

GLADES COUNTY, FLORIDA
ORDINANCE NO. 2015-4

AN ORDINANCE CREATING PROVISIONS OF A NEW CHAPTER 31 OF THE GLADES COUNTY CODE CONCERNING STORMWATER DRAINAGE, AND A NEW CHAPTER 32 CONCERNING SOIL EROSION, WATERWAY SEDIMENTATION, AND AIRBORNE' DUST GENERATION; PROVIDING FOR CODIFICATION; PROVIDING FOR SCRIVENER'S ERRORS; PROVIDING FOR CONFLICTS; PROVIDING FOR LIBERAL CONSTRUCTION; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Glades County has the authority and responsibility to regulate the discharge of stormwater and other unpolluted water into the stormwater drainage systems in Glades County, Florida; and,

WHEREAS, it is the intent of Glades County to comply with The Federal Clean Water Act (33 USC 1251 et seq.), as implemented by regulations of the U.S. Environmental Protection Agency, including those regulations adopted November 16, 1990 (40 CFR 122); and,

WHEREAS, the state law that generally applies to the management and storage of surface waters in Florida is governed by Florida Statute § 373.403 et seq; and,

WHEREAS, the Glades County Board of County Commissioners, hereinafter sometimes referred to as the "Board", has determined that it is in the best interest of the public health, safety, and general welfare of the inhabitants of Glades County to regulate the discharge of stormwater and other unpolluted water into the stormwater drainage systems in Glades County and to improve the quality of existing and future discharge of future stormwater drainage in Glades County by creating provisions of a new Chapter 31 of the Glades County Code; and,

WHEREAS, Glades County is also required to comply with Florida law concerning the control of soil erosion, waterway sedimentation, and airborne dust that occurs on certain construction sites; and,

WHEREAS, the Board has determined that it is the best interest of the public health, safety, and general welfare of the inhabitants of Glades County to regulate and control soil erosion, waterway sedimentation, and airborne dust that is generated on certain construction sites by creating provisions of a new Chapter 32 of the Glades County Code.

NOW THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Glades County, Florida, as follows:

SECTION 1. INCORPORATION OF RECITALS.

The recitals set forth above are true and correct and form a part of this Ordinance.

SECTION 2. AUTHORITY.

This Ordinance is enacted pursuant to the provisions of Chapter 125, Florida Statutes, and other applicable provisions of law.

SECTION 3. CREATION OF PROVISIONS OF A NEW CHAPTER 31 OF GLADES COUNTY CODE.

The provisions of a new Chapter 31 of the Glades County Code, entitled "Stormwater Drainage", are hereby created and adopted as follows:

CHAPTER 31 STORMWATER DRAINAGE

ARTICLE I. – IN GENERAL

Sec. 31-1 - Purpose and intent.

The purpose of this article is to promote the health, safety and general welfare of the inhabitants of Glades County, Florida, hereinafter sometimes referred to as "County". This chapter is intended to regulate the discharge of stormwater and other unpolluted water into the stormwater drainage systems in the County and to improve the quality of existing and future discharge of stormwater drainage in the County. It is the intent of this article to comply with The Federal Clean Water Act (33 USC 1251 et seq.), as implemented by regulations of the U.S. Environmental Protection Agency, including those adopted November 16, 1990 (40 CFR 122). It is also the intent of this article to comply with the laws of the State of Florida related to the management and storage of surface waters which are primarily located at Florida Statute § 373.403 et seq.

Sec. 31-2. - 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 County authorized in writing by the Director to administer or enforce the provisions of this article.

Director means the County Manager or the County Manager's designee.

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

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

Runoff means the part of rainfall that is not absorbed by the soil but is drained off in rills or streams.

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

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

Stormwater system means any system of conveyances used for collecting, storing or transporting stormwater; however, the definition does not include any facilities intended to be used in accordance with applicable law for collecting and transporting sanitary or other wastewater.

Secs. 31-3-31-19 - Reserved.

ARTICLE II. - GENERAL PROHIBITIONS

Sec. 31-20. - Prohibited discharge.

- (a) Under no condition shall the discharge of any domestic, sanitary, industrial, commercial waste or polluted water of any kind be permitted to be discharged into the stormwater drainage systems, natural outlets, or areas under the jurisdiction of the County.
- (b) No person shall discharge or cause to be discharged any stormwater, surface water, ground water, roof runoff, subsurface drainage, contaminated or uncontaminated cooling water or industrial process waters into any sanitary sewer within the County.

Sec. 31-21. - Damaging or tampering with the stormwater drainage systems.

- (a) No person shall willfully, negligently or maliciously, break, damage, alter, uncover, deface or tamper with any structure, appurtenance or equipment which is part of a stormwater drainage system.
- (b) No person shall uncover, make any connections or openings into, use, alter or disturb any part of any stormwater drainage system or appurtenances thereof without first obtaining a written permit from the County and any other regulating authority having jurisdiction.

Sec. 31-22. - Unlawful connections.

No person may maintain, use or establish any direct or indirect connection to any stormwater drainage system that results in any discharge in violation of this chapter. This prohibition is retroactive and applies to connections made prior to adoption of this chapter including any connection made pursuant to a permit, or other authorization, or that is otherwise permissible under laws or practices applicable or prevailing at the time the connection was made.

Sec. 31-23. - Authorized exceptions.

Unless determined by the Director to be in conflict with the requirements or intent of this chapter or to otherwise not be acceptable, the following discharges are exempt from the provisions of this chapter:

- (1) Flows from firefighting operations or county fire department training;
- (2) Water line flushing and other contributions from potable water sources;
- (3) Landscape Irrigation and lawn watering;
- (4) Other irrigation water;
- (5) Diverted stream flows;
- (6) Rising groundwaters;
- (7) Direct infiltration to the stormwater drainage systems;
- (8) Uncontaminated pumped groundwater;
- (9) Foundation and footing drains;
- (10) Water from crawl space pumps;
- (11) Air conditioning condensation;
- (12) Natural springs;
- (13) Individual residential car washings using approved cleansing substances;
- (14) Flows from riparian habitats and wetlands; and
- (15) Dechlorinated swimming pool contribution.

Secs. 31-24-31-34 - Reserved.

ARTICLE III. - PERMITS AND DESIGN

Sec. 31-35. - NPDES permits.

Any person who holds a National Pollutant Discharge Elimination System (NPDES) permit shall provide a copy of such permit to the Director no later than 60 calendar days after the effective date of the ordinance from which this article is derived or 60 calendar days after issuance of such permit.

Sec. 31-36. - Written permit required for use of any stormwater drainage system.

- (a) No person shall uncover, make any connection or openings into, use, alter, or disturb any part of any stormwater drainage system or appurtenances thereof without first obtaining a written permit from the County and any other regulating authority having jurisdiction.
- (b) The permit application shall be supplemented with any plans, specifications and other information considered pertinent in the judgment of the Director. The permit fee and permit application process shall be as established by the County.

Sec. 31-37. - Stormwater drainage system design.

All stormwater drainage systems for existing and new development shall meet the design criteria and standards of the County, the South Florida Water Management District, and any other regulating authority having jurisdiction. The County may periodically require existing stormwater drainage systems to make modifications in design and construction so that the stormwater drainage systems are in compliance with updated criteria and standards. New stormwater drainage systems shall be designed to meet criteria and standards in force at the time of permitting. All such stormwater drainage systems, whether for existing or new development, including redevelopment, shall be designed by a professional engineer registered to work in Florida. Any plans submitted for such stormwater drainage systems shall display the signature and seal of the design engineer.

Sec. 31-38. - Maintenance and operation.

The County shall be responsible for the maintenance and operation of the County owned stormwater drainage systems and appurtenances. Property owners are responsible for the maintenance and operation of the stormwater drainage systems and appurtenances located within the boundaries of their property.

Secs. 31-39- 31-49 - Reserved.

ARTICLE IV. - ACCIDENTAL DISCHARGE AND/OR DUMPING

Sec. 31-50. - General prohibitions.

Except as set forth in the Glades County Code, or applicable Florida or federal law, or a valid NPDES permit, any discharge to any stormwater drainage system in the County that is not composed entirely of stormwater is prohibited.

Sec. 31-51. - Notification of accidental discharges and/or dumping.

Any person having knowledge of any accidental or unlawful discharge into a stormwater drainage system in violation of this chapter shall immediately notify the Director by telephone or in person. If the notifying person is directly or indirectly responsible for such discharge, such person shall also take immediate action to ensure the containment and cleanup of the discharge. The above described notification shall not relieve any responsible person of any expense, loss, damage, or other liability to the County, any other governmental agency, wildlife, or any persons or property, nor shall said notification relieve the responsible person of any fines, civil penalties, or other liability which may be imposed by this chapter, or other applicable law or regulation.

Sec. 31-52. - Written report required.

Within five (5) days following an accidental discharge and/or dumping, the responsible person shall submit to the Director a written report describing the cause, corrective actions taken, and measures to prevent future occurrences.

Sec. 31-53. - Notice to employees.

Permitted users of a stormwater drainage system shall permanently post, in a prominent location, on the property or premises, a notice advising employees of the notification required by section 31-51 above. Furthermore, all employers shall ensure that every employee is advised of said notification procedure.

Secs. 31-54-31-59 - Reserved.

ARTICLE V. - ENFORCEMENT

Sec. 31-60. - Administrative order.

The Director may issue an order to any person to immediately cease any discharge, or connection to a stormwater drainage system, where the Director determines that said discharge or connection is in violation of this chapter.

Sec. 31-61. - Notice of violation.

- (a) Any person found to be violating any provision of this chapter shall be served by the County with written notice stating the nature of the violation and providing a reasonable time for the correction thereof. The offender shall, within the time period stated in the notice from the County, correct the violation and permanently cease all violations.
- (b) Liability for expenses, loss, or damage shall be borne solely and exclusively by the person violating any provisions of this chapter and said person shall be liable to the County for any expense, loss, or damage incurred by the County by reason of said violation.

Sec. 31-62. - Penalty.

This chapter may be enforced pursuant to code enforcement or alternate code enforcement procedures of the County. Any person who is found to have violated an order of the County or who willfully or negligently fails to comply with any provision of this chapter may be fined up to \$500.00 per day for each offense. Each day a violation shall occur or continue after notification shall be deemed a separate and distinct offense. In addition to the penalties provided herein, the County may recover all reasonable attorney's fees, court costs and other expenses of litigation. Payment of any penalties or costs to the County shall not relieve the responsible person of any fines or penalties levied by any other authority having jurisdiction.

SECTION 4. CREATION OF PROVISIONS OF NEW CHAPTER 32 OF GLADES COUNTY CODE

The provisions of a new Chapter 32 of the Glades County Code, entitled "Control of Soil Erosion, Waterway Sedimentation, and Airborne Dust Generation", are hereby created and adopted as follows:

CHAPTER 32 CONTROL OF SOIL EROSION, WATERWAY SEDIMENTATION, AND AIRBORNE DUST GENERATION CONTROL

ARTICLE I. – IN GENERAL

Sec. 32.1. Intent.

The intent of this article is to locally implement F.S. § 403.0885 and Florida Administrative Code Chapter 62-621.300, known as the "generic permit for stormwater discharge from large and small construction activities" (the "permit") to provide Glades County (the "County") with improved water and air quality. Preventive jobsite practices can minimize environmental risks from the control of erosion, air pollution, and sedimentation on sites with disturbed soil.

Sec. 32.2. 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:

Applicant means any individual, firm, limited liability company, association, partnership, political subdivision, government agency, municipality, industry, public or private corporation, or any other entity whatsoever who applies to the County for the applicable permits or approvals to undertake construction, demolition or renovation projects within the County.

Best management practices ("BMPs") means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce, to the maximum extent practicable, erosion, dust generation, off-site sedimentation, and pollution of County waterways and storm drainage systems. BMPs also include treatment requirements,

operating procedures, and practices to control site runoff, spillage or leaks, sludge or waste disposal, or drainage from material storage.

Construction means the act of creating or maintaining stockpiles of soil or other material which are erodible if exposed to water or wind and are capable of generating dust; or developing or improving public or private land which involves the removal of surface cover or disturbance of soils and includes clearing, grading, demolition, and excavation.

Dust control means providing temporary fencing to mitigate the effects of dust upon the surrounding real property.

Erosion means the detachment, transport, and deposition of particulate matter by the action of wind, water, and gravity.

Stormwater means the flow of water which results from, and which occurs immediately following, a rainfall event.

Stormwater discharge facility means a stormwater management system which discharges stormwater into surface waters of the state.

Stormwater management system means the designed features of the property which collect, convey, channel, hold, inhibit or divert the movement of stormwater.

Stormwater pollution prevention plan (the "plan") means a written plan, approved by the County submitted by the applicant which identifies a strategy to minimize stormwater runoff that will be generated. The SWPPP shall follow the guidelines of the Florida Stormwater, Erosion, and Sedimentation Control Inspector's Manual published by the Florida Department of Environmental Protection.

Secs. 32.3-32.5 - Reserved.

ARTICLE II. - APPLICABILITY

Sec. 32.6. Applicability.

Agricultural uses/activities and agricultural development that does not require a Glades County building permit is specifically excluded and exempt from the application of this Chapter 32 of the Glades County Code. Except for agricultural uses/activities and agricultural development that does not require a Glades County building permit, this article shall apply to all construction and demolition sites and activities under the authority of the County. All such sites and activities within the authority of the County shall be required to contain and control all sediment and sediment-laden water on-site.

Secs. 32.7-32.9 – Reserved.

ARTICLE III – PLAN REQUIREMENTS

Sec. 32.10. Stormwater pollution prevention plan (the "plan").

To obtain a permit for construction projects which will disturb over one acre of soil, the applicant must develop and implement a plan in accordance with the requirements of the "permit" or local erosion and sedimentation control standards and codes, whichever is more stringent. Construction sites with areas of disturbed soil between 0.5 acres and one acre may use an alternative format, approved by the County, provided it supplies all the information required by the permit. The plan must be approved by the County prior to the commencement of construction activities.

The above referenced plan shall describe:

- (1) The current and final conditions of the construction site,
- (2) The nature of the work to be performed,
- (3) The BMPs to be implemented to prevent stormwater pollution, to control erosion and to prevent off-site sedimentation,
- (4) Who will implement these measures,
- (5) The schedule of implementation, and
- (6) A narrative section which includes a site plan, details, specifications, notes, and calculations.

The above referenced plan must include the following:

- (1) Name of the person who is responsible should the site fall out of compliance,
- (2) Narrative description of the procedures to be used to control erosion, sedimentation and air pollution,
- (3) Site map indicating locations of disturbed soil and control methods,
- (4) Inspection schedule for all erosion, stormwater, and sediment control measures or the best management practices (BMPs) to be implemented, (Note, at a minimum a qualified person procured by the applicant must perform erosion, sediment and stormwater pollution prevention inspections at least weekly and within 24 hours after every rain event of one-half inch or more for sites less than five acres and sites greater than five

acres must be inspected at least weekly and within 24 hours after every rain event of one quarter inch or more. Maintenance must be performed within one week of the first inspection that indicates such maintenance is required),

- (5) Method to be instituted to ensure that all parties who engage in activities which disturb soil or have the potential to cause stormwater pollution engage in such activities in a manner that minimizes erosion, off-site sedimentation, dust migration, and stormwater pollution to the maximum extent practicable, and
- (6) Identify how materials, including but not limited to, paint, concrete, aggregate, fertilizers, pesticides, and fuels on the construction site which are capable of causing stormwater pollution will be handled and stored in order to prevent such pollution. Such materials include, but are not limited to: paint, concrete, aggregates, fertilizers, pesticides, and fuels.

If the approved plan is found to be ineffective in controlling erosion, stormwater pollution, or off-site sedimentation, the site shall be deemed out of compliance with this section. The construction site operator is responsible to amend the plan to ensure compliance. In such cases where off-site sedimentation or turbidity originates from a different site, then the property owner of that site shall be in violation of this section.

Sec. 32.11. Plan management.

The approved plan as amended and documentation of all inspections (plan management documentation) must be kept on the construction site until a final certificate of occupancy is issued. Within 30 days after the completion of construction for any covered project, the applicant shall submit official documentation that the applicant has complied with the plan requirement for the project. Commercial properties are further required to submit the environmental resource permit approved by the South Florida Water Management District (SFWMD) or any successor agency for the property's stormwater management system.

The documentation for the plan management shall include the following:

- (1) The steps taken to remove sludge and waste,
- (2) Documentation of all construction site inspections and modifications to BMPs,
- (3) The plan, including any amendments made during the course of construction, and
- (4) Any additional information that the applicant believes is relevant to establishing/confirming its efforts to comply in good faith with the requirements of this Chapter.

If an environmental resource permit is required, the documentation submitted with the environmental resource permit shall contain:

- (1) A construction certification affidavit signed by a registered professional engineer, and
- (2) A maintenance schedule plan for the onsite stormwater management system.

Subsequent to the issuance of the certificate of occupancy, the property owner shall be held responsible for compliance with the environmental resource permit.

Secs. 32.12-32.14 – Reserved.

ARTICLE IV – COMPLIANCE AND ENFORCEMENT

Sec. 32.15. Compliance and enforcement.

The County code enforcement department and building department shall evaluate compliance with this Chapter during the course of their regular inspections. Additional inspections may be conducted by other County departments as needed, to ensure compliance with this section. If the County inspector finds that the applicant does not comply with the requirements of this Chapter, the violated portions of this Chapter shall be noted in the inspection report and a hold may be placed on future inspections or the temporary or final certificate of occupancy may be withheld, as appropriate.

The certificate of occupancy for a project subject to this Chapter shall be withheld until the applicant both:

- (1) Submits the required documentation, including, where applicable, proof that any fine due under this Chapter has been paid in full, and,
- (2) Performs any actions required by the County building department, code enforcement department, or any other agency of competent jurisdiction in order to correct erosion, sediment control, or stormwater violations observed at the construction site.

Applicants and property owners whose sites fail to meet the criteria identified in this Chapter shall be subject to the following fines by the County through code enforcement or otherwise:

- (1) Failure to implement or properly maintain sufficient erosion, sediment, or airborne dust controls will be up to \$1,000.00 per violation per day.
- (2) Causing off-site sedimentation or turbidity to waterways, private or public property, or the storm sewer system will be up to \$1,000.00 per violation per day.

- (3) Discharging water containing sediments or other substances to waterways, the storm sewer system, public, or private property will be up to \$1,000.00 per violation per day.
- (4) Causing the off-site migration of airborne dust will be up to \$1,000.00 per violation.
- (5) Failure to obtain or comply with the environmental resource permit subsequent to the issuance of a certificate of occupancy which results in the discharge of sediment, turbidity or stormwater from private property to adjacent private or public property will be up to \$1,000.00 per violation.

Secs. 32.16-32.19 – Reserved.

SECTION 5. CODIFICATION.

It is hereby the intention of the Board and it is hereby provided that the provisions of this Ordinance may become and be made a part of the Code of Glades County, Florida, and that the sections of this Ordinance may be renumbered or relettered to accomplish such intention; and that the word "ordinance" may be changed to "section", "article", or other appropriate designation.

SECTION 6. SCRIVENER'S ERRORS.

Sections of this Ordinance may be renumbered or re-lettered and corrections of typographical errors which do not affect the intent may be authorized by the County Manager, or the County Manager's designee, without need of public hearing, by filing a corrected or re-codified copy of same with the County Clerk.

SECTION 7. CONFLICT.

Any provision of any Glades County ordinance or regulation which is in conflict with the provisions of this Ordinance is repealed prospectively to the extent of such conflict.

SECTION 8. LIBERAL CONSTRUCTION.

The terms and provisions of this Ordinance shall be liberally construed to affect the purpose for which it is adopted.

SECTION 9. SEVERABILITY.

If any portion of this Ordinance is for any reason held or declared to be unconstitutional, invalid or void, such holding shall not affect the remaining portions of this Ordinance. If this Ordinance shall be held to be inapplicable to any person, property or

circumstances, such holding shall not affect the applicability of this Ordinance to any other person, property or circumstances.

SECTION 10. EFFECTIVE DATE.

This Ordinance shall take effect upon the adoption of this Ordinance by the Board, and upon a filing of a certified copy hereof with the Florida Department of State.

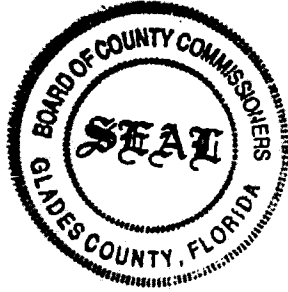
The foregoing Ordinance was offered by Commissioner Paul Beck, who moved its adoption. The motion was seconded by Commissioner John Ahern, and being put to a vote, the vote was as follows:

John Ahern	<u>YES</u>
Paul Beck	<u>YES</u>
Weston Pryor	<u>ABSENT</u>
Timothy Stanley	<u>YES</u>
Donna Storter Long	<u>YES</u>


[NEXT PAGE FOR SIGNATURE]

This Ordinance was duly passed and adopted this 27th day of JULY, 2015.

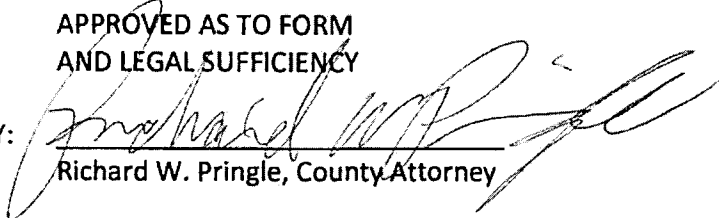
GLADES COUNTY, FLORIDA,




BY ITS BOARD OF COUNTY
COMMISSIONERS

BY: 
Timothy Stanley, Chair

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

BY: 
Richard W. Pringle, County Attorney

ATTEST:

BY: 
Sandra Brown, Clerk of Courts

