

## ARTICLE IX. - STORMWATER DISCHARGE REGULATIONS<sup>7</sup>

Footnotes:

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**Editor's note**— Ord. No. 4118, § 1, adopted Oct. 26, 1993, amended the Code by the addition of a new article which provisions have been included herein at the discretion of the editor as Art. IX, §§ 17-251—17-258.

**Cross reference**— Stormwater management, § 17-225.

Sec. 17-251. - Title.

This article shall be known as the "City of Boca Raton Initial Stormwater Control Ordinance" and may be so cited.

(Ord. No. 4118, § 1, 10-26-93)

Sec. 17-252. - Purpose and intent.

The purpose of this article is to promote the health, safety and general welfare of the inhabitants of the City of Boca Raton. This article is intended to comply with federal and state law, and regulations regarding water quality.

(Ord. No. 4118, § 1, 10-26-93)

Sec. 17-253. - Definitions.

- (1) "Authorized official" shall mean any employee or agent of the city authorized, in writing, by the city manager, or his/her designee, to administer or enforce the provisions of this article.
- (2) "Discharge" shall mean any direct or indirect entry of any solid, liquid or gaseous matter.
- (3) "Person" shall mean any natural individual, corporation, partnership, institution or other entity.
- (4) "Site of industrial activity" shall mean any area or facility used for manufacturing, processing or raw materials storage, as defined under 40 CFR Section 122.26(a)(14) of regulations of the U.S. Environmental Protection Agency, as amended.
- (5) "Stormwater" shall mean any stormwater runoff, and surface runoff and drainage.
- (6) "Stormwater system" shall mean the system of conveyances used for collecting, storing and transporting stormwater owned by the city, but not including any facilities intended to be used in accordance with applicable law for collecting and transporting sanitary or other wastewater.

(Ord. No. 4118, § 1, 10-26-93)

Sec. 17-254. - Industrial activity.

The following regulations shall pertain to industrial activity within the city:

- (1) General prohibitions. Any discharge into the stormwater system in violation of any federal, state, county, municipal or other law, rule, regulation or permit is prohibited.

- (2) Specific prohibitions. By the adoption of industrial activity stormwater regulations or by the issuance of industrial activity stormwater permits, or both, the city manager, or his/her designee, may impose reasonable limitation as to the quality of stormwater, including, without limitation, the designation of maximum levels of pollutants, discharged into the stormwater system from sites of industrial activity. Any promulgation of such regulations and the issuance of permits by the city manager, or his/her designee, shall be in accordance with applicable law.
- (3) Administrative orders. The city manager, or his/her designee, may issue an order to any person to immediately cease any discharge determined by the city manager, or his/her designee, to be in violation of any provision of this article, or in violation of any regulation or permit issued hereunder.
- (4) NPDES permits. Any person who holds a National Pollutant Discharge Elimination System (NPDES) permit shall provide a copy of such permit to the city manager, or his/her designee, no later than the later of 60 calendar days after the effective date of this article or 60 days after issuance.

(Ord. No. 4118, § 1, 10-26-93)

Sec. 17-255. - Illicit discharges.

The following regulations shall pertain to illicit discharges into the stormwater system within the city:

- (1) General prohibitions. Except as set forth in paragraph (3) hereunder, or as in accordance with a valid NPDES permit, any discharge to the stormwater system that is not composed entirely of stormwater is prohibited.
- (2) Specific prohibitions. Any discharge to the stormwater system containing any sewage, industrial waste or other waste materials, or containing any materials in violation of federal, state, county, municipal or other laws, rules, regulations, order or permits is prohibited.
- (3) Authorized exceptions. Unless the city manager, or his/her designee, determined that it is not properly managed or otherwise is not acceptable, the following discharges are exempt from the general prohibition set forth in subsection (1) of this section: Flows from fire fighting; water line flushing and other contributions from potable water sources; landscape irrigation and lawn watering; irrigation water, diverted stream flows; rising groundwater; direct infiltration to the stormwater system; uncontaminated pumped groundwater; foundation and footing drains; water from crawl space pumps; air conditioning condensation; springs; individual residential car washing; flows from riparian habitats and wetlands; and dechlorinated swimming pool contributions.
- (4) Illicit connections. No person may maintain, use or establish any direct or indirect connection to the stormwater system that results in any discharge in violation of this 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.
- (5) Administrative orders. The city manager, or his/her designee, may issue an order to any person to immediately cease any discharge or any connection to the stormwater system determined by the city manager, or his/her designee, to be in violation of any provision of this article, or in violation of any regulation or permit issued hereunder.

(Ord. No. 4118, § 1, 10-26-93)

Sec. 17-256. - Spills and dumping.

The following regulations shall pertain to spills and dumping into the stormwater system within the city:

- (1) General prohibitions. Except as set forth under subsection (3) of section 17-255 of this article or as in accordance with a valid NPDES permit, any discharge to the stormwater system that is not composed entirely of stormwater is prohibited.
- (2) Specific prohibitions. Any discharge into the stormwater system containing any sewage, industrial waste or other waste materials, or containing any materials in violation of federal, state, county, municipal or other laws, rules, regulations, order or permits is prohibited.
- (3) Notification of spills. As soon as any person has knowledge of any discharge to the stormwater system in violation of this article, such person shall immediately notify the city manager, or his/her designee, and if such person is directly or indirectly responsible for such discharge, then such person shall also take immediate action to ensure the containment and clean up of such discharge, and shall confirm such telephone notification in writing to the city manager, or his/her designee, within 3 calendar days.
- (4) Administrative orders. The city manager, or his/her designee, may issue an order to any person to immediately cease any discharge or connection to the stormwater system determined to be in violation of any provision of this article, or in violation of any regulation or permit issued hereunder.

(Ord. No. 4118, § 1, 10-26-93)

Sec. 17-257. - Enforcement.

The following regulations shall pertain to enforcement of discharges into the stormwater system within the city:

- (1) Injunctive relief. Any violation of any provision of this article, or of any regulation or order issued hereunder, shall be subject to injunctive relief if necessary to protect the public health, safety or general welfare.
- (2) Continuing violation. A person shall be deemed guilty of a separate violation for each and every day during any continuing violation of any provision of this article, or of any regulation or permit issued hereunder.
- (3) Enforcement actions. The city manager, or his/her designee, may take all actions necessary, including the issuance of notices of violation, the filing of court actions and/or referral of the matter to require and enforce compliance with the provisions of this article, and with any regulation or permit issued hereunder.

(Ord. No. 4118, § 1, 10-26-93)

Sec. 17-258. - Inspections and monitoring.

The following regulations shall pertain to inspections and monitoring of discharges into the stormwater system within the city:

- (1) Authority for inspections. Whenever it is necessary to make an inspection to enforce any of the provisions of this article, or regulation or permit issued hereunder, or whenever an authorized official has reasonable cause to believe there exists any condition constituting a violation of any of the provisions of this article, or regulation or permit issued hereunder, any authorized official may enter any property, building or facility at any reasonable time to inspect same, or to perform any duty related to enforcement of the provisions of this article, or any regulation or permit issued hereunder, provided that:
  - (a) If such property, building or facility is occupied, such authorized official shall first present proper credentials and request permission to enter; and

- (b) If such property, building or facility is unoccupied, such authorized official shall make a reasonable effort to locate the owner or other person having charge or control of the property, building or facility, and shall request permission to enter.

Any request for permission to enter made hereunder shall state that the owner or person in control has the right to refuse entry, and that in such event that entry is refused, the authorized official may enter to make an inspection only upon the issuance of a search warrant by a duly authorized magistrate. If the owner or person in control refuses permission to enter after such a request has been made, the authorized official is hereby authorized to seek assistance from any court of competent jurisdiction in obtaining entry. Routine or area-wide inspections shall be based upon such reasonable selection processes as may be necessary to carry out the purpose of this article, including, but not limited to, random sampling and sampling in areas with evidence of stormwater contamination, non-stormwater discharges or similar factors.

- (2) Authority for monitoring and sampling. Any authorized official may establish on any property such devices as are necessary to conduct sampling or metering of discharges to the stormwater system. During any inspections made to enforce the provisions of this ordinance, or any regulation or permit issued hereunder, any authorized official may take any samples deemed necessary.
- (3) Requirement for monitoring. The city manager, or his/her designee, may require any person engaging in any activity or owning any property, building or facility, including, but not limited to, a site of industrial activity, to undertake such reasonable monitoring of any discharge(s) to the stormwater system and to furnish periodic reports.

(Ord. No. 4118, § 1, 10-26-93)