the city shall have, and carry in their possession at all times when applying fertilizer, evidence of certification by the Florida Department of Agriculture and Consumer Services as a Commercial Fertilizer Applicator per Rule 5E-14.117(18), Florida Administrative Code.

Sec. 34-123. – Institutional Applicators.

Effective January 1, 2014, all institutional applicators which apply, or cause to be applied, fertilizer on the institutional applicator's property within the municipal boundary of the city shall provide evidence that at least one employee of the institutional applicator has successfully completed the "Florida-Friendly Best Management Practices for Protection of Water Resources by the Green Industries" offered by the Florida Department of Environmental Protection through the University of Florida or the Palm Beach County Cooperative Extension Service "Florida-Friendly Landscapes" program, or an approved equivalent program, prior to obtaining or renewing a certificate of use and/or obtaining a business tax receipt.

Sec. 34-124. - Enforcement; Fines and Penalties; Appeal; Use of Funds.

- (a) The following civil fines shall be imposed for violations of this chapter:
- (i) First offense, \$250.00 fine.
 - (ii) Second offense (within one year of the first offense) and each offense thereafter, \$500.00 fine.

For purposes of this section, "offense" shall mean a notice of violation that has not been contested timely or a finding of violation by a special magistrate. A person may receive a separate notice of violation once every hour if a violation has occurred at any time within that period. Each notice of violation shall constitute a separate offense for which a separate fine may be imposed.

- (b) A violator who has been served with a notice of violation shall elect either to:
- (1) Pay the civil fine in the manner indicated on the notice; or
 - (2) Request an administrative hearing before a special magistrate to appeal the decision of the code inspector that has resulted in the issuance of the notice of violation, in accordance with chapter 26 of this code.
- (c) The named violator shall request an administrative hearing before the special magistrate by filing a written request for hearing with the special magistrate's office within ten days of the date of the notice of violation.
- (d) If the named violator after notice fails to pay the civil fine or fails to timely request an administrative hearing before a special magistrate, the special magistrate shall be informed of such failure by report from the code enforcement officer. Failure of the named violator to appeal the notice of violation within the prescribed time period shall constitute a waiver of the violator's right to administrative hearing before the special magistrate. A waiver of the right to an administrative hearing shall be treated as an admission of the violation and penalties may be assessed accordingly.

(e) Any party aggrieved by the decision of a special magistrate may appeal that decision to a court of competent jurisdiction as provided in F.S. § 162.11.

(f) The city may institute proceedings in a court of competent jurisdiction to compel payment of civil fines. A certified copy of an order imposing a civil fine may be recorded in the public records and thereafter shall constitute a lien upon any other real or personal property owned by the violator and it may be enforced in the same manner as a court judgment by the sheriffs of this state, including levy against the personal property, but shall not be deemed to be a court judgment except for enforcement purposes. After three months from the filing of any such lien that remains unpaid, the city may foreclose or otherwise execute on the lien. A violator may be subject to the reinspection provisions of chapter 26 of this code.

(g) As an alternative or additional means of enforcement, the city may institute proceedings to revoke or suspend the certificate of use of any commercial applicator or institutional applicator, or seek injunctive relief. As a further alternative or additional means of enforcement, the city may employ the alternative code enforcement procedures for a civil infraction described in chapter 26, article III of this code. The provisions of chapter

Sec. 34-124. – Use of Funds

Funds generated by fines and penalties imposed under this article shall be used by the city for the administration and enforcement of F.S. § 403.9337 and this article, and to further water conservation and nonpoint pollution prevention activities.

SECTION 2: Specific authority is hereby granted to codify this Ordinance.

SECTION 3: All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

SECTION 4: Should any section or provision of this Ordinance or any portion, paragraph, sentence or word hereof be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder as a whole, or any other part, of this Ordinance.

SECTION 5: This Ordinance shall take effect in accordance with law; provided, however, no notices of violation or other enforcement procedures shall be issued prior to

ORDINANCE NO. 4432-12

October 1, 2012. This Ordinance shall be prospective only and shall not impair any existing contracts.

FIRST READING THIS 6th DAY OF August, 2012.

SECOND READING AND FINAL PASSAGE THIS 20th DAY OF August, 2012.

(CORPORATE SEAL)

CITY OF WEST PALM BEACH
BY ITS CITY COMMISSION

ATTEST:

Seraldine Muirow
PRESIDING OFFICER

Debra J. Burch
DEPUTY CITY CLERK

CITY ATTORNEY'S OFFICE
Approved as to form and legality
By: WJH

Last printed 8-10-12



City of West Palm Beach

Stormwater Management Plan (SWMP)

for Compliance with

MS4 NPDES Permit No. FLS000018-003

Last updated February 2013



City of West Palm Beach

Standard Operating Procedures/Plans (SOPs)

for compliance with

MS4 NPDES Permit Required Programs/Activities



Dry Detention and/or Retention System – Structural Control Inspection Standard Operational/Maintenance/Documentation Protocol

There are three dry detention systems and three dry retention systems that are part of our MS4; they are located as shown on the following map.

Dry Detention Systems

Dreher Park & Francis 26°40'13.95"N 80°04'02.76"W

Georgia & Gregory South 26°38'43.64"N 80°03'33.29"W

Georgia & Gregory North 26°38'53.32"N 80°03'32.17"W

Dry Retention Systems

City Complex 26°42'11.25"N 80°03'58.43"W

Dexter Rd 26°41'16.00"N 80°04'07.67"W

Phipps Park 26°40'12.13"N 80°03'28.33"W

Inspections:

Established dry detention or retention systems are inspected once every three years, using the following Structural Control Inspection Form. In addition, they are observed for problems that may impact their functionality whenever they are mowed.

New dry detention or retention systems are inspected annually for the first two years of operation.

If chronic problems are identified with a dry detention or retention system, it is inspected annually until the problem is resolved (two consecutive annual inspections without an issue).

Inspections are conducted close to the storage recovery time of that dry detention or retention system (***generally 72 hours after a significant rainfall event***) to verify that the system still functions as intended.

The anticipated inspection schedule follows.

All 6 (six) dry areas are inspected annually between the months of August and November, during the rainy season.

Maintenance:

There are several maintenance activities that may be associated with a dry detention or retention system. The appropriate activity is chosen to correspond to the reported condition. The following activities may be required:

1. Mow grass
2. Remove trash and debris from system and dispose of properly.
3. Remove accumulated sediment from the inflow pipe and dispose of properly.
4. Eliminate any mosquito breeding habitats.
5. Repair any undercutting or piping around inflow structure.
6. Repair and re-establish any eroded areas on the bottom, side slopes, and/or near inflow structure.
7. Scrape, disc, or otherwise aerate the bottom of the detention/retention area to restore the infiltration capacity. Include soil testing, as needed, to verify that the infiltration capacity has been restored. Re-established the surface to its final condition (seed, sod, etc...)

Documentation:

The documentation for the inspection and maintenance activities related to the dry detention or retention systems is recorded in ***HiperWeb Maintenance System*** and on the inspection form.



Dry Detention/Retention System – Structural Control Inspection

Facility ID: _____ Hyper Web W/O# _____ Date: _____

Inspection conducted _____ days/hours after significant rainfall event.

FUNCTION:

Wet bottom? YES NO

Dead or dying vegetation on bottom? YES NO

Any signs of accumulated sediment? YES NO

If YES, report to supervisor for further investigation or schedule for maintenance.

EROSION:

Vegetation on bottom and side slopes failing? YES NO

Any signs of erosion? YES NO

If YES, describe and schedule for maintenance:

INFLOW STRUCTURE:

Any signs of erosion? YES NO

Any signs of structure settling? YES NO

Any signs of physical damage? YES NO

Any signs of accumulated sediment? YES NO

If YES to any of the above, schedule the structure for maintenance.

Any debris present? YES NO

If YES, remove debris or schedule for maintenance.

OUTFLOW STRUCTURE (for Dry Detention systems only):

Any signs of erosion? YES NO

Any signs of structure settling? YES NO

Any signs of physical damage? YES NO

Any signs of accumulated sediment? YES NO

If YES to any of the above, schedule the structure for maintenance.

Any debris present? YES NO

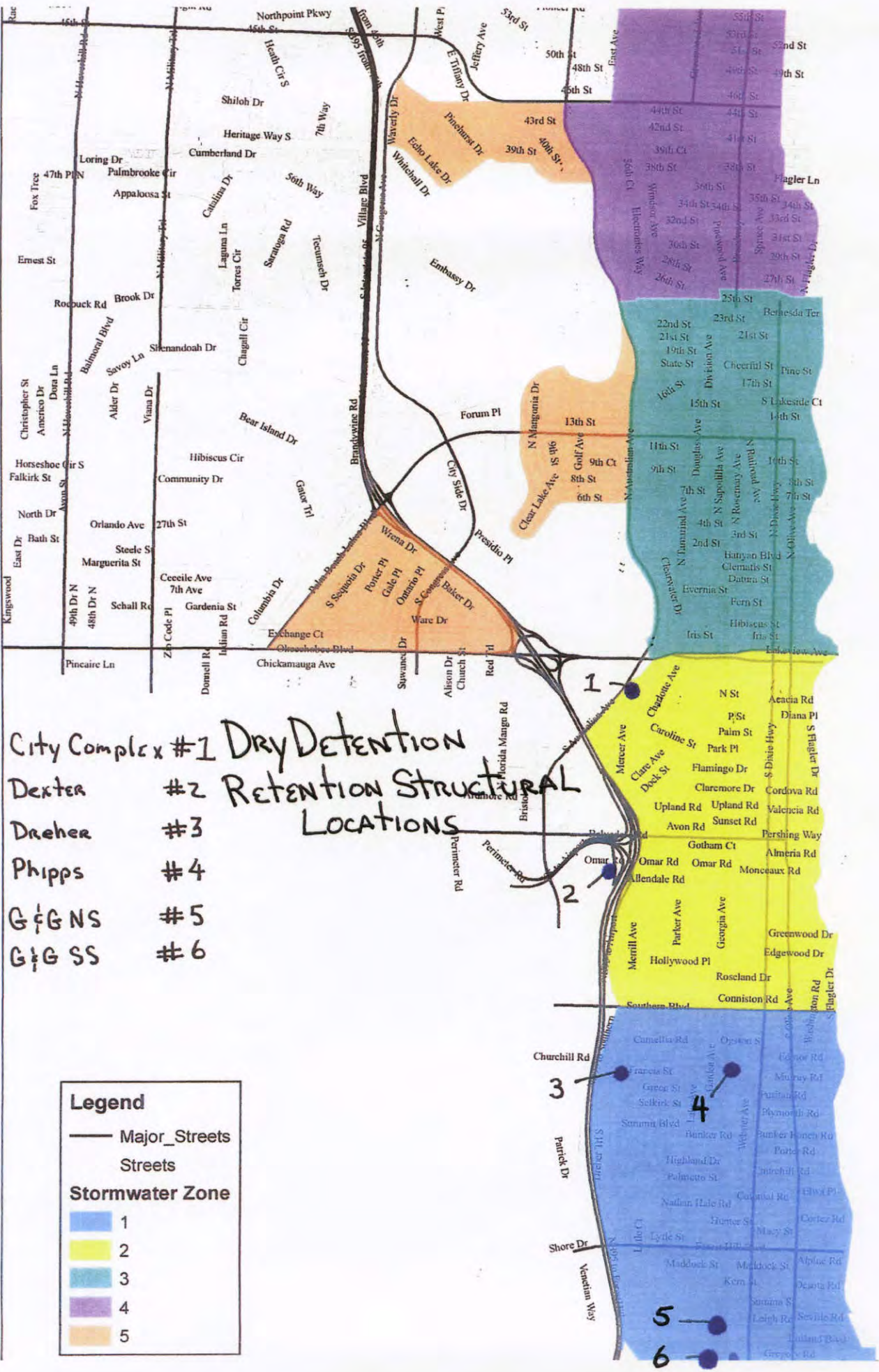
If YES, remove debris or schedule for maintenance.

GENERAL:

Any signs of "excessive petroleum hydrocarbon contamination"? YES NO

Any indications of illicit discharge or illegal dumping? YES NO

If YES, address issue as required.



City Complex #1 Dry Detention
 Dexter #2 Retention Structural Locations
 Dreher #3
 Phipps #4
 GFGNS #5
 GFGSS #6

| Legend | |
|-----------------|---------------|
| | Major Streets |
| | Streets |
| Stormwater Zone | |
| | 1 |
| | 2 |
| | 3 |
| | 4 |
| | 5 |



Exfiltration Trench – Structural Control Inspection Standard Operational/Maintenance/Documentation Protocol

There are 7,325 linear feet of exfiltration trench that are part of our MS4; the systems are located as shown on the following map.

Inspections:

Established exfiltration trench is inspected once every three years, using the following Structural Control Inspection Form.

New exfiltration trench is inspected annually for the first two years of operation.

If chronic problems are identified with a run of exfiltration trench, it is inspected annually until the problem is resolved (two consecutive annual inspections without an issue).

The inspection to check for proper function is conducted close to the recovery time of that exfiltration trench system (generally 72 hours after a significant rainfall event) to verify that the system still functions as intended. The inspection for sediment accumulation in the system is conducted in dry weather.

The anticipated inspection schedule will be every three (3) years (*see attached map of zones to be inspected*).

Maintenance:

There are several maintenance activities that may be associated with exfiltration trench. The appropriate activity is chosen to correspond to the reported condition. The following activities may be required:

1. Remove sediment in pipe(s) and/or upstream and downstream structures. This may be done by flushing or vacuuming.
2. Remove trash and debris from the system and dispose of properly.
3. Total rehabilitation (removal and replacement) of the exfiltration trench system may be required when the system fails to function at the design capacity.

Documentation:

The documentation for the inspection and maintenance activities related to exfiltration trench is the HiperWeb Work Management System / Exfiltration Trench-Structural Control Inspection Form.



Exfiltration Trench – Structural Control Inspection

Facility/Segment ID: _____

Date: _____

Inspection conducted _____ days/hours after significant rainfall event.

FUNCTION:

Standing water in observation well, inspection port, or inlet? YES NO

Standing water above inlet grates? YES NO

If YES, report to supervisor for further investigation or schedule for maintenance.

GENERAL:

Sediment amount less than one foot below pipe invert in up or downstream structure? YES NO

Sediment visible in pipe? YES NO

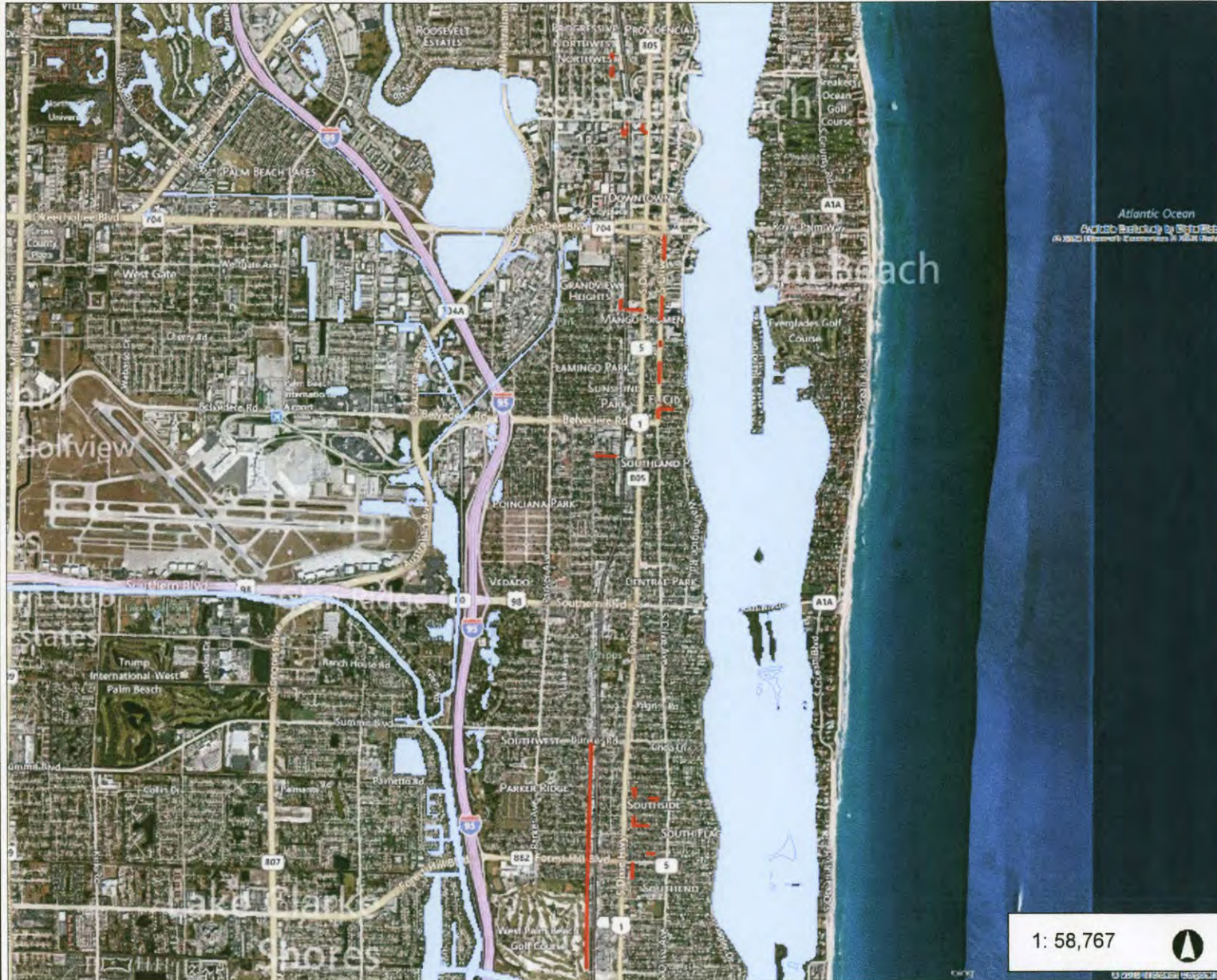
Debris accumulation at weir? YES NO

If YES, describe and schedule for maintenance: _____

Any indications of illicit discharge or illegal dumping? YES NO

If YES, describe and report to supervisor for proper response: _____

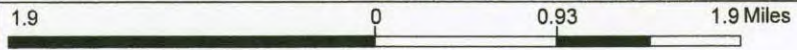
Exfiltration System



Legend

- ▲ SCADA Site
- Addresses
- Waterbodies
- Street Intersections

1: 58,767



WGS_1984_Web_Mercator_Auxiliary_Sphere
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THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes

Maintenance and Inspection



Swale System – Structural Control Inspection Standard Operational/Maintenance/Documentation Protocol

There are 200 linear feet of swales that are part of our MS4; the swale segments are located as shown on the following map.

1) Spencer Drive 26°42'30.90"W 80°05'37.20"N

Inspections:

Established swales are inspected once every three years, using the following Structural Control Inspection Form. In addition, they are observed for problems that may impact their functionality whenever they are mowed/maintained.

New swales are inspected annually for the first two years of operation.

If chronic problems are identified with a swale, it is inspected annually until the problem is resolved (two consecutive annual inspections without an issue).

Inspections are conducted close to the recovery time of that swale (generally 72 hours after a significant rainfall event) to verify that the system still functions as intended.

The anticipated inspection schedule for the swale areas will be done annually between the months of August & November during the rainy season.

Maintenance:

There are several maintenance activities that may be associated with swales. The appropriate activity is chosen to correspond to the reported condition. The following activities may be required:

1. Mow grass.
2. Remove trash and debris from system and dispose of properly.
3. Remove accumulated sediment from the inflow and/or outflow pipe and dispose of properly.
4. Eliminate any mosquito breeding habitats.
5. Repair any undercutting or piping around inflow and/or outflow structure.
6. Repair and re-establish any eroded areas on the bottom, side slopes, and/or near any structure.
7. Scrape, disc, or otherwise aerate the bottom of the swale to restore the infiltration capacity. Include soil testing, if needed, to verify that the infiltration capacity has been restored. Re-establish the surface to its final condition (seed, sod, etc...)

Documentation: The documentation for the inspection and maintenance activities related to swales is recorded on the HiperWeb Maintenance System and on the form Grass Swale Inspection form.



Grass Swale – Structural Control Inspection

Facility/Segment ID: _____

Date: _____

Inspection conducted _____ days/hours after significant rainfall event.

FUNCTION:

Wet bottom? YES NO

Aquatic vegetation present? YES NO

Dead or dying grass on bottom? YES NO

Sediment accumulation? YES NO

Grading issue? YES NO

If YES, report to supervisor for further investigation or schedule for maintenance.

EROSION:

Vegetation on bottom or side slopes failing? YES NO

Any signs of erosion? YES NO

If YES, describe and schedule for maintenance: _____

GENERAL:

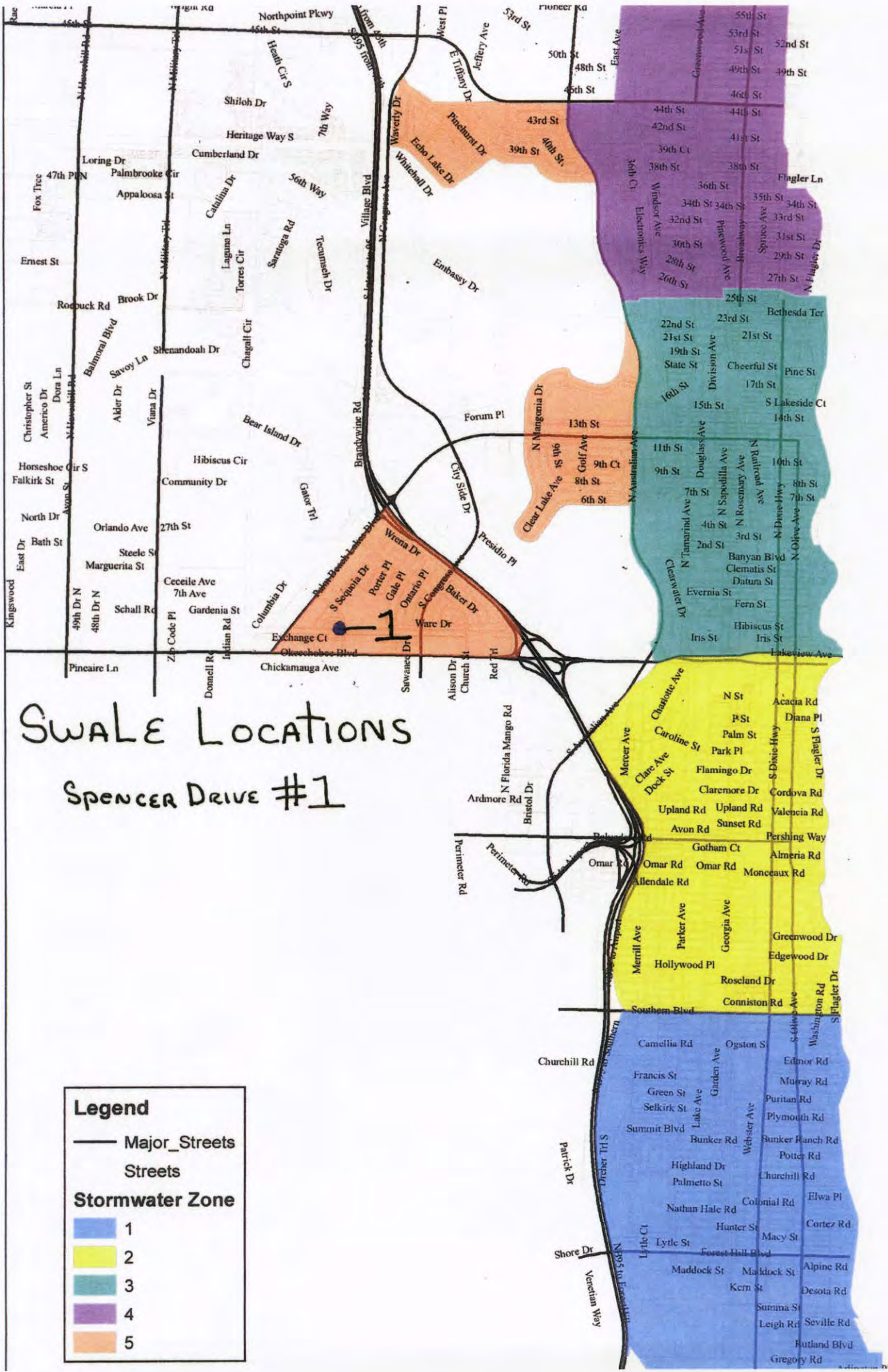
Any signs of damage from parking in swale? YES NO

Any fences or other objects that could obstruct flow into/through the swale? YES NO

If YES, schedule for maintenance.








Any indications of illicit discharge or illegal dumping? YES NO

If YES, describe and report to supervisor for proper response: _____



SWALE LOCATIONS

SPENCER DRIVE #1

| Legend | |
|---|---------------|
|  | Major_Streets |
|  | Streets |
| Stormwater Zone | |
|  | 1 |
|  | 2 |
|  | 3 |
|  | 4 |
|  | 5 |



Conveyance (Ditch & Canal) System – Structural Integrity Inspection Standard Operational/Maintenance/Documentation Protocol

There are **12.6** miles (66740' linear feet) of ditches and/or canals that are part of our MS4; the segments are located as shown on the following map.

Inspections:

At least 10% of the total length of conveyance system (ditches and/or canals) is inspected each year, using the following Structural Control Inspection Form. In addition, they are observed for problems that may impact their functionality whenever the banks are maintained.

The minimum inspection schedule of the canals/ditches within our system is annually; however the primary task of Stormwater, Canal Maintenance Division is to maintain areas within the City's conveyances daily.

Maintenance:

There are several maintenance activities that may be associated with ditches and canals. The appropriate activity is chosen to correspond to the reported condition. The following activities may be required:

1. Mow/cut vegetative cover above normal water line.
2. Remove trash and debris from system and dispose of properly.
3. Remove accumulated sediment from the bottom to restore design conveyance capacity and storage volume.
4. Repair and re-establish any eroded areas on the bottom, side slopes, and/or top of bank.

Documentation:

The documentation for the inspection and maintenance activities related to control structures is recorded on HyperWeb Maintenance System and on the attached inspection form.



Conveyance (Ditch & Canal) System – Structural Control Inspection

Facility/Segment ID: _____

Date: ____/____/____

FUNCTION:

- | | | |
|----------------------------|-----|----|
| 1. DEBRIS OR TRASH PRESENT | YES | NO |
| 2. SEDIMENT ACCUMULATION | YES | NO |
| 3. GRADING ISSUES | YES | NO |

If YES, report to supervisor for further investigation or schedule for maintenance.

EROSION:

- | | | |
|--|-----|----|
| 1. VEGITATION ON TOP OR SIDE OF SLOPES FALLING | YES | NO |
| 2. ANY SIGNS OF EROSION AT OUTFALL | YES | NO |
| 3. EROSION DUE TO VANDELLISUM | YES | NO |

If YES, describe and schedule for maintenance: _____

GENERAL:

Any indications of illicit discharge or illegal dumping? YES NO

If YES, describe and report to supervisor for proper response: _____

Conveyance (Ditch & Canal) System - Structural Inspection



3.7
0 1.86 3.7 Miles
MGS_1984_Web_Mercator_Auxiliary_Sphere
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1:117,533



Legend

- ▲ SCADA Site
- Addresses
- Waterbodies
- Street Intersections

Notes

MAINTENANCE AREAS



Wet Detention System – Structural Control Inspection Standard Operational/Maintenance/Documentation Protocol

There are 4 (four) wet detention systems that are part of our MS4; they are located as shown on the following map.

- 1. Gaines Park Wet Retention area (1000 lf)** **Located 26°43'44.15" N 80°04'02.43" W**
- 2. Publix Renaissance (2035 lf)** **Located 26°44'17.80"N 80°07'22.04" W**
- 3. Howard Park (1205ft)** **Located 26°42'16.36"N 80°03'39.42"W**
- 4. Dreher Park (917ft)** **Located 26°40'29.55"N 80°04'03.73"W**

Inspections:

Established wet detention systems are inspected once every three years, using the following Structural Control Inspection Form. In addition, they are observed for problems that may impact their functionality whenever the side slopes are maintained (mowed, trimmed, etc.)

New wet detention systems are inspected annually for the first two years of operation.

If chronic problems are identified with a wet detention system, it is inspected annually until the problem is resolved (two consecutive annual inspections without an issue).

Inspections are conducted close to the storage recovery time of that wet detention system (generally 72 hours after a significant rainfall event) to verify that the system still functions as intended.

The anticipated inspection schedule follows.

Gaines, Publix, Howard Park & Dreher Park wet retention inspections are done in November (annually)

Maintenance:

There are several maintenance activities that may be associated with a wet detention system. The appropriate activity will be chosen to correspond to the reported condition. The following activities may be required:

1. Maintain and re-establish any eroded areas on side slopes.
2. Repair any undercutting or piping around inflow and/or outflow structure(s).
3. Remove trash and debris from system and dispose of properly.
4. Remove accumulated sediment from the inflow and/or outflow pipe and dispose of properly.

5. Remove any trees or shrubs that may have become established near the discharge structure/pipe.
6. Remove exotic vegetation from the littoral zone (if applicable) and replant as needed.
7. Remove accumulated sediment from basin to restore design storage volume

Documentation:

The documentation for the inspection and maintenance activities related to wet detention system / control structures is recorded in ***HiperWeb Maintenance System*** and on the inspection form.



Wet Detention System – Structural Control Inspection

Facility ID: _____

Date: _____

Inspection conducted _____ days/hours after significant rainfall event.

FUNCTION:

Pond/Lake level above control elevation longer than recovery time? YES NO

If YES, report to supervisor for further investigation or schedule for maintenance.

EROSION:

Vegetation on side slopes failing? YES NO

Any signs of erosion? YES NO

If YES, describe and schedule for maintenance: _____

INFLOW STRUCTURE:

Any signs of erosion? YES NO

Any signs of structure settling? YES NO

Any signs of physical damage? YES NO

Any signs of accumulated sediment? YES NO

If YES to any of the above, schedule the structure for maintenance.

Any debris present? YES NO

If YES, remove debris or schedule for maintenance.

OUTFLOW STRUCTURE:

Any signs of erosion? YES NO

Any signs of structure settling? YES NO

Any signs of physical damage? YES NO

Any signs of accumulated sediment? YES NO

If YES to any of the above, schedule the structure for maintenance.

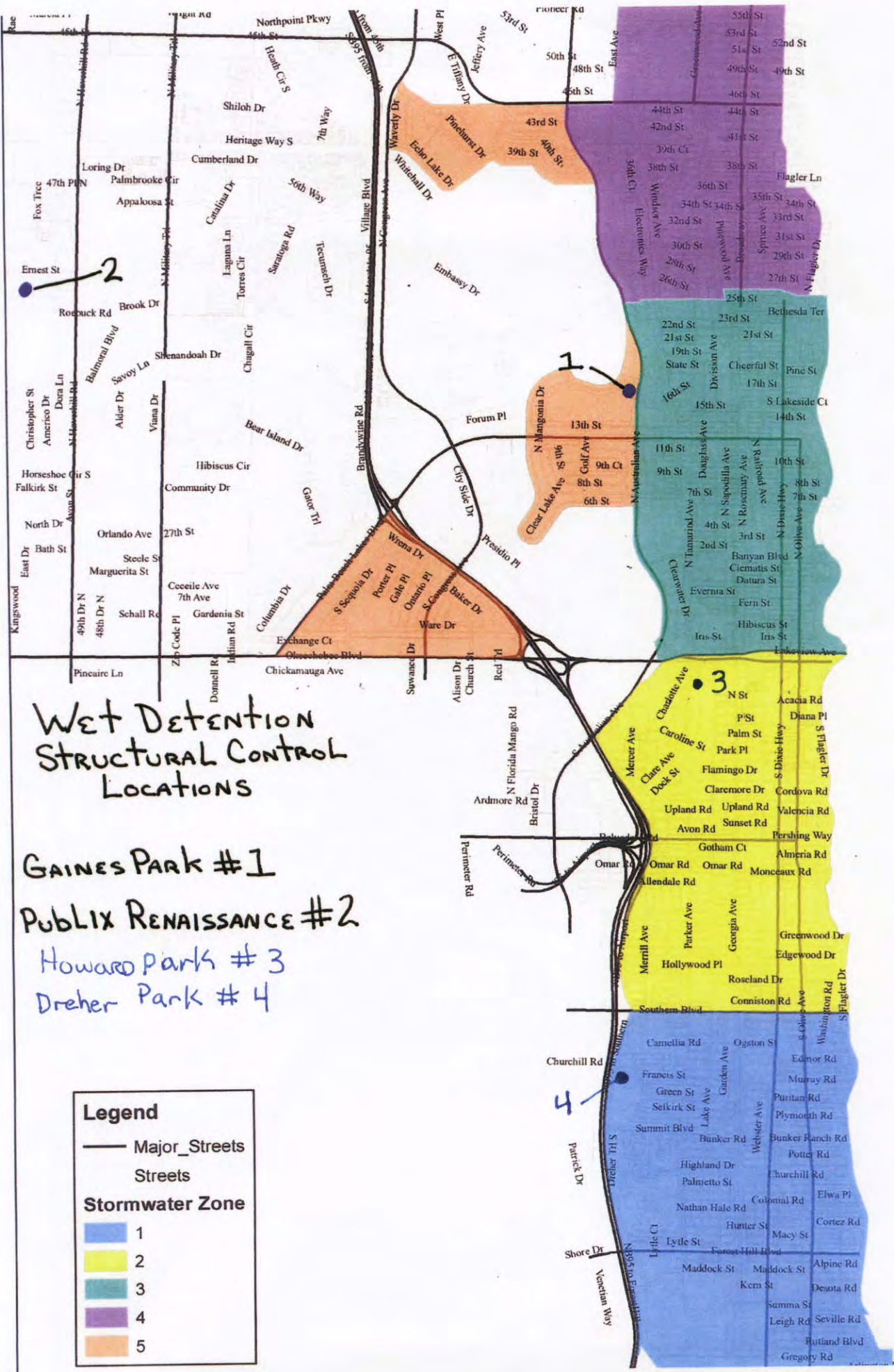
Any debris present? YES NO

If YES, remove debris or schedule for maintenance.

GENERAL:

Any indications of illicit discharge or illegal dumping? YES NO

If YES, describe and report to supervisor for proper response: _____



Wet Detention STRUCTURAL CONTROL LOCATIONS

- GAINES PARK #1
- PUBLIX RENAISSANCE #2
- HOWARD PARK #3
- DREHER PARK #4

| Legend | |
|-----------------|---------------|
| | Major Streets |
| | Streets |
| Stormwater Zone | |
| | 1 |
| | 2 |
| | 3 |
| | 4 |
| | 5 |



Stormwater Drainage

Pollution Control Device – Structural Control Inspection Standard Operational/Maintenance/Documentation Protocol

There are 13 pollution control devices (PCDs) that are part of our MS4; they are located as shown on the following map.

The purpose of PCDs is the removal of debris, sediment, oils, and/or other materials from the stormwater stream before it discharges into a receiving water body. Thus, the more material removed by these devices, the better. Frequent inspection and maintenance is the key to the proper function of these units.

Inspections:

PCDs are inspected quarterly, unless historic operations indicate that a less or more frequent inspection schedule is needed for particular PCDs. Inspections are conducted in accordance with the PCD manufacturer's recommendations. In general, inspections will include the items listed on the following Structural Control Inspection Form. (see attachment)

The anticipated inspection schedule follows. (see attachment)

Maintenance:

There are several maintenance activities that may be associated with PCDs. The appropriate activity is chosen to correspond to the reported condition. The following activities may be required:

1. Remove trash and debris from system and dispose of properly.
2. Remove accumulated vegetative matter and dispose of properly.
3. Remove accumulated sediment and dispose of properly.
4. Replace absorbent materials as required.
5. Repair damage to structure, inflow or outflow pipes.

Documentation:

The documentation for the inspection and maintenance activities related to pollution control devices is HiperWeb Work Management System.



Stormwater Drainage PCD – Structural Control Inspection

Facility ID: _____

Date: _____

FUNCTION:

Sediment accumulation? YES NO

Debris accumulation? YES NO

Absorbent materials need replacement? YES NO

If YES, report to supervisor for further investigation or schedule for maintenance.

GENERAL:

Any indications of illicit discharge or illegal dumping? YES NO

If YES, describe and report to supervisor for proper response: _____

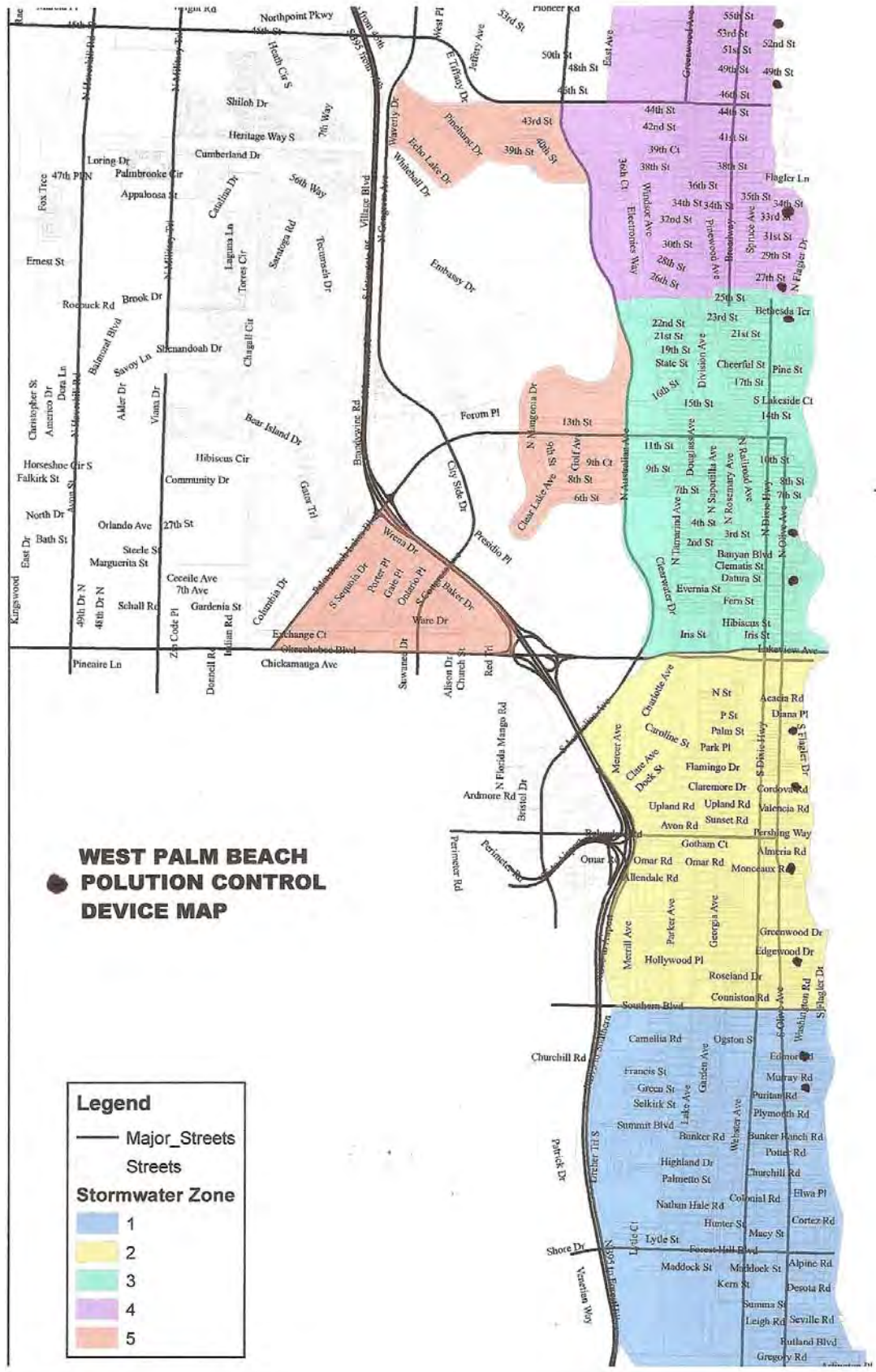
Inlets/Outlets damaged or obstructed? YES NO

If YES, schedule for maintenance.



**Stormwater Drainage
PCD – Structural Control Inspection
Schedule**

| <u>Facility</u> | <u>Frequency</u> | <u>Planned Date</u> |
|------------------------|-------------------------|----------------------------|
| 1. 54 th st | Quarterly | 2/2013 |
| 2. Flotilla Club | Quarterly | 2/2013 |
| 3. 33 rd st | Quarterly | 2/2013 |
| 4. 26 th | Quarterly | 2/2013 |
| 5. 23 rd st | Quarterly | 2/2013 |
| 6. 3 rd st | Quarterly | 2/2013 |
| 7. Datura st. | Quarterly | 2/2013 |
| 8. Akona ct. | Quarterly | 2/2013 |
| 9. Cordova rd. | Quarterly | 2/2013 |
| 10. Monceaux rd. | Quarterly | 2/2013 |
| 11. Monroe rd. | Quarterly | 2/2013 |
| 12. Edmore rd. | Quarterly | 2/2013 |
| 13. E. Lakewood rd. | Quarterly | 2/2013 |



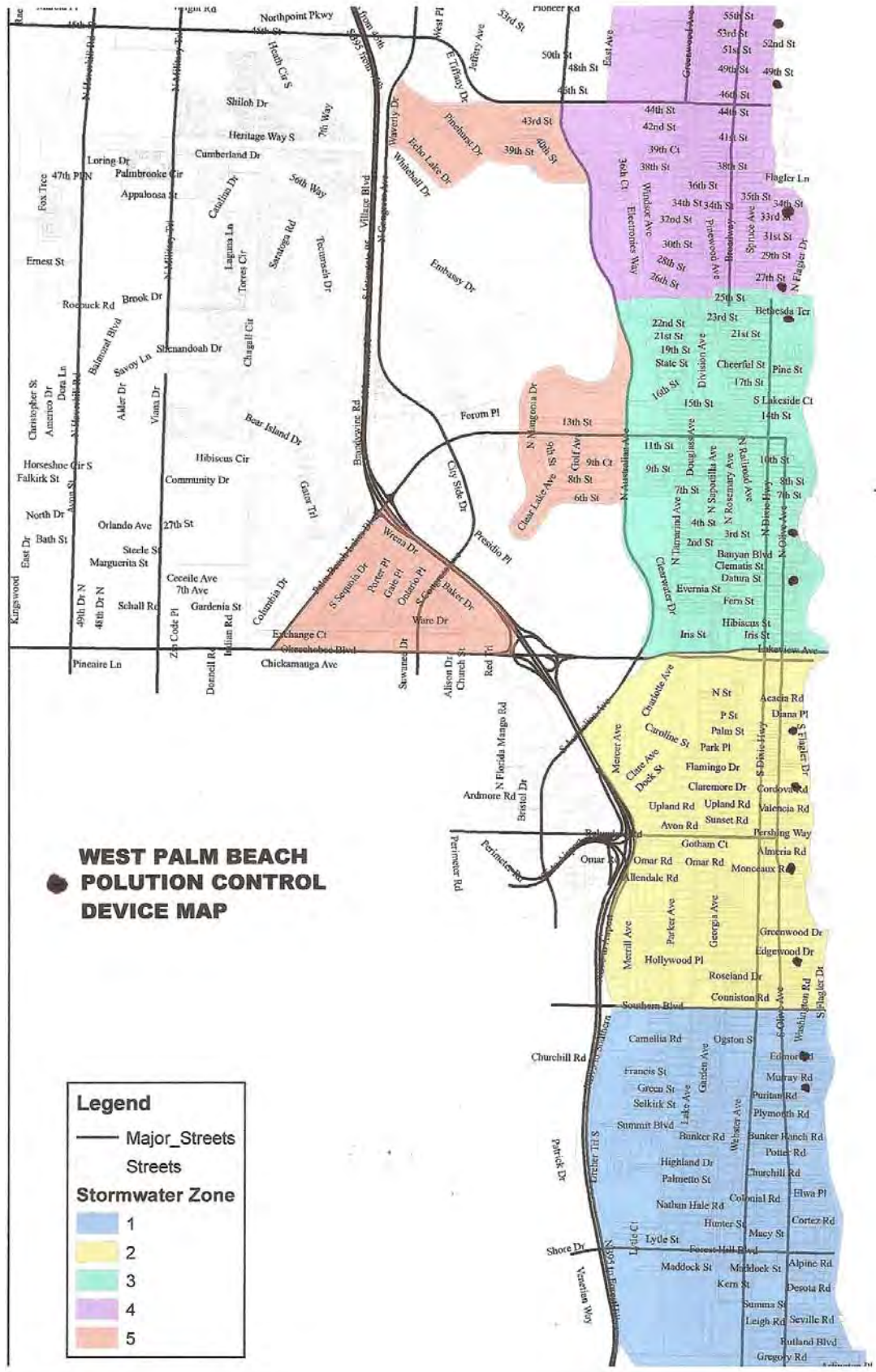
**WEST PALM BEACH
POLUTION CONTROL
DEVICE MAP**

Legend

- Major_Streets
- Streets

Stormwater Zone

- 1
- 2
- 3
- 4
- 5



WEST PALM BEACH POLUTION CONTROL DEVICE MAP

| Legend | |
|-----------------|---------------|
| | Major_Streets |
| | Streets |
| Stormwater Zone | |
| | 1 |
| | 2 |
| | 3 |
| | 4 |
| | 5 |



Stormwater Pump Station – Structural Control Inspection Standard Operational/Maintenance/Documentation Protocol

There are 7 (seven) stormwater pump stations (SWPSs) and (4) four structures that are part of our MS4; they are located as shown on the attached map.

Inspections:

SWPSs are inspected based on a prescribed preventative maintenance program, or if historic operations indicate that it's needed for a particular SWPS. Because these structures are each unique, their inspection protocol is specific to each structure. The anticipated inspection schedule is attached.

Maintenance:

There are several maintenance activities that may be associated with SWPSs. The appropriate activity is chosen to correspond to the reported condition. The following activities may be required:

1. Remove trash and debris and dispose of properly.
2. Remove accumulated vegetative matter and dispose of properly.
3. Remove accumulated sediment and dispose of properly.
4. Maintain pumps, generators and gates in accordance with pump manufacturer's recommendations.

Documentation:

The documentation for the inspection and maintenance activities related to stormwater pump stations and structures is located in the Computerized Management Maintenance Software (CMMS) Program on the HiperWeb Work Management System.

Frequency of Inspections

| Locations with Task | 3 Times a Week | 7 Day | 15 Day | 30 Day | 90 Day | 180 Day | 1 Year | 5 Year |
|--|-------------------|-------|--------|--------|--------|---------|--------|--------|
| PM- SCADA (RTU) | | | | √ | | | | |
| PM- Check Station and Pumps | | | √ | | | | | |
| PM- Check Generator and Run Generator | | | √ | | | | | |
| PM- Check Tranducer and Gilter | | | | | √ | | | |
| PM- Check Pump.Check Oil in Pump | | | | | | | √ | |
| PM- Pull Pump, Send out for manufacture inspection | | | | | | | | √ |
| PM- General Maintenance | | | | √ | | | | |
| | | | | | | | | |
| Foxhall Pump Station | | | | | | | | |
| Electrical | | | √ | | √ | √ | | |
| Mechanical | | | | √ | | √ | √ | √ |
| PM- SCADA (RTU) | | | | √ | | | | |
| PM- Pull Pump & Take to Shop for Repairs | | | | | | | | √ |
| PM- Check Wetwell for Grease Clean Floats | | | | √ | | | | |
| PM- Check Wetwell Clean Grease from Wetwell | | | | | | √ | | |
| PM- Pull & Check Pumps, Clean & Check Valves | | | | | | | √ | |
| PM- Run Generator | | | √ | | | | | |
| PM- Level Control System | | | | | √ | | | |
| PM- Clean & Inspect Switches Gear | | | | | | √ | | |
| PM- General Maintenance | | | | √ | | | | |
| | | | | | | | | |
| Renaissance Pump Station | | | | | | | | |
| Electrical | | | √ | | | √ | | |
| Mechanical | √ | | | √ | | | | |
| PM- SCADA (RTU) | | | | √ | | | | |
| PM- Check Generator / Run Pump | | | √ | | | | | |

Frequency of Inspections

| Locations with Task | 3 Times a Week | 7 Day | 15 Day | 30 Day | 90 Day | 180 Day | 1 Year | 5 Year |
|--|-------------------|-------|--------|--------|--------|---------|--------|--------|
| Carver Canal Structure | | | | | | | | |
| Electrical | | | √ | √ | √ | √ | √ | |
| Mechanical | | | √ | √ | √ | √ | √ | |
| PM- SCADA (RTU) | | | | √ | | | | |
| Gates Operate from Computer | | | | √ | | | | |
| Transducer: Calibrate with Staff Gauge | | | | | √ | | | |
| Gates Grease Screw Gear | | | | | | | √ | |
| PM- General Maintenance | | | | √ | | | | |
| | | | | | | | | |
| Control # 8 Structure | | | | | | | | |
| Electrical | √ | | | | | | | |
| Mechanical | | | | | | √ | | |
| PM- SCADA (RTU) | √ | | | | | | | |
| Gates Operate from Computer | | √ | | | | | | |
| Gates Grease Screw Gear | | | | | | | √ | |
| PM- General Maintenance | | | | √ | | | | |



Major Stormwater Outfalls – Structural Control Inspection Standard Operational/Maintenance/Documentation Protocol

There are 44 major stormwater outfalls (MSWOs) that are part of our MS4. A MSWO is defined as:

- an outfall pipe larger than 36-inch inside diameter (or its equivalent), OR
- discharge from a single conveyance other than a pipe that serves a drainage area of 50 acres or more, OR
- an outfall pipe larger than 12-inches inside diameter (or its equivalent) that serves a drainage area containing industrial land uses, OR
- discharge from a single conveyance other than a pipe that serves a drainage area of 2 acres or more than include industrial land uses.

The MSOWs within our MS4 are located on the following map. (*see attached*)

Inspections:

MSWOs are inspected annually, or more frequently if historic operations indicate that it's needed for a particular MSWO. Inspections are conducted in accordance with the following Structural Control Inspection Form.

The anticipated inspection schedule follows.

ZONES 1 - 8 Outfall Inspections – JUNE 2013

ZONES 2 – 12 Outfall Inspections – JUNE 2013

ZONES 3 – 15 Outfall Inspections – JULY 2013

ZONES 4 – 9 Outfall Inspections – JULY 2013

Maintenance:

There are several maintenance activities that may be associated with MSWOs. The appropriate activity is chosen to correspond to the reported condition. The following activities may be required:

1. Remove trash and debris and dispose of properly.

2. Remove accumulated vegetative matter and dispose of properly.
3. Remove accumulated sediment and dispose of properly.
4. Maintain earthen bank adjacent to the discharge pipe or headwall.
5. Maintain the headwall at the outfall, if applicable.
6. Repair/replace pipe if needed.

Documentation:

The documentation for the inspection and maintenance activities related to major stormwater outfalls is the HiperWeb Work Management System / Structural Controls Inspection Form.



Major Stormwater Outfalls – Structural Control Inspection

Facility ID: _____

Date: _____

FUNCTION:

| | | |
|---|-----|----|
| Debris or sediment accumulation in pipe? | YES | NO |
| Barnacle accumulation in pipe? | YES | NO |
| Sediment accumulation in receiving water? | YES | NO |
| Pipe in need of repair/replacement ? | YES | NO |

If *YES*, report to supervisor for further investigation or schedule for maintenance.

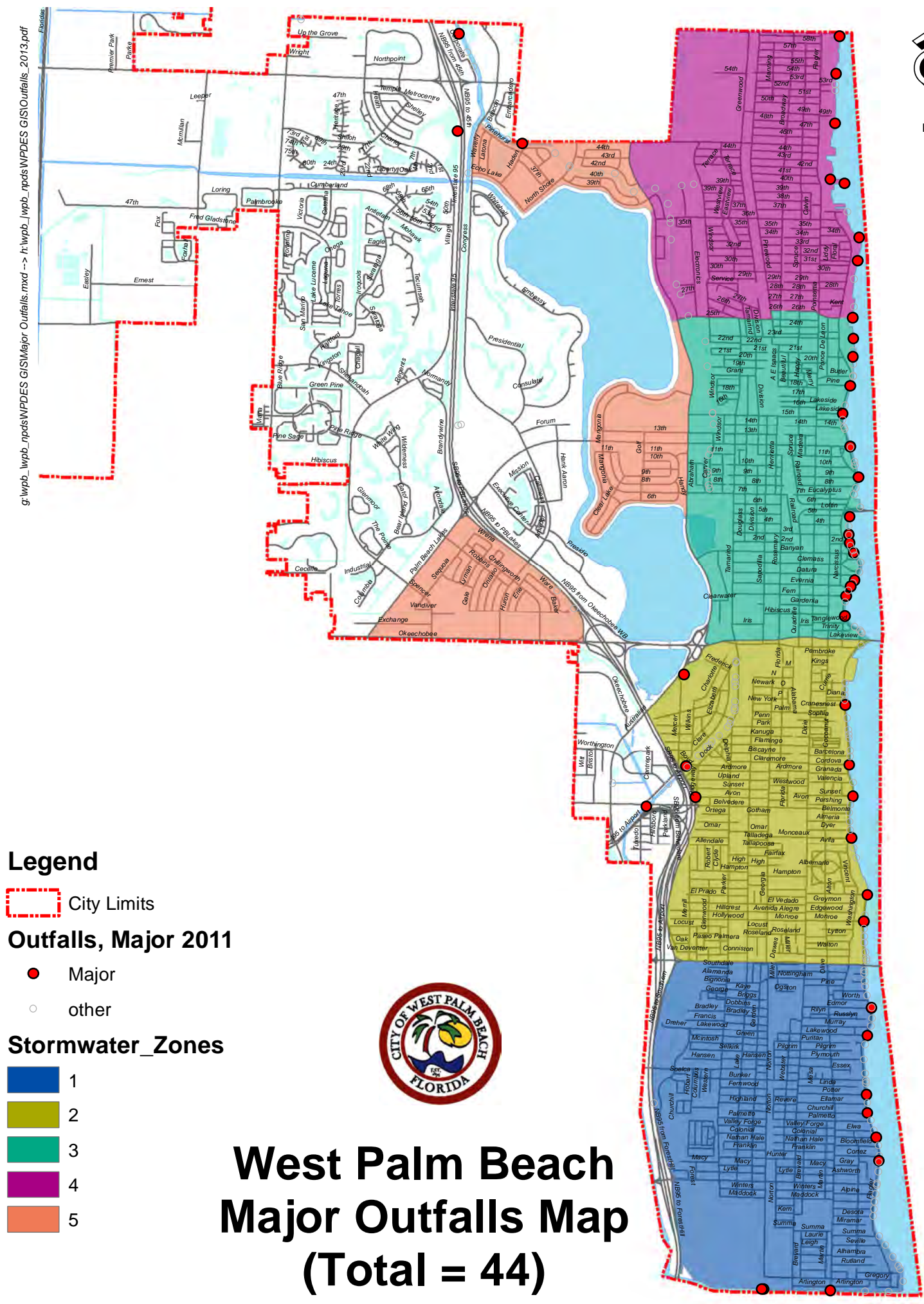
GENERAL:

Any indications of illicit discharge or illegal dumping? YES NO

If *YES*, describe and report to supervisor for proper response: _____

| | | |
|---|-----|----|
| Signs of erosion on bank near outfall? | YES | NO |
| Rip-rap in need of maintenance? | YES | NO |
| Headwall in need of repair/replacement? | YES | NO |

If *YES*, schedule for maintenance.



Legend

City Limits

Outfalls, Major 2011

- Major
- other

Stormwater_Zones

- 1
- 2
- 3
- 4
- 5



**West Palm Beach
Major Outfalls Map
(Total = 44)**



Control Structures – Structural Control Inspection

Standard Operational/Maintenance/Documentation Protocol

Control structures (weirs, orifices, gates, etc.) that are associated with other structural controls, such as wet and dry retention and detention areas; ex: filtration trenches, and swales, are inspected along with the structural control system of which they are a part.

Control structures that are associated with pipe networks and/or canals (weirs, operable gates, etc.) are inspected as stand-alone facilities. There are **3** stand-alone control structures that are part of our MS4. They are located on the following map.

- 1. Control # 8, Flow control structure, located 26°41'55.47"N 80°04'21.04"W**
- 2. Control # 9, Flow control structure, located 26°45'10.23"N 80°04'50.81"W**
- 3. Congress canal. V-Notch Weir located 26°44'55.57"N 80°05'22.40"W**

Inspections:

Because these structures are each unique, their inspection protocol is specific to each structure. *The current inspection schedule is as follows:*

- 1. Control # 8 & 9 Inspections Monthly, Inspection at end of each Month**
- 2. Congress Weir Inspections Quarterly, Inspections at end of: Jan, Apr, July, Nov.**

Maintenance:

There are several maintenance activities that may be associated with control structures. Because these structures are each unique, their maintenance needs are specific to each structure. The appropriate activity is chosen to correspond to the reported condition or required action. The following activities may be required:

- 1. Remove trash and debris and dispose of properly.**
- 2. Remove accumulated vegetative matter and dispose of properly.**
- 3. Remove accumulated sediment and dispose of properly.**
- 4. Check station over for vandalism of fence enclosures, battery boxes, actuators, solar panels etc.**
- 5. Repair/replace mechanical components and parts as needed.**
- 6. Repair/replace structure, if needed.**

Documentation:

The documentation for the inspection and maintenance activities related to control structures is recorded on Stormwaters HyperWeb Maintenance System and on the Control Structure Inspection/Checklist form.



Control Structure # _____
Inspection Procedure/Checklist/Form

Facility ID: _____

Date: ____/____/____

| | | | |
|------------------|--|------------|-----------|
| FUNCTION: | 1) Operation of manual gates if applicable: | YES | NO |
| | 2) Operation of automated gates via local: | YES | NO |
| | 3) Operation of automated gates via remote: | YES | NO |

GENERAL:

Inspections to include checking the overall condition at station site, grass, trees, trash etc.

Also:

Any indications of illicit discharge or illegal dumping? YES NO

If YES, describe below in notes section and report to supervisor for proper response.

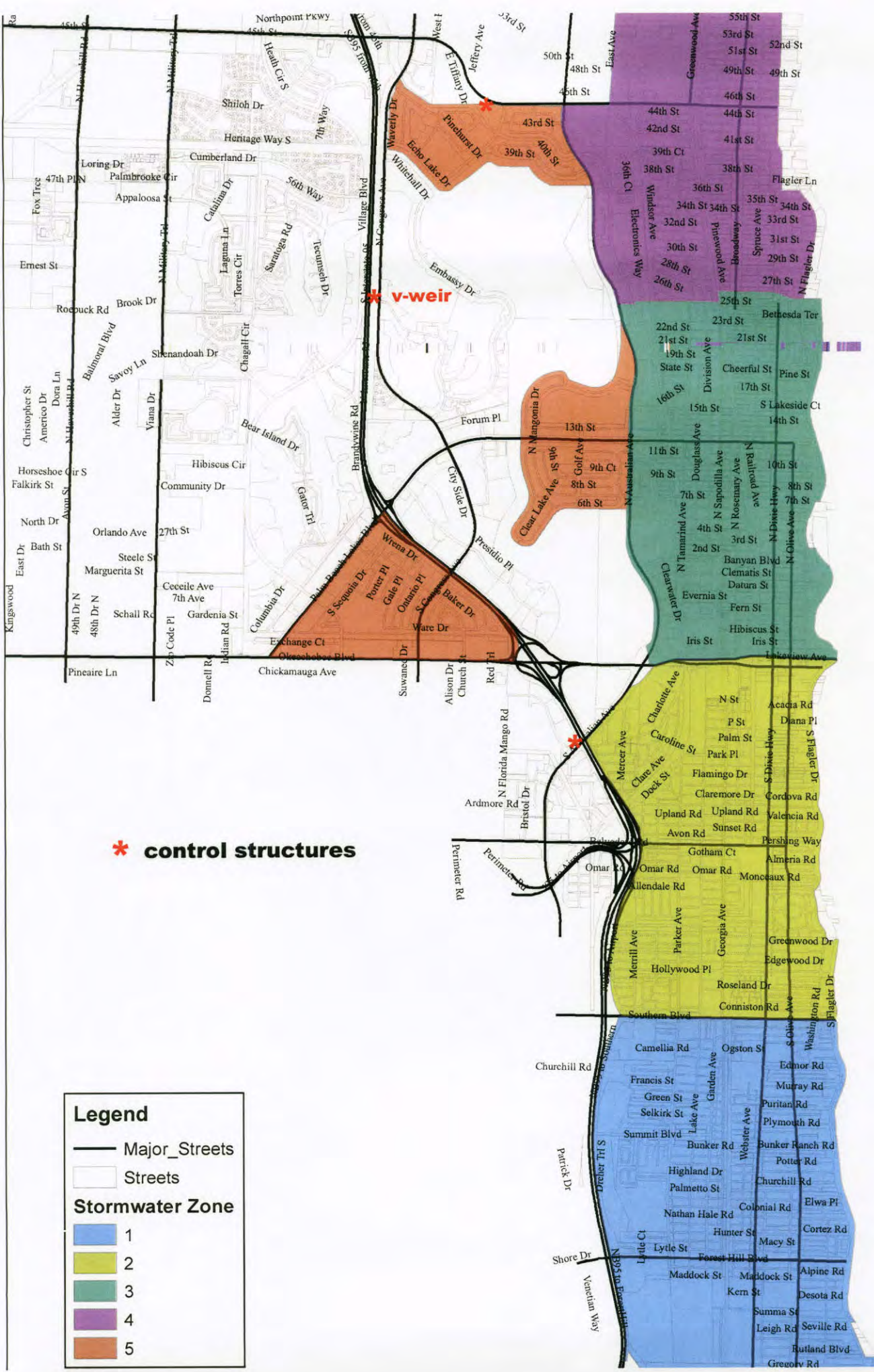
Debris accumulation upstream or downstream of structure? YES NO

Sediment accumulation upstream or downstream of structure? YES NO

Headwall or riprap in need of repair/replacement? YES NO

If YES, schedule for maintenance.

Notes:



* control structures

Legend

- Major_Streets
- Streets

Stormwater Zone

- 1
- 2
- 3
- 4
- 5



Pipes/Culverts and Inlets/Manholes – Structural Control Inspection Standard Operational/Maintenance/Documentation Protocol

There are 169 miles of pipe/culvert that are part of our MS4. The locations are shown on the following map. This value and the locations on the map do NOT include exfiltration trench, which is catalogued separately. Each pipe segment (between two structures or between a structure and an outfall) has a unique identification. This information is stored in a geographic information system (GIS).

There are 4315 inlets/catch basins/manholes that are part of our MS4. Their locations are also shown on the following map. Each structure has a unique identification. This information is stored in a geographic information system (GIS).

Inspections:

At least 10% of the total number of linear feet of pipe/culvert is inspected each year. The inlets, catchbasins, and manholes associated with a pipe/culvert system are inspected concurrently. Visual inspections are conducted. Inspection forms are not used. If warranted, as a result of the visual inspection, a work order for maintenance, repair, or a more detailed pipe or structure investigation is generated. A more detailed investigation may include televising the pipe, or using mirrors or other devices, as appropriate, to determine the condition of the pipe/culvert. As a result of the more detailed investigation, a work order for maintenance or repair may be generated.

Maintenance:

There are several maintenance activities that may be associated with stormwater networks. The appropriate activity is chosen to correspond to the reported condition. The following activities may be required:

1. Remove trash and debris and dispose of properly.
2. Remove accumulated vegetative matter and dispose of properly.
3. Remove accumulated sediment and dispose of properly.

4. Remove barnacles and/or other marine life and dispose of properly.
5. Repair/replace the headwall at the end of the pipe, if applicable.
6. Repair/replace pipe or structure, if needed.

Documentation:

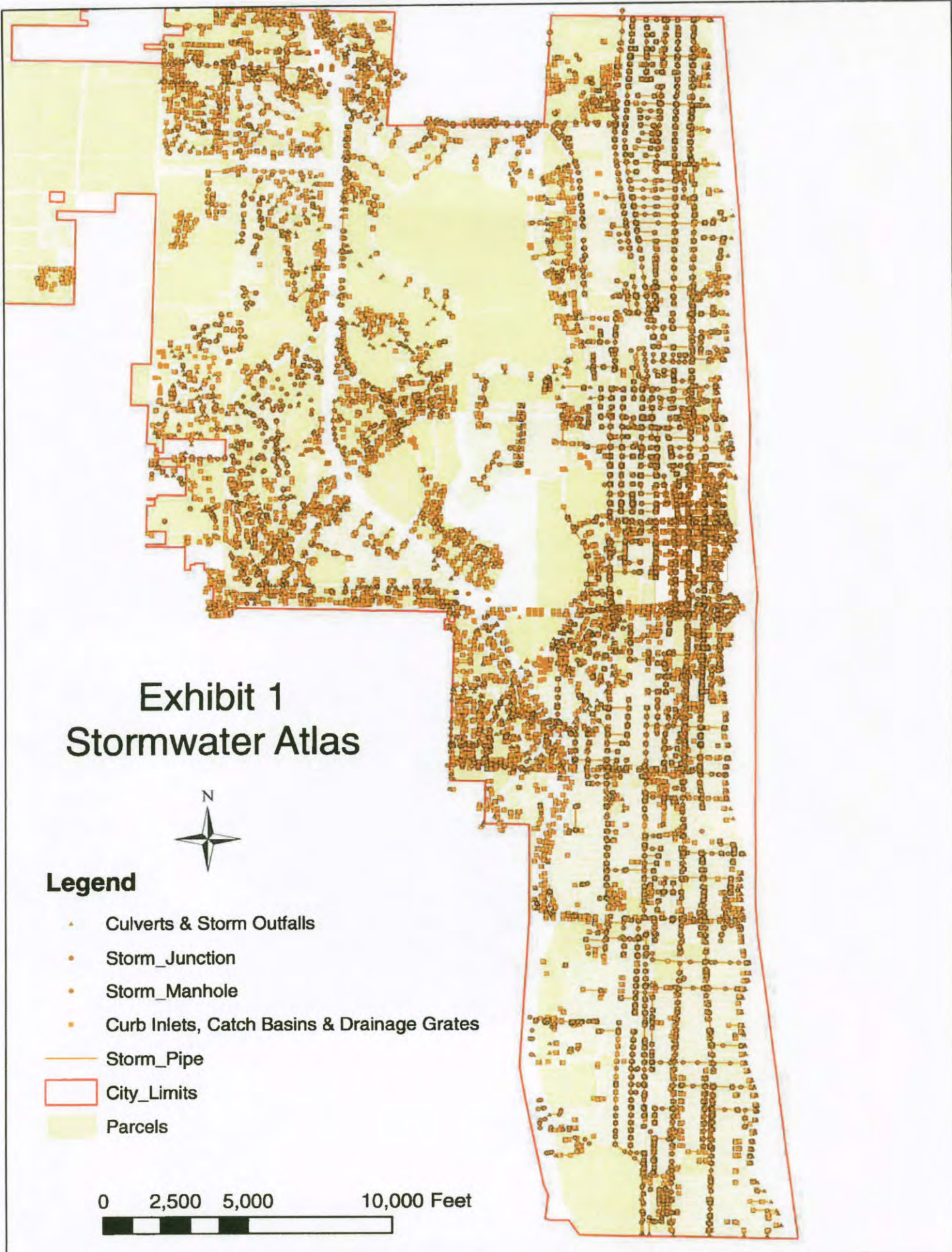
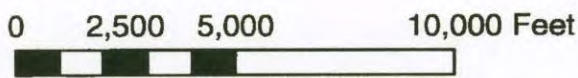
The documentation for the inspection and maintenance activities related to the pipes/culverts and inlets/manholes are logged in HiperWeb Maintenance System (work order tracking software). The areas are covered by zones, work orders are issued in HiperWeb to check/maintain the various zones, work orders will remain open until area is checked and problem solved.

Exhibit 1 Stormwater Atlas



Legend

- Culverts & Storm Outfalls
- Storm_Junction
- Storm_Manhole
- Curb Inlets, Catch Basins & Drainage Grates
- Storm_Pipe
- ▭ City_Limits
- ▭ Parcels



City of West Palm Beach Litter Control Program

The Litter Control Program for the City of West Palm Beach consists of:

- 37.5 miles of litter collection along public streets, roadways, and rights-of-way within our jurisdiction. (Zero miles of these streets, roadways, and rights-of-way are maintained by contract services.) A map of litter collection areas maintained by City of West Palm Beach is attached.

- The frequency of collection is:
 - Daily, but varies by location as shown on the map

- Documentation of volume of litter collected is kept in a log book by date and is summarized for reporting each year.

- All collected litter is properly disposed of at Solid Waste Authority.

- In accordance with City codes, litter control on many public streets, roadways, and rights-of-way is the responsibility of the adjacent property owner. If this activity is not carried out, Code Compliance officers follow routine procedures for notifying homeowners of their responsibility and follow-up to verify compliance.

- The City does not sustain an "Adopt-a-Road" program. Palm Beach County Solid Waste Authority (SWA) carries out an "Adopt-a-Spot" program, which may occur at locations within the City; however the City does not maintain information about that program. Information on this program is on the SWA website – http://www.swa.org/site/illegal_dumping/adopt_a_spot.htm



Street Sweeping Program

A map of the street sweeping routes is attached. 530 miles of public roadway are in the program. Roadways without curb and gutter, and roadways not owned/maintained by the Department of Transportation (DOT) and Palm Beach County, are not included in the program.

The frequency of sweeping is Monday – Friday (daily) according to routes, schedules as shown on the map (because it varies by location).

Frequency has been established based on historical information about collected amounts of streets that are maintained within the City of West Palm Beach. The areas swept most frequently are the priority areas.

Documentation of volume of street sweeping collection is kept in a log book by date and is summarized for reporting each year.

An estimate of the total phosphorus and total nitrogen collected by the street sweeping is performed based on the Florida Stormwater Association's determinations of street sweeping removal rates project.

All street sweeping collection is properly disposed of in accordance with DEP's "Guidance For The Management of Street Sweepings, Catch Basin Sediments and Stormwater System Sediments."



Legend

- Day
- Night
- Intersections, Medians, and Bullnoses



STREET SWEEPING ROUTE - MONDAY





STREET SWEEPING ROUTE - TUESDAY

0 1,500 3,000 6,000 Feet

Mapping
Addressing
Geographic
Information
Center





Legend

- Day
- Night



STREET SWEEPING ROUTE - WEDNESDAY

0 1,000 2,000 4,000 Feet

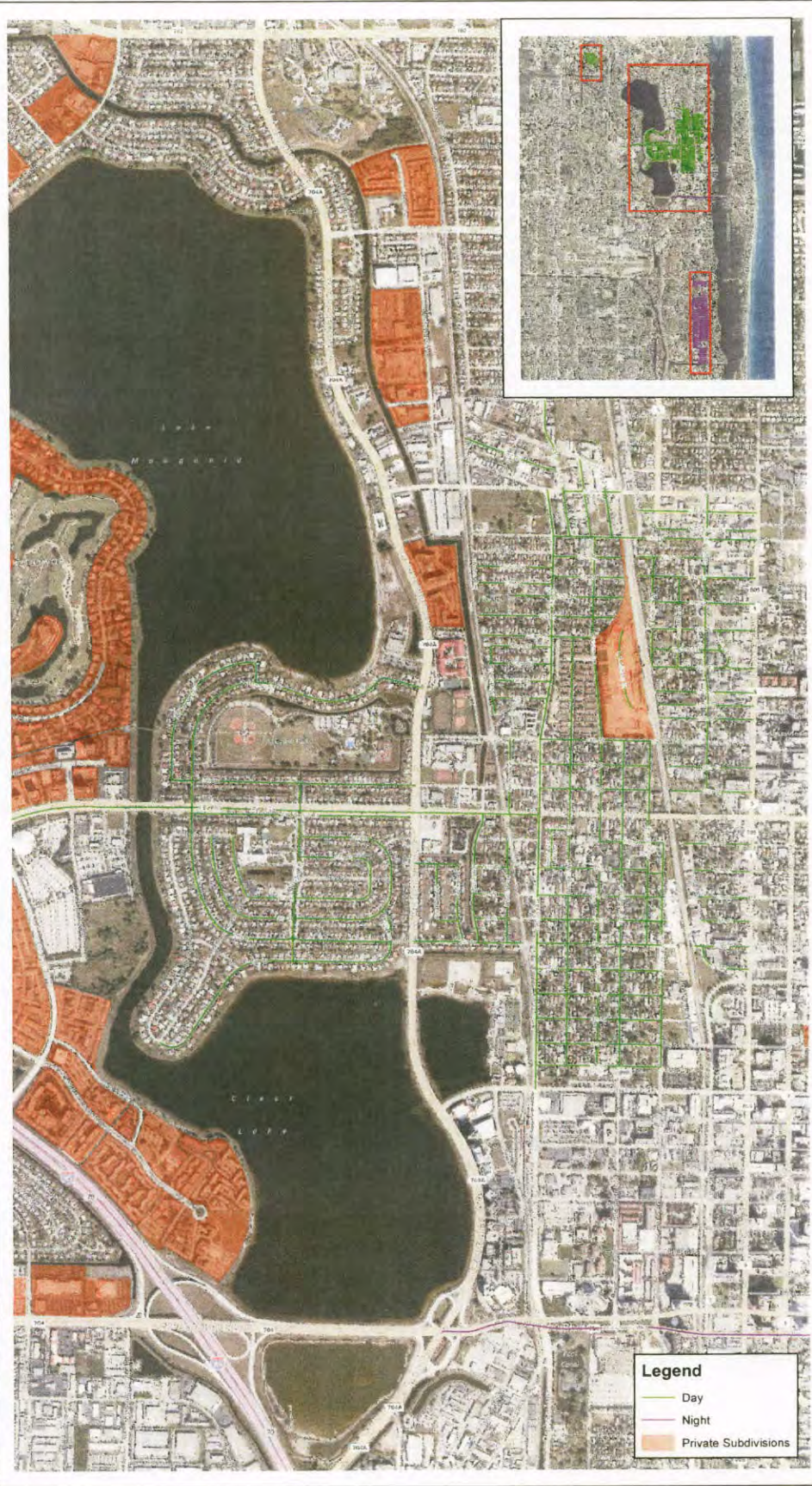
Mapping
Addressing
Geographic
Information
Center





STREET SWEEPING ROUTE - THURSDAY





Legend
— Day
— Night
■ Private Subdivisions



STREET SWEEPING ROUTE - FRIDAY

0 1,000 2,000 4,000 Feet

Mapping
Addressing
Geographic
Information
Center





Roadway Maintenance Practices To Reduce Pollutants

Roadway repairs and maintenance may take place anywhere throughout the City's jurisdictional area, and is conducted on an as-needed basis.

Major repair work is typically done as a construction project by a contractor. These projects most often required a Notice of Intent under the State's Generic Construction Permit (*NOI only required if the disturbed land is 1 acre or more or is part of a larger common plan of development that will disturb one acre or more of land*), which requires a Stormwater Pollution Protection Plan. Routine inspections are done as part of the construction site inspection program.

Minor repairs, completed by municipal staff, are performed using the following practices:

- Painting, striping, marking, and asphalt and concrete cutting or repair activities are done in dry weather.
- Nearby storm drain inlets are protected by covers, straw bales, sand bags, filter fabric or plastic to reduce the possible entry of wastes, dusts, overspray and/or slurry.
- All waste and debris remaining after the work is swept up and removed.
- Water use is minimized when saw cutting concrete. The waste slurry is allowed to dry and then swept up or a wet vacuum is used to pick up the waste slurry during or immediately after cutting.
- Maintenance supplies (e.g., cement bags, sealants and tars) are stored under cover and away from drainage areas.
- Waste, scraps, rust and paint from any sandblasting or painting projects is collected and disposed of properly.



Maintenance/Equipment Yard Practices And Inspections

Fleet Maintenance

General Housekeeping:

Adequate stockpiles of spill cleanup materials are to be placed where they are readily accessible.

Work sites are to be kept clean and orderly and debris removed in a timely fashion.

Spot clean leaks and drips routinely. Leaks are not cleaned up until the absorbent is picked up and disposed of properly.

Leaks, drips, and other spills are to be cleaned with as little water as possible. Use rags for small spills, a damp mop for general cleanup, and dry absorbent material for larger spills. The following three-step method for cleaning floors is to be used:

- Clean spills with rags or other absorbent materials
- Sweep floor using dry absorbent material
- Mop the floor. Mop water may be discharged to the sanitary sewer via a toilet or sink.

Sweep the maintenance area weekly, if it is paved, to collect loose particles. Do not hose down the area to a storm drain.

Vehicle/Equipment Fueling:

Maintain clean fuel-dispensing areas using dry cleanup methods such as sweeping for removal of litter and debris, or use of rags and absorbents for leaks and spills. Do not wash down areas with water.

Post signs at the fuel dispenser or fuel island warning vehicle owners/operators to shut-off engines and against "topping off" of vehicle fuel tanks.

Vehicle/Equipment Washing:

Vehicle washing occurs on-site in an enclosed vehicle wash facility that has water storage capabilities, to control the targeted constituents by directing them to the sanitary sewer. The wash area properly collects and disposes of wash water, no chemical additives, solvents, or degreasers are used.

Biodegradable, phosphate-free detergents for washing vehicles are used and wash/rinse bays are time to automatically turn off.

Equipment wash water is discharged to the sanitary sewer in conjunction to a 10,000 gallon holding tank. Vehicle wash entails discharge vehicle wash water to (1) the sanitary sewer, (2) a holding tank and (3) an enclosed recycling system.

Vehicle/Equipment Repair:

When possible, maintenance and repair activities are performed indoors.

When performing outside temporary work, drip pans are used beneath the vehicle or equipment, to capture all spills and drips.

Replacement motor oil, coolant, and other fluids are routed through a closed loop system.

Technicians are not to pour liquid waste to floor drains, sinks, outdoor storm drain inlets, or other storm drains or sewer connections.

Waste materials are collected and disposed through Safety Kleen, according to applicable laws and regulations.

Leaking or dripping fluids are collected in drip pans or containers and are promptly recycled to proper waste or recycling drums and store in an appropriately designed area that can contain spills. Drip pans or other open containers are not to be left lying around.

Oil filters are drained, crushed and placed in properly identified dumpster to be collected and recycled by Safety Kleen.

Storage:

Materials and wastes are to be stored under cover, whenever possible.

Containers are raised off the ground by use of pallet or similar method.

Material to be contained in such a manner that if the container leaks or spills, the contents will not discharge, flow, or be washed into the storm drainage system, surface waters or ground water.

Cracked and/or dead batteries to be stored in a non-leaking covered secondary container and disposed of properly at recycling or household hazardous waste facilities.

When possible, chemicals are to be stored in their original containers, and kept well labeled.

Inspections:

The attached form is used for the inspection of each site on a monthly daily basis.



Equipment Yard/Maintenance Shop Inspection Form

Facility: _____ Date of Inspection: _____

Address: _____

YES NO N/A

- | | | | |
|--------------------------|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Materials/chemicals are stored, handled, and discarded in a manner to reduce the potential risk of spills. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | A spill kit is on site |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Storage tanks are clearly marked, properly contained, and protected from potential damage |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Loading, unloading, and transfer areas are neat and free of spills/debris/pollutants |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Outdoor manufacturing areas are properly maintained and free of spills or debris |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Outdoor stockpile/material handling areas are properly maintained and the materials are properly contained (i.e., no potential to leak or leach pollutants) |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Trash and debris areas are conspicuous and properly protected from stormwater runoff |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Fueling stations are free of petroleum product spills/leaks |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Vehicle wash and rinse areas are draining to the treatment system or sanitary sewer line |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | The site was free of any visual indication of potential illicit connection/illicit discharge to the MS4. If no, note type of indication: |

Odor Color Foam Sheen Surface Scum Solids Turbidity

Use reverse side of form for comments.



Municipal Waste TSD Facility Procedures

Necessary control measures have been put in place to ensure that any potential pollution of stormwater runoff from this facility is minimized or prevented. Waste drains into a retention area in a separate sewer system.

Site inspections are conducted weekly, using the attached inspection form.



Municipal Waste TSD Facility Inspection Form

Facility: _____ Date of Inspection: _____

Address: _____

If site discharges to MS4, provide: Latitude/Longitude of discharge point: _____

Receiving water body: _____

YES **NO** **N/A**

- | | | | |
|--------------------------|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | All waste at site is inside appropriate receptacles. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Area around waste receptacles is neat and free of debris. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Waste receptacles are sturdy and in acceptable condition. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Waste receptacles are outdoors and away from storm inlets. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Waste receptacles are cleaned in areas that drain to sanitary system. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Waste collection area does not drain to stormwater system (MS4). |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Sediment and erosion controls are operating properly. |



Pesticide, Herbicide & Fertilizer Minimization Procedures

In accordance with our MS4 permit, the City of West Palm Beach continues to endeavor to minimize its use of pesticides, herbicides, and fertilizers on public property. The procedures used to achieve this are as follows:

Pesticides & Herbicides

Only personnel and contractors, who have proof of certification and licensing by the Florida Department of Agriculture and Consumer Services (FDACS) for the application of pesticides and herbicides, are allowed to apply these products.

- Only City personnel and Contractors licensed by Florida Department of Agriculture and Consumer Services (FDACS) are permitted to apply these products.
- Copies of current licensed applicators provided.
- Florida Fish and Wildlife Conservation Commission, Aquatic Plant Management Permit, SF-10-17. (See Attachment)
- All licensed applicators comply with plant specific herbicide label rates, instructions, cautions, personal protective equipment.
- All herbicides utilized are labeled for particular site use by the U.S. Environmental Protection Agency (EPA) and Florida Department of Agriculture and Consumer Services (FDACS).
- All herbicide applications are documented on Aquatic Plant Control, Herbicide Application Report. Files maintained, Watershed Management Division.
- Parks & Recreation Division documents all aquatic, athlete fields and general park areas applications of granular or liquid which includes herbicides, pesticides, insecticides, fungicides and fertilization on FDACS form.

Fertilizers

(By January 1, 2014), All personnel and contractors who apply fertilizers must demonstrate proof of training through the Green Industry BMP Program. In addition, contracted applicators are required to prove certification for “urban landscape commercial fertilizer application.”

Until January 1, 2014, personnel will continue to receive annual training on the proper application practices for fertilizers.

Annually, or more often, training on the proper storage and handling of these products is provided to all relevant personnel. Typically relevant personnel attend CEU classes for CORE, Aquatics, Right of Way and Lawn Ornamental Licenses.

A list is maintained of all personnel who have received training, licensing, certification, and annual refresher training.

- Fertilizer is applied in Recreation Athletic Fields by Parks Maintenance.
- Compliance with DEP BMP, chapter 5, pages 25-39.
- Turf in general is applied in compliance with label-specified rates based on Fertilizers Guidelines on page 29.
- Applied by FDACS licensed and certified applicators.
- Applied by certified DEP "BMP" applicators.
- In compliance with City of West Palm Beach, City Ordinance No.4432-12 Friendly Fertilizer
- Storage of fertilizers or chemicals is kept in compliance with FDACS and BMP-DEP Manuel page 35, this includes soil testing and tissue testing for sufficiency levels.
- All MSD's, and Product Labels are on all service applicator vehicles.
- All records kept on all chemical applications and fertilization FDACS record keeping form.

Mechanical

- Aquatic vegetation mechanically removed pursuant to permit SF-10-17 is deposited on a self-contained upland site, located to prevent reintroduction of removed vegetation into waters of the state.
- Inspection of vehicles, trailer, watercraft and mechanical equipment for exotic and nuisance vegetation prior to entry and also upon exit of canals, lakes and waterways. Aquatic vegetation removed from all equipment prior to transport, entry, and completion of each work location.

Invasive Weed Management Parks Maintenance Aquatic/Herbicide Application Report

| Employee Name | Monday | Tuesday | Wednesday | Thursday | Friday | Hours | Date |
|---------------|--------|---------|-----------|----------|--------|-------|------|
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |

Equipment Used

| | | | |
|----------------|------------------------|--|--|
| Equipment Type | Operating Time (Hours) | | |
|----------------|------------------------|--|--|

| | | | | | | |
|--------------------|-------|--------|-------------------|--|--|--|
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| Weather Conditions | Sunny | Cloudy | Rain (Start Time) | | | |
| | | | | | | |

| | | | |
|---------------------|---------------------------|--|--|
| High/Low Wind Speed | High/Low Temperatures (F) | | |
|---------------------|---------------------------|--|--|

Description of Work Performed

| LOCATION | | | | | | |
|----------------|----------------|--------------|---------------|--|--|-------|
| Park | | | | | | |
| Row | | | | | | |
| Other | | | | | | |
| Waterbody | | | | | | |
| Name or Number | Treatment Date | Target Plant | Chemical Used | | | ACRES |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |

Note:

Date:

Acres:

Hours:

Applicator:

Parks Maintenance Fertilizer Application Report

| Employee Name | Monday | Tuesday | Wednesday | Thursday | Friday | Hours | Date |
|---------------|--------|---------|-----------|----------|--------|-------|------|
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |

Equipment Used

| | | | | | | |
|----------------|--|------------------------|--|--|--|--|
| Equipment Type | | Operating Time (Hours) | | | | |
|----------------|--|------------------------|--|--|--|--|

| | | | | | | |
|--------------------|-------|--------|-------------------|--|--|--|
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| Weather Conditions | Sunny | Cloudy | Rain (Start Time) | | | |
| | | | | | | |

| | | | | | | |
|---------------------|--|---------------------------|--|--|--|--|
| High/Low Wind Speed | | High/Low Temperatures (F) | | | | |
|---------------------|--|---------------------------|--|--|--|--|

Description of Work Performed

| LOCATION | | | | | | |
|----------------|----------------|--------------|---------------|--|--|-------|
| Park | | | | | | |
| Row | | | | | | |
| Other | | | | | | |
| | | | | | | |
| Name or Number | Treatment Date | Target Plant | Chemical Used | | | ACRES |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |

Note:

Date:

Acres: _____

Hours: _____

Applicator: _____

Parks Maintenance Pesticide Application Report

| Employee Name | Monday | Tuesday | Wednesday | Thursday | Friday | Hours | Date |
|---------------|--------|---------|-----------|----------|--------|-------|------|
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |

Equipment Used

| Equipment Type | | Operating Time (Hours) | | | | |
|--------------------|-------|------------------------|-------------------|--|--|--|
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| Weather Conditions | Sunny | Cloudy | Rain (Start Time) | | | |
| | | | | | | |

| High/Low Wind Speed | | High/Low Temperatures (F) | | | | |
|---------------------|--|---------------------------|--|--|--|--|
| | | | | | | |

Description of Work Performed

| LOCATION | | | | | | |
|----------------|----------------|--------------|---------------|--|--|-------|
| Park | | | | | | |
| Row | | | | | | |
| Other | | | | | | |
| | | | | | | |
| Name or Number | Treatment Date | Target Plant | Chemical Used | | | ACRES |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |

Note:

Date:

Acres:

Hours:

Applicator:

Watershed Management

Aquatic / Herbicide Application Report

| Employee Name | Monday | Tuesday | Wednesday | Thursday | Friday | Hours | Date |
|-------------------------------|---------------------------|--------------|-------------------|----------|----------------|-------|------|
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| Equipment Used | | | | | | | |
| Equipment Type | Operating Time (Hours) | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| Weather Conditions | Sunny | Cloudy | Rain (Start Time) | | Duration (hrs) | | |
| | | | | | | | |
| High/Low Wind Speed (mph) | High/Low Temperatures (F) | | | | | | |
| | | | | | | | |
| Description of Work Performed | | | | | | | |
| Water Body | | | | | | | |
| Name or Number | Treatment Date | Target Plant | Chemical Used | ACRES | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |

Notes: _____

Date: _____
Acres: _____
Hours: _____
Applicator: _____



Public Education Program

The Palm Beach County permittees have undertaken a jointly-funded program to meet the public education requirements of the MS4 NPDES permit. In so doing, all permittees participate in conducting the program. The premise of a joint program is that a unified message, repeated throughout the County will have more of an impact than 40 separate messages. The Stormwater And Me (SAM) program, as it is called, kicked off in 2009.

Objective:

The objective of the public education program is to put relevant information in the hands of the residents of and visitors to the Palm Beach County geographic area so they can make better decisions with respect to pesticides, herbicides, fertilizers, illicit discharges, illegal dumping, and the disposal of household hazardous waste. The hope is that this will result in less of these items ending up in our stormwater systems and, in turn, our water bodies.

Topics:

As prescribed by the MS4 permit, the following topics are covered by the public education program:

1. Encourage citizens to reduce their use of pesticides, herbicides, and fertilizers. *[Part III.A.6.]*
2. Promote, publicize and facilitate public reporting of the presence of illicit discharges and improper disposal of materials into the MS4. *[Part III.A.7.e.]*
3. Encourage the proper use and disposal of used motor vehicle fluids, leftover hazardous household products, and lead acid batteries. *[Part III.A.7.f.]*

Target Audience:

The target audience for the program is residents (children and adults) of and visitors to Palm Beach County, Florida.

Activities and Materials:

The program is described on the website (www.stormwaterandme.org).

Methods for Distribution:

The program is described on the website (www.stormwaterandme.org).

Annual Schedule:

The program is described on the website (www.stormwaterandme.org).

Documentation:

The events and activities are documented on the program website. In addition, the Public Education Sub-committee keeps a copy of the back-up information for all materials purchased and events attended.

Responsible Entities:

The program associated with topics 1 and 2 is carried out by a Public Education Sub-committee of the Palm Beach County MS4 permittee group. Topic 3 is carried out by the Palm Beach County Solid Waste Authority (SWA) for all permittees under the inter-local agreement with Palm Beach County.



**City of West Palm Beach
Proactive Inspection Program (Written Procedures)**

1. Procedure and Criteria for identifying priority areas/facilities

For consistency with the Municipal Separate Storm Sewer System (MS4) National Pollutant Discharge Elimination System (NPDES) permit, the following areas are considered a priority in the inspection program:

- Industrial, commercial, or mixed use areas
- Areas with history of past illicit discharges and/or illegal dumping
- Areas with on-site sewage disposal systems
- Areas upstream of sensitive or impaired water bodies

The attached map depicts the areas zoned as industrial or commercial, that lie within our MS4 contributing area or in an area that discharges from an outfall for which we are responsible. The map is updated each year, typically in the month of June, by the Public Utilities department and saved as a PDF format file for use by all.

2. List of identified priority areas/facilities

Each year, a list of addresses is created from an overlay of the map above and the County's current parcel map and associated database. This list is cross-referenced with the Florida Department of Environmental Protection (FDEP) list of facilities that have coverage under the Multi-Sector Generic Permit (MSGP). If any facilities that appear to require an MSGP are not on the FDEP list, the names and addresses of those businesses are referred to FDEP. The annual creation of the list of addresses and cross-referencing with the FDEP MSGP database is done by Public Utilities, typically in the month of June each year.

3. Annual schedule for inspections

All priority areas are inspected at least once within the current five-year permit term. The inspection area has been divided into five zones. One zone will be inspected during each year of the permit term. If an area is found to have illicit discharges/connections/dumping, it is re-inspected for compliance and if warranted, specific facilities within that area are considered for placement on the high risk facility list for more frequent inspection.

In addition, inspections for signs of illicit discharges are part of the Standard Operating Procedure for all structural control inspections and maintenance. A "checkbox" for this activity is included on the inspection forms for those activities. If a suspected illicit is identified, it is reported to Code Compliance for investigation under the Reactive Investigations program. These inspections take place throughout the year.

Finally, all appropriate field personnel receive illicit discharge and illegal dumping identification and notification training. If a suspected illicit is identified during the course of performing their regular activities, it is reported to Code Compliance for investigation under the Reactive Investigations program.

4. Procedure for conducting inspections

The inspector(s) patrols the prioritized area searching for indications of illicit discharges/connections/dumping into the City's MS4, in accordance with the training received. If any are identified, the inspector makes a cursory attempt at identifying the source of the illicit. If the source is identified, the inspector makes the decision to either approach the facility owner or refer the finding to his supervisor for further action. In speaking with the facility owner or operator, the inspector advises of the findings and cites the ordinance which prohibits such discharges. The inspector may use photo documentation to support the inspection. The inspector indicates his/her intention to return to verify that the problem has been corrected. If no source is identified, the findings are reported to the inspector's supervisor for further investigation.

Pro-active inspections also take place during the inspection of structural controls and other MS4 components by Stormwater Drainage & Canal Maintenance personnel that are trained in illicit discharge identification and reporting.

5. Procedure for tracing source of discovered illicit discharge

Visual observation, investigation, and testing if necessary, are used to identify the source of an illicit discharges/connections/dumping.

6. Procedure for eliminating the discharge

If an illicit connection to the MS4 through a pipe is identified, it is immediately terminated (plugged or removed). If the illicit is traced back to a property owner/operator, the owner of the property is contacted by Code Compliance. The owner is notified of the problem and asked to address the situation immediately. The owner is also notified of the re-inspection date, typically one week.

7. Procedure for documenting the inspections and enforcement activities

The MSGP coverage research and reporting is documented by copies of the lists generated during steps one and two above (list of facilities within MS4 that are commercial/industrial, list of facilities in the City with MSGP coverage, list of facilities that appear to need MSGP coverage but appear not to have it). These lists will be maintained with other back-up documentation to support the annual permit activities conducted by the City. The list of facilities that appear to need MSGP coverage will be sent to FDEP for follow-up.

The attached inspection form is used for pro-active inspections and the subsequent follow-up. (Photo documentation will also be provided, as needed.) Selected activity related to the pro-

active inspection program is logged into a database (Community Plus) for management. The electronic files facilitate follow-up, referrals and year-end summarizing.

8. Procedures for enforcement actions (or referrals to appropriate jurisdictional authority)

For cases within West Palm Beach's MS4 contributing area, an unresolved matter is handled by the code compliance division. Code compliance assigns a case number and follows through to resolution. For cases outside West Palm Beach's MS4, the appropriate entity is notified (FDOT, Palm Beach County, etc.) by Code Compliance.

9. Identification of staff /department/outside entity responsible for inspections and for enforcement

Inspection activities are carried out by Code Compliance (two inspectors and one senior inspector). The pro-active inspections that take place during the inspection of structural controls and other MS4 components, are the responsibility of Stormwater Drainage & Canal Maintenance. Follow-up and management are provided by the Utilities O&M Superintendent of Stormwater. Documentation is handled by the Records Manager/Data Analyst. Code officers are called in as needed.

10. Description of resources allocated to implement this permit element

Approximately \$150,000.00 has been allocated for this program for the 2011/2012 fiscal period. See the Stormwater Utility Budget document.

City of West Palm Beach

Proactive Illicit Discharge/Illegal Connection Inspection Form

(Use as many sheets as necessary)

Date of Inspection: _____ Inspector Name: _____

- New Inspection Follow-up Inspection

Description of inspection area: _____

Identification of MS4 component that could receive discharge from this site/area: _____

Findings:

Evidence of illicit connections to storm sewer? Yes___ No___

Evidence of dumping/spills to storm sewer? Yes___ No___

Evidence of wash water going to storm sewer? Yes___ No___

Storage tanks leaking or improperly contained? Yes___ No___

Stockpiles/debris piles uncontained? Yes___ No___

If "yes," to any above, describe:

Type of Enforcement Action Taken: _____

Date to verify correction: _____



Reactive Inspection Program

Section III.A.7.c – Illicit Discharges and Improper Disposal – Inspection and Investigation of Suspected Illicit Discharges and/or Improper Disposal

Reactive Investigation Written Program Components

Code Officer observes, or receives a complaint, of an illicit discharge.

Officer should order the violator to take immediate action to mitigate the consequences of the violation including, but not limited to, containment and cleanup of such discharge.

Fill out an Illicit Discharge Report and take photos of the violation.

Contact Utilities (Storm Water) at (561) 822-2210 to report the violation.

Utilities may collect samples and contact other agencies if warranted.

Code Officer may open a case, citing City Code section 90-203.

Schedule the case for a hearing before the Special Magistrate.

Sec. 90-203. - Prohibited discharges; illicit connections.

(a)

General prohibition. Except as provided in [section 90-205](#), and except pursuant to a valid NPDES permit, it shall be unlawful for any person to directly or indirectly deposit, discharge, spill, or dump into any of the public waters or municipal separate storm sewer system within the city, any substance other than that composed entirely of stormwater.

(b)

Site of industrial activity. Except as provided in [section 90-205](#), any direct or indirect discharge from a site of industrial activity to the separate storm sewer system owned by the city which does not comply with, or is not pursuant to, a valid NPDES permit is prohibited.

(c)

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.



Reactive Investigation of Reported Illicit Discharge/Illegal Connection/Illegal Dumping

Date suspected illicit was reported: _____

Date of investigation: _____

MS4 potential receiving system: _____

If not within MS4, date and to whom referral made: _____

Verification of problem: _____

Type of discharge/connection/dumping: _____

Determined Source: _____

Type of enforcement action taken: _____

Date to verify elimination: _____

Date of Referral to FDEP of facility that may require MSGP: _____



Plan for Training City Staff on Identifying and Reporting Conditions that May Indicate Illicit Discharge/Connection/Dumping to the MS4

The City of West Palm Beach will train the appropriate staff on how to identify and report conditions that may indicate illicit discharge, connection and dumping to the MS4.

The training will be presented via EXCAL employee training videos by the supervisor of each work group in May of each year.

Some of the topics covered by the training include:

- Identifying what is an illicit discharge
- Detect and address non-stormwater discharges, including illegal dumping
- Hazards associated with illegal discharges and improper disposal of waste
- Non-stormwater discharges or flows, contributors of pollutants to your small MS4

Attendance at the training session will be documented by sign-in sheets and logged into our Hiperweb Work Management System.



Spill Prevention & Response Procedures

Following is the City of West Palm Beach procedures for preventing and responding to spills within our jurisdictional area.

Procedure

1. Identify whether or not the spill requires that a call be made to a supervisor or the Fire Department. If it does, do so immediately and follow any instructions given.
2. Take appropriate steps to contain the spill in order to eliminate or minimize the possibility of the spilled substance entering the storm sewer system.
3. If within our authority, clean up the spill. Determine the appropriate method for spill clean-up.
4. Follow up with documentation on any spill incident.

Documentation

Spills and the follow-up responses are documented in the Hiperweb Work Management System. The work order shows the following:

1. Time of arrival
2. Authorities notified and their findings
3. Clean up procedure – (*the three C's of Spill Response; Contain, Control, Clean information*)
4. Disposal Information
5. Time of departure



Spill Prevention & Response Training Plan

Following is the City of West Palm Beach plan for training the appropriate personnel in preventing and responding to spills within our jurisdictional area.

Who

All appropriate personnel will receive annual training on spill prevention and response.

Topics

The information covered by the training includes:

- Practices to prevent spills

- How to recognize & assess the nature of a spill

- How to contain a spill

- How to report a spill that is hazardous, too large to manage, or threatens a water body

Method

The training is presented via EXCAL employee training videos. The primary videos for spill prevention & response are "Spills & Skills" and "Controlling Oil: Spill Prevention, Control & Countermeasure." Open floor discussions and comments are shared after the videos are viewed.

Presenter

The training is presented by the supervisor of the each work group.

Schedule

The training is presented annually, usually in May.

Training Documentation

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Plan to Reduce Wastewater Contamination in the City's Stormwater System

The City of West Palm Beach's Public Utilities Department operates the wastewater collection and transmission system within our jurisdiction. The Department has a proactive Capital Improvement Plan that includes the lining and rehabilitation of the wastewater collection force mains, gravity mains, laterals, lift stations and manholes.

In addition to the Capital Improvement projects, the Public Utilities Department is responsible for maintaining 311 miles of gravity main and 91 miles of pressurized main, which includes televising and inspecting/cleaning 700,000 LF of gravity mains each year and inspecting 2,250 manholes each year.

If Wastewater Contamination is discovered within the City's Stormwater System, the following measures are taken:

- Source is identified by CCTV truck and or dye testing.
- Contamination is contained.
- Source is eliminated.
- Agencies are notified of violation (if applicable).
- Fines are issued (if applicable).
- Cleanup and disinfection of contamination is completed.

The Public Utilities Department utilizes a Sewer Overflow Response which is designed to ensure that every report of a sewage overflow incident is immediately dispatched to the appropriate personnel for confirmation and cleanup is handled accordingly.

The City also has an Industrial Pretreatment Program and Fats, Oils, and Grease (FOG) program. Personnel in both of these sections work closely with the Wastewater Collections personnel to help mitigate sewer overflows and wastewater contamination in the city's Stormwater System.

Identified indications of wastewater contamination are documented in the Sewer Overflow Report Log. Follow-up with the Utility Department is conducted so that documentation of the response and resolution can also be made in the log. In addition, work that takes place to reduce the wastewater contamination is kept in the City's CMMS system.



High Risk Facilities Inspection Program

This permit element requires a written plan for **conducting inspections of high risk facilities** to determine compliance with all appropriate aspects of the stormwater program.

High Risk facilities have been defined as:

- Operating municipal landfills
- Hazardous waste treatment, storage, disposal and recovery facilities
- Facilities that are subject to EPCRS Title III, Section 313 (Roxics Release Inventory)
- Any other industrial or commercial discharge that the permittee determines is contributing a substantial pollutant loading to the permittee's MS4. This could include facilities identified through the proactive inspection program as per Part III.A.7.c. of the permit.

The City takes advantage of its highly proactive industrial users (IUs) program to inspect high risk facilities. The Industrial pre-treatment department supervisor regularly searches for potential facilities that belong within the IU program and conducts inspections to determine if facilities should be permitted by the program. The attached procedures are followed to ensure that all IUs are doing what's necessary to keep illegal waters from entering the City's MS4.

1. All Industrial Users (IUs) need to complete a Spill Control Prevention Plan.
2. All "closed loop" Industrial Users are inspected on a monthly basis to make sure they are re-using their wastewater and not being discharged to the City's sanitary sewer drain.
3. IUs with harmful chemicals stored are urged to build a berm around their chemicals or stored chemicals in an area far away from a storm drain, which is usually away from outside the building.
4. IUs are also urged to place their wastewater totes in a berm to give them time to cleanup their wastewater before it gets to a storm or sewer drain.



Site Plan Review Procedures

The City uses the attached Plan Submittal Checklist to review construction project plans that are submitted. In addition, the attached Pre-Construction Conference agenda template is used when meeting with site owners/operators prior to the start of construction.

**City of West Palm Beach
Engineering Services Department**

45th Street, Suite 15
West Palm Beach, Florida 33407
561-494-1040 Office
561-494-1116 Fax
www.wpb.org/engineering



**ENGINEERING SERVICES DEPARTMENT
PLAN SUBMITTAL CHECKLIST**

| | <u>YES</u> | <u>NO</u> | <u>N/A</u> |
|--|------------|-----------|------------|
| COVER SHEET | | | |
| Date | ___ | ___ | ___ |
| Project Plan Title | ___ | ___ | ___ |
| Title Vertical | ___ | ___ | ___ |
| Legal Description | ___ | ___ | ___ |
| Vicinity Map | ___ | ___ | ___ |
| Engineer, Surveyor, Owner Information | ___ | ___ | ___ |
| City Approval Signature Block | ___ | ___ | ___ |
| Sheet Index | ___ | ___ | ___ |
| TITLE BLOCK ON ALL SHEETS | | | |
| Date | ___ | ___ | ___ |
| Legal Description | ___ | ___ | ___ |
| Project Title | ___ | ___ | ___ |
| Sheet Title | ___ | ___ | ___ |
| Sheet Number ___ of ___ | ___ | ___ | ___ |
| Engineer's Information | ___ | ___ | ___ |
| Engineer's Seal, Signature & Date | ___ | ___ | ___ |
| City Approval Signature Block | ___ | ___ | ___ |
| Revisions Block | ___ | ___ | ___ |
| CONSTRUCTION PLANS CONTENT | | | |
| All Plan Sheets 24" x 36" | ___ | ___ | ___ |
| Cover Sheet | ___ | ___ | ___ |
| Final Plat Map | ___ | ___ | ___ |
| Site Plan | ___ | ___ | ___ |
| Demolition Plan | ___ | ___ | ___ |
| Utility Plan and Profiles | ___ | ___ | ___ |
| Drainage Area Map and Calculations | ___ | ___ | ___ |
| Paving Plan and Profiles | ___ | ___ | ___ |
| Storm Drain Plan & Profiles | ___ | ___ | ___ |
| Grading Plan | ___ | ___ | ___ |
| Water & Sanitary Sewer Plan and Profiles | ___ | ___ | ___ |
| Details Sheets | ___ | ___ | ___ |
| General Notes | ___ | ___ | ___ |
| Storm Water Pollution Prevention Plan | ___ | ___ | ___ |
| Traffic Control Plan | ___ | ___ | ___ |
| Landscape Plan | ___ | ___ | ___ |
| Lighting Plan | ___ | ___ | ___ |
| Summary of Quantities | ___ | ___ | ___ |

| | <u>YES</u> | <u>NO</u> | <u>N/A</u> |
|---|------------|-----------|------------|
| PLAT / EASEMENTS | | | |
| Proposed Plat or Plat of Record | ___ | ___ | ___ |
| Proposed Easements or Recorded Easements (Existing and New) | ___ | ___ | ___ |
| Proposed Right-of-way Abandonment / Creation | ___ | ___ | ___ |
| SITE PLAN (Show all site plan elements for both existing and proposed) | | | |
| North Arrow and Scale | ___ | ___ | ___ |
| Project Parcel Size (Acres to Nearest Tenth) | ___ | ___ | ___ |
| Setbacks | ___ | ___ | ___ |
| Contours | ___ | ___ | ___ |
| Buildings / Structural Elements | ___ | ___ | ___ |
| Location of Walls and Fences | ___ | ___ | ___ |
| Curb | ___ | ___ | ___ |
| Edge of Pavement | ___ | ___ | ___ |
| Driveways | ___ | ___ | ___ |
| Streets | ___ | ___ | ___ |
| Alleys | ___ | ___ | ___ |
| Parking Stall / Area / Lot | ___ | ___ | ___ |
| Sidewalk | ___ | ___ | ___ |
| Signage | ___ | ___ | ___ |
| Easements | ___ | ___ | ___ |
| Public Right-of-Way | ___ | ___ | ___ |
| Water Bodies | ___ | ___ | ___ |
| Open Space or Public Park Area | ___ | ___ | ___ |
| Landscape Buffers | ___ | ___ | ___ |
| Natural Area and Wetlands | ___ | ___ | ___ |
| Benchmark | ___ | ___ | ___ |
| Property Lines | ___ | ___ | ___ |
| Site Phasing | ___ | ___ | ___ |
| Temporary Site Access Points | ___ | ___ | ___ |
| Location and Screening of All Trash Receptacles | ___ | ___ | ___ |
| Tree Relocation Schedule and Tree Protection | ___ | ___ | ___ |
| Public Transportation Facilities (Bus Stops, Shelters, Etc.) | ___ | ___ | ___ |
| UTILITY PLAN (Show all utility plan elements for both existing and proposed) | | | |
| North Arrow and Scale | ___ | ___ | ___ |
| Utility Easements (Existing and Proposed) | ___ | ___ | ___ |
| Property Lines | ___ | ___ | ___ |
| Proposed Material Quantity Legend and Tabulation | ___ | ___ | ___ |
| Water: (Plan and Profile) (Includes Fire Line) | | | |
| Water Main Locations, Materials, and Sizes | ___ | ___ | ___ |
| Water Main Stationing (Proposed Only) | ___ | ___ | ___ |
| Water Main Fittings (Proposed Only) | ___ | ___ | ___ |
| Water Services and Sizes | ___ | ___ | ___ |
| Water Construction Sample Points (Proposed Only) | ___ | ___ | ___ |
| Water Shutoff Valves | ___ | ___ | ___ |
| Backflow Preventer(s) | ___ | ___ | ___ |
| Water ARV's | ___ | ___ | ___ |
| Fire Hydrants | ___ | ___ | ___ |
| Wells (Irrigation and Potable) | ___ | ___ | ___ |
| Booster Pumps (Irrigation and Potable) | ___ | ___ | ___ |
| Sanitary Sewer: (Plan and Profile) | | | |
| Sewer Main Locations, Materials, and Sizes | ___ | ___ | ___ |
| Sewer Main Stationing (Proposed Only) | ___ | ___ | ___ |

| | <u>YES</u> | <u>NO</u> | <u>N/A</u> |
|---|------------|-----------|------------|
| UTILITY PLAN CONT. (Show all utility plan elements for both existing and proposed) | | | |
| Sewer Line Fittings (Proposed Only) | _____ | _____ | _____ |
| Sewer Service Laterals and Sizes | _____ | _____ | _____ |
| Backwater Valves | _____ | _____ | _____ |
| Grease/Sand/Oil Separator | _____ | _____ | _____ |
| Manholes | _____ | _____ | _____ |
| Cleanouts | _____ | _____ | _____ |
| Sewer ARV's | _____ | _____ | _____ |
| Lift Station | _____ | _____ | _____ |
| Other Utilities: (Plan and Profile) | | | |
| Main, Conduit, Lines | _____ | _____ | _____ |
| Service Lines and Sizes | _____ | _____ | _____ |
| Manholes | _____ | _____ | _____ |
| Control Valves | _____ | _____ | _____ |
| Handholds | _____ | _____ | _____ |
| Poles | _____ | _____ | _____ |
| Cabinets | _____ | _____ | _____ |
| Duct Banks | _____ | _____ | _____ |
| Profile View: | | | |
| Top and Bottom of Pipe or Conduit | _____ | _____ | _____ |
| Existing and Proposed Finished Grade Elevations (Centerline) | _____ | _____ | _____ |
| Pipe Size and Material | _____ | _____ | _____ |
| Stationing | _____ | _____ | _____ |
| Vertical Alignment Data | _____ | _____ | _____ |
| Utility Conflicts (Palm Beach County Health Department Criteria) | _____ | _____ | _____ |
| Rim Elevations | _____ | _____ | _____ |
| Flowline Elevations (50' Intervals) | _____ | _____ | _____ |
| Manhole Invert Elevations | _____ | _____ | _____ |
| Pipe Length | _____ | _____ | _____ |
| Pipe Slope (Sanitary Sewer) | _____ | _____ | _____ |
| Utility Service Lines | _____ | _____ | _____ |
| Utility Valves | _____ | _____ | _____ |

DRAINAGE AREA MAP

| | | | |
|---|-------|-------|-------|
| Area Map: | | | |
| North Arrow and Scale | _____ | _____ | _____ |
| Drainage Easements (Existing and Proposed) | _____ | _____ | _____ |
| Proposed Material Quantity Legend and Tabulation | _____ | _____ | _____ |
| Property Lines | _____ | _____ | _____ |
| Drainage Area (Acres) | _____ | _____ | _____ |
| Existing and Proposed Contours | _____ | _____ | _____ |
| Proposed Spot Elevations | _____ | _____ | _____ |
| Flow Arrows (Perpendicular to Contours) | _____ | _____ | _____ |
| Drainage Area Designation | _____ | _____ | _____ |
| Storm Drain Pipes (Existing and Proposed) | _____ | _____ | _____ |
| Storm Drain Manholes and Structures (Existing and Proposed) | _____ | _____ | _____ |
| Buildings (Existing and Proposed) | _____ | _____ | _____ |
| Water Bodies (Existing and Proposed) | _____ | _____ | _____ |
| Drainage Easement (Existing and Proposed) | _____ | _____ | _____ |
| All Paved or Impervious Areas | _____ | _____ | _____ |
| Storm Drain Discharge Location | _____ | _____ | _____ |
| Storm Drain Pipe Materials and Sizes | _____ | _____ | _____ |

YES NO N/A

DRAINAGE AREA MAP CONT.

Area Map Calculations:

| | | | |
|---|-------|-------|-------|
| Watershed Calculations for 5, 10, 25, 50, and 100 Year Storms (Design Criteria and Cumulative) | _____ | _____ | _____ |
| Drainage Area (Acres) | _____ | _____ | _____ |
| Times of Concentration (Minutes) | _____ | _____ | _____ |
| Runoff Coefficients | _____ | _____ | _____ |
| Intensities (Inches / Hour) | _____ | _____ | _____ |
| Runoff Quantities (Cfs) | _____ | _____ | _____ |
| Total Pervious to Impervious Area | _____ | _____ | _____ |

Profile View:

| | | | |
|--|-------|-------|-------|
| Top and Bottom of Pipe | _____ | _____ | _____ |
| Existing and Proposed Finished Grade Elevations (Centerline) | _____ | _____ | _____ |
| Pipe Size and Material | _____ | _____ | _____ |
| Stationing | _____ | _____ | _____ |
| Vertical Alignment Data | _____ | _____ | _____ |
| Utility Conflicts (Palm Beach County Health Department Criteria) | _____ | _____ | _____ |
| Rim Elevations | _____ | _____ | _____ |
| Flowline Elevations (50' Intervals) | _____ | _____ | _____ |
| Manhole Invert Elevations | _____ | _____ | _____ |
| Pipe Length | _____ | _____ | _____ |
| Pipe Slope | _____ | _____ | _____ |

HYDRAULIC CALCULATIONS

| | | | |
|--|-------|-------|-------|
| Pipe Lengths and Sizes | _____ | _____ | _____ |
| Drainage Area (Acres) | _____ | _____ | _____ |
| Runoff Coefficients | _____ | _____ | _____ |
| Times of Concentration (Minutes) | _____ | _____ | _____ |
| Design Discharges | _____ | _____ | _____ |
| Intensities (Inches / Hour) | _____ | _____ | _____ |
| Design Storm Frequency | _____ | _____ | _____ |
| Head Losses | _____ | _____ | _____ |
| Loss Coefficients | _____ | _____ | _____ |
| Frictional Gradients | _____ | _____ | _____ |
| Inlet Calculations for Design Storm Events | _____ | _____ | _____ |
| Gutter Capacity | _____ | _____ | _____ |
| Inlet Type and Size | _____ | _____ | _____ |
| Approach Slope | _____ | _____ | _____ |
| Runoff Intercepted (Cfs) | _____ | _____ | _____ |
| Bypass Flow | _____ | _____ | _____ |
| Street and Right-of-Way Capacity | _____ | _____ | _____ |

GRADING PLAN

| | | | |
|--|-------|-------|-------|
| North Arrow and Scale | _____ | _____ | _____ |
| Contours | _____ | _____ | _____ |
| Property Lines | _____ | _____ | _____ |
| Proposed Material Quantity Legend and Tabulation | _____ | _____ | _____ |
| Existing and Proposed Contours | _____ | _____ | _____ |
| Proposed Spot Elevations | _____ | _____ | _____ |
| Proposed Finished Floor Elevations | _____ | _____ | _____ |
| Benchmarks | _____ | _____ | _____ |
| Show All Existing Above Ground Elements | _____ | _____ | _____ |

| | <u>YES</u> | <u>NO</u> | <u>N/A</u> |
|---|------------|-----------|------------|
| PAVING PLAN | | | |
| North Arrow & Scale | _____ | _____ | _____ |
| Property Lines | _____ | _____ | _____ |
| Proposed Material Quantity Legend and Tabulation | _____ | _____ | _____ |
| Plan View: | | | |
| Back of Curb and Right-of-Way Lines | _____ | _____ | _____ |
| Right-of-Way / Pavement Widths | _____ | _____ | _____ |
| Driveways / Median Islands | _____ | _____ | _____ |
| Centerlines | _____ | _____ | _____ |
| Stationing | _____ | _____ | _____ |
| Alignment Data (Bearing, Distance, Curve Data, etc.) | _____ | _____ | _____ |
| Intersections / Curb Return Radii | _____ | _____ | _____ |
| Easements | _____ | _____ | _____ |
| Sidewalk | _____ | _____ | _____ |
| Curb Inlets | _____ | _____ | _____ |
| Manholes and Structures | _____ | _____ | _____ |
| Benchmarks | _____ | _____ | _____ |
| Utility Valves | _____ | _____ | _____ |
| Rim Elevations | _____ | _____ | _____ |
| Curb Cuts | _____ | _____ | _____ |
| Profile View: | | | |
| Existing Right-of-Way Elevations | _____ | _____ | _____ |
| Existing Centerline Elevation | _____ | _____ | _____ |
| Proposed Top of Curb Elevation (50' Intervals) | _____ | _____ | _____ |
| Proposed Top of Roadway Elevation (50' Intervals) | _____ | _____ | _____ |
| Curb Return and PI Elevations | _____ | _____ | _____ |
| Stationing | _____ | _____ | _____ |
| Vertical Alignment Data | _____ | _____ | _____ |
| Rim Elevations | _____ | _____ | _____ |
| DETAILS | | | |
| City of West Palm Beach Standard Details | _____ | _____ | _____ |
| TRAFFIC CONTROL | | | |
| Traffic Study (As Required by the City Traffic Engineer) | _____ | _____ | _____ |
| Traffic Control Plan (Required MOT for All Work Proposed to Impact Traffic) | _____ | _____ | _____ |
| LANDSCAPE PLAN | | | |
| Plans Prepared and Sealed by Registered Landscape Architect | _____ | _____ | _____ |
| North Arrow & Scale | _____ | _____ | _____ |
| Property Lines | _____ | _____ | _____ |
| Proposed Material Quantity Legend and Tabulation | _____ | _____ | _____ |
| Designate Landscape Material by Botanical and Common Names (Must include height, spread, spacing, caliper, etc.) | _____ | _____ | _____ |
| Easements | _____ | _____ | _____ |
| Right-of-Way Lines | _____ | _____ | _____ |
| Location of All Overhead Utility Lines | _____ | _____ | _____ |
| Existing Structures Locations | _____ | _____ | _____ |
| Location of Existing Trees and Landscape Material | _____ | _____ | _____ |
| Indicate Landscape Material Plan (Remove, Relocate, Proposed, Etc.) | _____ | _____ | _____ |
| Indicate All Landscape Material with Adjacent Overhang of the Site | _____ | _____ | _____ |
| Location of Existing Trees and Landscape Material | _____ | _____ | _____ |
| Location and Screening Landscape Material of All Trash Receptacles | _____ | _____ | _____ |
| Tree Preservation Plan | _____ | _____ | _____ |

| | <u>YES</u> | <u>NO</u> | <u>N/A</u> |
|--|------------|-----------|------------|
| LANDSCAPE PLAN CONT. | | | |
| Proposed Plant Material Not Listed as Invasive Species (Florida Exotic Pest Plant Council - PBC Invasive Species Listing) | _____ | _____ | _____ |
| Vehicular / Pedestrian Sight Triangles | _____ | _____ | _____ |
| DEMOLITION PLAN | | | |
| Site Plan Layout Depicting Demolition and Clearing Work Limits | _____ | _____ | _____ |
| Identify Existing Structures, Utilities, and Vegetation to be Cleared | _____ | _____ | _____ |
| Identify Temporary Demolition Work Site Access | _____ | _____ | _____ |
| Identify Utility Disconnects Associated with Demolition Work | _____ | _____ | _____ |
| Identify Possible Hazardous Waste Material Exposed During Work | _____ | _____ | _____ |
| STORM WATER POLLUTION PREVENTION PLAN | | | |
| North Arrow & Scale | _____ | _____ | _____ |
| Property Lines | _____ | _____ | _____ |
| Proposed Material Quantity Legend and Tabulation | _____ | _____ | _____ |
| Site Plan Layout | _____ | _____ | _____ |
| Identify Temporary Site Access Points | _____ | _____ | _____ |
| Identify On-Site and Immediately Adjacent Water-Bodies | _____ | _____ | _____ |
| Identify Proposed Erosion Control BMP's | _____ | _____ | _____ |
| Indicate Phasing | _____ | _____ | _____ |
| LIGHTING PLAN | | | |
| North Arrow & Scale | _____ | _____ | _____ |
| Property Lines | _____ | _____ | _____ |
| Proposed Material Quantity Legend and Tabulation | _____ | _____ | _____ |
| Plan View: | | | |
| Pole Location | _____ | _____ | _____ |
| Handhold Location | _____ | _____ | _____ |
| Electrical Service Panel Location | _____ | _____ | _____ |
| Conduit (Size and Material) | _____ | _____ | _____ |
| Wiring | _____ | _____ | _____ |
| Photometric Layout | _____ | _____ | _____ |
| Profile View: | | | |
| Pole Location | _____ | _____ | _____ |
| Handhold Location | _____ | _____ | _____ |
| Electrical Service Panel Location | _____ | _____ | _____ |
| Conduit (Size and Material) | _____ | _____ | _____ |
| IRRIGATION PLAN (Plan and Profile) | | | |
| Irrigation Main Locations and Sizes | _____ | _____ | _____ |
| Irrigation Main Stationing (Proposed Only) | _____ | _____ | _____ |
| Irrigation Main Fittings (Proposed Only) | _____ | _____ | _____ |
| Irrigation Branch Lines and Sizes | _____ | _____ | _____ |
| Irrigation Shutoff Valves | _____ | _____ | _____ |
| Irrigation Conduit (Size and Material) | _____ | _____ | _____ |
| Irrigation Handholds and Valve Boxes | _____ | _____ | _____ |
| Irrigation Backflow Preventer | _____ | _____ | _____ |
| Irrigation Controller | _____ | _____ | _____ |
| Wiring | _____ | _____ | _____ |
| Electrical Service Panel | _____ | _____ | _____ |
| Wells (Irrigation and Potable) | _____ | _____ | _____ |
| Booster Pumps (Irrigation and Potable) | _____ | _____ | _____ |

The Engineering Services Department Plan Submittal Checklist is intended as a guide in the development and submission of construction plans for review. The checklist is a summary of standards and requirements for site development, but may not include all conditions applicable to a particular site.

City of West Palm Beach
Engineering Services Department
Construction Administration
401 Clematis Street
West Palm Beach, Florida 33401
Office 561-822-1200 Fax 561-494-1116
www.wpb.org/engineering



SITE DEVELOPMENT PRECONSTRUCTION CONFERENCE AGENDA

Date/ Time: _____
Project Title/Location: _____
ESD Permit Number: _____
Project Coordinator: _____
Construct. Coordinator: _____
Meeting Location: _____

PRECONSTRUCTION MEETINGS MAY BE RECORDED. START RECORDING AND IMMEDIATELY ANNOUNCE THAT THE MEETING IS BEING RECORDED.

Index:

SECTION A - GENERAL CONDITIONS AND REQUIREMENTS
SECTION B - OTHER TOPICS DISCUSSED
PRECONSTRUCTION CONFERENCE SIGNATURE SHEET

SECTION A - GENERAL CONDITIONS AND REQUIREMENTS

- ___ 1. **INTRODUCTIONS:** Introduce everyone attending including their name, organization, title, and role on the project.
- A. **FUNCTION & AUTHORITY:**
- (1) Engineering Construction Supervisor (ECS)
 - (a) Manages Engineering Services Site Development and Construction Administration.
 - (b) Authorizes permit issuance and bond releases.
 - (c) Arbitrator of technical and procedural standards.
 - (2) Representatives of the Construction Supervisor:
 - (a) Project Coordinator (PC) - Individual who serves as the primary contact for the owner/engineering of record during the site development permitting and project plan review.

- (b) Senior Construction Coordinator (SCC) – Supervises construction administration staff during site development construction.
- (c) Construction Coordinator (CC)- Individual who serves as the primary contact for the construction contractor and performs day-to-day coordination and inspection.

B. CONTRACTOR PERSONNEL:

- (1) Project Manager - _____
- (2) Construction Superintendent - _____
- (3) After hours/emergency contact the following individual(s):

- (4) Subcontractors: (Name/Contact Number)

C. ENGINEER OF RECORD:

- (1) Engineer of Record - _____
- (2) Engineer Site Representative:- _____

___ 2. COMMUNICATIONS:

- A. COMMUNICATIONS between the City and the Contractor shall be conducted through the Construction Coordinator (CC), unless otherwise directed.
- B. REQUEST FOR INFORMATION (RFIs): All Requests for information shall be in written form to the Project Coordinator. All responses from the City shall be in writing and addressed to the Contractor's Project Manager.
- C. DAILY CONSTRUCTION REPORTS (Daily Reports):
 - (1) City format. Include daily activities, potential delays, stoppages, problems, accidents, significant decisions, meetings, requests by City of local authorities, etc.
 - (2) Completed daily.
- D. CONSTRUCTION INSPECTION REPORTS (Inspection Reports):
 - (1) City format. Include activities, participants, testing location, materials inspected, inspection results, corrective action, reinspection, mitigation, etc.
 - (2) Completed as warranted.

E. CORRESPONDENCE:

(1) Mail:

City of West Palm Beach
Engineering Services Department
Construction Administration
P.O. Box 3366
West Palm Beach, Florida 33402

(2) Courier Drop-off:

City of West Palm Beach
Engineering Services Department
Construction Administration
401 Clematis Street – Fourth Floor
West Palm Beach, Florida 33401

(3) All faxed correspondence to 561-494-1116.

(4) Include Project Title and ESD Permit Number on ALL correspondence.

 3. **CONSTRUCTION SCHEDULE:**

A. **BAR-CHART CONSTRUCTION SCHEDULE:** Submit a fully developed, bar-chart type construction schedule with an "S" curve overlay. The S-curve shall represent the planned percent complete for the project versus time.

- (1) Provide a separate bar for each construction activity or "work element."
- (2) Provide a separate column or vertical line to identify the "work element," the "% of total" for each work element and the "week starting" date. Submission of Construction Schedule is a condition of Notice to Proceed.
- (3) Submit a revised / updated schedule upon City request.
- (4) Construction time _____ calendar days.
- (5) Notice to proceed anticipated: _____.
- (6) Proposed start dates:

- a. Mobilization on-site date: _____
- b. Construction start: _____

B. **WORKING HOURS:**

- (1) Working hours for this project will be from _____ a.m. to _____ p.m. during the workday, except for weekends and established City holidays.
- (2) Work outside the normal working hours must be requested in writing no less than 5 business days prior to anticipated work.
- (3) Emergency work hours will be authorized by the Engineering Construction Supervisor, or designee.

C. **CRITICAL WORK SEQUENCING/PHASING ISSUES:**

- (1) Hazardous materials abatement.
- (2) Time constraint issues.
- (3) Coordination with local authorities.

D. COORDINATION OF THE WORK:

- (1) The Contractor is responsible for coordination of all elements of the work and every aspect of the coordination of the subcontractors work.
- (2) The Contractor is required to have a competent construction supervisor, fluent in speaking and writing English, in charge of the work at all times. Construction supervisor may be a Working Foreman.

___ 4. SITE ISSUES:

A. PRE-MOBILIZATION REQUIREMENTS:

- (1) Engineering Services development permit issued.
- (2) Engineering Services notice to proceed issued.
- (3) Construction schedule submitted.
- (4) Review Contractor's plan for mobilizing on site, including phasing, timing elements, crane operations, dumpster locations, and coordination.
- (5) Construction Administration fees submitted.
- (6) Right-of-Way Acquisition.

B. ABANDONMENT OF UTILITIES:

| CITY | PRIVATE |
|-------------------|-------------------|
| (1) Water/Sewer | (1) Water/Sewer |
| (2) Stormwater | (2) Stormwater |
| (3) Gas | (3) Gas |
| (4) Electric | (4) Electric |
| (5) Street Lights | (5) Street Lights |
| (6) Other | (6) Other |

C. TEMPORARY FACILITIES:

- (1) Utilities
 - a. Temporary connections/water, gas, electricity.
- (2) Parking for Contractor Personnel:
 - a. Is parking available at the site during normal working hours?
 - b. Contractor responsible for traffic/parking violations.
 - c. Parking space(s) to be designated for the Contractor?
- (3) Entry and Exit (Site ingress and egress) for equipment and materials.
- (4) Locations and marking of underground utilities.

D. UTILITY SERVICE INTERRUPTIONS:

- (1) Public water and sanitary sewer service interruptions shall be submitted to the City, in writing, at least 5 business days in advance of the day of proposed interruption.
- (2) A fee is required for City support of utility service interruptions.
- (3) A two (2) business day notice shall be given for the CANCELLATION of approved

service interruptions. Service fees are non-refundable without sufficient notice.

- (4) Fire Protection Systems (alarms, sprinkler systems, fire mains) and Security Systems.
 - a. The Project Manager shall notify the City Fire Marshal at least three (3) business days prior to the Contractor deactivating or performing any work on any fire alarm or fire protection system for an occupied building. Project Manager and/or contractor shall be responsible for notifying any fire protection monitoring systems.
 - b. When a fire alarm and/or security system is deactivated, it must be reactivated the same day, before the contractor leaves the site, to insure that the systems are functioning properly. If not functioning, the Contractor will restore the systems to working order prior to leaving the site, or he shall provide a round-the-clock fire watch/security protection until the systems are functioning properly. The Contractor shall be responsible for any costs incurred by the City for providing a fire-watch, security protection and/or alarm response.

E. ACCIDENT PREVENTION/SAFETY:

- (1) Safeguard personnel and property.
- (2) Barricades, warning tape/signs.
- (3) Protection of Existing Vegetation, Structures, Equipment, Utilities, and Improvements.
- (4) Notification of injuries - dial 911. Inform the City immediately if an accident occurs on City property or right-of-way. Submit an accident report to the City no later than 3 calendar days after the incident.
- (5) Notification of Fires - dial 911
- (6) Safe Work Practices: Comply with OSHA Standards 29 CFR 1910 general standards, and 29CFR 1926 construction standards.
- (7) Hazardous Materials locations. (Asbestos pipe, fuel storage, chemicals storage, etc.)

F. HOUSEKEEPING AND CLEAN UP:

- (1) Daily clean-up of the work area in public right-of-way.
- (2) Final Cleaning - leave work area in a neat, clean and orderly condition
- (3) Clean up in accordance with City emergency procedures, relative to storm events or other emergencies, will be mandated.
- (4) Maintain site in conformance with NPDES requirements.

G. AGENCIES HAVING JURISDICTION: Include, but is not limited to City, County, State - health and environmental offices; OSHA; local fire marshal, utilities, etc.

H. SPECIAL SITE CONDITIONS: Include, but is not limited to, pollution control, adjacent property, bus stops, utility availability, wetlands, approved site plan conditions, etc.

___5. SUBMITTALS:

A. GENERAL:

- (1) Shop Drawings – CWPB Approved Materials List.
- (2) Shop Drawings – Nonstandard Materials.
- (3) Construction schedule.
- (4) Contact information.
- (5) Storm Water Pollution Prevention Plan (SWPPP)
- (6) Copies of all regulatory agency permits. (SFWMD, FDEP, FDOT, etc)

B. SCHEDULE OF SUBMITTALS:

- (1) Submit the Schedule of Submittals at, or prior to, the preconstruction conference.

___6. **PERMITS:**

A. PERMIT TYPES:

- (1) Construction Services
- (2) CWPB Right-of-Way
- (3) PBC Right-of-Way
- (4) FDOT Right-of-Way
- (5) FDEP
- (6) PBCHD
- (7) SFWMD
- (8) Other

___7. **MISCELLANEOUS ADMINISTRATIVE ISSUES:**

A. CONSTRUCTION PLANS AND SPECIFICATIONS

- (1) Contractor responsible for all subcontractor construction plan amendments.
- (2) Any discrepancies in the plans and specifications must be brought to the attention of the Construction Coordinator prior to installation of the work. Considerable deviation to the plans and specifications will require submission of revised construction drawings by the engineer of record. Considerable deviation is considered the modification of public infrastructure component type, size, material, location, addition, deletion, or inoperability from design.
- (3) Overlapping/conflicting requirements between specifications and drawings will be arbitrated by the Engineering Construction Supervisor, or designee.

B. PROJECT RECORD DOCUMENTS

- (1) Record Drawings ("Red-line Drawings") - Keep on job site, updated and current. Use erasable, colored pencil in RED for additions, GREEN for deletions. Submission and acceptance of Final Record Drawings will be required upon completion of work and is a condition of surety release.

C. MEETINGS/TELECONFERENCES:

- (1) Pre-Construction Conference.
- (2) Construction Coordination Meetings: Discuss frequency, agenda, etc.

D. SEVERE WEATHER ADVISORY PROCEDURES

- (1) Mandatory Compliance
- (2) Review schedule if project will be active between June 1 – November 30.

____8. **TESTING, INSPECTION, FINAL INSPECTION, AND FINAL ACCEPTANCE:**

A. TESTS:

- (1) Review what testing is required and when; notification; test reports.
- (2) Submit copies of all test reports.

B. FINAL INSPECTION:

- (1) Final Inspection date must be coordinated far enough in advance to allow for correction of deficiencies prior to issuance of Certificate of Construction Completion. The Final Inspection must be requested in writing to the Construction Coordinator.
- (2) Pre-requisites:
 - a. Start-up testing (functional performance testing)
 - b. Operations and maintenance manuals must be given to the City and approved before instructions to City personnel can occur.
 - c. Training of City personnel complete.

C. FINAL ACCEPTANCE: All permit requirements completed.

- (1) Pre-requisites:
 - a. Satisfactorily completed.
 - b. Final clean-up, Record drawings, warranties, spare parts, all completed.
- (2) Engineer of Record Certification.
- (3) Submission of Conveyance Documents.
- (4) Final acceptance letter sent from Project Coordinator to Contractor.

E. CERTIFICATE OF CONSTRUCTION COMPLETION

- (1) Final Acceptance Issued by City Departments.
- (2) Closure of permits.
- (3) Surety Release/Reduction Checklist

____9. **WARRANTIES AND GUARANTEES:** A written one year (1) warranty must be provided immediately prior to acceptance and conveyance of public infrastructure. A warranty bond may be required to secure the warranty conditions for the duration of the warranty period.

SECTION B - OTHER TOPICS DISCUSSED



Engineering Services Operations Manual Standard Operating Procedure

ES-U102 NPDES Construction Site Inspection Plan and Inspection Form

1. Objective:

- 1.1. Implementation of the stormwater, erosion, and sedimentation inspection program for construction sites discharging stormwater to the MS4.
- 1.2. To ensure compliance with regulatory agency permitting requirements.

2. Scope:

- 2.1. Construction site inspections are conducted for land-disturbing projects which have potential to discharge stormwater runoff into our MS4.

3. Reference:

- 3.1. Palm Beach County MS4 Final Permit (#FLS000018-003).
- 3.2. FDEP Stormwater, Erosion and Sedimentation Control Inspection Training Certification Program.

4. Outstanding Issues:

- 4.1. Creation of a fine schedule for erosion control non-compliance.

5. Approvals:

- 5.1. Construction Coordinator or Project Engineer.
- 5.2. Inclusion to the project file of the Inspection Forms/Daily Reports.

6. Responsibilities:

- 6.1. Construction Coordinator/Project Engineer/Project Coordinator
 - i. Approve contractor Pollution Control Plan.
 - ii. Approve contractor BMP procedures.
 - iii. Approve reporting results.
 - iv. Document and maintain testing results and records.

7. Inputs:

- 7.1. CWPB Inspection Form/Daily Report.
- 7.2. Contract documents.
- 7.3. Drawings.
- 7.4. SWPPP/Erosion Control Plan.

8. Outputs:

- 8.1. CWPB Inspection Form/Daily Report.

9. Control Mechanisms:

- 9.1. Regulatory requirements.
- 9.2. Final Project Acceptance.
- 9.3. Local Ordinance Sec. 90-201, 90-208.

10. Procedure:

- 10.1. Timing of Construction Site Inspections.
 - i. Before the start of construction, after the placement of BMP's.
 - ii. During construction.
 - iii. At the end of construction.
- 10.2. Prioritizing and frequency schedule for construction site inspections.
 - i. Construction site size.
 - ii. Water body status.
 - iii. Significance of adverse water quality impacts.
 - iv. Seasonality and rainfall.
 - v. Historical inspection considerations.
 - vi. Public/Private development.
- 10.3. Inspection.
 - i. Inspections are the responsibility of the Engineering Services Dept. and/or its designee. The City shall use the "Daily Field Report" form. The designees form shall be approved by Engineering Services.
- 10.4. Inspection reporting.
 - i. Weekly. (Contractor)
 - ii. Shall be completed during every field visit. (City)
 - iii. After every rain event of 1 inch or more. (Contractor/City)

- 10.5. Enforcement measures.
 - i. Notice of violation-verbal. (Documented in reports)
 - ii. Notice of violation-written.
 - ii. Stop work notice.
 - v. Fines.

- 10.6. Filing reporting documentation.
 - i. Reports are to be filed by date in the Engineering Services "F" drive under the Project name and number.
 - ii. Contractor to provide weekly/rain event reports to the City.

- 10.7. Training.
 - i. All employees/inspectors shall be certified NPDES inspectors.
 - ii. New employees/inspectors shall be provided training.
 - iii. Existing employees/inspectors shall be provided refresher training annually.

11. Associated Documents:

- 11.1 Inspection form/daily report.
- 11.2. Violation notices.
- 11.3. Contract documents.



Plan for Training City Staff on Stormwater Management, Erosion and Sedimentation Controls

The City of West Palm Beach will have appropriate staff trained on stormwater management, erosion and sedimentation controls.

The FDEP two-day course is hosted by Palm Beach County NPDES and conducted by FDEP-certified trainer Cheryl Moore in May of each year.

Some of the topics covered by the training include:

- Stormwater Management Inspector Training Program and Construction BMPs
- Best Management Practices
- Types of Erosion
- What is runoff & what it impacts
- Record Keeping
- TMDLs

Attendance at the training session will be documented by sign-in sheets Palm Beach County NPDES Committee and logged into our Hiperweb Work Management System under Training.



City of West Palm Beach

Municipal Code Sections

related to

Stormwater

West Palm Beach, Florida, Code of Ordinances >> PART II - CODE OF ORDINANCES >> **Chapter 34 - ENVIRONMENT >> ARTICLE III. - CONSTRUCTION ACTIVITIES >>**

ARTICLE III. - CONSTRUCTION ACTIVITIES [\[43\]](#)

[Sec. 34-71. - Intent.](#)

[Sec. 34-72. - Limitations.](#)

[Sec. 34-73. - Enforcement.](#)

[Secs. 34-74—34-100. - Reserved.](#)

Sec. 34-71. - Intent.

The purpose of this article is to prevent the adverse effects of construction activities within the municipal boundaries of the city. Such adverse effects include vibrations, noise, dust and other impacts caused by construction equipment and/or work which affect the health, safety and welfare of city residents.

(Code 1979, § 14-170)

Sec. 34-72. - Limitations.

- (a) *Generally.* The following limitations regarding construction work shall apply: Construction work or other work resulting in noise, vibrations or dust tending to disturb the people or the property within the vicinity thereof shall not begin until the hour of 7:00 a.m. and shall cease at the hour of 7:00 p.m., Monday through Friday, and shall be limited to between the hours of 8:00 a.m. and 8:00 p.m., Saturday and Sunday.
- (b) *Exceptions.*
- (1) It shall be within the discretion of the mayor or his designee when any such construction work shall not create adverse effects on the residents or inhabitants of the city in the vicinity of the construction to grant a written exception to this section.
 - (2) The operation of equipment relating to the essential services of the city and equipment operating during emergency conditions shall be exempted from subsection (a) of this section.

(Code 1979, § 14-171)

Sec. 34-73. - Enforcement.

A violation of this article will be enforced in accordance with the provisions of [chapter 26](#) of this Code.

(Code 1979, § 14-172)

Secs. 34-74—34-100. - Reserved.

⁽⁴³⁾ **Cross reference**— *Buildings and building regulations, ch. 18.* [\(Back\)](#)

West Palm Beach, Florida, Code of Ordinances >> PART II - CODE OF ORDINANCES >> **Chapter 34 - ENVIRONMENT >> ARTICLE V. - FLORIDA-FRIENDLY FERTILIZER USE >>**

ARTICLE V. - FLORIDA-FRIENDLY FERTILIZER USE

Sec. 34-114. - Definitions.

Sec. 34-115. - Fertilizer free zones.

Sec. 34-116. - Fertilizer application restrictions.

Sec. 34-117. - Fertilizer content and application rates.

Sec. 34-118. - Mode of application.

Sec. 34-119. - Impervious surfaces.

Sec. 34-120. - Management of grass clippings and vegetative matter.

Sec. 34-121. - Exemptions.

Sec. 34-122. - Commercial applicators.

Sec. 34-123. - Institutional applicators.

Sec. 34-124. - Enforcement; fines and penalties; appeal; use of funds.

Sec. 34-125. - Use of funds.

Sec. 34-114. - Definitions.

For the purpose of this article, the following terms shall have the meanings set forth by this section unless the context clearly indicates otherwise.

All words used in the present tense include the future; all words in the singular number include the plural and the plural the singular. Any word or term not interpreted or defined by this section shall be used with a common dictionary meaning of common or standard utilization.

Apply or *application* means the physical deposit, placement, or release of fertilizer upon soil or turf or landscape plants.

Applicator means any person who applies fertilizer.

Approved soil test means soil and tissue tests for phosphorus and/or nitrogen done by the University of Florida Institute of Food and Agricultural Sciences (UF/IFAS) or an accredited laboratory that regularly performs soil testing.

Commercial applicator means, except as provided in F.S. § 482.1562(9), any person who applies fertilizer in exchange for money, goods, services or other valuable consideration to property not owned by the person or firm applying the fertilizer.

Fertilizer means any substance or mixture of substances that contains one or more recognized plant nutrients and promotes plant growth, or controls soil acidity or alkalinity, or provides other soil enrichment, or provides other corrective measures to the soil.

Fertilizing means the act of applying fertilizer to soil, turf, specialized turf or landscape plants.

Institutional applicator means any person, other than a private non-commercial or commercial applicator (unless such definitions also apply under the circumstances), that applies fertilizer for the purpose of maintaining turf and/or landscape plants. Institution applicators shall include, but shall not be limited to, owners, manager or employees of public lands, schools, parks, religious institutions, utilities, industrial or business sites and any residential properties maintained in condominium and/or common ownership.

Landscape plant means any native or non-native tree, shrub, bush or groundcover plant, excluding turf.

Person means any person, natural or artificial, individual, firm, association, organization, partnership, business trust, corporation, company, association, club, organization and/or any group of people acting as an organized entity.

Prohibited application period means the time period during which a flood watch or warning, or a tropical storm watch or warning, or a hurricane watch or warning, or a three-day cone of uncertainty is in effect for any portion of the city, issued by the National Weather Service.

Saturated soil means soil in which the voids are filled with water. Saturation does not require flow. For the purpose of this ordinance, soil shall be considered saturated if standing water is present or the pressure of a person standing on the soil causes the release of free water.

Slow release means nitrogen in a form which delays its availability for landscape plant or turf uptake and use for an extended period after application, or which extends its availability to the landscape plant or turf longer than a readily available, rapid or quick-release product. This definition includes the terms "controlled release," "slow release," "slowly available," and "water insoluble".

Turf, sod, or lawn means an area of grass-covered soil held together by the roots of the grass, including but not limited to, Bahia, Bermuda, Centipede, Paspalum, St. Augustine, and Zoysia, or other grass groundcover.

(Ord. No. 4432-12, § 1, 8-20-2012)

Sec. 34-115. - Fertilizer free zones.

Fertilizer shall not be applied within ten feet, or three feet if a deflector shield or drop spreader is used, of any pond, stream, water course, lake, canal, or wetland as defined by the Florida Department of Environmental Protection (Chapter 62-340, Florida Administrative Code) or from the top of a seawall or lake bulkhead. Newly planted turf and/or landscape plants may be fertilized in this zone only for a 60-day establishment period beginning 30 days after planting, if needed to allow the plants to become established. Caution shall be used to prevent direct application of fertilizer into the water.

(Ord. No. 4432-12, § 1, 8-20-2012)

Sec. 34-116. - Fertilizer application restrictions.

- (a) No applicator shall apply fertilizers containing nitrogen and/or phosphorus to saturated soil or to turf and/or landscape plants on saturated soil.
- (b) No applicator shall apply fertilizers containing nitrogen and/or phosphorus to turf and/or landscape plants during any prohibited application period, including any period for which the National Weather Service has issued any of the following advisories for any portion of the

city: flood warning or watch, tropical storm warning or watch, hurricane warning or watch, or a three-day cone of uncertainty.

- (c) Fertilizers containing nitrogen and/or phosphorus shall not be applied before seeding or sodding a site, and shall not be applied for the first 30 days after seeding or sodding, except when hydro-seeding for temporary or permanent erosions control in an emergency situation (wildfire, etc.) or in accordance with the stormwater pollution prevention plan for that site.

(Ord. No. 4432-12, § 1, 8-20-2012)

Sec. 34-117. - Fertilizer content and application rates.

- (a) All fertilizer to be applied shall be labeled in accordance with state law.
- (b) Fertilizers applied to turf and/or landscape plants within the city shall be applied in accordance with directions provided by Rule 5E-1.003(2), Florida Administrative Code, Labeling Requirements For Urban Turf Fertilizers, and shall not exceed the application rates and frequency maximums, which vary by plant and turf type, found on the labeled fertilizer bag or container.
- (c) Unless a soil or tissue deficiency has been verified by an approved soil test:
 - (1) Nitrogen or phosphorus fertilizer shall be applied to turf in accordance with the rates and frequency requirements of subsection (b) above; and
 - (2) Nitrogen or phosphorus fertilizer shall be applied to landscape plants in accordance with the rates and frequency requirements of subsection (b) above, or in accordance with the University of Florida/Institute of Food and Agricultural Sciences recommendations for landscape plants, vegetable gardens and fruit trees and shrubs.

(Ord. No. 4432-12, § 1, 8-20-2012)

Sec. 34-118. - Mode of application.

Spreader deflector shields are required when fertilizing via broadcast spreaders. Deflectors must be positioned such that fertilizer granules are deflected away from all impervious surfaces, fertilizer free zones, water bodies including wetlands, and saturated soil.

(Ord. No. 4432-12, § 1, 8-20-2012)

Sec. 34-119. - Impervious surfaces.

Fertilizer shall not be applied, spilled, or otherwise deposited on any impervious surfaces. Any fertilizer applied, spilled, or deposited, either intentionally or accidentally, on any impervious surface shall be immediately and completely removed to the greatest extent practicable. Fertilizer released on an impervious surface must be immediately contained and either legally applied to turf or any other legal site, or returned to the original or other appropriate container. In no case shall fertilizer be washed, swept, or blown off impervious surfaces into stormwater drains, ditches, conveyances, fertilizer free zones or water bodies including wetlands.

(Ord. No. 4432-12, § 1, 8-20-2012)

Sec. 34-120. - Management of grass clippings and vegetative matter.

In no case shall grass clippings, plant material, vegetative debris and/or yard and garden waste, intentionally be washed, swept, or blown onto or into stormwater drains, ditches, conveyances, fertilizer free zones, water bodies, wetlands, sidewalks or roadways. Any material

that is accidentally so deposited shall be immediately removed to the maximum extent practicable. Yard and garden waste material may be placed for pick up, in accordance with the city code, within the swale, parkway or street, but not in such a manner which may block or wash into the storm drains.

(Ord. No. 4432-12, § 1, 8-20-2012)

Sec. 34-121. - Exemptions.

The provisions of this article shall not apply to:

- (a) bona fide farm operations or other properties that have pastures used for grazing livestock, which are covered under the Florida Right to Farm Act, F.S. § 823.14.
- (b) any lands used for bona fide scientific research, including but not limited to, research on the effects of fertilizer use on urban stormwater, water quality, agronomics or horticulture.

(Ord. No. 4432-12, § 1, 8-20-2012)

Sec. 34-122. - Commercial applicators.

- (a) Effective January 1, 2014, all commercial applicators applying fertilizer within the municipal boundary of the city shall provide evidence of successful completion of training in the requirements of the "Florida-Friendly Best Management Practices for Protection of Water Resources by the Green Industries" offered by the Florida Department of Environmental Protection through the University of Florida IFAS "Florida-Friendly Landscapes" program, or an approved equivalent program, prior to obtaining or renewing a certificate of use and/or obtaining a business tax receipt for any category of occupation which may apply any fertilizer to turf and/or landscape plants.
- (b) Effective January 1, 2014, all commercial applicators applying fertilizer within the municipal boundary of the city shall have, and carry in their possession at all times when applying fertilizer, evidence of certification by the Florida Department of Agriculture and Consumer Services as a Commercial Fertilizer Applicator per Rule 5E-14.117(18), Florida Administrative Code.

(Ord. No. 4432-12, § 1, 8-20-2012)

Sec. 34-123. - Institutional applicators.

Effective January 1, 2014, all institutional applicators which apply, or cause to be applied, fertilizer on the institutional applicator's property within the municipal boundary of the city shall provide evidence that at least one employee of the institutional applicator has successfully completed the "Florida-Friendly Best Management Practices for Protection of Water Resources by the Green Industries" offered by the Florida Department of Environmental Protection through the University of Florida or the Palm Beach County Cooperative Extension Service "Florida-Friendly Landscapes" program, or an approved equivalent program, prior to obtaining or renewing a certificate of use and/or obtaining a business tax receipt.

(Ord. No. 4432-12, § 1, 8-20-2012)

Sec. 34-124. - Enforcement; fines and penalties; appeal; use of funds.

- (a) The following civil fines shall be imposed for violations of this article:

- (1) First offense, \$250.00 fine.
- (2) Second offense (within one year of the first offense) and each offense thereafter, \$500.00 fine.

For purposes of this section, "offense" shall mean a notice of violation that has not been contested timely or a finding of violation by a special magistrate. A person may receive a separate notice of violation once every hour if a violation has occurred at any time within that period. Each notice of violation shall constitute a separate offense for which a separate fine may be imposed.

- (b) A violator who has been served with a notice of violation shall elect either to:
 - (1) Pay the civil fine in the manner indicated on the notice; or
 - (2) Request an administrative hearing before a special magistrate to appeal the decision of the code inspector that has resulted in the issuance of the notice of violation, in accordance with [chapter 26](#) of this Code.
- (c) The named violator shall request an administrative hearing before the special magistrate by filing a written request for hearing with the special magistrate's office within ten days of the date of the notice of violation.
- (d) If the named violator, after notice, fails to pay the civil fine or fails to timely request an administrative hearing before a special magistrate, the special magistrate shall be informed of such failure by report from the code enforcement officer. Failure of the named violator to appeal the notice of violation within the prescribed time period shall constitute a waiver of the violator's right to administrative hearing before the special magistrate. A waiver of the right to an administrative hearing shall be treated as an admission of the violation and penalties may be assessed accordingly.
- (e) Any party aggrieved by the decision of a special magistrate may appeal that decision to a court of competent jurisdiction as provided in F.S. § 162.11.
- (f) The city may institute proceedings in a court of competent jurisdiction to compel payment of civil fines. A certified copy of an order imposing a civil fine may be recorded in the public records and thereafter shall constitute a lien upon any other real or personal property owned by the violator and it may be enforced in the same manner as a court judgment by the sheriffs of this state, including levy against the personal property, but shall not be deemed to be a court judgment except for enforcement purposes. After three months from the filing of any such lien that remains unpaid, the city may foreclose or otherwise execute on the lien. A violator may be subject to the reinspection provisions of [chapter 26](#) of this Code.
- (g) As an alternative or additional means of enforcement, the city may institute proceedings to revoke or suspend the certificate of use of any commercial applicator or institutional applicator, or seek injunctive relief. As a further alternative or additional means of enforcement, the city may employ the alternative code enforcement procedures for a civil infraction described in [chapter 26](#), article III of this Code.

(Ord. No. 4432-12, § 1, 8-20-2012)

Sec. 34-125. - Use of funds.

Funds generated by fines and penalties imposed under this article shall be used by the city for the administration and enforcement of F.S. § 403.9337 and this article, and to further water conservation and nonpoint pollution prevention activities.

(Ord. No. 4432-12, § 1, 8-20-2012)

West Palm Beach, Florida, Code of Ordinances >> PART II - CODE OF ORDINANCES >> **Chapter 90 - UTILITIES >> ARTICLE IV. - STORMWATER UTILITY CODE >>**

ARTICLE IV. - STORMWATER UTILITY CODE

Sec. 90-161. - Short title.

Sec. 90-162. - Findings and determinations.

Sec. 90-163. - Definitions.

Sec. 90-164. - Operating budget.

Sec. 90-165. - Required levels of rates for utility fees.

Sec. 90-166. - Imposition of utility fees.

Sec. 90-167. - Billing and payment; penalties.

Sec. 90-168. - Adjustment of fees.

Sec. 90-169. - Capital contributions.

Sec. 90-170. - Program responsibility.

Sec. 90-171. - Stormwater utility account funds.

Sec. 90-172. - Reserved.

Sec. 90-173. - Appeal of stormwater management service fee rate.

Secs. 90-174—90-200. - Reserved.

Sec. 90-161. - Short title.

This article shall be known as the stormwater utility code of the city.

(Code 1979, § 32-1)

Sec. 90-162. - Findings and determinations.

It is hereby found, determined, and declared as follows:

- (1) Those elements of the stormwater management system which provide for the collection and disposal of stormwater and regulation of groundwater are of benefit and provide services to all property within the incorporated city limits, including property not presently served by the stormwater elements of the system.
- (2) The costs of operating and maintaining the city stormwater management system and financing the necessary repairs, replacements, improvements, and extensions thereof should, to the extent practicable, be allocated in relationship to the benefits enjoyed and services received therefrom.

(Code 1979, § 32-2)

Sec. 90-163. - Definitions.

For the purpose of this article, the following definitions shall apply: words used in the singular shall include the plural, and the plural, the singular; words used in the present tense shall include the future tense. The word "shall" is mandatory and not discretionary. The word "may" is

permissive. Words not defined in this article shall be construed to have the meaning given by common and ordinary use as defined in the latest edition of Webster's Dictionary.

Availability charge means a charge to a developer or individual resident to recover the debt service and extension and replacement costs paid on a stormwater management system facility that had been previously constructed, but which serves such developer or individual resident.

Bonds means revenue bonds, notes, loans or any other debt obligations issued or incurred to finance the cost of construction.

Cost of construction means costs reasonably incurred in connection with providing capital improvements to the system or any portion thereof, including but not limited to the costs of:

- (1) Acquisition of all property, real or personal, and all interests in connection therewith including all rights-of-way and easements therefor;
- (2) Physical construction, installation and testing, including the costs of labor, services, materials, supplies and utility services used in connection therewith;
- (3) Architectural, engineering, legal and other professional services;
- (4) Insurance premiums taken out and maintained during construction, to the extent not paid for by a contractor for construction and installation;
- (5) Any taxes or other charges which become due during construction;
- (6) Expenses incurred by the city or on its behalf with its approval in seeking to enforce any remedy against any contractor or subcontractor in respect of any default under a contract relating to construction;
- (7) Principal of and interest of any bonds; and
- (8) Miscellaneous expenses incidental thereto.

Debt service means, with respect to any particular fiscal year and any particular series of bonds, an amount equal to the sum of: (i) all interest payable on such bonds during fiscal year; plus (ii) any principal installments of such bonds during such fiscal year.

Developed property means real property which has been altered from natural state by the addition of any improvements such as a building, structure, or impervious surface. For new construction, property shall be considered developed pursuant to this article: (i) upon issuance of a certificate of occupancy, or upon completion of construction or final inspection if no such certificate is issued; or (ii) if construction is at least 50 percent complete and construction is halted for a period of three months.

Director means the public utilities director.

District means the Northern Palm Beach County Water Control District.

Dwelling unit means a single unit or apartment providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.

Equivalent residential unit and *ERU* mean the average impervious area of residential developed property per dwelling unit located within the city and as established by separate resolution of the city commission as provided in this article.

ERU rate means a utility fee charged on each ERU as established by commission resolution as provided in this article.

Extension and replacement means costs of extensions, additions and capital improvements to, or the renewal and replacement of capital assets of, or purchasing and installing new equipment for, the system, or land acquisition for the system and any related costs thereto, or paying extraordinary maintenance and repair, including the cost of construction, or any other expenses which are not costs of operation and maintenance or debt service.

Fee-in-lieu-of means a charge to the developer or individual resident to recover: (i) the costs of construction and debt service on a new stormwater management system facility which serves such developer or individual resident; or (ii) the extension and replacement cost necessitated by development undertaken by such developer or individual resident.

Fiscal year means a 12-month period commencing on October 1 of any year, or such other 12-month period adopted as the fiscal year of the utility.

Impervious area means all areas covered by structures and impervious amenities such as roofed and paved areas, including, but not limited to, areas covered by roofs, roof extensions, patios, porches, driveways, sidewalks, parking areas, athletic courts and any other area which is covered by stone, shellrock, asphalt, concrete or any other type of impervious material.

Nonresidential developed property means any developed lot or parcel not exclusively residential as defined in this section, including hotels or motels zoned commercial, or as determined by city utility records or field inspection.

Operating budget means the annual stormwater management utility operating budget adopted by the city for the succeeding fiscal year.

Operations and maintenance means the current expenses, paid or accrued, of operation, maintenance and current repair of the system, as calculated in accordance with sound accounting practices, and includes, without limiting the generality of the foregoing, insurance premiums, administrative expenses, labor, executive compensation, the cost of materials and supplies used for current operations, and charges for the accumulation of appropriate reserves for current expenses not annually incurred, but which are such as may reasonably be expected to be incurred in accordance with sound accounting practices.

Property appraiser means the office of the county property appraiser.

Revenues means all rates, fees, assessments, rentals or other charges or other income received by the utility, in connection with the management and operation of the system, including amounts received from the investment or deposit of moneys in any fund or account and any amounts contributed by the city, all as calculated in accordance with sound accounting practice.

Stormwater system means the existing stormwater management facilities/structures of the city and all improvements thereto which by this article are constituted as the property and responsibility of the utility, to, among other things, conserve water, control discharges necessitated by rainfall events, incorporate methods to collect, convey, store, absorb, inhibit, treat, use or reuse water to prevent or reduce flooding, overdrainage, environmental degradation and water pollution or otherwise affect the quality and quantity of discharge from such system.

Stormwater utility means the stormwater utility created by this article to operate, maintain and improve the system.

Undeveloped property means property which has not been altered by the addition of any improvements such as a building, structure, impervious surface, change of grade or landscaping.

Undisturbed parcel means a parcel which has not been altered from its natural state by dredging, filling, removal of trees and vegetation or other activities which have disturbed or altered the topography or soils on property.

Utility fee means a utility fee authorized by state law and this article which is established to pay operations and maintenance, extension and replacement and debt service.

Vacant improved property means vacant property which has or is served by any subdivision improvements.

Vacant improved single-family lots mean any individual lot of vacant improved property which is limited by [chapter 94](#) to single-family use.

(Code 1979, § 32-3; Ord. No. 4427-12, § 2, 8-16-2012)

Cross reference— Definitions generally, § 1-2.

Sec. 90-164. - Operating budget.

The city shall adopt an operating budget not later than the first day of each fiscal year. The operating budget shall set forth for such fiscal year the estimated revenues and the estimated costs for operations and maintenance, extension and replacement and debt service.

(Code 1979, § 32-5)

Sec. 90-165. - Required levels of rates for utility fees.

The city commission shall require that adequate revenues are generated to provide for a balanced operating budget by annually setting sufficient levels of utility fees.

(Code 1979, § 32-6)

Sec. 90-166. - Imposition of utility fees.

The commission hereby authorizes the imposition of utility fees on all property within the city.

(Code 1979, § 32-7)

Sec. 90-167. - Billing and payment; penalties.

The utility fee is to be paid by the owner, tenant, or occupant of each lot or parcel subject to the fee. All properties, except the undisturbed parcels, shall be rendered bills or statements for the use of these services and facilities of the system by the city utilities department. The bills or statements shall be payable at the same time and in the same manner and subject to the same discontinuance of service by the city utility as set forth under the terms and conditions of [section 90-4](#).

(Code 1979, § 32-8)

Sec. 90-168. - Adjustment of fees.

- (a) Request for adjustment of the utility fee shall be submitted to the public utilities director, who is hereby given the authority to develop and administer the procedures and standards for the adjustment of fees as established in this article. All requests shall be judged on the basis of the amount of impervious area on the site. No credit shall be given for the installation of facilities required by city or county development codes or state stormwater rules. The following procedures shall apply to all adjustment requests of the stormwater fee:
- (1) Any owner who has paid his utility fees and who believes his utility fee to be incorrect may, subject to the limitations set forth in this article, submit an adjustment request to the public utilities director.
 - (2) Adjustment requests for the utility fees shall require that the person making the request pay the fee in advance and make the request in writing setting forth in detail the grounds upon which relief is sought.
 - (3) Adjustment requests made during the first calendar year that the utility fee is imposed will be reviewed by the public utilities director within a two-month period from the date of filing of the adjustment request. Adjustments resulting from such request shall be retroactive to the beginning of billings, but retroactive adjustment shall not exceed one year.
 - (4) The owner requesting the adjustment may be required, at his own cost, to provide supplemental information to the public utilities director, including, but not limited to, survey data approved by either a registered professional land surveyor (PLS) and engineering reports approved by a professional engineer (PE). Failure to provide such information may result in the denial of the adjustment request.
 - (5) Adjustments to the utility fee will be made upon the granting of the adjustment request, in writing, by the public utilities director. Denials of adjustment requests shall be made, in writing, by the public utilities director.
- (b) Upon receipt of the written denial of the adjustment request, the owner who initially requested the adjustment may, within 30 days of receipt of such denial, appeal to the water advisory board for review of the denial.
- (1) The water advisory board shall complete their review within 60 days of receipt of such request for review. The board's determination on the review shall be in writing and shall set forth in detail the reasons for their denial.
 - (2) In reviewing denials of the adjustment requests, the water advisory board shall apply the following standards and review criteria:
 - a. Existing or special characteristics of the site or parcel for which the adjustment is made will be considered.
 - b. The amount of on-site impervious area.
 - c. Twenty-five-year frequency/24-hour duration storm criteria will be the minimum standard recognized by the public utilities director.
 - d. Ponds, exfiltration systems or positive drainage facilities must meet applicable city, state, and federal requirements including groundwater protection devices and outfall treatment conveyance systems required by all governing bodies.
 - e. Ponds, exfiltration systems or positive drainage facilities must be maintained according to city standards, and must function in accordance with the required city design standards.
 - f. Adjustments will not be granted for swimming pools, reflecting pools, existing open ditch systems and swales.

Sec. 90-169. - Capital contributions.

- (a) Where the city has constructed or plans to construct stormwater facilities which are proposed to be used by a developer in lieu of a facility usually required to be constructed by a developer, the city may accept a capital contribution from the developer and waive certain construction requirements.
- (b) Procedures and standards developed by the city shall define appropriate means by which to optimize the developers capital contributions in the construction or refunding of stormwater systems. These capital contributions shall take the form of fee-in-lieu-of availability charges. Each situation will be analyzed by the city and a specific written decision will be developed. The application of each is defined as follows:
 - (1) Fee-in-lieu-of is applied to a site specific negotiated procedure, wherein a development's stormwater contribution (quantity and quality) is assessed its share of the capital needs of the facilities required to serve the development in question. This capital contribution would be used for the construction or refunding of city-owned stormwater facilities. The process does not apply wherein the stormwater facilities are privately held. Each application is evaluated against the city's master plan, or where the master plan is incomplete, against the cumulative impacts from the development.
 - (2) Availability charge is administered on a site specific basis identical to the fee-in-lieu-of procedure noted in subsection (b)(1) of this section. The only difference is that the capital investment advanced by the city in implementing a stormwater facility is now recovered through an availability charge. The capital charge is determined on a pro rata share of the capacity used by the new applicant as measured by the cumulative impact from the development upon all impacted facilities applied to the present worth of the original capital expenditure. In the case of a developer constructing stormwater management facilities in excess of site needs, the city may enter an agreement with that developer to rebate fee-in-lieu-of charges paid to the city by other developers utilizing those facilities over a period of time not exceeding seven years from the date of the agreement.
- (c) All development subject to the provision of this section shall pay a fee established by resolution of the city commission and on file in the city clerk's office.

(Code 1979, § 32-10)

Sec. 90-170. - Program responsibility.

It shall be the duty of the public utilities director to administer the stormwater management utility. The public utilities director shall keep an accurate record of all persons using the services and facilities of the stormwater management system of the city and to make changes in accordance with the rates and charges established in this article and further amending ordinances.

(Code 1979, § 32-11)

Sec. 90-171. - Stormwater utility account funds.

There shall be established a stormwater utility special account for the deposit of all fees and charges collected by the stormwater utility. These funds shall be for the exclusive use of the city's stormwater utility, including the following categories:

- (1) Administrative costs associated with the management of the stormwater utility.

- (2) Planning and engineering.
- (3) Operation and maintenance of the system.
- (4) Funding of pollution abatement devices constructed on stormwater systems discharging to the surface water of the city.
- (5) Debt service financing.

(Code 1979, § 32-12)

Sec. 90-172. - Reserved.

Editor's note—

Ord. No. 4427-12, § 4, adopted Aug. 6, 2012, deleted § 90-172, which pertained to the stormwater utility board and derived from Code 1979, § 32-13.

Sec. 90-173. - Appeal of stormwater management service fee rate.

An appeal of the rate determined by resolution of the city commission and on file in the city clerk's office shall be before the water advisory board. Such appeal must be in writing and be submitted to the public utilities director no later than 60 days after a parcel has received their utility bill first evidencing the stormwater management service fee.

(Code 1979, § 32-15; Ord. No. 4427-12, § 5, 8-6-2012)

Secs. 90-174—90-200. - Reserved.

West Palm Beach, Florida, Code of Ordinances >> PART II - CODE OF ORDINANCES >> **Chapter 90 - UTILITIES >> ARTICLE V. - STORMWATER POLLUTION PREVENTION >>**

ARTICLE V. - STORMWATER POLLUTION PREVENTION

Sec. 90-201. - Declaration and authority.

Sec. 90-202. - Definitions.

Sec. 90-203. - Prohibited discharges: illicit connections.

Sec. 90-204. - Knowledge of violation: mitigation.

Sec. 90-205. - Exceptions.

Sec. 90-206. - Monitoring and sampling: inspections.

Sec. 90-207. - Enforcement: penalties.

Secs. 90-208—90-244. - Reserved.

Sec. 90-201. - Declaration and authority.

- (a) *Declaration.* Pursuant to federal regulation the city is required to maintain efficient, economic and safe operation of the separate storm sewer system for the protection of the health, safety, and general welfare of the public within the city. This article is intended to prevent and abate pollution through the regulation and control of connections and discharges to the separate storm sewer system and to limit the use of the separate storm sewer system to the collection, conveyance, treatment, and disposal of stormwater through appropriate regulation and enforcement.
- (b) *Authority.* The city is empowered to manage, operate, and control a separate storm sewer system and to regulate connection to such separate storm sewer system pursuant to its home rule powers and pursuant to the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 USC 1251 et seq.

(Code 1979, § 32-16)

Sec. 90-202. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Authorized official means any employee or agent of the city authorized in writing by the director to administer or enforce the provisions of this article.

Director means the public utilities director.

Discharge means any direct or indirect entry into the stormwater system of any solid, liquid or gaseous matter.

Illicit connections means any connection to the stormwater system that allows any discharge that is not composed entirely of stormwater.

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

Site of industrial activity means any area or facility used for manufacturing, processing or storing of raw materials, as defined under 40 CFR 122.26(a)(14) of regulations of the United States Environmental Protection Agency, as amended.

Stormwater means any stormwater runoff, and surface runoff and drainage.

Stormwater system means the system of conveyances within the city used for collecting, storing, and transporting stormwater but not including any facilities intended to be used in accordance with applicable laws for collecting and transporting sanitary or other wastewater.

(Code 1979, § 32-17)

Cross reference— Definitions generally, § 1-2.

Sec. 90-203. - Prohibited discharges; illicit connections.

- (a) *General prohibition.* Except as provided in [section 90-205](#), and except pursuant to a valid NPDES permit, it shall be unlawful for any person to directly or indirectly deposit, discharge, spill, or dump into any of the public waters or municipal separate storm sewer system within the city, any substance other than that composed entirely of stormwater.
- (b) *Site of industrial activity.* Except as provided in [section 90-205](#), any direct or indirect discharge from a site of industrial activity to the separate storm sewer system owned by the city which does not comply with, or is not pursuant to, a valid NPDES permit is prohibited.
- (c) *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.

(Code 1979, § 32-18)

Sec. 90-204. - Knowledge of violation; mitigation.

Any person with knowledge of a violation of this article shall immediately notify the director or an authorized official of such violation. If a person is directly or indirectly responsible for the violation, such person shall take immediate action to mitigate the consequences of the violation including, but not limited to, containment and cleanup of such discharge, provided such mitigation does not endanger or cause harm to any person or property.

(Code 1979, § 32-19)

Sec. 90-205. - Exceptions.

Authorized exceptions. The following discharges are exempt from the general prohibition set forth under [section 90-203](#):

- (1) Water line flushing; landscape irrigation; diverted stream flows; rising groundwaters; uncontaminated groundwater infiltration (as defined at 40 CFR 35.2005(20)) to separate storm sewer systems; uncontaminated pumped ground water; discharges from potable water sources; foundation drains; air conditioning condensation; irrigation water; springs, water from crawl space pumps; footing drains; lawn watering; individual residential car washing; flows from riparian habitats and wetlands;

dechlorinated swimming pool discharges; street wash water, and discharges or flows from emergency firefighting activities.

- (2) NPDES permit. Any person who holds a national pollutant discharge elimination systems (NPDES) permit shall provide a copy of such permit to the director within 60 calendar days after issuance or within 60 calendar days after the effective date of this article, and shall be authorized to discharge into the separate storm sewer system in accordance with the terms of that permit.

(Code 1979, § 32-20)

Sec. 90-206. - Monitoring and sampling; inspections.

An authorized official may make a lawful entry onto any property to establish devices necessary to conduct sampling or metering of discharges to the stormwater system and to conduct inspections to determine compliance with this article. The director or his designee, may require any person engaging in any activity which directly or indirectly affects the stormwater system, to undertake reasonable monitoring of any discharge to the stormwater system and to provide periodic reports to the director regarding such monitoring.

(Code 1979, § 32-21)

Sec. 90-207. - Enforcement; penalties.

- (a) If the director or an authorized official determines that a discharge in violation of this article is occurring or has occurred, the director or authorized official may order the immediate cessation of such improper discharge.
- (b) The provisions of this article may be enforced through any remedy available to the city in law or in equity, including injunctive relief. The city shall recover its court costs and a reasonable attorney's fee in any legal proceedings commenced to enforce this article.
- (c) Failure to comply with the requirements of this article shall constitute a violation of this article. Such violations shall, upon conviction, be punished as provided for in [section 1-13](#)

(Code 1979, § 32-22)

Secs. 90-208—90-244. - Reserved.

West Palm Beach, Florida, Code of Ordinances >> PART II - CODE OF ORDINANCES >> **Chapter 94 - ZONING AND LAND DEVELOPMENT REGULATIONS >> ARTICLE XIV. - LANDSCAPING, LAND CLEARING, TREE PROTECTION, AND ARTIFICIAL TURF >>**

ARTICLE XIV. - LANDSCAPING, LAND CLEARING, TREE PROTECTION, AND ARTIFICIAL TURF

Sec. 94-441. - Intent, application, exemptions and conflicts, Florida friendly landscape principles.

Sec. 94-442. - Open space landscape requirements.

Sec. 94-443. - Nonresidential and multifamily screening and buffering requirements.

Sec. 94-444. - Miscellaneous open space standards.

Sec. 94-445. - Plant material standards and specifications.

Sec. 94-446. - Plant material installation and maintenance.

Sec. 94-447. - Existing native noninvasive plant materials.

Sec. 94-448. - Protection of trees and other vegetation.

Sec. 94-449. - Land clearing permit.

Sec. 94-450. - Vacant lot and construction site maintenance.

Sec. 94-451. - Artificial turf.

Secs. 94-452—94-480. - Reserved.

Sec. 94-441. - Intent, application, exemptions and conflicts, Florida friendly landscape principles.

- (a) *Intent.* The intent of the landscaping and tree protection requirements of this article is to establish standards to protect and to enhance community appearance by the installation of appropriate landscaping and screening materials within the city; to promote the conservation of water by encouraging the preservation of native plant communities and ecosystems, the use of site specific plant materials, the utilization of Florida friendly landscape principles; to maintain and increase the value of land by incorporating a minimum amount of landscaping into development; to establish parameters for the use of artificial turf; to eradicate or control certain exotic and invasive plant species which have become nuisances because of their tendency to damage public and private works, have a negative effect upon public health, or disrupt and destroy native ecosystems; to encourage prudent and skilled workmanship for the installation and maintenance of all plant materials; and to establish procedures and standards for the administration and enforcement of this article.
- (b) *Application.* The landscaping, tree protection, and screening requirements of this section shall apply to all development within the city, except those developments exempted in subsection (c) of this section regarding exemptions.
- (c) *Exemptions.* The following development shall be exempt from the standards of this article:
- (1) Buildings or structures accessory to single-family or duplex development.
 - (2) Renovations, repair, alteration or redevelopment which does not exceed 50 percent of the value of the structure.
 - (3) Tee, fairway, putting green and other natural or manmade landscape features of a golf course development. The clubhouse, vehicular use areas and other nongreen areas however, shall conform to the requirements of this article.

- (4) Developments only when specifically noted by this chapter.
- (5) Parkways, rights-of-way and city-initiated housing projects.
- (d) *Florida friendly landscaping.* Florida friendly landscaping is considered to be implementation of the following principles, which are described in more detail in the *Florida Yards and Neighborhood Handbook*, developed by the University of Florida, IFAS Extension Services and the Florida Department of Environmental Protection:
 - (1) The right plant in the right place by selecting plants that match the sites soil, light, water and climate conditions, with an aim for a diversity of trees, shrubs, groundcover and flowers, and plants that welcome wildlife.
 - (2) More efficient irrigation by grouping plants with similar watering needs together and zoning the irrigation system accordingly.
 - (3) Fertilize in compliance with the requirements of this code at [chapter 34](#), article V, Florida friendly fertilizer use.
 - (4) Maintain landscape beds well mulched with at least two inches of space around tree trunks to prevent rot, using sustainably harvested mulch, such as malaleuca, pine straw or eucalyptus.
 - (5) Attract wildlife by selecting plants with seeds, fruit, foliage, flowers or berries that animals can eat; increasing vertical layering of vegetation; and reducing insecticide use.
 - (6) Utilize integrated pest management principles by selecting pest-resistant plants, spot treating pests with selective spectrum pesticide applied in accordance with label instructions.
 - (7) Compost and re-cycle yard waste and debris.
 - (8) Retain rainfall and irrigation with shallow rain gardens or swales; direct downspouts toward garden area and utilize permeable material for walkways, driveways and patios.
 - (9) Protect water bodies by not mowing or utilizing pesticides within ten feet of a water body.
- (e) *Conflicts.* If the provisions of this article conflict with other ordinances, regulations or sections of this chapter, the more stringent limitation or requirement shall govern or prevail to the extent of the conflict.

(Code 1979, § 33-160; Ord. No. 4420-12, § 3, 6-11-2012; Ord. No. 4433-12, § 2, 9-18-2012)

Sec. 94-442. - Open space landscape requirements.

- (a) *Intent.* The intent of this section is to provide standards for landscaping open space areas when required by this chapter. Landscape plans, excluding those prepared for single-family dwelling units, shall be prepared by persons as authorized by F.S. ch. 481, pt. II (landscape architecture).
- (b) *General standards.* All open space, as required by this chapter, shall be landscaped as provided in this section.
 - (1) *Landscaping generally.* All open space, excluding vehicular and pedestrian circulation features and surface parking, shall be covered with natural grass, ground cover, shrubbery, or other suitable plant material, or may have paved active recreation areas, patios, terraces, pedestrian circulation areas, swimming pools, water features, and similar site components incorporated in the open space designs. Artificial turf shall only be permitted and installed in accordance with the standards of [section 94-451](#)

- (2) *General landscaping standards for single-family dwelling units and all other developments.* General landscaping standards for single-family dwelling units and all other developments shall be as follows:
- a. *Single-family dwelling units.* For single-family dwelling units, at least one shade, flowering or fruit tree shall be planted for each 1,200 square feet of open space or portion thereof. For single-family dwelling units, at least one shrub shall be planted for each 500 square feet of open space or portion thereof.
 - b. *All other developments.* The general landscaping standards for all other developments shall be as follows:
 1. *Trees.* At least one shade tree shall be planted for each 1,600 square feet of open space or portion thereof. At least one flowering tree shall be planted for each 6,400 square feet of open space or portion thereof. Fruit trees may be planted in multifamily zoning districts. Required trees may be planted at uniform intervals, at random, or in groupings. The calculation of trees for this provision may include those used for buffering, screening, or to improve aesthetics within the site.
 2. *Shrubs.* At least one shrub shall be planted for each 500 square feet of open space or portion thereof. Shrubs shall be planted with three-foot intervals or clustered if the effectiveness of the buffer is improved. Required trees may be substituted for shrubs where applicable. In this case, at least one tree may be substituted for no more than five shrubs. Shrubs, however shall not be substituted for trees.
 3. *Hedges.* Hedges used for required buffering shall be planted in accordance with the most current edition of "Grades and Standards for Nursery Plants, Parts I and II" Florida #1 for each species of shrub.
- (3) *Amount of plant material required.* The total open space area required shall determine the number of trees and shrubs to be planted. The total amount of plant material required shall not be affected by that portion of the open space area devoted to active recreation purposes, patios, terraces, pedestrian circulation, and similar amenities.
- (4) All landscaped areas and plant materials within or adjacent to vehicular use areas shall be protected from vehicular encroachment by wheel stops, curbs, or other similar devices. This requirement, however, shall not apply to any single-family zoning districts.
- (c) *Substitution of palm trees.* Palm trees may be substituted for not more than 35 percent of the shade or flowering trees required by this article, except as specified in the comprehensive plan. However, when palm trees are substituted for shade trees, two palm trees shall be provided for each required shade tree. This 2:1 substitution shall not be required for Royal Palm Trees and suckering palm trees such as the Areca Palm, Paurotis Palm and the Senegal Date Palm.
- (d) *Landscaping of private land and public rights-of-way.* Private land and public rights-of-way between street or sidewalk surfaces and required buffer strips and landscaped open space areas shall be planted with natural grass. Grass areas shall be sodded. The planting of trees and shrubs within public rights-of-way is subject to the approval of the city.
- (e) *Site design flexibility.* A site plan which provides at least 80 percent of the required trees or landscape area may be approved if it contains specific features which fulfill its exact intent through the use of creative and innovative techniques. All applications for site plan or other approval shall specify features intended to serve in lieu of specific requirements. This section

does not apply to any city center commercial zoning districts as listed in article IV of this chapter. The developer shall provide a minimum of 80 percent of the required trees or landscape area and utilize the selection of design options indicated on the landscape plan to meet the landscape requirements. The adopted design options and the accompanying points shall be clearly tabulated on the landscape plan as required in subsection [94-448\(d\)\(2\)p](#). Such a landscape plan must satisfy a minimum total of 30 points from the following list of options:

| Design options: | | Points |
|-----------------|---|--------|
| (1) | Landscaped focal point to serve as vistas. The landscaped focal point must be visible from the entire street frontage of the site; the width of the landscaped focal point must be at least 35 feet; and the landscaped focal point may include signage, trees, shrubs and hedges. | 10 |
| (2) | Integration of sculpture, fountains, ponds and lakes in the design. Retention ponds must be visible from the street and landscaped to be accepted as a design option. | 10 |
| (3) | Coordination of signs, benches, trash receptacles, and lighting in the design by color, material, design, etc. | 5 |
| (4) | Provision of pedestrian plazas. Plazas are subject to the requirements of subsection 94-443(a) . | 10 |
| (5) | Increased building setback of: | |
| | five feet | 5 |
| | ten feet or more | 10 |
| | The increased building setback shall not include vehicular use areas or parking lots. | |
| (6) | Utilization of berms to screen all parking areas from public thoroughfares and adjacent residential uses. Berms are subject to the requirements of subsection 94-445(4)h . | 10 |
| (7) | Utilization of surface materials other than concrete and asphalt to differentiate vehicular and pedestrian traffic throughout the site. These may include tile, brick, paver-blocks or other types of materials equal in durability and imperviousness and approved by the engineering and public works department. | 10 |

- (f) *Clear vision requirements.* Landscaping shall be installed in accordance with the clear vision requirements of subsection [94-305\(e\)](#).
- (g) *Florida-friendly landscape requirements.* All new developments except for those exempt pursuant to subsection [94-441\(c\)](#) shall be required to apply certain Florida-friendly landscape techniques for landscaping prior to receiving a certificate of occupancy. The adopted design options and the accompanying points used to meet the Florida-friendly landscape requirements shall be clearly tabulated on the landscape plan as required in subsection [94-448\(d\)\(2\)g](#). Such a landscape plan must satisfy a minimum total of 15 points for a single-

family dwelling unit and a minimum of 30 points for all other developments from the following list of options:

| Design options: | | Points |
|-----------------|--|--------|
| (1) | Utilization of moisture sensing controller other than rainswitch | 5 |
| (2) | Plan submitted with low, moderate, and high water usage zones indicated. | 5 |
| (3) | Grass: | |
| a. | 25–50 percent of the grass areas are made up of natural drought tolerant grass species from the list.* | 5 |
| b. | 51 percent or more of the grass areas are made up of natural drought tolerant grass species from the list.* | 10 |
| (4) | Shrubs: | |
| a. | 25–50 percent of the required shrubs are made up of natural drought tolerant species from the list.* | 5 |
| b. | 51 percent or more of the required shrubs are made up of natural drought tolerant species from the list.* | 10 |
| (5) | Trees: | |
| a. | 25-50 percent of the required trees are made up of natural drought tolerant species from the list.* | 5 |
| b. | 51 percent or more of the required trees are made up of natural drought tolerant species from the list.* | 10 |
| (6) | Extra shade trees in vehicular use areas: | |
| a. | 25 percent more than the required shade trees planted in the vehicular use areas. | 5 |
| b. | 50 percent more than the required shade trees planted in the vehicular use areas. | 10 |
| (7) | Natural sod area less than 50 percent of landscape area. | 10 |
| (8) | Utilization of compacted mulched planting beds at least three inches in depth in all planted areas except ground covers. | 10 |

* The list of drought tolerant natural grass, shrubs, and tree species is contained in *Waterwise*, the South Florida Water Management District plant and landscape practices guide, as may be amended. These species should however, not include invasive species. A listing of these drought tolerant species may also be obtained from the planning department.

(Code 1979, § 33-161; Ord. No. 4066-07, § 3, 10-22-2007; Ord. No. 4420-12, § 3, 6-11-2012; Ord. No. 4433-12, § 2, 9-18-2012)

Sec. 94-443. - Nonresidential and multifamily screening and buffering requirements.

- (a) *Buffering of nonresidential uses adjacent to residential property.* The owner of property used for nonresidential purposes located adjacent to a residential zoning district shall install and maintain along the entire property line a protective screen wall and a landscaped buffer. For the purposes of this provision, nonresidential uses does not include park uses. Protective screen walls and buffers are required to meet or exceed the specifications of this section. The property owner of the nonresidential property may have the required protective screen

wall waived if a notarial waiver is duly signed under seal by all abutting landowners waiving objection to the existence of an unwallled nonresidential use.

(1) *Protective screen walls.*

- a. Walls shall be at least five feet in height and shall be constructed of brick, decorative concrete, other decorative masonry, or comparably durable and aesthetic wood or metal, excluding metal or wood slats in chainlink fences, shall be at least five feet in height.
- b. Walls shall not contain any openings except those gates or similar means of access that may be approved in the course of site plan review.
- c. Walls shall extend the full length of the nonresidential property adjacent to a residential district. Walls in excess of 30 inches in height shall not be erected within 20 feet of a residential front property line.

(2) *Landscape buffer.*

- a. The buffer shall be a minimum of five feet in width at maturity.
- b. All portions of the buffer shall be covered with natural grass, ground cover, shrubbery, mulch, or other suitable live plant material.
- c. At least one shade or flowering tree shall be planted in a required buffer for each 30 linear feet or portion thereof. Required shade or flowering trees may be planted at intervals or may be clustered if clustering improves the effectiveness of the buffer. Required trees to serve as a landscape buffer adjacent to a residential zoning district must be visible from the opposite side of the wall to enhance the buffering effect. Clustering of required trees shall be subject to city approval.
- d. Required hedges shall be planted with two-foot to three-foot intervals or clustered if the effectiveness of the buffer is improved. Hedges shall be planted pursuant to the requirements of subsection [94-445\(4\)e](#).
- e. The amount of required plant material and of required buffer length shall be measured along the centerline of the buffer.
- f. Required trees, hedges and shrubs may not be clustered when planted next to buffer parking lots.

(b) *Buffering of nonresidential uses adjacent to a public thoroughfare and nonresidential zoning district.* The owner of property used for nonresidential purposes shall install and maintain a landscaped buffer strip along the entire edge of property adjacent to a public thoroughfare and other nonresidential zoning districts. The buffer strip shall be designed and landscaped as follows:

- (1) For industrial uses and uses in industrial districts, the buffer strip shall be at least ten feet wide along the edge of property when adjacent to a public thoroughfare and at least five feet wide along the edge of property when adjacent to nonresidential zoning districts. For all other nonresidential uses, the buffer strip shall be at least five feet wide along the entire edge of property when adjacent to a public thoroughfare, and when adjacent to nonresidential zoning districts.
- (2) The buffer strip may not be interrupted by more than 25 percent of its required length to provide for signs or vehicular ingress and egress. This provision may be waived by the planning and zoning administrator to accommodate normal vehicular ingress and egress for properties possessing less than 100 feet of frontage along a thoroughfare. However, not more than 50 percent of this requirement may be waived.
- (3)

- Trees, shrubs, natural grass, ground cover, or other suitable live plant material shall be planted over the entire buffer strip area. However, paving may be used in areas of intensive pedestrian circulation.
- (4) At least one shade or flowering tree shall be planted in a required buffer strip for each 30 linear feet or portion thereof. Paved areas used for pedestrian circulation and vehicular access shall be included when calculating the length of the buffer strip. Trees may be clustered or planted irregularly as deemed appropriate. Clustering of required trees shall be subject to city approval.
 - (5) To determine the amount of required plant material, the required buffer strip length shall be measured along the centerline of the buffer.
- (c) *Screening and landscaping for vehicular use areas.* The owner of property that contains vehicular use areas shall install and maintain a landscape buffer when such uses are adjacent to or visible from a public thoroughfare. Vehicular use areas for multifamily residential uses shall provide an additional decorative wall when such uses are adjacent to a residential zoning district. Screening and landscaping shall be installed as required by the following:
- (1) *A decorative wall:* Vehicular use areas shall be screened from residential uses and districts by a 36-inch high brick, decorative concrete, other decorative masonry, or comparably durable wood or metal wall around the periphery. The screen does not include metal or wood slats in chainlink fences. The wall may not be interrupted along more than 20 percent of required length to provide vehicular ingress and egress; however, this provision may be waived to accommodate normal vehicular ingress and egress for properties possessing minimal frontage.
 - (2) *A landscaped buffer:* Vehicular use areas shall be screened from thoroughfares and residential uses and districts by a landscape buffer of at least five feet in width. Hedges shall be planted within the landscape buffer and are subject to the requirements of subsection [94-445\(4\)e](#). Shade trees must be planted at 30-foot intervals. The requirements of this section shall not apply when screening or buffering is provided pursuant to [section 94-444](#), or when property lines are adjacent to an existing structure;

TABLE XIV-1

MINIMUM REQUIRED LANDSCAPE BUFFER FOR THE VARIOUS ZONING DISTRICTS*

| Adjoining Proposed | Multifamily | Commercial | Industrial | Public Thoroughfare |
|---------------------|------------------------------|------------|------------|---------------------|
| Multifamily | 5 feet | 5 feet | 5 feet | 5 feet |
| ≤ 4 units | | | | |
| > 4 units | | | | |
| Commercial | 5 feet plus 5-foot high wall | 5 feet | 5 feet | 5 feet |
| Industrial | 5 feet plus 5-foot high wall | 5 feet | 5 feet | 5 feet |
| Vehicular use areas | 5 feet plus 3-foot high wall | 5 feet | 5 feet | 5 feet |

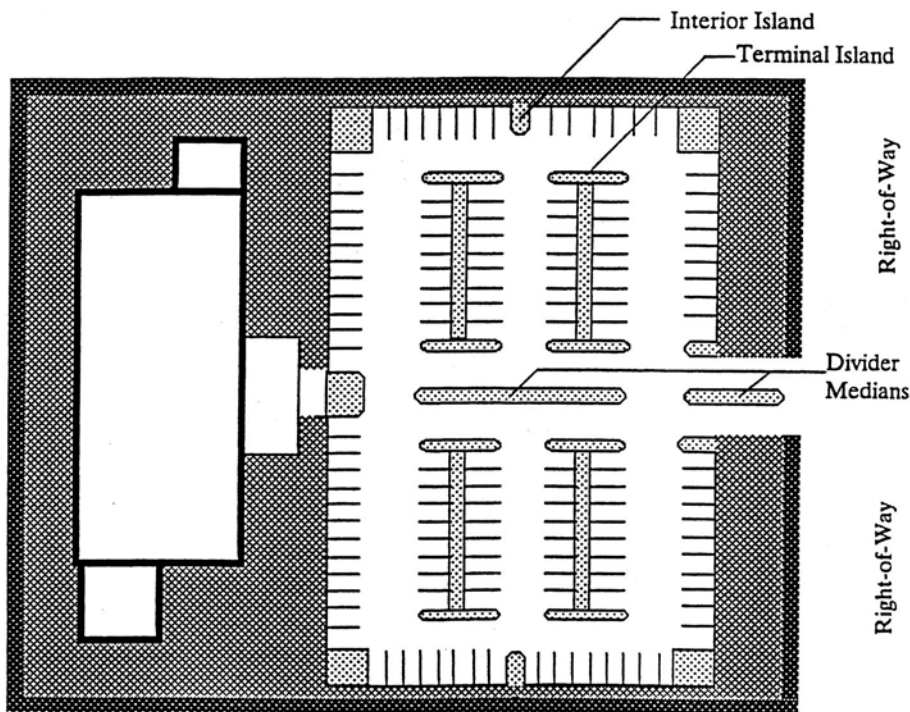
Note:





* Trees shall be planted at 30-foot intervals and hedges shall be planted at two-foot intervals for each required landscape buffer. Clustering of required trees shall be subject to city approval.

** The five-foot wall must be lowered to 30 inches when erected within 20 feet of a residential front property line. The five-foot wide landscape buffer shall be installed between the required wall and the property line when an alley separates the nonresidential property and the residential district.

-
- (3) *Off-street parking lots.* Off-street parking lots containing at least 12 interior parking spaces shall contain landscape areas. The total size of such landscaped areas shall be equal to ten square feet for each parking space and shall be provided within the interior of an off-street parking area. Landscaped areas shall contain at least one shade or flowering tree for each 100 square feet of required landscaped area. A minimum of 75 percent of all trees that are required to be planted within the interior of an off-street parking area shall be shade trees. The shade trees shall be located in such a manner to produce maximum overhead canopy for the vehicles. All parking lot landscaped areas shall be planted with natural grass, ground cover, shrubbery, or other suitable live plant material. Parking lot landscaped areas shall be designed, planted, and maintained to permit clear vision between the height of two feet and eight feet above grade; however, this requirement shall not apply where the lack of clear vision is not deemed to be a safety hazard. Terminal islands, interior islands and divider medians should be designed to retain maximum water in the turf areas and are subject to the following requirements. Figure XIV-1 is an example of the location and relationship between the parking lot landscape areas and the property.

FIGURE XIV-1
LANDSCAPE AREAS FOR PARKING LOTS



-  Exterior Landscape Provided
-  Landscape Buffer
-  Vehicular Use Area
-  Interior Landscaping for Vehicular Use Area

- a. *Terminal islands.* Each row of parking spaces shall be terminated by landscaped islands of not less than five feet in width and not less than the length of the adjacent parking stall. The landscaped island shall have a minimum radius of 2½ feet at its end so as to allow car maneuvering. The landscaped island shall contain at least one shade or flowering tree.
- b. *Interior islands.* One interior landscape island shall be provided for every ten parking spaces or fraction thereof. Interior landscape islands shall be at least five feet wide and shall contain at least one shade or flowering tree.
- c. *Divider medians.* Divider medians may be provided within the landscape area. If divider medians are used, they shall form a continuous landscaped strip between abutting rows of parking spaces. The minimum width of such a divider median shall be five feet. Shade or flowering trees within a divider median shall be planted at 30-foot intervals. The clustering of divider median trees may be approved by the planning and zoning administrator. The maximum spacing of trees however, shall not exceed 50 feet.

- (4) For other paved areas utilized by motor vehicles, including aisles, loading areas, circulation areas and drive-in service areas, additional landscaping shall be provided as follows: four square feet of landscaped area shall be required for each 100 square feet, or fraction thereof.
- (5) Landscape areas and plant materials must be protected from vehicular encroachment pursuant to subsection 94-442(b)(4). Parked vehicles shall not extend into a landscaped area that is five or less feet wide unless two additional feet are added to the buffer. The two additional feet of landscaping shall contain no plant, irrigation device, or other object higher than six inches above the top of the curb of subsection (a) of this section. Landscape areas and sidewalks in the vehicular use area shall be designed in accordance with the minimum requirements set forth in Figure XIV-2. The usage of curbs is more preferable to wheel stops. However, wheel stops should be utilized when on-site drainage is a concern. Curbing and usage of wheel stops are subject to the following requirements:
 - a. *Curbs.* Landscape areas shall be separated from vehicular use areas by non-mountable, concrete curbing of the type characterized as "Type D" in the current edition of the "Roadway and Traffic Design Standards Manual" prepared by the state department of transportation, or curbing of comparable durability. Extruded concrete curb shall not be placed on top of asphalt. Cemeteries shall not be required to provide curbing along internal roadways where such roadways directly abut areas of interment. Public parks and public utility facilities shall not be required to provide curbing along internal roadways. Curbing and wheel stops shall be required for cemeteries, public parks and public utility facilities in parking areas.
 - b. *Wheel stops.* Landscape areas adjacent to off-street parking areas shall be protected from encroachment or intrusion of vehicles through the use of wheel stops. Wheel stops shall have a minimum height of six inches above the finished grade of the parking area. Wheel stops shall be anchored as approved by the city engineer and shall be continuously maintained in good condition. Only one wheel stop may be used for one parking stall. One-half wheel stop placed in front of a single wheel stall shall not be accepted.

**FIGURE XIV-2
DIMENSIONAL REQUIREMENTS AND SPECIFICATIONS FOR
CURBS AND WHEEL STOPS**

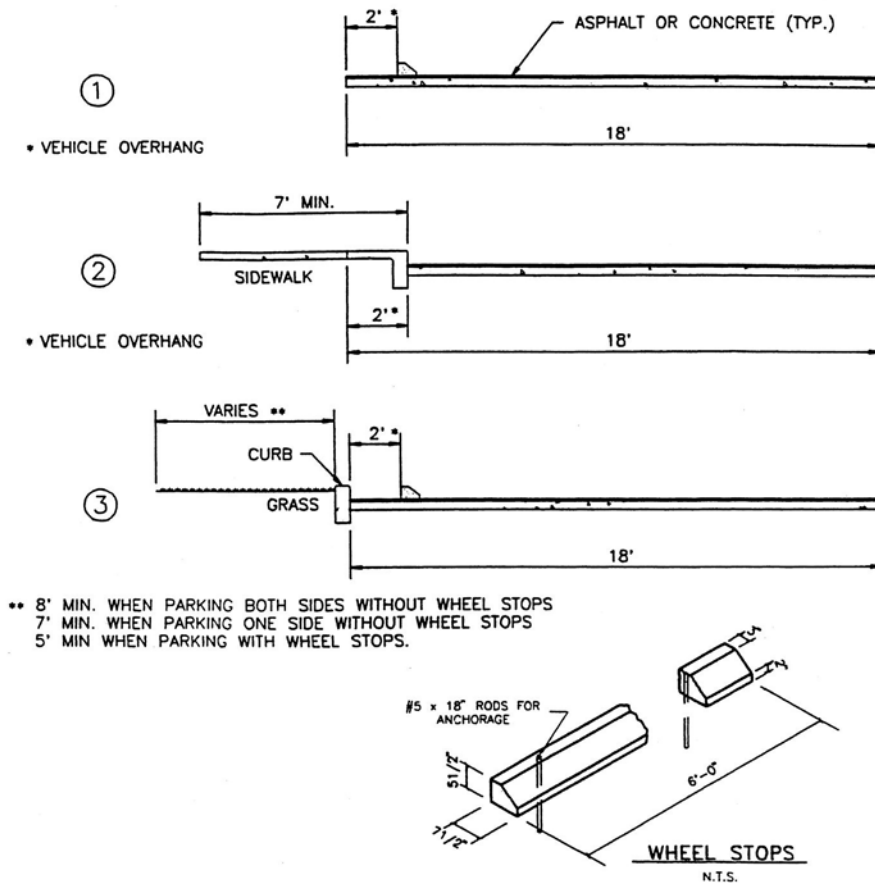


Figure XIV-2 Dimensional Requirements and Specifications for Curbs and Wheel Stops

- (d) *Additional landscaping requirements for multifamily residential uses.* The owner of property used for multifamily residential uses shall install and maintain the following landscaping:
- (1) A landscape buffer shall be required for multifamily residential uses adjacent to a public thoroughfare. Such a landscape buffer shall be at least five feet in width for four or less multifamily dwellings, and at least ten feet in width for five or more multifamily dwellings. A landscape buffer of at least five feet in width is also required along the multifamily residential use and the adjacent properties. The buffer strip shall be designed and landscaped as required by the following:
 - a. The buffer strip shall not be interrupted at more than 20 percent of its required length to provide vehicular ingress and egress; however, this provision may be waived to accommodate normal vehicular ingress and egress for properties possessing minimal frontage along a thoroughfare;
 - b. All portions of the buffer strip shall be covered with natural grass, ground cover, shrubbery, mulch, or other suitable plant material;
 - c. At least one tree shall be planted in a required buffer strip for each 30 linear feet or portion thereof. Required street trees may be clustered or planted

- irregularly as deemed appropriate. Clustering of all required trees shall be subject to city approval.
- (2) Shade trees to be planted and landscaped on the exterior of all structures as required by the following:
 - a. At least two shade or flowering trees for each dwelling unit for multifamily residential structures with two to five units per structure, and at least one shade or flowering tree for each dwelling unit for multifamily residential structures with six or more units per structure.
 - b. At least 40 percent of the linear feet around the exterior of all structures shall be planted with trees, shrubs or hedges.
 - c. All remaining, nonpaved areas shall be covered with natural grass, ground cover, mulch or contain beds of preserved native shrubs. Artificial turf shall only be permitted subject to the requirements of [section 94-451](#)
 - (e) *Additional landscaping requirements for nonresidential uses.* The owner of property which is used for nonresidential uses shall install and maintain the following landscaping:
 - (1) At least 30 percent of the linear feet around the exterior of all commercial structures shall be planted with trees, shrubs or hedges;
 - (2) At least 20 percent of the linear feet around the exterior of all industrial structures shall be planted with trees, shrubs or hedges;
 - (3) All remaining, nonpaved areas shall be covered with natural grass, ground cover, mulch or contain beds of preserved native shrubs. Artificial turf shall only be permitted subject to the requirements of [section 94-451](#)

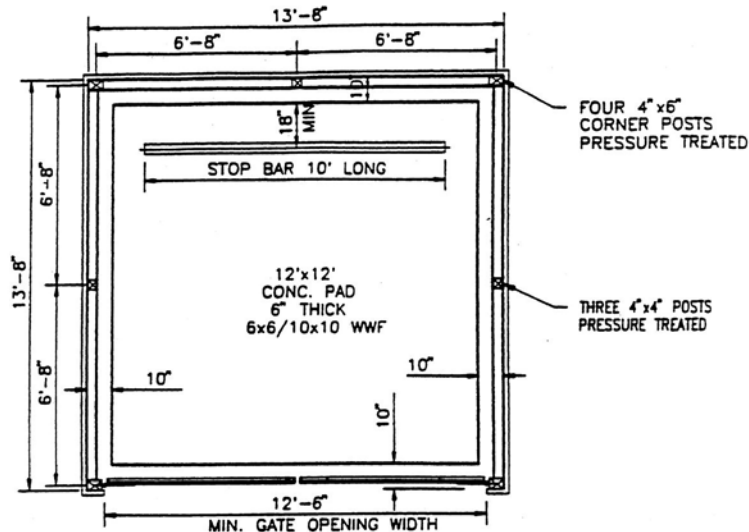
(Code 1979, § 33-162; Ord. No. 4191-08, § 2, 12-15-2008; Ord. No. 4420-12, § 3, 6-11-2012)

Sec. 94-444. - Miscellaneous open space standards.

- (a) *Plazas.* Plazas shall be developed and landscaped as provided in this section.
 - (1) Plazas shall be paved, open, and landscaped areas which provide place for pedestrians to enjoy the out-of-doors.
 - (2) Pedestrians shall have direct access to the plaza from at least one major thoroughfare and at least 50 percent of the plaza frontage.
 - (3) Plazas shall be at least 900 square feet in area.
 - (4) Curb cuts providing motor vehicle access onto a plaza are prohibited; however, plazas may be designed to provide access for emergency vehicles.
 - (5) At least one tree shall be planted in required plaza for each 900 square feet or portion thereof. Shade trees shall be planted within the plaza area or along the periphery.
 - (6) At least one linear foot of seating for every 30 square feet of plaza space. Seating surfaces shall have a depth of between 16 and 20 inches.
 - (7) Ramps shall provide access for the handicapped to all pedestrian and seating areas and shall be in compliance with the Americans with Disabilities Act requirements.
 - (8) Floors and other plaza surfaces, excluding planting areas, shall be made of concrete or other equally durable impervious surface.
- (b) *Outdoor storage for nonresidential and multifamily uses; storage and disposal facilities.* Outdoor incinerators, garbage or trash receptacles, fuel oil or propane tanks, and storage racks shall not be permitted unless appropriate screening is provided. Screening shall be constructed of brick, decorative concrete, other decorative masonry, or comparably durable wood and steel. Walls shall be landscaped with shrubs and hedges planted at two-foot

intervals. A four-sided enclosure with an obscuring gate may be required as a condition for site plan approval. Plans for the layout of trash receptacles shall be in accordance with the minimum requirements set forth in Figure XIV-3. The provisions of this section shall not apply to litter containers provided for the convenience of pedestrians. All areas for the storage and disposal of trash and garbage shall be paved with concrete surface as required by the city department of engineering and public works.

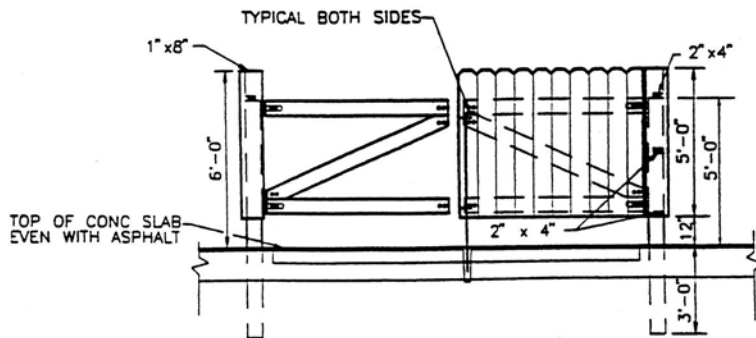
**FIGURE XIV-3
DIMENSIONAL REQUIREMENTS AND SPECIFICATIONS FOR
TRASH RECEPTACLES**



* Walls must be landscaped with shrubs and hedges planted at two (2) feet intervals.

PLAN VIEW

N.T.S.



FRONT VIEW

N.T.S.

Figure XIV-3 Dimensional Requirements and Specifications for Trash Receptacles

- (c) *Outdoor storage and disposal of goods, merchandise and materials.*
- (1) *Screening.* Outdoor storage of goods, merchandise and materials shall not be permitted unless enclosed on all sides by a wall of adequate height constructed of brick, decorative concrete, other decorative masonry, or comparably durable wood or steel. Wall openings shall have obscuring gates. All areas for the storage and disposal of goods, merchandise, and materials shall be covered with either asphalt or concrete paving, or crushed rock of such specification and design as required by the engineering department.
 - (2)

Exemptions.

- a. Temporary outdoor storage of bulk garden and farming supplies, such as wood chips, peat moss, flower flats, and similar items shall not be subject to the provisions of this section.
- b. Automobiles and other motor vehicles may be stored subject to the requirements of [section 94-273](#), rather than this section. Motor vehicle sales establishments shall be permitted to display no more than five motor vehicles within landscape buffer strips established pursuant to the provisions of this section.

(Code 1979, § 33-163)

Sec. 94-445. - Plant material standards and specifications.

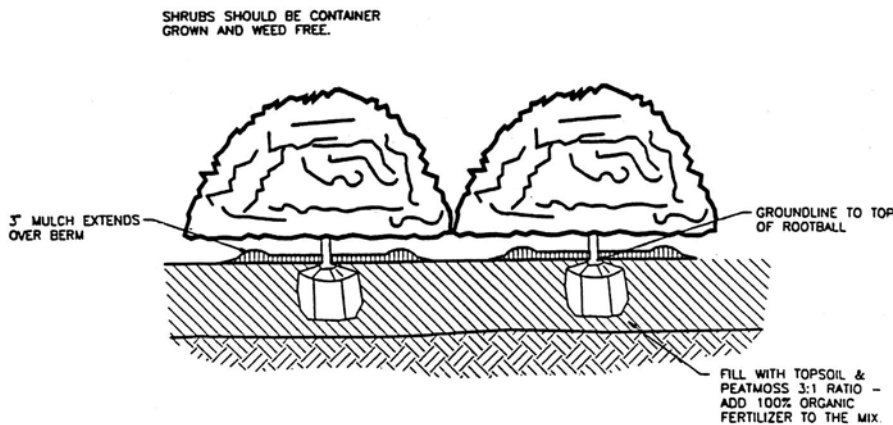
All plant and nonplant material shall meet or exceed the standards and specifications of this section.

- (1) *Maintenance free material.* To the extent practicable, all nonplant material shall be durable and maintenance-free.
- (2) *Plant quality.* Plant materials used pursuant to the provisions of this Section shall be equal to or better than Florida Department of Agriculture Number 1 Nursery Grade Standard.
- (3) *Nonorganic plant materials prohibited.* Plastic or other nonorganic plant materials, with the exception of artificial turf, shall be prohibited from use and shall not be in compliance with the spirit or intent of this section. Artificial turf shall be subject to the requirements of [section 94-451](#)
- (4) *Required plant material specifications.*
 - a. *Shade, flowering and fruit trees.* Shade, flowering and fruit trees planted pursuant to the provisions of this section shall be a minimum of eight feet in height, and possess a minimum of five feet of clear trunk space.
 - b. *Palm trees.* Palm species planted shall be reasonably resistant to lethal yellowing disease. Whenever the clustering of palm trees is utilized, a minimum of three palm trees per cluster shall be required. Palm trees that are exempt from the substitution requirement pursuant to section subsection [94-442\(c\)](#) are also exempt from the clustering requirement.
 - c. *Natural grass.* All natural lawn areas shall be planted with species suitable as permanent lawns in the city. Effective erosion control is mandatory in swales, rights-of-way, or other areas subject to erosion. The primary types of natural grasses used for residential, commercial, and industrial areas in South Florida are St. Augustine and Bahia cultivars. The selection of natural grass types shall be made while considering the long term economic and aesthetic effects of possible drought conditions upon the lawn areas. The following shall serve as a guide and is not meant to negate the use of other appropriate grass types for their specific site uses.
 1. *St. Augustine grass.* St. Augustine grass should be used adjacent to areas that accommodate significant pedestrian traffic or where the aesthetics of the immediate area are considered an important factor.
 2. *Bahia grass.* Bahia grass should be used in large, nonmanicured, turf areas such as open fields, recreation areas, road rights-of-way or other

areas that are generally viewed from a distance or from a moving automobile

- d. *Shrubs.* Shrubs for general landscape purposes planted pursuant to the provisions of this section shall be a minimum plant container size of two gallons. Container sizes for woody or herbaceous plant material, when utilized for ground cover, may vary. The planting of shrubs shall be in accordance with the requirements set forth in Figure XIV-4.

FIGURE XIV-4
SHRUB PLANTING DETAILS



NOT TO SCALE

- e. *Hedges.* Hedges shall be planted at least 24 inches in height with two- to three-foot intervals at center. The hedge shall reach a maturity height of at least 40 inches within two years of planting in the form of a solid continuous visual screen. Exceptions and substitutions from this provision may be approved by the planning and zoning administrator in order to promote the use of slow growing or native plant materials.
- f. *Root systems.* Plant materials shall be selected to minimize potential root system damage or interference with public utilities. Fruit and debris, other than leaves from installed plant materials, shall not constitute a nuisance within public rights-of-way or to abutting property owners.
- g. *Irrigation systems.* Irrigation systems can be beneficial in efficiently adding water to cultivated landscape. The following guidelines shall be implemented for developing and maintaining irrigation systems.
1. *Irrigation of existing native noninvasive plant communities.* Existing native noninvasive plant communities and ecosystems maintained in a natural state may not require any additional irrigation water.
 2. *Reestablished native noninvasive plant area.* Native noninvasive plant areas that are supplements to an existing plant community or newly installed by the developer may initially require additional water to become established. Where newly planted native noninvasive areas have been installed in soils appropriate to the proposed native system, additional irrigation water after the period of establishment may be necessary.
 3. *Cultivated landscape areas.* Automatic irrigation systems shall be used for the cultivated landscape areas for all properties. Application of water

through a properly maintained and regulated irrigation system can be the most efficient method of watering the landscape.

- i. *Irrigation systems.* When irrigated, cultivated areas shall be irrigated by the use of an automatic irrigation system with controllers set to apply water as noted in this section. Irrigation controllers shall be switched to manual operation during periods of increased rainfall. Rainfall or moisture sensing devices are strongly encouraged to be used to avoid operation of the system during periods of increased rainfall.
 - ii. *Coverage requirements.* In all areas that are to be planted in a cultivated landscape, irrigation systems shall be designed to have 120 percent coverage.
4. *Zoning of irrigation systems.* Wherever feasible, sprinkler heads irrigating lawns or other high water demand landscape areas shall be circuited so that they are on a separate zone or zones from those irrigating trees, shrubbery or other reduced water requirement areas.
- h. *Berm specifications.* All berms shall be landscaped with trees, shrubs, ground cover, grass or hedges. Berms shall be installed subject to approval by the city engineer.
- i. *Prohibited trees.* The following tree species are considered invasive and will overtake other plant habitats. The following tree species are therefore considered unacceptable for use as landscape trees and shall not be planted within the city:
1. Casuarina species (Australian pine tree)
 2. Schinus terebinthifolius (Brazilian pepper tree)
 3. Melaleuca quinquenervia (Melaleuca tree)
 4. Bischofia javanica (Bishopwood)
 5. Rhodomyrtus tomentosa (Downy Rose Myrtle)
 6. Acacia auriculaeformis (Earleaf Acacia)
- j. *Limited use trees and plant materials.* The following trees or plant materials characterized by large fleshy fruit, surface or buttress roots, poisonous properties, or possible interruption of visibility shall not be planted in any parkway area, in any landscaped strip, or buffer adjacent to a public right-of-way. Trees that may cause injurious harm or toxic reactions should also be of limited use.
1. Khaya ryasica (African Mahogany)
 2. Pithecellobium dulce (Apes Earring Tree)
 3. Thuja orientalis (Arbovitae Tree)
 4. *Dyopsis lutesens (Areca Palm)
 5. Persea Americana (Avocado Tree)
 6. Bambusa species (Bamboo)
 7. Adansonia digitata (Baobab)
 8. *Strelitzia nicolai (White Bird of Paradise)
 9. Averrhoa carambola (Carambola)
 10. *Agave and Furcraea species (Century Plant types)
 11. Citrus species (Citrus Trees)

12. Enterolobium cyclocarpa (Ear Pod Tree)
13. Eucalyptus species (Eucalyptus Tree)
14. *Cycas circinalis (Fern Palm)
15. *Caryota mitis (Fishtail Palm)
16. Ceiba pentandra (Kapok Tree)
17. Mangifera indica (Mango Tree)
18. Calophyllum (Mast-wood)
19. Morus species (Mulberry Tree)
20. Chorisia species (Floss Silk Tree)
21. Bombax malabaricum (Red Silk Cotton Tree)
22. Ficus species (Rubber Tree)
23. Hura crepitans (Sandbox Tree)
24. Manilkara zapota (Sapodilla Tree)
25. Kigelia pinnata (Sausage Tree)
26. *Acoelorrhaphe wrightii (Paurotis Palm)
27. *Pandanus utilis (Screw Pine)
28. *Phoenix reclinata (Senegal Date Palm)
29. Yucca aloifolia (Spanish Bayonet)
30. Ravenala madagascariensis (Travelers Tree)
31. Casimiroa edulis (White Sapote Tree)
32. Terminalia species (Wild-Tropical Almond)

* Plant material permitted on private property adjacent to public property or rights-of-way.

- k. *Use of Ficus species.* Ficus species may be planted as individual trees provided that they are no closer than 15 feet of any structure or utility. Ficus species planted within 15 feet of any structure or utility shall be permitted only if they are contained in a planter or maintained as a hedge which is constantly cultivated and does not exceed the height limitations as provided in [section 94-302](#)

(Code 1979, § 33-164; Ord. 3898-05, § 2, 8-29-2005; Ord. No. 4420-12, § 3, 6-11-2012)

Sec. 94-446. - Plant material installation and maintenance.

Plant material shall be installed and maintained as provided in this section.

- (1) *Installation.* Landscaping shall be installed showing skilled workmanship and according to accepted planting procedures. Plant materials shall be located and installed to provide proper growing conditions and good drainage of root systems. Soil in landscaped areas shall be free of debris, including paving base or fill material, and calcareous materials such as shell, lime rock, concrete, plaster, and stucco. Soil in landscaped areas shall consist of sand, peat, muck, and similar materials to produce a plastic and friable state. Such soils shall be at a minimum depth of six inches below the root ball and at least ten inches on all sides of the root ball. Planting areas are to be totally excavated whenever plant materials are installed 24 or less inches apart. Planting areas containing excessive calcareous materials shall be excavated to a minimum depth of two feet. A minimum of three inches of compacted, organic mulch shall be placed around all newly installed trees, shrubs and ground cover planting areas. The use of melaleuca, rather than cypress mulch is encouraged. Mulch

consisting of any exotic invasive species must be certified seed-free by the producer. The planting of shades, flowering or fruit trees shall be installed in a sound workmanship like manner according to accepted and proper planting procedures. All trees shall be properly guyed and staked at the time of planting. Trees shall be restaked in the event of blow-overs or other failure of the staking and guying. All guy wire and staking material should be removed as soon as the tree will stand on it's own but no more than one year after planting. Landscaped areas must be protected from vehicular encroachment by wheel stops, curbs, or similar devices.

- (2) *Maintenance.* Landscaping shall be maintained in good condition, shall present a healthy, neat, and orderly appearance, and shall be free from refuse and debris. All unhealthy or dead material shall be replaced within six months. All landscaped areas, excluding reestablished native noninvasive plant areas and areas of artificial turf installed in accordance with the provisions of [section 94-451](#), shall be provided with a permanent automatic irrigation system.
- a. *Mulching.* In order to preserve soil moisture, at least three inches of compacted, clean, weed free mulch shall be maintained over all appropriate planting areas at all times.
 - b. *Tree trimming.* Standards for trimming shall be performed in accordance with the latest Pruning Standards for Shade Trees published by the National Arborist Association, a copy of which is on file in the planning, zoning and building department. Trees in the swales and parkways shall be trimmed by the adjacent property owner to prevent impedance of interference with traffic or travel on sidewalk, street, or creates a danger to traffic by impeding or obstructing the view of intersections. Trees shall only be trimmed in the following manner:
 1. All cuts shall be clean, flush with the branch collar and made at junctions, laterals or crotches. For overhead utility lines, the drop crotch trimming method shall be followed.
 2. Removal of dead wood, overlapping branches, weak or insignificant branches and suckers shall be done simultaneously with any crown reduction.
 3. Tree topping or hatracking is prohibited. The severe cutting back of limbs to stub larger than three inches in diameter within the tree's crown to such an extent so as to remove the canopy and disfigure the tree shall not be done on any tree. Trees severely damaged by natural causes or under utility wires or other obstructions where other pruning practices are not possible may be exempted from this ordinance at the determination of the planning and zoning administrator or designee.
 - c. *Tree abuse.* Tree abuse shall not be permitted. The following shall be considered tree abuse:
 1. Damage inflicted upon any part of a tree including the root system by machinery, storage materials, excavation and chemical application.
 2. Damage inflicted by cutting a tree which permits infection or pest infestation.
 3. Improper cutting on a tree, permanently reducing the function of the tree, or causing it to go into shock; cutting which destroys the natural shape; hatracking; tears and splitting of limb ends or peeling, stripping of the bark.

4. Girdling a tree with use of wires, weed eaters or mower damage.
 5. Removal of the bark more than one-tenth of the tree.
 6. Improper staking techniques resulting in damage to the tree or the use of nails directly into the trunk.
- d. *Mowing.* Natural grass shall be mowed as required in order to encourage deep root growth and therefore the preservation of irrigation water.
 - e. *Edging.* All roadways, curbs and sidewalks shall be edged when necessary in order to prevent encroachment from the adjacent grassed areas. The use of weed-eaters to trim lawn grasses around a tree will be done so as not to remove bark causing the deterioration and eventual death of the tree.
 - f. *Watering.* Watering of planted areas should be managed so as to maintain healthy flora, make plant material more drought tolerant, avoid excessive turf growth, minimize fungus growth, stimulate deep root growth, minimize leaching of fertilizer, minimize cold damage.
 1. *Watering of plants and trees.* Watering of plants and trees should always be in a sufficient amount to thoroughly soak the root ball of the plant and the surrounding area, there by promoting deep root growth and drought tolerance.
 2. *Operation of automatic irrigation systems.* Operation of automatic irrigation systems should be in accordance with [section 90-93](#)
 3. *Maintenance of irrigation systems.* Irrigation systems shall be constantly maintained to eliminate waste of water due to loss of heads, broken pipes, misadjusted nozzles or other causes.

(Code 1979, § 33-165; Ord. 3898-05, § 2, 8-29-2005; Ord. No. 4420-12, § 3, 6-11-2012)

Sec. 94-447. - Existing native noninvasive plant materials.

- (a) *Consideration of existing native noninvasive plant material.* Healthy native noninvasive plant material existing on a site prior to development or redevelopment may be utilized in meeting the requirements of this section.
- (b) *Preservation of existing native noninvasive plant material.* Existing native noninvasive plant material shall be preserved in accordance with the provisions of this section and subsection [94-448\(e\)\(1\)](#).

(Code 1979, § 33-166)

Sec. 94-448. - Protection of trees and other vegetation.

- (a) *Intent.* The intent of this section is to protect trees and vegetative cover within the limits of the city.
- (b) *Removal of trees from median, parkway, park or city owned property.* No person except the city forester/arborist, or his official designee shall remove any tree from the median, parkway, park or city owned property without first obtaining a permit from the planning and zoning administrator.
- (c) *Application.* The terms and provisions of this section shall apply to real property as follows:
 - (1) All real property upon which any designated specimen or historic tree is located. A tree may be designated a specimen or historic tree by the following criteria:
 - a.

- Historic tree.* A tree may be determined to be of notable historic interest to the city due to its age, type, size, or historic association with the community; and designated as such by the city commission.
- b. *Specimen tree.* A tree may be determined, in the judgment of a professional forester, landscape architect, arborist, horticulturist, or similar expert, to be of high value of the community, because of its type, size, age, or other professional criteria; and designated as such by the city commission.
- (2) All vacant and undeveloped property, and property containing no permanent buildings.
- (3) All property containing permanent structures, excluding property which contains four or fewer dwelling units and upon which no designated specimen or historic tree is located.
- (4) All redeveloped property.
- (d) *Permits required.*
- (1) *Tree alteration permit.* Historic trees, specimen trees, and any other trees or vegetation located on property subject to the provisions of this section shall not be removed, relocated, or replaced unless a tree alteration permit is obtained. Tree alteration permit applications shall be provided by the planning and zoning administrator. The application shall include a written statement that specifies the location of the property, expected use of the property, and reasons for removal, relocation, or replacement. The planning and zoning administrator may require submission of a landscape plan or aerial photograph when a permit is requested.
- (2) *Landscape plan requirements.* When required, a landscape plan or aerial photograph shall contain the following:
- a. Date, north arrow, and graphic scale.
 - b. The location of all existing or proposed structures, improvements, and uses.
 - c. The location of property lines, existing or proposed setback, and yard requirements.
 - d. The location of existing or proposed underground or overhead utility services.
 - e. Location of all proposed trees, shrubs, ground covers, and other landscape materials.
 - f. The common and botanical name, size, and location of all trees and vegetation on the site. A table showing the size and quantity of all proposed landscape materials. A key which identifies all landscape materials shown on the plan. Groups of trees or vegetation in close proximity may be designated as "clumps," with an identification of the predominate species, estimated number, average diameter, and approximate size.
 - g. Tabulation clearly displaying the relevant statistical information necessary for the evaluation of compliance with the provisions of this article. This includes gross acreage or square footage, gross open space, square footage of preservation areas, square footage of paved and landscaped areas, and such other information as the city deems appropriate.
 - h. Phasing of the site including any temporary landscaping.
 - i. Location and width of any proposed dedication of property for public rights-of-way.
 - j. Location and screening of all garbage receptacles.
 - k. Location, dimensions and screening of all proposed satellite dishes.

- l. Delineation of the existing and proposed parking spaces, or other vehicular use areas, access aisles, driveways, terminal islands, interior islands, divider medians and similar features.
 - m. Delineation of irrigation coverage, sensors location and high, medium and low zones of water usage; and details of the cross section of root ball and staking detail.
 - n. Statement that all landscaped areas, excluding those areas with native noninvasive plants, will be provided with permanent, automatic irrigation.
 - o. A tabulation clearly displaying each technique and method proposed to satisfy the Florida friendly landscape point system requirement and its accompanying point allocation.
 - p. If applicable, include a tabulation clearly displaying each design option proposed to satisfy the flexible design option point system and its accompanying point allocation.
 - q. Nature of adjacent land uses.
 - r. Landscape plans, excluding those prepared for single-family dwelling units, must be signed and sealed by persons as authorized by F.S. ch. 481, pt. II (landscape architecture).
- (3) *Removal of trees and shrubs.* A permit to remove trees and vegetation shall not be issued unless one or more of the following conditions exists:
- a. The tree is not a designated historic or specimen tree.
 - b. The tree cannot be relocated on or off the site because of its age, type, or size.
 - c. The trees or shrubs constitute an unreasonable impediment to development of a permitted use of the property by virtue of their location in a buildable area or yard area where structures or improvements are to be placed.
 - d. The trees or shrubs are diseased, injured, in danger of falling, too close to existing or proposed structures, interfere with existing or proposed utility services, create unsafe visual conditions affecting vehicular traffic, conflict with requirements of other ordinances or this chapter, or are a threat to the public health, safety, and welfare.
 - e. The trees that are prohibited trees as specified in subsection [94-445\(4\)i](#).
 - f. The planning and zoning administrator's decision for removal will be in the public interest.
- (4) *Tree relocation and replacement.* The applicant for a tree removal permit shall be required to relocate or replace trees to be removed to allow property use, development, or redevelopment. Relocated trees shall be installed in a sound and skilled manner according to accepted planting practices and shall be in accordance with the following:
- a. If the tree is transplanted, it shall be moved by the property owner in accordance with the National Arborist Association Standards to another location within the city and maintained by the new property owner.
 - b. If a tree on public property is willfully destroyed by anyone except the city forester/arborist, the tree must be substituted with an equivalent replacement that is approved by the forester/arborist or designer on the site from which the destroyed tree was removed.
 - c.

No permit shall be required for the removal of trees that are dead, severely diseased, or destroyed by natural causes. This includes trees that are planted in a certified nursery or botanical garden.

(e) *Tree replacement.*

- (1) *Characteristics.* Replacement trees shall have shade and screening potential equal to or superior to that of the trees they replace at the time of the initial installation.
- (2) *Minimum standards.* All replacement trees shall be equal to or better than Florida Department of Agriculture Number 1 Nursery Grade Standard. All trees replaced or relocated pursuant to this section must be in a healthy, living condition one year from the date of planting. Replacements that are not established, have failed to a degree that survival is not probable, or have died must be replaced with healthy specimens. Such replacements must continue until a tree is established at the approved location.
- (3) *Waivers of replacement standards.* Minimum standards may be waived if the applicant can demonstrate that current market conditions result in a shortage of appropriate replacement trees.

(f) *Tree protection.*

- (1) *Land clearing and construction.* During land altering and construction, protective barriers specified by the planning and zoning administrator shall be erected and maintained around all trees or groups of trees to be protected. The movement of equipment or the storage of equipment, materials, and placement of debris or fill within protective barriers is prohibited.
- (2) *Toxic substances.* During land alteration and construction, the cleaning of equipment or materials and the disposal of waste material such as paint, oil, solvents, asphalt, concrete, or mortar within the dripline of any tree or groups of trees is prohibited. Contaminated earth must be replaced.
- (3) *Attachments and wires.* Attachments or wires, except those of a protective nature, shall not be attached to any tree.
- (4) *Alternate means of protection.* Trees located within portions of a development site where land clearing and construction activities will not occur or where heavy machinery will not operate shall not require protective barriers. Such areas shall be staked and roped, ribboned, or otherwise designated.
- (5) *Removal of dangerous trees.* A tree alteration permit for the removal of a tree determined by competent authority to be in a hazardous or dangerous condition so as to endanger the public health, welfare, or safety, and require immediate removal without delay, may be issued after such tree has been removed.
- (6) *Suspension.* Following an emergency such as a hurricane, tropical storm, tornado, or flood, and other natural causes such as drought conditions and freeze damage, the requirements of this section may be suspended by the planning and zoning administrator for a period of 30 days. Such a suspension shall apply only to trees which have been damaged beyond saving or are a hazard, provided that the planning and zoning administrator is notified of the intended removal at least 24 hours prior to removal.
- (7) *Exemptions.* All licensed plant or tree nurseries and tree farms shall be exempt from the provisions of this section. However, this exemption shall apply only to those trees planted and growing on the premises of the licensee and intended for sale to the general public in the ordinary course of business.
- (8) *Exempt trees.* The following trees and species shall be exempt from the provisions of this section:

- a. Schinus terebinthifolius (Brazilian Pepper Tree)
 - b. Melaleuca leucadendron (Melaleuca)
 - c. Casuarina species (Australian Pine)
 - d. Bischofia javanica (Bishopwood)
 - e. Rodomyrtus tomentosa (Downy Rose Myrtle)
 - f. Acacia auriculaeformis (Earleaf Acacia)
- (9) *Removal and disposal of diseased trees.* Trees which are determined by the planning and zoning administrator to be diseased and to be a potential source for contaminating other trees, or for spreading tree infection or disease, shall be removed and disposed of without undue delay on an emergency basis, as the circumstances may require. The lethal yellowing disease of coconut trees shall be considered an emergency tree infection or disease.
- (10) *Trees on city property.* Trees on city property shall not be removed by any firm, corporation, or individual unless prior approval is granted by the city manager or that official's designee.
- (11) *Removal and disposal of prohibited trees.* Trees which are included as prohibited trees pursuant to subsection [94-445\(4\)](#)i shall be removed and disposed of from the entire site before a certificate of occupancy can be obtained.
- (g) *Penalty for violation of protected trees.* In addition to penalties provided in [section 94-9](#), any person who removes trees in violation of this section shall pay to the city a civil penalty equal to the total value of trees illegally removed or damaged. Value shall be determined by utilizing the current International Society of Arboriculture shade tree value formula. This sum may be recovered in civil action brought by the city. Funds collected pursuant to this section shall be expended for the purchase of trees for replacement on public properties within the city. Replacement of illegally removed trees may be required as restitution in lieu of money. A combination of money and tree replacement may be required.

(Code 1979, § 33-167; Ord. No. 4433-12, § 4, 9-18-2012)

Sec. 94-449. - Land clearing permit.

- (a) *Permit required.* Land clearing, land removing, or land filling activities shall not occur unless a land clearing permit has been issued.
- (b) *Permit application procedures.* Application for a permit required by this section shall be obtained from the planning and zoning administrator. The application shall include a written statement specifying the location of the property and the reasons necessitating the land alteration.
- (c) *Requirement for the alteration permits.* Tree alteration permits shall be approved for the removal or relocation of trees only as provided in [94-448](#)
- (d) *Permit requirements.* A land clearing permit shall not be issued unless one of the following conditions exist:
 - (1) The proposed land clearing, including removal of vegetation and trees, grading, removal and disposal of all prohibited trees, filling, contouring, and similar actions, is necessary to allow the permitted use of property.
 - (2) A tree removal permit, if necessary, has been issued.
 - (3) Appropriate measures, pursuant to this section, have been completed to protect existing native noninvasive trees and vegetation.

(Code 1979, § 33-168)

Sec. 94-450. - Vacant lot and construction site maintenance.

- (a) *Intent.* The intent of this section is to minimize the detrimental health, safety, general welfare and impacts of vacant lots and construction activities on the residents of the City of West Palm Beach; to ensure that each vacant lot and construction site is maintained, and each construction activity is conducted in such a manner so as to avoid unnecessary inconvenience and annoyance to the general public and the occupants of the neighboring properties; and to require maintenance practices that will reduce the amount of sediment and other pollutants leaving construction sites during land development or land disturbing construction activities.
- (b) *Applicability.*
- (1) The regulations contained in this section apply to all vacant lots and land disturbing construction and land development activities on properties within the boundaries and jurisdiction of the City of West Palm Beach.
 - (2) This section applies to all properties within the jurisdiction of the City of West Palm Beach with an active, printed or expired building permit or demolition permit for any land disturbing construction and/or land development activities as defined in this section.
 - (3) All Florida Department of Transportation (FDOT) funded construction is exempt from this section. All FDOT funded or conducted construction activities shall meet the requirements as required by Florida Department of Environmental Protection regulation.
 - (4) All other land disturbing construction and land development activities exempt from local permitting authority are exempt from this section. Land disturbing construction and land development activities performed by the city within city right-of-way or on city property are exempt from this section.
 - (5) The demolition of existing buildings within the Downtown Master Plan Area shall follow the regulations established in subsection [94-102\(1\)](#) of this Code.
 - (6) Where this section and another ordinance conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
- (c) *Definitions.* The following words, terms and phrases when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:
- Erosion.* The detachment and movement of soil, sediment or rock fragments by water, wind, ice, or gravity.
- Erosion control measure.* A practice or combination of practices to control erosion and attendant pollution.
- Irrigation.* The methods of supply and application of water other than natural rainfall to foster plant growth. Methods shall include an automated irrigation system or hand watering.
- Land development activities.* The construction of buildings, roads, parking lots, paved storage areas, demolition of structures, installation of utilities, or other similar facilities.
- Land disturbing construction activities.* Any man-made change of the land surface, including removing vegetative cover, excavating, filling and grading landscaping modifications, and demolition.

Land stabilization. The restoration of a construction site to grade, tilling, planting of sod with provision for irrigation. Land stabilization does not include the removal of structures except temporary construction fences.

Landowner. Any person, firm, corporation or other legal entity who, individually or jointly or severally with others, holds the legal or beneficial title to any building, facilities, equipment or premises subject to the provisions of this chapter. The term shall include the landowner's duly authorized agent, a purchaser, devisee, fiduciary, property holder as any other person, firm, corporation or legal entity having a vested or contingent interest or, in the case of a leased premises, the legal holder of the lease or his legal representative. It is intended that this term shall be construed as applicable to the person, firm, corporation or legal entity responsible for the construction, maintenance and operation of the building, facilities or premises involved.

Seeding. The planting of vegetative cover, such as grasses or legumes, over disturbed areas.

Site. The entire area included in the legal description of the land on which the land disturbing construction or land development activities are proposed in the permit application.

Sodding. The placement of permanent vegetative cover over disturbed areas as a method of permanent stabilization.

Stormwater Pollution Prevention Plan (SWPPP). A plan prepared in accordance with good engineering practices with a written description of the number, location and sizes of control measures designed to reduce pollutants in stormwater discharge associated with construction activity.

Vacant lot. Any parcel of land not containing a structure excluding a fence.

Vertical construction commencement. Approved inspections of tie-beams, columns, or similar vertical construction, as applicable.

(d) *Administration.*

- (1) A stormwater pollution prevention plan (SWPPP) pursuant to the city's stormwater management program shall be submitted along with the application for a building permit or demolition permit for any land disturbing construction or land development activities. It shall be unlawful to perform, or for the landowner of any construction site to allow to be performed, any construction activity prior to: (i) the issuance of a building permit, a demolition permit or a public right-of-way permit; and (ii) the city's approval of the SWPPP.
- (2) The SWPPP shall be subject to the review and approval of the engineering services director or designee. Such review shall be conducted to ensure that the land disturbing construction or land development activities will be conducted in compliance with the Environmental Protection Agency (EPA) Federal Guidelines. The engineering services director or designee will respond and notify if any changes are required to the SWPPP. The SWPPP shall be monitored relating to the field conditions and if the measures are not effective, the SWPPP shall be revised.
- (3) A SWPPP may be modified or amended upon the written approval of the engineering services director or designee.
- (4)

Unless otherwise provide in this section, the construction services director may, after two prior written warnings, revoke any demolition or building permit granted in accordance with this section for violation(s) of this section or any construction site maintenance regulations.

(e) *Maintenance.*

- (1) *Job site.* Contractors, subcontractors and persons holding permits to perform land disturbing construction or land development activities, and the landowners of construction sites shall cause the construction site to be maintained in a neat and orderly condition that is free from any debris, garbage, junk, used or discarded construction materials, trash or any other foreign substance produced as a result of the land disturbing construction or land development activities, other than debris, garbage, junk, trash or other foreign substance deposited into and contained within a trash receptacle or trash dumpster.
- a. In all instances where a building permit has not been issued within three months of the completion or abandonment of land disturbing construction activities, the job site shall, within 30 days after the expiration of such three-month period, be brought to grade, tilled, planted and maintained with ground cover to include sodding or seeding which shall have irrigation. Any temporary construction fence shall also be removed. The construction services director or designee, with input from the planning director or designee, may grant, in writing, an extension to the time frame for the issuance of a building permit, under this paragraph, when the landowner has demonstrated a good faith effort in pursuing the building permit but that circumstances beyond the control of the contractor and/or permittee have occurred.
 - b. All construction waste and debris from new construction or major alteration or repair shall be kept in an enclosed container to minimize debris from littering adjacent properties and public rights-of-way. The permittee, contractor or landowner shall cause such waste or debris to be removed weekly in accordance with [section 74-2](#) of this Code.
 - c. All mud or debris shall be continually removed from the public sidewalks and streets.
 - d. All weeds and grass shall be maintained in accordance with subsection [74-2\(c\)](#) and [section 94-446](#) of this Code.
 - e. Contractors, subcontractors, persons holding permits to perform land disturbing construction and land development activities and the landowners of construction sites shall, at the direction of the engineering services director or designee, either repair, or reimburse the city for its costs incurred to repair, any damage to any public right-of-way that is caused by any construction vehicle involved in the land disturbing construction or land development activities.
 - f. In the event that the demolition permit or building permit expires, all materials and equipment related to the land disturbing construction or land development activities shall be removed from the job site within ten days of the permit expiration date. The job site shall, within 30 days thereafter, be brought to grade, be tilled and planted with ground cover to include sodding or seeding which shall have irrigation. Said ground cover shall be maintained in accordance with subsections [74-2\(c\)](#) and [section 94-446](#) of this Code.

(2)

Temporary construction fences. No temporary construction fence may be erected until a site plan depicting the materials, location and access gates has been approved as part of the fence permit issuance.

- a. Temporary construction fences may not be erected until a demolition permit or building permit for the land disturbing construction or land development activities has been issued, and no more than ten days prior to the commencement of land disturbing construction or land development activities. If land disturbing construction or land development activities do not commence within ten days of fence installation, then, within 15 days of the ten-day period, the fence shall be removed and the site shall be tilled and planted with ground cover to include sodding or seeding which shall have irrigation and shall be maintained in accordance with sections [74-2](#) and [94-446](#) of this Code.
- b. In the event that the demolition permit or building permit expires, all temporary construction fences shall be removed within ten days of the permit expiration date, and within 15 days of removal of the fences, the site shall be brought to grade, tilled and planted with ground cover to include sodding or seeding which shall have irrigation and shall be maintained in accordance with [section 74-2](#) and [94-446](#) of this Code.
- c. Temporary construction fences shall comply with the following requirements:
 1. Temporary construction fences shall be installed in accordance with the Florida Building Code and Occupational Safety and Health Administration (OSHA) standards. Temporary construction fences installed pursuant to this section shall be subject to the visibility at intersections requirements of subsection [94-305\(e\)](#) of this Code.
 2. All temporary construction fencing shall be maintained in a satisfactory manner by the permittee or landowner, during the entire period of the land disturbing construction and land development activities, to ensure adequate performance, to prevent nuisance conditions and to maintain the public health, safety and welfare.
 3. Gates shall be chained and locked with a lock substantial enough to ensure closure and security when workers are not on the job site.
 4. No temporary construction fence may encroach beyond the subject property line. No fence may encroach upon the public right-of-way without obtaining the appropriate public right-of-way permit(s).
 5. Screening details shall be submitted with the temporary construction fence permit application. Wind screening shall be substantial enough to avoid rips or tears due to wind or sun, and shall have no less than 85 percent opacity. Screening shall be maintained in good condition at all times. Screening graphics shall be approved with a permit pursuant to the provisions of [Chapter 94](#), Article 13, sign regulations, of the zoning and land development regulations of this Code.
 6. All wind screening materials shall be removed upon the issuance of a hurricane warning for an area including the city. Screening materials shall be reinstalled not more than ten days after the hurricane threat has ended.
 7. The construction services director or designee may grant the use of a temporary movable construction fence as part of a phased construction or phased demolition permit. Within ten days of the completion of the

phase of construction or demolition, the temporary movable fence shall be removed, and may be replaced by another temporary construction fence meeting the provisions of this section.

- d. The construction services director or designee may grant, in writing, a restriction or extension to the time frames for the erection or removal of temporary construction fences when necessary to maintain the public health, safety and welfare.

(3) *Erosion control measures.*

- a. Applicability. Erosion control measures are required for the following sites of land disturbing construction or land development activities:
 - 1. Sites requiring a filing of plat, involving the construction of or additions to houses, duplexes, condominiums, townhouses, apartments or construction of or additions to commercial, industrial, or institutional buildings.
 - 2. Sites on existing lots of record involving the construction of or additions to houses, duplexes, condominiums, townhouses, apartments or the construction of or additions to commercial, industrial, or institutional buildings.
 - 3. Sites involving grading, removing of protective ground cover or vegetation, excavating, land-filling or other land disturbing activities affecting a surface area of 4,500 square feet or more.
 - 4. Sites involving excavating or land-filling or a combination of excavating and filling affecting 400 cubic yards or more of dirt, sand or other excavation or fill material.
 - 5. Sites involving street, highway, road or bridge construction, enlargement, relocation or reconstruction excluding FDOT construction exempted by subsection [94-450\(b\)\(3\)](#).
 - 6. Those sites involving the laying, repairing, replacing or enlarging of an underground pipe, utility main or similar facility for a distance of 300 feet or more.
- b. All sites for which erosion control measures are required, described in subsection (a) immediately above, shall comply with the city's stormwater management program and shall submit a stormwater pollution prevention plan (SWPPP) for approval by city.
- c. The approved stormwater pollution prevention plan (SWPPP) shall be maintained by the permittee or landowner during the entire period of the land disturbing construction or land development activities on the site in a manner satisfactory to ensure adequate performance in accordance with the SWPPP and to prevent nuisance conditions. All erosion control measures installed in accordance with the SWPPP shall be removed by the permittee or landowner upon completion of all land development or land disturbing construction activities.
- d. In the event that a building permit or demolition permit expires, within 30 days of the permit expiration date, the site shall be brought to grade, tilled and planted with ground cover to include sodding or seeding which shall have irrigation and shall be maintained in accordance with subsections [74-2\(c\)](#) and subsection [94-446](#) of this Code, and upon completion, all measures installed as part of the SWPPP shall be immediately removed.

- (4) *Waiver of erosion control requirements.*
 - a. The engineering services director or designee shall have the authority, on a case-by-case basis, to grant a written waiver of any requirements of the stormwater management program or requirement for an SWPPP for small sites, for land disturbing construction or land development activities covering less than one acre, or individual single-family home sites in a previously platted subdivision or land division.
 - b. Any waiver of the stormwater management program requirements or for an SWPPP does not invalidate any other requirements set forth in this section.
- (f) *Erosion control and land stabilization bonds or deposits.*
 - (1) Erosion control - Contractors, subcontractors and persons applying for a demolition and/or building permit to perform land disturbing construction or land development activities shall post an erosion control bond or deposit for the erosion control measures approved by the stormwater pollution prevention plan (SWPPP), in an amount established by resolution and satisfactory to the city to fully cover the costs associated with compliance with the SWPPP and other necessary erosion control of the site, should the permit expire. An erosion control bond shall not be required for the construction of single-family dwellings, duplexes, accessory apartments, or additions or renovations to an existing single-family dwelling, existing duplex, or existing accessory apartment.
 - (2) Land stabilization - Contractors, subcontractors and persons applying for a demolition and/or building permit to perform land disturbing construction or land development activities shall, in addition to the erosion control bond, post a land stabilization bond or deposit, in an amount established by resolution and satisfactory to the city, to cover the costs associated with land stabilization of the site, should the permit expire. A land stabilization bond shall not be required for the construction of single-family dwellings, duplexes, accessory apartments, or additions or renovations to an existing single-family dwelling, existing duplex, or existing accessory apartment.
 - (3) The erosion control and land stabilization bonds or deposits may be combined and posted together, combined with any performance bonds posted in favor of the city, or posted separately. The erosion control or land stabilization bonds or deposits shall be posted for the entire permitted site or project.
 - (4) Only the following types of bonds or deposits will be accepted: (i) bond issued by a surety company authorized to do business in Florida, (ii) deposit of a cashier check or bank draft of any national bank or state bank, (iii) deposit of a certified check drawn on a financial institution acceptable to the city, as determined by the finance department, (iv) letter of credit drawn on a financial institution acceptable to the city, as determined by the finance department, or (v) deposit of a U.S. postal money order.
 - (5) Upon vertical construction commencement, payment in full of all applicable fees, and compliance with all terms and conditions of any posted bond, the contractor, subcontractor or permit applicant who posted the bond or bonds or deposit may request release of same. The city shall provide the permittee with an approval to release bonds/deposits and the city shall issue a check in the amount of any unused deposit or a release of any bond and release of any other security given for the erosion control and/or land stabilization requirements.
 - (6) This section shall not apply to any federal government entity and shall not apply to any state, regional, county, local or municipal government entity of this state; or any public school, community college or state university.

- (g) *Enforcement; appeals.*
- (1) The construction services director, or designee, or engineering services director, or designee, are authorized to inspect construction sites for compliance with the requirements of this section.
 - (2) Stop-work orders. The construction services director may post a stop-work order for a building permit if any land disturbing construction activities or land development activities regulated under this section are being undertaken in violation of this section. The engineering services director may post a stop-work order if any land disturbing construction activities or land development activities regulated under this section are being undertaken for violations of this section occurring in the right-of-way or related to the SWPPP and erosion control measures.
 - (3) Stop-work order retraction. The construction services director or engineering services director who issued a stop-work order may retract that stop-work order once the violation of this section is cured.
 - (4) Notice of intent. Not less than ten days after the posting a stop-work order as provided above, the engineering services director may issue a written notice to the permittee or landowner of the city's intent to perform work necessary to cure existing violations and comply with this section. Said notice shall be sent certified and regular mail. If, after 14 days from issuance of the notice of intent, the site is not in compliance with the requirements of this section, the city may enter the site and commence all work necessary to comply with this section. The city's costs for the work performed by the city shall be subtracted from the deposit or bond posted with the city and any additional costs shall be billed to the permittee or the landowner. In the event a permittee or landowner fails to pay the amount due to fully reimburse the city, the city shall file a lien against the property for all unreimbursed costs, plus interest and administrative expenses, and may take all available actions to collect the sums due.
 - (5) Compliance with the provisions of this section may also be enforced in accordance with F.S. Ch. 162, or by injunction, uniform citation procedure, code enforcement procedure, fine, lien forfeiture or any other appropriate and available remedy.
 - (6) Decisions of the construction services director may be appealed to the construction board of adjustment and appeals. Decisions of the engineering services director regarding erosion control measures or SWPPP may be appealed to the stormwater utility board.

(Ord. No. 4060-07, § 1, 10-22-2007; Ord. No. 4121-08, § 1, 2-25-2008)

Sec. 94-451. - Artificial turf.

- (a) The use and location of artificial turf shall be limited to the following:
 - (1) The construction of non-city-owned athletic fields and playgrounds associated with a non-city-owned community center, park, school, or university;
 - (2) As part of the construction of any non-residential development; or
 - (3) On roof top terraces.
- (b) Artificial turf proposed under the provision of subsection (a)(1) above shall only be installed upon approval of a class A special use permit, pursuant to the procedures and standards set forth in this chapter.
- (c) In all areas of installation, artificial turf shall be treated as impervious surface area. The quantity of artificial turf to be incorporated into a project shall be limited by the maximum

percentage of impervious surface for the subject property within the applicable zoning district.

- (d) With the exception of those circumstances in which artificial turf is installed pursuant to subsection (a)(1) above, artificial turf shall not be:
- (1) A part of any landscape buffers required by this article;
 - (2) Visible from the public thoroughfare;
 - (3) Installed within permanent drainage features (e.g., ponds, swales);
 - (4) Installed in any residential zoning district.
- (e) *Minimum material standards.* All artificial turf shall comply with the following minimum standards:
- (1) Artificial turf shall consist of green lifelike individual blades of grass that emulate natural turf in look and color and shall have a minimum pile height of 1.5 inches and shall have a minimum tufted weight of 56 ounces per square yard.
 - (2) Where artificial turf is utilized for institutional recreational uses (e.g., playgrounds, athletic fields), the artificial turf product installed shall be designed for the intended use and meet the appropriate additional standards.
 - (3) Artificial turf installations shall have a minimum permeability of 30 inches per hour per square yard.
 - (4) All artificial turf shall have a minimum eight year manufacturer's warranty that protects against color fading and a decrease in pile height.
 - (5) Artificial turf shall be lead free.
 - (6) All materials must include test documentation which declares that the artificial turf yarn and backing materials are disposable under normal conditions, at any US landfill station (Total Content Leach Protocol (TCLP) test).
 - (7) The use of indoor or outdoor plastic or nylon carpeting as a replacement for artificial turf or natural turf shall be prohibited.
- (f) *Installation, maintenance and repair.*
- (1) All artificial turf shall, at a minimum, be installed according to the manufacturer's specifications.
 - (2) All artificial turf installations shall be anchored to ensure that the turf will withstand the effects of wind.
 - (3) All seams shall be nailed and glued, not sewn, and edges shall be trimmed to fit against all regular and irregular edges to resemble a natural look.
 - (4) If artificial turf is planned to be installed immediately adjacent to a seawall, the artificial turf shall be pinned or staked behind the seawall. No artificial turf or installation mechanism shall be attached directly to or placed on a seawall or seawall cap.
 - (5) Proper drainage shall be provided for all artificial turf installations to prevent excess runoff or pooling of water.
 - (6) Artificial turf shall be visually level, with the grain pointing in a single direction.
 - (7) An appropriate solid barrier device (e.g., concrete mow strip, bender board) is required to separate artificial turf from soil and live vegetation.
 - (8) Precautions for installation around existing trees shall be monitored and may be restricted to ensure tree roots are not damaged with the installation of the base material and that the overall health of the tree will not be compromised
 - (9) All artificial turf shall be maintained in a green fadeless condition and shall be maintained free of dirt, mud, stains, weeds, debris, tears, holes, and impressions.

Maintenance shall include, but not be limited to cleaning, brushing, debris removal; repairing of depressions and ruts to maintain a visually-level surface; elimination of any odors, flat or matted areas, weeds, and evasive roots; and all edges of the artificial turf shall not be loose and must be maintained with appropriate edging or stakes.

- (10) All artificial turf must be replaced if it falls into disrepair with fading or holes or loose areas. Replacement and/or repairs shall be done with like for like materials from the same manufacturer and done so in a manner that results in a repair that blends in with the existing artificial turf.
- (g) An owner or applicant shall obtain a duly-authorized building permit from the city's development services department prior to the installation of any artificial turf.

(Ord. No. 4420-12, § 2, 6-11-2012)

Secs. 94-452—94-480. - Reserved.



**City of West Palm Beach
Interlocal Agreement(s)**

related to

MS4 NPDES Permit No. FLS000018-003

RECEIVED
OCT 11 2011

**NPDES THIRD TERM PERMIT
INTERLOCAL AGREEMENT**

Res. No. 185-11

WPB Contract No. 10192

This Interlocal Agreement (the "Agreement") is being entered into by and between **NORTHERN PALM BEACH COUNTY IMPROVEMENT DISTRICT**, 359 Hiatt Drive, Palm Beach Gardens, Florida 33418 (hereinafter referred to as the "Lead Permittee"), and **CITY OF WEST PALM BEACH** (hereinafter referred to as "the Co-Permittee").

WITNESSETH:

WHEREAS, the United States Environmental Protection Agency (hereinafter referred to as "EPA") on the 9th day of December, 1996, issued its National Pollutant Discharge Elimination System ("NPDES") Permit No. FLS000018 (with it and all such subsequent permits being hereinafter referred to as the "MS4 NPDES Permit") to approximately forty (40) governmental entities designated as the Palm Beach County-Municipal Separate Storm Sewer System ("MS4") Permittees (hereinafter referred to jointly as the "Permittees"); and

WHEREAS, EPA has since delegated its regulatory and enforcement authority relating to the MS4 NPDES Permit to the Florida Department of Environmental Protection ("FDEP"); and

WHEREAS, Section 403.0885, Florida Statutes, established the federally approved state NPDES Program; and

WHEREAS, FDEP Rule 62-4.052, F.A.C., implemented an annual regulatory program and also set fees to effect the legislative intent that FDEP's costs for administering the NPDES Permit be borne by the regulated entities; and

WHEREAS, at or before the expiration of each MS4 NPDES Permit, the Permittees must file a re-application to FDEP for renewal of the MS4 NPDES Permit for a subsequent term; and

WHEREAS, the MS4 NPDES Permits granted by FDEP to the Permittees contain separate obligations and responsibilities for each individual Permittee, as well as obligations and responsibilities that may be performed jointly by the Permittees; and

WHEREAS, due to the number of Permittees and the tasks that must be performed pursuant to each MS4 NPDES Permit, it would be more economically and administratively feasible to allocate duties, responsibilities, and costs associated with the MS4 NPDES Permits pursuant to individual interlocal agreements between each Co-Permittee and the Lead Permittee; and

WHEREAS, the Permittees previously established a 7-member Steering Committee comprised of 2 representatives of large municipalities, 2 representatives of smaller municipalities, 1 representative of special districts, 1 representative from Palm Beach County, and the Lead Permittee, which Committee will continue to coordinate the joint activities required under the MS4 NPDES Permit, including but not limited to recommending to the Lead Permittee retention of necessary consultants to execute each MS4 NPDES Permit; and

WHEREAS, the parties hereto are authorized pursuant to Chapter 163, Part I, Florida Statutes, as amended, to enter into this Agreement and do hereby adopt, ratify and confirm the provisions and incorporation herein of Subparagraph (9), Section 163.01, Florida Statutes.

NOW, THEREFORE, in accordance with Chapter 163, Part I, Florida Statutes, as amended, the undersigned parties, for and in consideration of the mutual benefits set forth herein, do hereby enter into this Agreement and represent, covenant, and agree with each other as follows:

**SECTION ONE
REPRESENTATIONS**

1.01. Recitals. The recitals and representations as set forth hereinabove are true and correct to the best of the knowledge of the parties and are incorporated herein by this reference.

**SECTION TWO
DESIGNATION OF PARTIES**

2.01. Lead Permittee. Northern Palm Beach County Improvement District is hereby designated as the Lead Permittee for the purposes of this Agreement and each MS4 NPDES Permit.

2.02. Co-Permittee. The City of West Palm Beach is hereby designated as a Co-Permittee for the purposes of this Agreement and each MS4 NPDES Permit.

**SECTION THREE
TERM OF AGREEMENT**

3.01. Agreement Term. The term of this Agreement begins as of the date it is signed by the last of the parties, and shall continue from year to year, subject to the annual Funding Year (as hereinafter defined) renewal process set forth in following Section 3.03, unless otherwise terminated in accordance with other provisions of this Agreement. The parties to this Agreement shall undertake a mutual review of this Agreement during the final year of the term of each Permit.

3.02. Funding Year. The term "Funding Year" is defined as a fiscal year beginning on October 1 and ending on September 30.

3.03. Renewal. This Agreement shall be automatically renewed as of the beginning date of each Funding Year and continue in full force and effect from Funding Year to Funding Year, unless: (i) a party to this Agreement provides written notice of non-renewal to the other party at least thirty (30) days prior to the end of the then-current Funding Year, or (ii) the Agreement has been previously terminated as provided herein.

SECTION FOUR SCOPE OF WORK AND ALLOCATION OF DUTIES AND OBLIGATIONS

4.01. Allocation of Duties and Obligations

(i) The Lead Permittee shall be responsible for those duties and obligations which are specifically identified and delineated in Exhibit "A" which is attached hereto and incorporated herein (the "Lead Permittee Services"). The Lead Permittee Services may be revised from time to time as required by the MS4 NPDES Permit. Any such revisions shall be agreed to in writing by the Co-Permittee and incorporated into Exhibit "A" and made a part of this Agreement. All revisions to Exhibit "A" shall be attached sequentially to the original Agreement so that all modifications to the Lead Permittee Services that occur over time may be determined.

(ii) The Co-Permittee shall be responsible for such other duties and obligations which are specifically identified as being its individual responsibility in the MS4 NPDES Permit.

4.02. Modifications to MS4 NPDES Permit

In accordance with Section 403.067, Florida Statutes, NPDES permits must be consistent with the requirements of adopted TMDLs. A MS4 NPDES Permit may be reopened and revised during its term to adjust effluent limitations or monitoring requirements should future adopted TMDL, water quality studies, FDEP-approved changes in water quality standards, or other information show a need for a different limitation or monitoring requirement. It is understood and agreed that any other changes, modifications, revisions, or additions to the terms of the MS4 NPDES Permit made subsequent to the Effective Date of this Agreement are expressly excluded from and not a subject of this Agreement unless and until incorporated herein by written agreement of the parties.

SECTION FIVE BUDGET AND FUNDING

5.01. Administrative Procedures. The procedures to be followed by the Lead Permittee regarding the collection, management and disbursement of the Co-Permittee payments are set forth in a resolution titled "Resolution of the Board of Supervisors of Northern Palm Beach County Improvement District Approving the NPDES Steering Committee Administrative Procedures for

Collection, Management and Disbursement of NPDES Interlocal Agreement Funds” (the “Resolution), which was adopted by the Lead Permittee, a copy of which is attached hereto as Exhibit “B.”

Section 2 of the Resolution incorporates by reference the “NDPES Steering Committee Administrative Procedures for Collection, Management and Disbursement of NPDES Interlocal Agreement Funds” (the “Procedures) which are incorporated into this Agreement and are to be followed by the parties to this Agreement.

1 The Resolution and the Procedures may be amended from time to time upon the approval of the NPDES Steering Committee and the Lead Permittee. However, the Co-Permittee shall be given a minimum of 60 days advance written notice of any proposed amendments to the Resolution or the Procedures, and shall be afforded the opportunity to offer comments to the Lead Permittee and/or the NPDES Steering Committee prior to any action being taken on said proposed amendments. Any amendment that is incorporated into this Agreement shall also be agreed to in writing by the Co-Permittee.

5.02. Annual Budget. Since this Agreement is anticipated to be renewed for a number of Funding Years, the parties acknowledge that it is not in their respective best interests to project the potential costs the Lead Permittee may be required to incur for future Funding Years in order to carry out the Lead Permittee Services. Therefore, the parties agree to arrive at a mutually acceptable payment amount on a per Funding Year basis in order to more accurately calculate the amount that will be required to be paid by the Co-Permittee to the Lead Permittee for the provision of Lead Permittee Services during each Funding Year.

5.03. Prior Funding. The parties agree that any surplus funds previously paid by the Co-Permittee to the Lead Permittee pursuant to any prior interlocal agreement it has entered into with the Lead Permittee involving a MS4 NPDES Permit shall be applied to and used for the provision of Lead Permittee Services during the next Funding Year period.

5.04. First Funding Year Payment. In addition to the surplus funds referenced in Section 5.03 above, the parties agree that for the upcoming 2011/2012 Funding Year, the Co-Permittee has paid the Lead Permittee the sum of THIRTY-EIGHT THOUSAND FOUR HUNDRED EIGHTY-ONE AND NO/100 (\$38,481.00) DOLLARS, which sum represents payment of both the Lead Permittee’s Services for the upcoming Funding Year of this Agreement and the ten percent (10%) Reserve Fund Contingency required pursuant to Section 5.05.

5.05. Reserve Contingency. The parties acknowledge that each Funding Year payment will include a ten percent (10%) reserve fund contingency (the “Reserve Fund Contingency”) for unexpected additional costs and expenses incurred in the preparation and implementation of a MS4 NPDES Permit.

5.06. Current Funding. The parties believe that the funding specified in above Section 5.04 will be sufficient to satisfy the current MS4 NPDES Permit requirements for the 2011/2012 Fiscal Year unless unexpected additional costs and expenses of the nature described in following Section 6.03 are incurred.

5.07. Future Funding Year Payments. The parties: (i) acknowledge that on or before January 31, 2011, the Lead Permittee provided a budget to the Steering Committee of the amount the Permittees will each be requested to pay during the next Funding Year, and (ii) agree that all subsequent Funding Year budget estimates will be provided on or about January 31st of each following year. The Lead Permittee and Co-Permittee shall have until July 31st of each year to arrive at a mutually acceptable dollar amount to be paid by the Co-Permittee to the Lead Permittee for the immediately upcoming Funding Year, which shall be paid pursuant to Section Six of this Agreement. If the parties cannot agree upon a mutually acceptable dollar amount by the aforementioned deadline, this Agreement shall be deemed terminated unless otherwise agreed to in writing by and between the parties.

5.08. Final Funding Year of a MS4 NPDES Permit Term. It is assumed that during the last Funding Year of the term of each MS4 NPDES Permit, the Permittees and FDEP will commence to negotiate the provisions of the next MS4 NPDES Permit. As a result, allocation of the Scope of Services that are required to be provided hereunder may be modified. Due to this uncertainty, each party's duties and obligations hereunder, together with the funding process for provision of Lead Permittee Services, will be reexamined during the last Funding Year of the term of each MS4 NPDES Permit.

5.09. Separate Co-Permittee Expenses. In addition to the payments required to be paid by the Co-Permittee to the Lead Permittee pursuant to Sections 5.03 through 5.07, the Co-Permittee shall be responsible for all other costs and expenses relating to its individual duties and obligations under a MS4 NPDES Permit, including, but not limited to: (1) all costs of the Co-Permittee's preparation and submittal of such of its own individual annual report(s) that may be separately required by a MS4 NPDES Permit, (2) costs of all monitoring that may be the Co-Permittee's individual responsibility, (3) costs of gathering, compiling, coordinating, and submitting all necessary data that may be individually required of the Co-Permittee by a MS4 NPDES Permit, and (4) all other costs of carrying out any other individual responsibility of the Co-Permittee according to the requirements of a MS4 NPDES Permit.

SECTION SIX PAYMENT PROCEDURE

The Co-Permittee agrees to pay each of its Funding Year payments as follows:

6.01. First Funding Year. The First Funding Year payment for the current MS4 NPDES Permit Term will be paid in either a single lump sum payment on or before November 15, 2011 or in

1948
The following information is being furnished to you for your information and use only. It is not intended to constitute an offer of insurance or any other financial product. The information is for informational purposes only and is not intended to be used as a basis for any investment decision. The information is subject to change without notice and is not intended to be used as a basis for any investment decision.

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twelve (12) equal monthly installments commencing on October 15, 2011, and thereafter on the 15th day of each subsequent month during the First Funding Year (such payment dates being hereinafter referred to as "Payment Due Date(s)"). In addition, an alternative payment schedule allowing for quarterly payments, pursuant to the Procedures found herein may be utilized by the Co-Permittee, unless and until such time as the Procedures are amended to eliminate said alternate payment schedule. The initial Funding Year for all future MS4 NPDES Permits shall be referred as the First Funding Year.

6.02. Subsequent Funding Year Payments. Once a Funding Year payment amount has been agreed upon, the Co-Permittee may, at its option, pay the entire agreed-upon amount in a single lump sum on or before November 15 of that particular Funding Year, or in twelve (12) equal monthly installments commencing on October 15th of that Funding Year and thereafter on the 15th day of each subsequent month during that Funding Year (such payment dates also being hereinafter referred to as "Payment Due Date(s)"). In addition, an alternative payment schedule allowing for quarterly payments, pursuant to the Procedures found herein may be utilized by the Co-Permittee, unless and until such time as the Procedures are amended to eliminate said alternate payment schedule.

6.03. Additional Costs. Since it is possible that following the parties' agreement as to a particular Funding Year's payment amount, unexpected additional costs and expenses may arise which will need to be paid in order for the Lead Permittee to carry out its Lead Permittee Services for that Funding Year, the parties agree as follows:

(i) If the Lead Permittee determines that unexpected additional costs and expenses must be incurred in order for it to timely provide its Lead Permittee Services, the Lead Permittee shall promptly notify the Co-Permittee, in writing, of the nature and estimated amount of the Co-Permittee's allocable share of these unexpected additional costs and expenses, as well as the Lead Permittee's intent to draw down funds from the Co-Permittee's Reserve Fund Contingency in order to pay said Co-Permittee's allocable share of the unfunded and unexpected additional costs and expenses.

(ii) If the Co-Permittee's allocable share of the unexpected additional costs and expenses exceeds the amount held in the Co-Permittee's Reserve Fund Contingency account, the Lead Permittee shall address the need for such excess amount in the above subparagraph (i) notice to the Co-Permittee. The Lead Permittee and Co-Permittee shall then attempt to negotiate a payment procedure for the unfunded and unexpected additional costs and expenses.

(iii) If the Lead Permittee and Co-Permittee agree as to the need and amount of the unfunded and unexpected additional costs and expenses, their agreement shall be reduced to writing. The agreed upon unfunded and unexpected additional costs and expenses shall be paid either by a lump sum payment within thirty (30) days of their agreement in writing or divided by the remaining months of that particular Funding Year and paid to the Lead Permittee in equal monthly installments for the remainder of the subject Funding Year.

(iv) If the Lead Permittee and Co-Permittee are not able to timely agree as to the need and/or amount of the unfunded and unexpected additional costs and expenses, the Lead Permittee may suspend or terminate this Agreement, at its sole discretion, following the provision of thirty (30) days prior written notice to the Co-Permittee.

6.04. Failure to Pay. Unless otherwise agreed to in writing by and between the parties hereto, if a Funding Year payment or agreed upon unfunded and unexpected additional costs and expenses payment is not timely paid within thirty (30) days of a Payment Due Date, the duties and obligations assumed by the Lead Permittee under the terms of this Agreement may be suspended and/or terminated by the Lead Permittee, at its sole discretion, following the provision of thirty (30) days prior written notice to the Co-Permittee unless cured by the Co-Permittee by payment in full of the omitted payment within said thirty (30) day notice time period.

SECTION SEVEN OPTION TO TERMINATE

7.01. Termination. Either party to this Agreement shall have the right to terminate this Agreement at will and without cause, provided that the party wishing to terminate the Agreement must provide thirty (30) days prior written notice to the other party of said terminating party's decision to terminate this Agreement. Said termination shall not be effective until said thirty (30) day prior notice period has elapsed (the "Termination Date"). In addition to the aforementioned termination rights, the Agreement may be terminated as provided in Sections 5.07, 6.03(iv), and 6.04.

7.02. Effect of Termination. In the event of termination of this Agreement by the Co-Permittee, the Co-Permittee shall thereupon be individually and solely responsible for all requirements of the applicable MS4 NPDES Permit which are designated therein as the individual responsibility of said Co-Permittee. Thereafter, the Lead Permittee and other Permittees shall not be responsible for said terminating Co-Permittee's individual obligations under the applicable MS4 NPDES Permit.

7.03. Costs and Expenses. Irrespective of which party elects to terminate this Agreement or in the event of a failure to pay by the Co-Permittee to the Lead Permittee the amounts due under and pursuant to the terms of this Agreement, the parties agree that any costs and expenses previously incurred or obligated to be paid by the Lead Permittee as of the Termination Date shall still be due and owing and the right to collect said amount(s) shall survive termination of this Agreement.

7.04. Refunds. The parties acknowledge that the Lead Permittee anticipates entering into contracts with one or more consultants or contractors for the provision of services required in order for the Lead Permittee to provide some or all of its Lead Permittee Services. Since the Co-Permittee's payments under this Agreement represent only a portion of what the Lead Permittee will

have to pay its consultants and contractors for their services, the Co-Permittee will not be entitled to receive a refund from the Lead Permittee for any monies that the Co-Permittee has previously paid pursuant to this Agreement unless the Lead Permittee is able to obtain a reduction in its contractual obligations with its consultants or contractors as a result of the termination of this Agreement. In that event, the Lead Permittee shall be obligated to reimburse the Co-Permittee for its allocable share of the amount of such reduction in costs and expenses.

7.05. Documentation and Data. In the event this Agreement is cancelled or terminated, all documentation and data previously collected by the Lead Permittee in accordance with its duties and obligations as assumed herein, shall be made available to the Co-Permittee.

SECTION EIGHT ENFORCEMENT, VIOLATIONS, AND/OR DEFAULT

8.01. Enforcement. The designation herein of the Lead Permittee is not intended nor shall it be construed as authorizing, granting or permitting the Lead Permittee to accept or assume any powers of enforcement of the applicable MS4 NPDES Permit as to the other party.

8.02. Violations. Neither party to this Agreement shall be deemed to have assumed any liability for any negligent or wrongful acts or omissions of the other party, and in no event shall any of the provisions of this Agreement be construed as a waiver by either party of its sovereign immunity rights or of the liability limits established in Section 768.28, Florida Statutes.

8.03. Dispute Resolution Process. Any dispute or conflict between the parties that arises from any of the terms or conditions of this Agreement, including any exhibits thereto, shall be presented in writing by the complaining party to the other party. The parties' representatives shall then meet to discuss the disputed issues and attempt in good faith to resolve the dispute or conflict prior to either party initiating the intergovernmental conflict resolution process per Ch. 164, F.S., or litigation or any other formal dispute resolution process.

SECTION NINE MISCELLANEOUS PROVISIONS

9.01. Notices. All notices, requests, consents and other communications required or permitted under this Agreement shall be in writing and shall be (as elected by the person giving such notice) hand delivered by prepaid express overnight courier or messenger service, telecommunicated (including telex, facsimile, telegraphic, or electronic mail (e-mail) communication) with confirmation of receipt, or mailed by registered or certified mail (postage prepaid), return receipt requested, to the following addresses:

As to Lead Permittee: Northern Palm Beach County Improvement District
 359 Hiatt Drive

Palm Beach Gardens, Florida 33418
Attn: Executive Director
Phone: (561) 624-7830
Fax: (561) 624-7839

With a copy to:

Betsy S. Burden, Esq.
Caldwell Pacetti Edwards Schoech & Viator LLP
One Clearlake Centre
250 South Australian Avenue, Suite 600
West Palm Beach, Florida 33401
Phone: (561) 655-0620
Fax: (561) 655-3775

As to Co-Permittee:

City of West Palm Beach
P. O. Box 3366
401 Clematis Street
West Palm Beach, FL 33402-3366
Attn: City Administrator
Phone: 561-822-1400
Fax:

9.02. Entire Agreement. This Agreement represents the entire understanding and agreement between the parties with respect to the subject matter hereof.

9.03. Construction. The preparation of this Agreement is considered a joint effort of the parties and accordingly this Agreement shall not be construed more severely against one of the parties than the other.

9.04. Discrimination. The Lead Permittee and the Co-Permittee agree that no person shall on the grounds of race, color, sex, national origin, disability, religion, ancestry, marital status or sexual orientation be excluded from the benefits of or be subjected to any form of discrimination under any activity carried out by the performance of this Agreement.

9.05. Binding Effect. All of the terms and provisions of this Agreement, whether so expressed or not, shall be binding upon, inure to the benefit of, and be enforceable by the parties and their respective legal representatives, successors, and permitted assigns.

9.06. Assignability. The responsibility for carrying out any task assumed by a party to this Agreement, but not the obligation to pay, may be assigned by the party upon receipt of written approval from the other party, which approval shall not be unreasonably withheld.

9.07. Severability. If any part of this Agreement is contrary to, prohibited by or deemed

11/15/1954

Dear Mr. ...

I am ...

I am ...

I am ...

I am ...

I am ...

I am ...

Very truly yours,

[Signature]

[Title]

[Address]

[City]

[State]

[Zip]

[Phone]

invalid under applicable law or regulation, such provision shall be inapplicable and deemed omitted to the extent so contrary, prohibited or invalid, but the remainder hereof shall not be invalidated thereby and shall be given full force and effect so far as possible, unless the prohibited or invalid provision reduces the payment obligations of the Co-Permittee, in which event this Agreement may be thereupon terminated by the Lead Permittee.

9.08. Governing Law and Venue. This Agreement and all transactions contemplated by this Agreement shall be governed by, and construed and enforced in accordance with, the internal laws of the State of Florida without regard to any contrary conflicts of laws principle. Venue of all proceedings in connection herewith shall be exclusively in the Fifteenth Judicial Circuit in and for Palm Beach County, Florida, and each party hereby waives whatever their respective rights may have been in the selection of venue.

9.09. Headings. The headings contained in this Agreement are for convenience of reference only, and shall not limit or otherwise affect in any way the meaning or interpretation of this Agreement.

9.10. Remedies. The failure of any party to insist on a strict performance of any of the terms and conditions hereof shall be deemed a waiver of the rights or remedies that the party may have regarding that specific instance only, and shall not be deemed a waiver of any subsequent breach or default in any terms and conditions.

9.11. NPDES Permit. If there is any inconsistency between the terms of this Agreement and the applicable MS4 NPDES Permit, then the applicable MS4 NPDES Permit shall preempt, supersede, and control the provisions of this Agreement.

9.12. Counterparts. This Agreement may be executed in one or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

9.13. Clerk of Court. A copy of this Agreement shall be filed with the Clerk of the Circuit Court of the Fifteenth Judicial Circuit, in and for Palm Beach County, Florida.

9.14. Termination of Prior Agreements. All previous interlocal agreements entered into between the parties to this Agreement regarding the application or execution of a MS4 NPDES Permit shall terminate as of the Effective Date of this Agreement.


9.15. Effective Date. This Agreement shall be effective as of the date it is filed with the Clerk of the Circuit Court of the Fifteenth Judicial Circuit, in and for Palm Beach County, Florida.

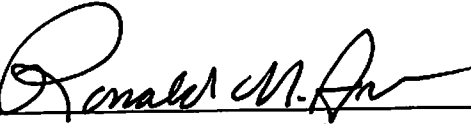
IN WITNESS WHEREOF, the parties have set their hand and seals the day and year hereafter written.

EXECUTED by Lead Permittee this 24th day of August, 2011.

ATTEST:

**NORTHERN PALM BEACH COUNTY
IMPROVEMENT DISTRICT**

By: 
Secretary

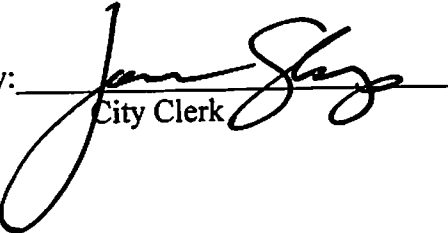
By: 
Print: Ronald M. Ash, President
Title: NPBCID Board of Supervisors

[DISTRICT SEAL]


EXECUTED by Co-Permittee this 25th day of July, 2011.

ATTEST:

CITY OF WEST PALM BEACH

By: 
City Clerk

By: 
Geraldine Muoio, Mayor

CITY ATTORNEY'S OFFICE
Approved as to form and legality
By: 

Last printed 7-13-11

EXHIBIT "A"

LEAD PERMITTEE RESPONSIBILITIES

The responsibilities of the Lead Permittee as to the implementation and execution of the MS4 NPDES Permit No. FLS000018 are generally as follows:

- I. The timely preparation, coordination, and execution of interlocal agreements necessary to establish and implement the joint activities required by the Permit.
- II. The timely preparation, coordination, and submittal to FDEP each year during the term of this Agreement, of an annual report describing the activities carried out jointly to fulfill requirements in the permit.
- III. The timely preparation, coordination, and distribution of standardized forms and guidance documents as approved by NPDES Steering Committee to assist permittees in carrying out the terms of the MS4 NPDES Permit.
- IV. The timely preparation, coordination, and execution of a countywide public education and outreach program required by Part III.A.6, Part III.A.7.e. and Part III.A.7.f. as approved by the NPDES Steering Committee.
- V. The timely preparation and coordination of training materials to fulfill the requirements of Part III.A.6, Part III.A.7.c, Part III.A.7.d., Part III.A.9.b, and Part III.A.9.c of the MS4 NPDES permit, as approved by the NPDES Steering Committee.
- VI. The timely preparation, coordination, and submittal to FDEP of major watershed pollutant load estimates required by Part V.A. of the MS4 NPDES Permit.
- VII. The timely preparation, coordination, and execution of a monitoring program required by Part V.B. of the MS4 NPDES Permit.
- VIII. The timely coordination, assessment, monitoring, and execution of activities associated with FDEP's Total Maximum Daily Load (TMDL Program) as required by Part VIII.
- IX. The preparation and coordination of all MS4 NPDES Steering Committee workshops and meetings.
- X. The timely remittance of all necessary permit fees to FDEP, subject to the timely and sufficient collection of same for all other permittees.

The Lead Permittee Services described herein may be revised from time to time as required by each MS4 NPDES Permit, as agreed to in writing between the MS4 NPDES Steering Committee and Northern Palm Beach County Improvement District, which revisions shall be incorporated herein and made a part of this agreement.

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EXHIBIT "B"

**RESOLUTION NO. 2011-04
RESOLUTION OF THE BOARD OF SUPERVISORS OF
NORTHERN PALM BEACH COUNTY IMPROVEMENT DISTRICT
APPROVING THE NPDES STEERING COMMITTEE ADMINISTRATIVE
PROCEDURES FOR COLLECTION, MANAGEMENT AND DISBURSEMENT
OF NPDES INTERLOCAL AGREEMENT FUNDS.**

WHEREAS, NORTHERN PALM BEACH COUNTY IMPROVEMENT DISTRICT ("Northern") is an independent special district duly organized and validly existing under the Constitution and the Laws of the State of Florida, including applicable provisions of Chapter 298, Florida Statutes, and Chapter 59-994, Laws of Florida, as amended and/or supplemented; and

WHEREAS, the United States Environmental Protection Agency issued its National Pollutant Discharge Elimination System Permit No. FLS000018 (the "MS4 NPDES Permit") which is applicable to a number of governmental entities located in Palm Beach County, including Northern; and

WHEREAS, the Co-Permittees who make up the governmental bodies subject to the NPDES Permit have nominated and appointed Northern as the "Lead Permittee" for the purposes of assisting all Co-Permittees in the collection of general data required to be collected pursuant to the MS4 NPDES Permit and submission of reports to the Florida Department of Environmental Protection and the United States Environmental Protection Agency; and

WHEREAS, the Lead Permittee, Northern, is entering into separate Interlocal or Joint Participation Agreements with each of the Co-Permittees, which Agreements set forth the parties' respective duties and obligations regarding fulfillment of the terms and conditions of the MS4 NPDES Permit; and

WHEREAS, a seven member NPDES Steering Committee has been selected by the Co-Permittees, which Steering Committee is comprised of two (2) representatives of large municipalities, two (2) representatives of smaller municipalities, one (1) representative of special districts, one (1) representative for Palm Beach County, and the Lead Permittee; and

WHEREAS, on January 19, 2011 the NPDES Steering Committee, in order to provide a level of accountability and fiscal control for the benefit of all NPDES Co-Permittees as it relates to the Interlocal and/or Joint Participation Agreements being entered into between Northern and each Co-Permittee, adopted Administrative Procedures for the collection, management and disbursement of NPDES Interlocal Agreement Funds, a true and correct copy of which is attached hereto and identified as the NPDES Steering Committee Administrative Procedures; and

WHEREAS, Northern has been requested to adopt and comply with the aforementioned NPDES Steering Committee Administrative Procedures for purposes of

administering the funds to be paid to it pursuant to each NPDES Interlocal or Joint Participation Agreement.

NOW, THEREFORE, be it resolved by the Board of Supervisors of Northern Palm Beach County Improvement District as follows:

1. Northern Palm Beach County Improvement District does hereby adopt and agree to comply with the terms and conditions of the NPDES Steering Committee Administrative Procedures.
2. That Northern Palm Beach County Improvement District does hereby incorporate by reference the NPDES Steering Committee Administrative Procedures into each NPDES Interlocal and/or Joint Participation Agreement that it enters into with a Committee.
3. All resolutions or parts of resolutions in conflict herewith are hereby repealed.
4. This resolution shall take effect immediately upon its adoption.

THIS RESOLUTION PASSED AND WAS ADOPTED THE 23RD DAY OF FEBRUARY, 2011.

(DISTRICT SEAL)

NORTHERN PALM BEACH COUNTY
IMPROVEMENT DISTRICT

ATTEST:


O'Neal Bardin, Jr., Secretary

BY:


Ronald M. Ash, President

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**NPDES STEERING COMMITTEE ADMINISTRATIVE PROCEDURES
FOR COLLECTION, MANAGEMENT AND DISBURSEMENT
OF NPDES INTERLOCAL AGREEMENT FUNDS**

The NPDES Steering Committee (which is comprised of two (2) representatives of large municipalities, two (2) representatives of smaller municipalities, one (1) representative of special districts, one (1) representative for Palm Beach County, and the Lead Permittee), has adopted the following administrative procedures in order to provide a level of accountability and fiscal control for the benefit of the NPDES Co-Permittees.

The administrative procedures adopted by the Steering Committee are as follows:

1. Alternative NPDES Interlocal Agreement Payment Schedules. In addition to the two (2) payment options set forth in Paragraphs 6.01 and 6.02 of the NPDES Interlocal Agreement, a Co-Permittee shall also be entitled to elect to pay the annual Funding Year payments on an equal quarterly installment basis. If this additional payment option is selected by a Co-Permittee, the quarterly payments for the First Funding Year are required to be paid on or before October 1, 2010, January 1, 2011, April 1, 2011 and July 1, 2011, with all future Funding Year quarterly payments to be paid in accordance with the same quarterly payment schedule.

NPBCID will be issuing one (1) invoice to each Co-Permittee for its annual Funding Year payment amount, following which the Co-Permittee shall then have thirty (30) days from the date of receipt of the invoice within which to select one of the three (3) payment options and to make its initial payment in accordance with the option so selected.

2. Income and Disbursement Accounting Documentation.

(A) A quarterly income and disbursement report shall be prepared by NPBCID. The report shall be delivered to the Steering Committee within forty-five (45) days following the end of each Funding Year quarter and thereafter distributed by the Steering Committee to the representative(s) of each Co-Permittee as identified in the NPDES Interlocal Agreements.

(B) The quarterly income and disbursement report shall be prepared by NPBCID in accordance with the format set forth in attached Attachment "A."

3. Budget Accounting Documentation. A quarterly budget accounting report shall be prepared by NPBCID. The report shall be delivered to the Steering Committee within forty-five (45) days following the end of each Funding Year quarter and thereafter distributed by the Steering Committee to the representative(s) of each Co-Permittee as identified in the NPDES Interlocal Agreement.

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NO COPY SENT TO THE OFFICE OF THE ATTORNEY GENERAL

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4. Reserve Fund Contingency Expenditures. Prior to any expenditures by NPBCID of funds contained in the Reserve Fund Contingency account identified in the NPDES Interlocal Agreement, NPBCID shall be required to subject its request to the Steering Committee members and receive approval from a super-majority of at least five (5) of the Steering Committee members.

5. Unexpected Additional Costs and Expenses. Prior to NPBCID incurring an obligation that will require a Co-Permittee to pay unexpected additional costs and expenses exceeding the amount held in the Reserve Fund Contingency, NPBCID shall be required to submit to the Steering Committee the nature of the event and the amount of the unexpected additional cost and expense. Upon receipt of such notification, the Steering Committee shall present the matter to the Co-Permittees at the next regularly scheduled Steering Committee NPDES meeting (unless it is an emergency matter in which event a special meeting will be promptly scheduled and notice given to all Co-Permittees) for consideration and vote by those representatives of the Co-Permittees present at the meeting. An affirmative vote by a simple majority (i.e., over fifty percent) of those representatives of the Co-Permittees present at the meeting (with only one (1) representative of each Co-Permittee being entitled to vote on the matter at issue) will be required before NPBCID is authorized to incur the subject unexpected additional costs and expenses.

6. NPDES Interlocal Agreement Budget Adoption Process. All future NPDES Interlocal Agreement Funding Year budgets shall be adopted in accordance with the following procedure:

(A) On or before January 31st of each Funding Year, NPBCID shall prepare and present to the Steering Committee a proposed budget for the next Funding Year.

(B) The Steering Committee shall consider the proposed next Funding Year budget at a regular Steering Committee meeting and open the matter to discussion by those Co-Permittee representatives present and attending the meeting.

(C) Adoption of the next Funding Year's budget shall require the approval of a super-majority of at least five (5) members of the Steering Committee.

(D) As a part of the Steering Committee's consideration of the next Funding Year's budget and calculation of each Co-Permittee's allocable share and responsibility for the funding of the budget, the Steering Committee may consider the application of any existing surplus funds as a credit towards each Co-Permittee's allocable funding shares. "Surplus funds" for the purpose of this administrative guideline may include unexpended and unencumbered present Funding Year funds or Reserve Fund Contingency amounts, plus accrued interest thereon, if any.

(E) The Steering Committee shall also be responsible for approving, by a simple majority of those Steering Committee members in attendance (provided there is a quorum) at a Steering Committee meeting, line item budget transfers.

APPROVED AND ADOPTED THIS 19TH DAY OF JANUARY, 2011.

ATTACHMENT "A"

**NPDES QUARTERLY INCOME AND DISBURSEMENT REPORT
FISCAL YEAR _____
FOR PERIOD _____ TO _____**

| | | |
|---|--------------------------|--------------------------|
| <u>CASH ON HAND</u> (date) | | <u>XXX.XXX.XX</u> |
| REVENUE: _____ TO _____ | | |
| AGREEMENT FEES | <u>XXX.XXX.XX</u> | |
| <u>TOTAL REVENUES</u> | <u>XXX.XXX.XX</u> | <u>XXX.XXX.XX</u> |
| TOTAL CASH AND REVENUES AVAIL FOR EXPENDITURES | | <u>XXX.XXX.XX</u> |
| EXPENDITURES PAID DURING _____ TO _____ | | |
| ENGINEERING | X.XX | |
| OTHER PROFESSIONAL FEES | X.XX | |
| MISCELLANEOUS EXPENSES | X.XX | |
| GOVERNMENTAL REGISTRATION FEES | X.XX | |
| LEGAL | <u>X.XX</u> | |
| <u>TOTAL EXPENDITURES</u> | <u>X.XX</u> | <u>X.XX</u> |
| <u>FUND BALANCE AT</u> (date) | | <u>XXX.XXX.XX</u> |
| RESERVE FOR CONTINGENCIES | | <u>-XX.XXX.XX</u> |
| <u>UNRESERVED FUND BALANCE</u> | | <u>XXX.XXX.XX</u> |



Summary Report

**Land Development Regulations and Municipal Code Review
for Opportunities to Reduce the Water Quality Impacts of Stormwater Runoff
Resulting from Development or Significant Redevelopment Activities**

2012

Background

The 3rd Term MS4 NPDES Permit for Palm Beach County permittees requires that each permittee do the following:

Conduct an inter-departmental review of the permittee's current local codes and land development regulations to identify potential changes to existing codes or regulations that will further reduce the stormwater impact of new development and areas of significant redevelopment. In particular, focus on changes to the code that will promote:

- reductions in impervious surfaces,
- the use of swales,
- the incorporation of low impact development principles,
- reduction in flow and volume of stormwater,
- increase in natural hydrology, and
- adherence to the principles of the Florida Yards and Neighborhoods program in new landscaping.

LDR and Code Sections Reviewed

| Chapter | Title |
|------------|---|
| Chapter 2 | Administration |
| Chapter 14 | Animals |
| Chapter 18 | Buildings and Building Regulations |
| Chapter 26 | Code Enforcement |
| Chapter 34 | Environment |
| Chapter 54 | Offenses |
| Chapter 58 | Parks and Recreational Facilities |
| Chapter 74 | Solid Waste |
| Chapter 78 | Streets, Sidewalks, and Public Places |
| Chapter 90 | Utilities |
| Chapter 94 | Zoning and Land Development Regulations |

In general, the City's land development regulations already promote the objectives stated above. Nonetheless, the code review resulted in some minor recommended changes that may allow the City to more consistently carry out its Stormwater Management Program for compliance with its MS4 NPDES permit.

Recommendations Summary

The following changes to the **Code of Ordinances of West Palm Beach, Florida** are proposed:

Part II – *Code of Ordinances*

Chapter 2 – *Administration*

Article III. (Boards, Committees and Commissions)

Division 3 (Sustainability Advisory Committee)

Consider adding a goal of promoting the reduction of pollutants in storm water runoff and re-use of storm water

Chapter 14 – *Animals*

Article I. (In General): Consider adding a Section related to picking up after domestic animals for health AND water quality (environmental) reasons.

Chapter 26 – *Code Enforcement*

Article III. (Citation Procedure)

Sec. 26-66 (Code Provisions Subject to Penalties in Section 26.65): Consider adding stormwater utility violations to list of violations subject to penalties.

{Section 94-450.(g) allows the construction services director or engineering services director (should be engineering and public works director) to issue stop work orders. The city may enter the property to cure the violation and recover costs from bond or permittee or landowner.}

Chapter 34 – *Environment*

Article III. (Construction Activities): Consider adding Section specifying requirement to keep storm water runoff from construction areas from leaving the construction site.

Chapter 78 – *Streets, Sidewalks and Public Places*

Article IV. (Parkways and Swales)

Section 78-93 (Alteration of Swale Grade): Consider adding penalties for violation of this item.

Section 78-94 (Restrictions on Plantings)

(a) & (c): Consider re-writing these two items to allow for the planting of small vegetation that has a water quality benefit within the swale area. Require that it not obstruct safe road use.

Chapter 94 – *Zoning and Land Development Regulations*

Article II. (Organization, Administration and Enforcement)

Section 94-36 (Special Use Review)

(f)(2)g.: Delete the words “especially potable water and sanitary sewers” which seems to diminish the importance of surface and stormwater connections.

Article XI. (Subdivision Design Standards and Specifications)

Section 94-343 (Minimum Street Paving and Specifications)

(a): Consider eliminating the requirement that “all streets shall be bordered on all edges by concrete vertical curbs or headers.” This appears to discourage the use of swales for roadway runoff management.

Article XII. (Protection of Natural Resources)

Section 94-375 (Wetlands)

(a): Consider updating to correct out-of-date references (e.g. “state department of environmental regulation,” F.A.C. ch. 17-312, F.A.C. ch. 17-321, SFWMD BOR Appendix 7). Also consider reference to the U.S. Army Corps of Engineers requirements related to wetlands.

Section 94-378 (Shoreline Management)

(a) (Docks, Marinas, etc.)

(1): Consider updating to correct out-of-date references (e.g., “state department of environmental regulation”)

Article XIV. (Landscaping, Land Clearing, Tree Protection, and Artificial Turf)

Section 94-442 (Open Space landscape Requirements)

(b): Consider adding language that encourages the use of Florida Friendly landscape.

(c): Are the trees mentioned (Royal palm, Areca palm, Paurotis palm, Senegal Date palm native or desirable trees?

(d): What about recommending the use of drought tolerant ground cover instead of grass/sod in public rights-of-way?

Section 94-443 (Nonresidential and Multifamily Screening and Buffering Requirements): Consider encouraging Florida Friendly landscaping in this Section.

Section 94-444 (Miscellaneous Open Space Standards): Consider encouraging Florida Friendly landscaping in this Section.

Section 94-445 (Plant Material Standards and Specifications): Consider encouraging Florida Friendly landscaping plant selection in this Section.

(4) (Required Plan Material Specifications)

k.: Consider banning ficus outside of containers. This plant has been known to destroy underground utilities.

Section 94-446 (Plant Material Installation and Maintenance)

(2) (Maintenance): Instead of requiring a “permanent irrigation automatic irrigation system,” consider allowing/encouraging the planting of native species that don’t require a permanent irrigation system.

d. (Mowing): Consider adding the requirement, suggestion or encouragement to leave grass clipping on the cut grass to act as natural fertilizer. Prohibit the blowing of grass clippings into roadways, driveways, sidewalks, or public spaces, or anywhere where the clippings could be blown or transported into the stormwater system or nearby waterways.

e. (*Edging*): Consider adding the requirement, suggestion or encouragement to leave grass clipping on the cut grass to act as natural fertilizer. Prohibit the blowing of trimmings into roadways, driveways, sidewalks, or public spaces, or anywhere where the trimmings could be blown or transported into the stormwater system or nearby waterways.

Section 94-449 (*Land Clearing Permit*): Consider adding language that specifies requirement for erosion and sedimentation control on-site of any land clearing activity. Discharge of water- or wind-borne sediment occurring as a result of the land clearing is strictly prohibited.

Section 94-450 (*Vacant Lot and Construction Site Maintenance*): Consider splitting this section into separate sections for each of the subject matters (there is little in common between vacant lots and construction sites and almost no subsequent mention of vacant lot requirements).

(a) (*Intent*): Consider “beefing up” this section by elaborating on the detriments of allowing sedimentation to be discharged offsite...the environmental consequence of the pollution, the increased maintenance cost to the City (i.e., taxpayers), etc.

(b) (*Applicability*)

(3): Consider deleting this exemption. FDOT projects within the City limits should still be required to follow City requirements pertaining to construction site erosion and sedimentation control; specifically because violation of such requirements could result in discharge to the City’s MS4 (municipal separate stormwater system) whereby the City becomes responsible for the pollution.

(4): Consider deleting this exemption. Any land-disturbing project within the City limits should be required to follow City requirements pertaining to construction site erosion and sedimentation control; specifically because violation of such requirements could result in discharge to the City’s MS4 whereby the City becomes responsible for the pollution.

(d) (*Administration*)

(1): Consider revising the language to eliminate the act of the City approving the SWPPP. The City’s approval may be construed as an indication that as long as the approved SWPPP is followed, the permittee is protected from being noticed for any violation. The City may require submittal of and may review the SWPPP, but it is suggested that “approval” be withheld. The permittee should be required to meet the intent of not discharging any pollutant offsite by following the SWPPP or any modification thereof, as is necessary to meet that intent.

(2): Consider revising the language in this item so that the engineering services director or designee ensures compliance by conducting site inspections, not by reviewing the SWPPP. The City may not want to take on the responsibility of advising the site operator of what his/her means and methods should be, but rather should just require that they comply with the intent of not discharging any pollutant offsite.

(3): Consider revising the language to require the submittal of any necessary changes to the SWPPP so that it achieves its objective.

(e) (*Maintenance*)

(1) (*Job Site*)

c.: This requirement implies that it’s okay for mud or debris to continually be reaching public sidewalks and streets. Mud or debris reaching the sidewalk or street (especially continually) is a

clear indication of a violation of the requirement to prohibit the discharge of these pollutants offsite. Consider deleting or rewording this item.

(3) (Erosion Control Measures)

a.: Consider making the applicability ALL land disturbing sites. Even single-family home sites should not be allowed to conduct activities in a manner that results in erosion or sedimentation leaving the site and entering the City's MS4 or a nearby water way.

b.: Consider revising the language to eliminate the act of the City approving the SWPPP. The City's approval may be construed as an indication that as long as the approved SWPPP is followed, the permittee is protected from being noticed for any violation. The City may require submittal of and may review the SWPPP, but it is suggested that "approval" be withheld. The permittee should be required to meet the intent of not discharging any pollutant offsite by following the SWPPP or any modification thereof, as is necessary to meet that intent.

(4) (Waiver of Erosion Control Requirements): Consider revising this section. The requirement for a SWPPP could be waived but not the requirements to prevent sediment from leaving a construction site.

Article XVII. (Flood Prevention and Control)

Section 94-546 (Provisions for Flood Hazard Reduction)

(a)(2): Consider prohibiting the placement of on-site waste disposal systems within an area of special flood hazard.

Article XIX. (Definitions)

Section 94-611 (Definitions): Consider adding the following –

Municipal Separate Storm Sewer System (MS4) means the City-owned and maintained stormwater management system components, collectively

National Pollutant Discharge Elimination System (NPDES) means the federal program to regulate the discharge of pollutants into waters of the United States