

ARTICLE XVI. - STORMWATER MANAGEMENT

Sec. 1. - Short title, purpose, intent, application.

- A. *Short title.* This ordinance may be referred to as the "Stormwater Management Ordinance."
- B. *Purpose.* This ordinance addresses stormwater management in order to protect, maintain, and enhance the health, safety, and general welfare of the citizens of the Town of Glen Ridge. This ordinance has the following objectives:
 - 1. Implement those policies and objectives found in the drainage element of the town's comprehensive plan;
 - 2. Reduce the pollutant loads in stormwater runoff entering the C-51 Canal, its tributaries, watershed, and other water bodies;
 - 3. Protect, restore, and maintain the chemical, physical, and biological quality of the ground and surface waters;
 - 4. Protect, restore, and maintain the natural habitats of fish and wildlife;
 - 5. Minimize loss of valuable topsoils by erosion and prevent sedimentation of the C-51 Canal and its tributaries;
 - 6. To direct individuals, business organizations, and governments to community activities which improve and not adversely affect water resources;
 - 7. Encourage the construction of drainage systems which aesthetically and functionally approximate the natural systems;
 - 8. Reduce damage from flooding, while recognizing that natural fluctuations in water levels, both daily and seasonal, are beneficial;
 - 9. Reduce capital expenditures for flood protection, while reducing the destruction of private and public property in the event of floods;
 - 10. Increase stormwater infiltration, settling of suspended solids and removal of pollutants from runoff prior to discharge into surface waters;
 - 11. Minimize adverse impacts of development on the water resources of the region;
 - 12. Ensure the attainment of these objectives by requiring approval and implementation of stormwater management plans;

13. Prevent the lowering of existing water table elevations to the detriment of these other stated objectives.
- C. *Intent* It is the intent of this ordinance to protect surface water, groundwater, and other natural resources by ensuring that stormwater runoff peak discharge rate, volumes, and pollutant loadings are no greater after development than before, and that precautions are taken to prevent erosion, sedimentation, flooding, and water pollution.
- D. *Application*. This ordinance shall apply to all developments in the total incorporated area of Glen Ridge.

(Ord No. 90- § 1(1), 6-6-1990)

Sec. 2. - Definitions.

- A. *Applicant* means a person applying for a stormwater management permit to proceed with a project.
- B. *Aquifer* means an underground formation permeable enough to transmit, store, or yield quantities of salt or fresh water.
- C. *As-built plans* means the amended site plans specifying the locations, dimensions, elevations, capacities and capabilities of structures or facilities as they have been constructed. As-built must be signed and sealed by a certified civil engineer or registered land surveyor.
- D. *Best management practice* means a practice or combination of practices that are the most effective, practical means of preventing or reducing the amount of pollution generated by the project to a level compatible with Florida water quality standards found in chapter 17-3, Florida Administrative Code.
- E. *Clearing* means the removal of vegetation from a substantial part of the land but shall not include mowing of grass.
- F. *Construction* means any on-site activity which will result in the change of natural drainage patterns and will result in the creation of a new stormwater discharge facility.
- G. *Control elevation* means the lowest elevation at which water can be released through the discharge structure.
- H. *Control structure* means the element of a stormwater discharge structure which allows the gradual release of water under controlled conditions.

- I. *Detention* means the delay of stormwater runoff prior to discharge into receiving waters. Discharge from the facility is gradual and controlled over time.
- J. *Development or development activity* means:
 - 1. The construction, installation, demolition or removal of a structure, impervious surface, or drainage facility; or
 - 2. Clearing, scraping, grubbing, killing or otherwise removing the vegetation from a site; or
 - 3. Adding, removing, exposing, excavating, leveling, grading, digging, furrowing, dumping, piling, dredging, or otherwise significantly disturbing soil, mud, sand or rock of a site.
- K. *Direct discharge* means discharge of stormwater through a control structure to the receiving water body.
- L. *Discharge* means the outflow of water from a project, site, aquifer, drainage basin, or facility.
- M. *Discharge point* means the approved point, location or structure where stormwater runoff discharges from a storm sewer or drainage system to a receiving conveyance facility or body of water.
- [N. *Reserved*]
- O. *Discharge rate* means the volume of fluid per unit time leaving a site.
- P. *Discharge structure* means a structural device through or over which water is discharged from a stormwater management system.
- Q. *Drainage* means the removal or conveyance of water from an area.
- R. *Dry detention* means the delay of stormwater runoff prior to discharge into receiving waters by a structure, with the bottom elevation of the water storage area at least one foot above the wet season water table.
- S. *Dry retention* means a water storage area with the bottom elevation at least one foot above the water table elevation which prevents direct discharge to receiving waters.
- T. *Duration* means the period of time from beginning of a rainfall event to the end of a rainfall event.
- U. *Enforcement officer* means the building official.
- V. *Erosion* means the wearing or washing away of soil by the action of wind or water.

- W. *Event* means the specific storm which is, or is to be, considered in the design of a stormwater management system.
- X. *Existing* means the average condition at the project site immediately before development or redevelopment begins.
- Y. *Fill* means soil, consolidated or unconsolidated material, deposited on land or in water.
- Z. *Flood or flooding* means a general and temporary condition of partial or complete inundation of normally dry land areas resulting from the overflow of tidal waters or the unusual and rapid accumulation of stormwater runoff or surface waters.
- AA. *Groundwater* means water beneath the surface of the ground whether or not flowing through known and definite channels.
- BB. *Ground water(normal high)* means the highest anticipated free surface of the groundwater table under normal rainfall conditions for any given year.
- CC. *Hydrograph* means a graph of discharge versus time for a selected outfall point or drainage way.
- DD. *Hydroperiod* means the cyclical changes (daily or seasonal) in the amount or stage of water in a wetland or deepwater habitat.
- EE. *Impervious surface* means a surface which has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water. It includes most conventionally surfaced streets, roofs, sidewalks, parking lots, and other similar surfaces.
- FF. *Indirect discharge* means discharge of stormwater from a non-specific source.
- GG. *Land* means the earth that lies above mean high tide for land subject to tidal inundation and mean high water for freshwater bodies of water.
- HH. *Maintenance* means the action taken to restore or preserve the functional intent of any facility or system; normal custodial work needed to sustain original plans or permits.
- II. *Natural system* means the biological and physical components of the undeveloped land and water which predominantly consist of or use those communities of plants, animals, bacteria, and other life systems which naturally occur on the land, in the soil or in the water.
- JJ. *Operational entity* means an acceptable, legally bound, responsible entity which agrees to operate and maintain the stormwater management system.

- KK. *Person* means an individual, firm, corporation, government agency, business trust, estate trust, partnership, association, two or more persons having a joint or common interest, or any other legal entity.
- LL. *Pervious pavement* is a material which, when placed, has the same or greater permeability as the soil in predevelopment condition.
- MM. *Predevelopment condition for stormwater runoff* means topography, vegetation, rate, volume, direction and pollution load of surface or groundwater flow existing prior to development.
- NN. *Project* means the structures and improvements to a site proposed by an applicant on a land area which may be part of a common plan of development and shall include the subdivision of land.
- OO. *Project initiation* means all acts antecedent to actual construction activities and includes, but is not limited to, permit application and plan development.
- PP. *Rate* means volume per unit of time.
- QQ. *Recharge* means putting water back into an aquifer either by artificial means or naturally by rainfall and infiltration.
- RR. *Retention* means the prevention of stormwater runoff from leaving the project site and discharging into receiving waters.
- SS. *Retrofitting* refers to improving the quality of urban stormwater runoff to whatever degree is achievable. The improvement can include the modification of existing, or the addition of new, structures or stormwater management practices, or changes in activities or land uses.
- TT. *Sediments* means solid material, whether mineral or organic, that is in suspension, is being transported, or has moved from its site or origin by air, water, or gravity.
- UU. *Sediment facility* means any structure or area which is designed to hold runoff water until suspended sediments have settled.
- VV. *Site plan* means the plan which shows the means by which the developer will conform with the applicable ordinances.
- WW. *Spreader swale* means a swale positioned parallel and adjacent to the receiving water body which allows for indirect discharge of stormwater which is in excess of the retained or detained volume.
- XX. *Storage capacity* means the volume of water impounded by the structure below the emergency spillway crest and above the wet season water table.

- YY. *Stormwater management plan* means the detailed analysis which describes how the proposed stormwater management system for the development has been planned, designed, and will be constructed and operated to meet the requirements of this ordinance.
- ZZ. *Stormwater management system* means the designed features of the property which collect, convey, channel, hold, inhibit or divert the movement of storm water.
- AAA. *Stormwater or runoff* means the flow of water which results from, and which occurs during and immediately following, a rainfall event.
- BBB. *Structure* means anything constructed, installed, or portable, the use of which requires a location on a parcel of land. It includes movable buildings which can be used for housing, business, commercial, agricultural, or office purposes, either temporarily or permanently. "Structure" also includes roads, walkways, paths, fences, swimming pools, tennis courts, poles, pipelines, transmissions lines, tracks, signs, cisterns, sewage treatment plants, sheds, docks, mooring areas, offshore swimming platforms, and other accessory construction.
- CCC. *Subdivision* means the division of a tract or parcel of land into two or more tracts or parcels.
- DDD. *Subsurface drain or underdrain* means a conduit, such as perforated pipe, installed beneath the ground surface and which collects and/or conveys water by gravity to an outfall.
- EEE. *Swale* means a natural or man-made drainage pathway, with a bottom elevation one foot above the wet season water table, which only contains contiguous areas of standing or flowing water following the occurrence of rainfall or flooding; and is planted with vegetation suitable for soil stabilization, surface water treatment, and nutrient uptake.
- FFF. *Vegetation* means all plant growth, especially trees, shrubs, vines, ferns, mosses, and grasses.
- GGG. *Vegetated buffer strip* means areas retained in their natural state or replanted along the banks of watercourses, water bodies, or wetlands. The width of the buffer should be sufficient to prevent erosion, trap the sediment in overland runoff provide access to the water body and allow for periodic flooding without damage to structures.

HHH. *Volume* means occupied space and is measured in cubic units.

III. *Water body* means any natural or artificial pond, lake, reservoir, or other area which ordinarily containing water, and which has a discernable shoreline.

JJJ. *Watercourse* means any natural or artificial stream, creek, slough, channel, ditch, canal, waterway, gully, ravine, or wash in which water flows in a definite direction, either continuously or intermittently, and which has a definite, physical or vegetatively distinct channel, bed, or banks.

KKK. *Water detention facility* is a stormwater management facility which provides for the delaying of stormwater runoff.

LLL. *Water retention facility* is a stormwater management facility which prevents direct discharge into receiving waters.

MMM. *Water table* is the boundary between the zone of saturation and the zone of aeration. The water table varies with such factors as tides, amount of rainfall, and evapotranspiration.

NNN. *Wet detention* means a delay of stormwater runoff from direct discharge into receiving waters in a structure with a bottom elevation below the water table with treatment by biological, chemical, and physical processes.

OO. *Wet season water table* means the level of groundwater during the time of year when the greatest amount of rainfall normally occurs. By implication, dry season water table is the level of groundwater at the time of year when the smallest amount of rainfall occurs.

(Ord. No. 90-3, § 1(2) 6-6-1990)

Sec. 3. - Relationship to comprehensive plan, other stormwater management requirements, status of previous approvals, interpretation, prohibitions.

A. *Relationship to comprehensive plan.* This article implements objective 5, policy 5.6 of the conservation element of the town's comprehensive plan which states that the town's land development code is to protect and conserve the natural functions of existing soils, fisheries, floodplains and marine habitats through the regulation of development and redevelopment activities.

B. *Relationship to other stormwater management requirements.* In addition to meeting the requirements of this ordinance, the design and performance of all stormwater management systems shall comply with the South Florida Water Management District standards for stormwater retention/detention as contained in the most recent edition of Volume IV, "Management and Storage of

- C. Surface Waters,” of the Permit Information Manual of the South Florida Water Management District (chapter 17-25.090 F.A.C., and chapter 40E-4).
- D. *Status of previous approvals.* Projects with unexpired development plans approved prior to the effective date of this Ordinance must meet only the stormwater management requirements in effect on the date the development plan was approved.
- E. Interpretation. In the interpretation and application of this ordinance all provisions shall be: (1) considered as minimum requirements; (2) liberally construed in favor of the purposes and goals of the town; and (3) deemed neither to limit nor repeal any other lawful regulatory powers of the town.
- F. *Prohibitions.*

No person may subdivide or make any changes in the use of land or construct or reconstruct a structure or change the size of the structure, except as hereinafter provided in section 4 without first obtaining a permit from the town as provided herein.

For the purposes of this ordinance, the following activities may alter or disrupt existing stormwater runoff patterns, and as such, will, unless exempt pursuant to section hereof, require a permit prior to the initiation of any project:

1. Clearing and/or drainage of land;
2. Subdividing land;
3. Replatting recorded subdivisions and development of recorded and unrecorded subdivisions;
4. Changing the use of land and/or the construction of a structure or a change in the size of one or more structures;
5. Altering shoreline or banks of any surface water body;
6. Altering of any ditches, terraces, berms, swales, or other water management facility;
7. Increasing the impervious area of any tract, lot or parcel of land;
8. Removal of earth or moving of earth on a parcel;
9. Permanent (long period) lowering of water table;

Sec. 4. - Exemptions.

The following activities shall be exempt from the permitting requirements of this ordinance:

- A. Maintenance which will not change the design peak discharge rate, volume, or pollution load of stormwater runoff, the storage capacity or the erosion from the site on which that structure is located.
- B. Single-family homes built on individual lots which are part of a larger subdivision which has an approved stormwater management system.
- C. Any development within a subdivision if each of the following conditions have been met:
 - 1. Stormwater management provisions for the subdivision were previously approved by the regulatory agencies and remains valid as part of a final plat;
 - 2. The development is conducted in complete and total accordance with the stormwater management provisions submitted with the final plat;
 - 3. Emergency exemption:
 - a. This ordinance shall not be construed to prevent the doing of any act otherwise lawful and necessary to prevent material harm to or destruction of real or personal property as a result of a present emergency, including but limited to fire, infestation by pests, or hazards resulting from violent storms or hurricanes or when property is in eminent peril and the necessity of obtaining a permit is impractical and would cause undue hardship in the protection of the property.
 - b. A report of any such emergency action shall be made to the building official by the owner or person in control of the property upon which emergency action was taken as soon as practicable, but not more than ten days following such action. Remedial action may be required by the building official subject to appeal to the town commission in the event of a dispute.

Sec. 5. - Stormwater management requirements

A. *Methodologies.* Computations should consider the duration, frequency, and intensity of rainfall, wet season water table, antecedent moisture conditions, upper soil zone and surface storage, time of concentration, tailwater conditions, changes in land use or land cover, and any changes in topography and hydraulic characteristics. Large systems should be divided into sub-basins according to artificial or natural drainage divides to allow for more accurate hydraulic simulations. Examples of acceptable methodologies for computation of runoff are as follows:

1. Santa Barbara Urban Hydrograph Method.
2. Soil Conservation Service Curve Number and Unit Hydrograph (TR-20 and TR- 55).
3. U.S. Army Corps of Engineers HEC-1 Computer Program.
4. Other hydrograph methods approved by the South Florida Water Management District.

B. *Rainfall intensity.* In determining peak discharge rates, intensity of rainfall values shall be obtained through a statistical analysis of historical long-term rainfall data

or from sources or methods generally accepted as good engineering practice.

Examples of acceptable sources include:

1. USDA Soil Conservation Service, "Rainfall Frequency Atlas of Alabama, Florida, Georgia, and South Carolina for Duration from 30 Minutes to 24 Hours and Return Periods from 1 to 100 Years" January 1978; Gainesville, Florida.
2. U.S. Weather Bureau Technical Paper No. 49.
3. U.S. Weather Bureau Technical Paper No. 40.

C. *Water quantity requirements.* All stormwater management systems will be evaluated on the ability of the system to prevent flooding of on-site structures, adjacent property, roads, rights-of-way, and to prevent impacts on the watershed basin and natural systems.

1. *Peak discharge.*

The post-development peak rate of discharge must not exceed the pre-development peak rate of discharge. The 25-year/24-hour and the five-year/24-hour storm shall be used in determining rate of peak discharge.

For aggregate discharge where multiple off-site discharges are designed to occur, the total post-development peak discharge shall not exceed the pre-development peak discharge for the combined discharges rather than for each individual discharge.

2. *Volume.*

The post-development volume of direct runoff must not exceed the pre-development volume of direct runoff. This can be accomplished through retention with percolation or, if the soil conditions are not sufficient for percolation, then through retention for a duration sufficient to mitigate adverse impacts on the receiving waters. In determining the volume of direct runoff, 96-hour duration storm is to be used.

3. *Floodplain stage and conveyance.* Floodway and floodplain, and levels of flood flows or velocities of adjacent streams, impoundments or other water courses must not be altered so as to adversely impact the off-site storage or conveyance capabilities of the water resources.

- a. A stormwater management system or development shall not cause a net reduction in flood storage capacity within the 25-year floodplain or floodplain bank.
- b. A stormwater management system or development shall not cause a reduction in the flood conveyance capabilities provided by the floodway.

D. *Water quality requirements.* All stormwater management systems will be evaluated based on the ability of the system to prevent degradation¹ of receiving waters, prevent adverse impacts on the site's natural systems, the efficiency of the system to remove pollutants and the ability of the system to conform to State water quality standards, as set forth in chapters 17-3 and 17-4, F.A.C. The following criteria are based on the principle that the first flush of runoff contains the majority of the pollutants and that the pollutant removal efficiencies differ with the type of retained or detained is dependent on the method of stormwater management and land use.

1. *Retention and/or detention requirements.* Retention and/or detention in the overall system, including swales, lakes, canals, greenways, etc., shall be provided for the "first flush" removal of pollutants with one of the two following criteria or equivalent combinations thereof:
 - a. Detention volume shall be the first inch of runoff generated from the developed project, or the total runoff of 2.5 inches times the percentage of imperviousness, whichever is greater.
 - b. Retention volume shall be provided equal to 50 percent of the above amounts computed for detention. Properties designed to accommodate only one single family unit, unless exempt under section 4, provided it is not part of a large common plan of development or sale, shall provide a volume of on-site treatment equivalent to one-half inch of depth over the entire site or lot. Prior to issuance of a building permit, a stormwater permit must be approved by the building official.

E. *Design standards.* To comply with the foregoing performance standards, the proposed stormwater management system shall conform to the following design standards:

1. Detention and retention systems shall be designed in conformance with the Stormwater management manual.
2. Erosion and sediment control best management practices shall be used as necessary during construction to retain sediment on-site. These management practices shall be designed by an engineer or other competent professional experienced in the fields of soil conservation or sediment control according to specific site conditions and shall be shown or noted on the plans of the stormwater management system. The engineer or designer shall furnish the contractor with information pertaining to the construction, operation and maintenance of the erosion and sediment control practices.
3. Runoff from roads, parking lots, roofs, and other impervious areas shall be directed to retention areas, detention devices, filtering and cleansing devices, and are subject to some type of best management practice prior to discharge from the project site.

4. Configurations which create stagnant water conditions such as hydraulically dead-end canals are to be avoided, regardless of the type of development.
5. The proposed stormwater management system shall be designed to accommodate the stormwater that originates within the development and stormwater that flows onto or across the development from adjacent lands.
6. The proposed stormwater management system shall be designed to function properly for as long as the system generating stormwater is functioning.
7. The design and construction of the proposed stormwater management system shall be certified as meeting the requirements of this ordinance by a professional civil engineer, registered in the State of Florida.
8. No surface water may be channeled or directed into a sanitary sewer.
9. The proposed stormwater management system shall be compatible with the drainage systems or drainage ways on surrounding properties or streets, taking into account the possibility that substandard systems may be improved in the future. The following mechanisms should be investigated: master drainage plan for watershed sub-basins, coordinated planned improvements with appropriate agencies and landowners, or cooperative retrofitting programs.
10. The banks of retention and retention areas should be sloped 4:1 (horizontal: vertical) to two feet below the controlled water level to accommodate, and should be planted with, appropriate native vegetation.
11. Dredging, clearing of vegetation, deepening, widening, straightening, stabilizing or otherwise altering natural surface waters should be the minimized in the overall drainage plan.
12. Natural surface waters shall not be used as sediment traps during or after development.
13. Water reuse and conservation shall, to the maximum extent practicable, be achieved by incorporating the stormwater management system into irrigation systems serving the development.
14. Native vegetation buffers of sufficient width to prevent erosion shall be retained or created along the shores, banks or edges of all natural or manmade surface waters.

15. Construction methods and materials used shall meet the minimum criteria as established in the town's building code.

F. Stormwater management information to be submitted.

1. *General requirements.* A development plan or application for stormwater permit shall contain sufficient information to allow the building official to determine whether the development plan meets the requirements of this ordinance. The information may be in the form of construction plans, maps, graphs, charts, tables, photographs, and narrative descriptions, explanations and citations to supporting references, as appropriate.
2. *Specific requirements.* The following information shall be submitted as part of the development plan or application for stormwater permit, as the case may be:
 - a. A recent (taken not more than three years before the day of application) aerial photograph encompassing the project area and total land areas. The scale shall be no more than one-inch equals 2,000 feet.
 - b. A topographic map of the site clearly showing the location, identification, and elevation of benchmarks, including at least one benchmark for each major water control structure. Unless otherwise approved by the building official, the minimum contour interval of the topography map shall be two feet.
 - c. A detailed overall project area map showing existing hydrography and runoff patterns, and the size, location, topography, and land use of any off-site areas that drain onto, through, or from the project area.
 - d. A current land use map.
 - e. A soils map of the site (existing U.S. Soil Conservation Service maps are acceptable).
 - f. Specify the seasonal high water-table and low-water table elevations.
 - g. A map of vegetative cover.
 - h. A map showing the location of all soil borings or percolation tests. Percolation tests representative of design conditions shall be performed if the stormwater management system will use swales, percolation (retention), or exfiltration (detention with filtration) designs.

- i. Grading plans specifically including perimeter grading.
- j. Paving, road and building plan showing the location, dimensions, and specifications of roads and buildings (including elevations).
- k. An erosion and sedimentation control plan that describes the type and location of control measures, the stage of development at which they will be put into place or used, and maintenance provisions.
- l. The description, assumptions, and calculations of the proposed stormwater management system, including:
 - (1) Channel, direction, flow rate, and volume of stormwater inputs, outputs and routing through and from the site, with a comparison to natural or existing conditions.
 - (2) Detention and retention areas, including plans for the discharge of contained waters, maintenance plans, and predictions of surface water quality changes.
 - (3) Areas of the site to be used or reserved for percolation including an assessment of the impact on groundwater quality.
 - (4) Location of all water bodies to be included in the surface water management system (natural and artificial) with details of hydrography, side slopes, depths, and water surface elevations and hydrographs.
 - (5) Any off-site easements required for the proper functioning of the system.
 - (6) Drainage basin or watershed boundaries and show where off-site waters are routed onto, through, or around the project.
 - (7) Right-of-ways and easements for the system including locations and a statement of the nature of the reservation of all areas to be reserved as part of the stormwater management system.
 - (8) The location of off-site water resource facilities such as works, surface water management systems, wells, or well fields, that might be affected by the proposed project, showing the names and addresses of the owners of the facilities.

- (9) The entity or agency responsible for the operation and maintenance of the stormwater management system.

(Ord No. 90-3, § 1(5) 6-6-1990)

Sec. 6. - Introduction to manual of stormwater management practices.

Best management practices described in the manual of stormwater management practices shall be used for the guidance of persons preparing stormwater management plans, and designing, operating and maintaining stormwater management facilities. The manual shall be the primary implementation tool for this ordinance and shall be updated periodically to reflect the most current and effective practices.

The manual shall establish minimum specifications for the design and construction of stormwater management facilities. The manual shall include guidance in the selection of environmentally sound practices for the management of stormwater and the control of erosion and sediment. Specific technique, and practices shall be described in detail with particular attention given to the development and use of techniques that emphasize the use of natural systems.

Adherence to this ordinance shall be based on the guidelines outlined in the manual.

(Ord. No, 90-3, § 1(6), 6-6-1990)

Sec. 7. - Maintenance and inspection.

- A. *Dedication.* If a stormwater management system approved under this ordinance will function as an integral part of any municipal or county-maintained regional system, as determined by the building official, the facilities should be dedicated to that entity.

- B. *Maintenance by an approved entity.*

1. *Acceptable responsible entities.*

An acceptable responsible entity which agrees to operate and maintain the surface water management system will be identified in the permit application. The entity must be provided with sufficient ownership so that it has control over all water management facilities authorized. The following entities are acceptable:

- a. A local governmental unit including a county, municipality, or Municipal Service Taxing Unit, Special district or other governmental unit.
- b. An active water control district created pursuant to Chapter 298 Florida Statutes or drainage district created by special act, or Community Development District created pursuant to Chapter 190 Florida Statutes, or Special Assessment District created pursuant to Chapter 170 Florida Statutes.
- c. A state or federal agency.
- d. An officially franchised, licensed or approved communication, water, sewer, electrical or other public utility.

A property owner or developer; however, the following provisions may be required by the town/county if there is doubt the property owner or developer can properly operate or maintain the system:

- (1) Written proof is submitted in the appropriate form by either letter or resolution, that a governmental entity or such other acceptable entity as set forth in subsections a-d of this section, will accept the operation and maintenance of the stormwater management and discharge facility at a time certain in the future, or a bond or other assurance of continued financial capacity to operate and maintain the system is submitted.
- (2) For-profit or non-profit corporations including homeowners' associations, property owners' associations, condominium owners' associations or master associations if, but only if:
 - (a) The owner or developer submits documents constituting legal capacity and a binding legal obligation between the entity and the party taking responsibility for the operation and maintenance of the stormwater management facility.
 - (b) The association has sufficient powers reflected in its organizational or operational documents to:
 - (i) Operate and maintain the stormwater management system as permitted by the town.
 - (ii) Establish rules and regulations.

- (iii) Assess members.
- (iv) Contract for services,
- (v) Exist perpetually, with the articles of incorporation providing that if the association is dissolved, the stormwater management system will be maintained by an entity as set forth in subsections a to d of this section.

2. *Applicant as acceptable entity.* The applicant shall be an acceptable entity and shall be responsible for the operation and maintenance of the stormwater management system from the time construction begins until the stormwater management system is dedicated to and accepted by another acceptable entity.

C. *Maintenance and operation program plan.* The entity must provide an operation and maintenance program plan with a revision every five years to the building official, and provide, prior to approval, a legally binding written documentation stating the entity accepts the operation and maintenance of all stormwater management systems.

D. *Failure to maintain stormwater management systems.* If the responsible operation/maintenance entity fails to maintain a stormwater management system, the building official shall give such owner or responsible operation/maintenance entity written notice of the nature of the corrective action necessary. Should the owner or responsible entity fail, within 30 day from the date of notice, to take corrective action, the town may take the necessary corrective action and place a lien on the property to recover the cost thereof.

E. *Inspections.* The applicant shall arrange with the building official for scheduling the following inspections (these inspections may be scheduled with other required inspections):

- 1. *Erosion and sediment control inspection.* As necessary during and after construction to ensure effective control of erosion and sedimentation. Control measures shall be installed and stabilized between any waters and any areas proposed to be cleared prior to any land clearing activity.
- 2. *Bury inspections.* Prior to burial of any underground drainage structure.

3. *Final inspection.*

When all work, including installation of all stormwater management system facilities, has been completed. As [an] as-built drawing of the system is required with enough information to show that the system is built in accordance with the approved site plan and construction drawings including, but not limited to: pipe, control elevations, cross sections of ponds to show stage and storage, and grades of entire site to show runoff direction.

The enforcement officer who inspects the work shall either approve it or notify the applicant in writing in what respects there has been failure to comply with the requirements of the approved permit. Any portion of the work which does not comply shall be corrected by the permittee within the timeframe deemed reasonable by the building official depending on the time needed to correct the violation and the effect of the violation on the water or habitat quality, or the applicant will be subject to penalty provisions of section 10B. There shall be a fee for inspections as established by the town commission.

(Ord. No. 90-3, § 1(7), 6-6-1990)

Sec. 8. - Nonconforming sites.

An existing development must be brought into full compliance with this article in conjunction with the following activities:

- A. *Expansion of floor area.* The gross floor area of a development is expanded by more than ten percent, or more than 4,000 square feet, whichever is less. Repeated expansions of a development, constructed over a period of time commencing with the effective date of this ordinance, shall be combined in determining whether the threshold has been reached.
- B. *Intensification of use.* The use of a development is intensified, resulting in an increase in stormwater runoff or added concentration of pollution in the runoff.
- C. *Change in site design.* Any activity that requires the submission of a development plan or amended development plan and involves ten percent or more of the land area of the parcel.

- D. *Reconstruction.* The principal structure is reconstructed after the structure has been substantially destroyed by fire or other calamity. A structure is "substantially destroyed" if the cost of reconstruction is 50 percent or more of the fair market value of the structure before the calamity. If there are multiple principal structures on a site, the cost of reconstruction shall be compared to the fair market value of all the structures.

(Ord No. 90-3, § 1(8), 6-6-1990)

Sec. 9. - Cash in lieu of on-site treatment of stormwater.

- A. *General.* Payment of cash in lieu of providing on-site treatment of stormwater may be accepted at the option of the town if a regional stormwater treatment facility exists and has sufficient size and capacity to accept the projected additional
- B. stormwater runoff without impairing its capacity to perform its current and projected future functions for other areas. The amount of the payment shall be set, and the payment shall be made, according to the following provisions:
1. The developer shall supply calculations, certified by a registered professional engineer, of anticipated additional post-development stormwater runoff based upon the design standards outlined in the manual.
 2. A drainage payment per cubic foot/second (C.F.S.) of said additional stormwater runoff shall be paid by the developer to the town upon final approval of the development plan. The fee schedule will reflect the cost of administration, management, construction, operation and maintenance of the stormwater treatment facility. The fee schedule may be amended from time to time by the town by resolution.
 3. The amount of payment The amount of payment shall be held in trust by the town; shall be used only for land acquisition, construction, improvements, and maintenance of stormwater treatment facilities or control structure; and shall be applied only within the same drainage basin as the site for which it was collected.

(Ord No. 90-3, § 1(9), 6-6-1990)

Sec. 10. - Enforcement and penalties.

- A. *Enforcement.* If the enforcement official determines that the project is not being carried out in accordance with the approved plan or if any project subject to this ordinance is being carried out without a permit, he/she is authorized to:
1. Issue written notice to the applicant that specifies the nature and location of the alleged noncompliance and includes a description of the remedial actions necessary to bring the project into compliance.
 2. Issue a stop-work order directing the applicant or persons in possession of the building permit to cease and desist all or any portion of the work which violates the provisions of this Ordinance until the remedial work is completed. The applicant shall then bring the project into compliance or be subject to denial of certificate of occupancy for the project.
 3. Any order pursuant to subsection 1 or 2 of this section shall become final unless the persons named therein requests, in writing, by certified mail, a hearing before the building official no later than ten working days after the date such order is served. Failure to act in accordance with the order after receipt of written notice shall be grounds for revocation of all town permits issued for that project which would be affected by or would affect the stormwater management system.
- B. *Penalties.* Any person who violates or causes to be violated any provision of this Ordinance or permits any such violation or fails to comply with any of the requirements hereof shall be punished by a fine equivalent to the cost of having complied with the regulations. Each calendar day upon which such violations occurs shall constitute a separate offense. In addition to any other remedies, whether civil or criminal, the violations of this ordinance may be restrained by injunction, including a mandatory injunction, and otherwise abated in any manner provided by law.

(Ord. No. 90-3, § 1(10), 6-6-1990)

Sec. 11. - Variances.

Upon request by any person required to obtain a permit hereunder and where it may be shown that an increase or decrease in the rate, volume, and quality of surface runoff shall not be harmful to the water resources of the town, the town commission, after recommendations by town engineer, may grant or deny a variance to this article. The staff shall make recommendations within 30 days after notification.

(Ord. No. 90-3, § 1(11), 6-6-1990)