

TOWN OF GOLDEN BEACH, FLORIDA

ORDINANCE NO. 560.14

AN ORDINANCE OF THE TOWN OF GOLDEN BEACH, FLORIDA, AMENDING CHAPTER 14, "ENVIRONMENT" OF THE TOWN CODE OF ORDINANCES BY CREATING ARTICLE V "STORMWATER CONTROL" AND ARTICLE VI "SOIL EROSION, FUGITIVE DUST AND SEDIMENT CONTROL;" PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Golden Beach (the "Town") participates as a co-permittee with Miami-Dade County in the National Pollutant Discharge Elimination System program (the "Program"); and

WHEREAS, this Program is aimed at improving stormwater runoff water quality within the Town; and

WHEREAS, as a part of this Program the Town is required to adopt certain standards and regulations regarding water quality, including provisions for erosion, fugitive dust and sediment control; and

WHEREAS, the Town Council finds that the adoption of this Ordinance is in the best interest and welfare of the residents of the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, AS FOLLOWS:

Section 1. Recitals Adopted. Each of the above stated recitals are hereby adopted, confirmed and incorporated herein.

Section 2. Amending Chapter 14. That Chapter 14 of the Code of Ordinances of the Town of Golden Beach, Florida, is hereby amended to read as follows:¹

ARTICLE V STORMWATER CONTROL

Sec. 14-125. Definitions.

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

- Authorized official means any employee or agent of the Town authorized in writing by the Director to administer or enforce the provisions of this article.
- Director means the Town Manager or designee.
- Discharge means any direct or indirect entry of any solid, liquid or gaseous matter.
- Stormwater means any stormwater runoff, and surface runoff and drainage.
- Stormwater system means the system of conveyances used for collecting, storing and transporting Stormwater owned by the Town, but not including any facilities intended to be used in accordance with applicable law for collecting and transporting sanitary or other wastewater.

Sec. 14-126. Illicit discharges.

(a) Prohibitions. Except as set forth under subsection (b) of this section or as in accordance with a valid National Pollutant Discharge Elimination System (NPDES) permit, any Discharge to the Stormwater System that is not composed entirely of

¹ Changes between first and second reading are indicated with highlight, with additions between first and second reading shown in double underline. Deletions between first and second reading are shown in ~~double strikethrough~~.

Stormwater is prohibited. Further, 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, Town or other laws, rules, regulations, orders or permits is prohibited.

(b) Authorized exceptions. Unless the Director determines that it is not properly managed or otherwise is not acceptable, the following Discharges are exempt from the general prohibitions set forth under subsection (a) of this section:

- (1) Flows from firefighting, water line flushing and other contributions from potable water sources;
- (2) Landscape irrigation and lawn watering;
- (3) Irrigation water;
- (4) Rising groundwaters;
- (5) Direct infiltration to the Stormwater System;
- (6) Uncontaminated pumped groundwater;
- (7) Foundation and footing drains;
- (8) Water from crawl space pumps;
- (9) Air conditioning condensation;
- (10) Individual residential car washings;
- (11) Flows from riparian habitats and wetlands; and
- (12) Dechlorinated swimming pool contributions. Chlorinated swimming pools shall not be drained into the Stormwater System with the following exceptions: Discharges associated with backwashing filters when the

backwash cycle generates less than 1,000 gallons and chlorinated water overflowing from a pool associated with a storm event.

(c) *Illicit connections.* No person shall 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 prior to the date of this article, regardless of whether made under a permit, or other authorization, or whether permissible under the laws or practices applicable or prevailing at the time the connection was made.

(d) *NPDES permits.* Any person who holds an NPDES permit shall provide a copy of such permit to the Director no later than 60 calendar days after the effective date of this article, or 60 calendar days after issuance.

(e) *Notification of Discharges.* As soon as any person has knowledge of any Discharge to the Stormwater System in violation of this article, such person shall immediately notify Miami-Dade County Permitting, Environment and Regulatory Affairs (PERA); and if such person is directly or indirectly responsible for such Discharge, he or she shall also take immediate action to ensure the containment and cleanup of such Discharge, and shall confirm such notification in writing to the Director, within three calendar days.

Sec. 14-127. Inspections and monitoring.

(a) *Authority for inspections.* Whenever 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 the same or to perform any duty related to the enforcement of the provisions of this article or any regulations or permits issued hereunder; provided that if such property, building or facility is occupied, such Authorized Official shall first present proper credentials and request permission to enter, and 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 if entry is refused, the Authorized Official may enter to make inspection only upon issuance of a search warrant by a duly authorized official. If the owner or person in control refuses permission to enter after such request has been made, the Authorized Official is hereby authorized to seek assistance from any court of competent jurisdiction in obtaining entry. Routine or area wide inspections shall be based upon such reasonable selection processes as may be necessary to carry out the purposes of this article, including but not limited to random sampling and sampling in areas with evidence of Stormwater contamination, non-Stormwater Discharges or similar factors.

(b) 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 article, or regulations or permits issued hereunder, any Authorized Official may take any samples deemed necessary.

(c) Requirements for monitoring. The Director may require any person engaging in any activity or owning any property, building or facility to undertake such reasonable monitoring of any Discharge to the Stormwater System and maintenance of all private Stormwater structures, and to furnish annual maintenance and monitoring reports to the Director.

Sec. 14-128. Enforcement.

(a) Enforcement actions. The Director may take all actions necessary, including the issuance of notices and violations, the filing of court actions, and/or referral of the matter for code compliance in accordance with Chapter 2 of this code, to require fines and enforce compliance with the provisions of this article and with any regulation or permit issued hereunder.

(b) Stop work orders. In addition to other remedies for violation as provided in this section, violation of this article shall constitute grounds for the issuance of a stop work order by the building official in accordance with the provisions of the Florida Building Code.

Secs. 14-129—14-134. Reserved.

ARTICLE VI SOIL EROSION, FUGITIVE DUST AND SEDIMENT CONTROL

Sec. 14-135. Purpose and intent.

(a) Land Disturbing Activities can cause excessive runoff and accelerate the process of soil erosion, resulting in the damage and loss of natural resources, including the degradation of water quality.

(b) In addition, emissions of particulate matter during construction and demolition, including but not limited to incidents caused by vehicular movement, transportation of materials, construction, alteration, demolition or wrecking of buildings or structures, or the stockpiling of particulate substances, may trespass on neighboring properties and degrade air quality.

(c) The Town finds that:

- (1) Excessive quantities of soil may erode from areas undergoing development due to Land Disturbing Activity.
- (2) Soil erosion can result in the degradation of valuable shoreline resources, such as Dunes and lagoonal shoreline communities.
- (3) Sediment from soil erosion can clog storm sewers and swales, and silt navigational channels.
- (4) Sediment and Sediment-Related Pollutants degrade ecosystems, resulting in the destruction of aquatic life and degradation of water quality.
- (5) Airborne Sediments can constitute a nuisance for adjacent property owners, and degrade the quality of the air.

Sec. 14-136. Purpose.

The purpose of this article is to safeguard persons, protect property, prevent damage to the environment, and promote the public welfare by guiding, regulating and controlling the design, construction, use and maintenance of any development or other activity which disturbs or otherwise results in the movement on earth of land situated in the Town.

Sec. 14-137. Definitions.

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

- Director means the Town Manager or designee.
- Dune means a hill or ridge of windblown sand and marine deposits formed by action of the wind and water, often stabilized by vegetation indigenous to this formation.
- Erosion and Sediment Control Plan means a plan for the control of soil erosion, sedimentation of waters and Sediment-Related Pollutants and stormwater runoff resulting from Land Disturbing Activity.
- Land Disturbing Activity means any land change that may result in soil erosion from water or wind and the movement of Sediments and Sediment elated Pollutants in waters, including but not limited to clearing, grading, excavating, transporting and filling of land, and tree removals.
- Sediment means the mineral or organic particulate material that is in suspension or has settled in Surface Waters or groundwaters.
- Sediment related pollutants means substances such as nutrients, pesticides, pathogens, and organic materials that are transmitted with, or in association with, Sediment.
- Surface water means water above the surface of the ground whether or not flowing through definite channels.

Sec. 14-138. Erosion and sediment control plan and standards.

No person shall engage in Land Disturbing Activity until an Erosion and Sediment Control Plan has been submitted and the plan has been approved by the Director. The Erosion and Sediment Control Plan shall comply with the erosion control standards provided in the latest edition of the Florida Stormwater Erosion and Sediment Control Inspector's Manual published by the Florida Department of Environmental Protection Nonpoint Source Management Section as determined to be applicable by the Director at the time of permit application. The Director shall require the party responsible for carrying out the Erosion and Sediment Control Plan to submit monitoring reports, as deemed necessary, to determine whether the measures required by the approved Erosion and Sediment Control Plan are being properly performed.

Sec. 14-139. Exemptions.

Minor Land Disturbing Activities, such as home gardens and individual home landscaping, repairs, maintenance work, and other related activities, shall be exempt from the requirements of this article, provided that such activities do not contribute to any on-site generated erosion, or degradation of lands or water beyond the boundaries of the property involved.

Sec. 14-140. Enforcement.

(a) *Enforcement actions.* The Director shall take all actions necessary, including the issuance of notices and violations, the filing of court actions, and/or referral of the matter for code compliance in accordance with Chapter 2 of this code, to require fines and enforce compliance with the provisions of this article and with any regulation or permit issued hereunder.

(b) Stop work orders. In addition to other remedies for violation as provided in this section, violation of this article shall constitute grounds for the issuance of a stop work order by the building official in accordance with the provisions of the Florida Building Code.

Secs. 14-141—14-149. Reserved.

Section 3. Severability. If any section, part of section, paragraph, clause, phrase or word of this Ordinance is declared invalid, the remaining provisions of this Ordinance shall not be affected.

Section 4. Conflicts. To the extent that this Ordinance conflicts wholly or partially with any existing provision in the Town Code, the terms of this Ordinance shall prevail.

Section 5. Effective Date. This Ordinance shall be effective immediately upon adoption.

The Motion to adopt the foregoing Ordinance was offered by Councilmember Bernstein, seconded by Councilmember Luskin, and on roll call the following vote ensued:


Mayor Glenn Singer	<u>Aye</u>
Vice-Mayor Bernard Einstein	<u>Absent</u>
Councilmember Kenneth Bernstein	<u>Aye</u>
Councilmember Judy Luskin	<u>Aye</u>
Councilmember Amy Isackson-Rojas	<u>Aye</u>

PASSED AND ADOPTED on first reading this 19th day of August, 2014.

The Motion to adopt the foregoing Ordinance was offered by Councilmember Lusskin, seconded by Vice Mayor Einstein, and on roll the following vote ensued:


Mayor Glenn Singer	<u>Aye</u>
Vice-Mayor Bernard Einstein	<u>Aye</u>
Councilmember Kenneth Bernstein	<u>Aye</u>
Councilmember Judy Lusskin	<u>Aye</u>
Councilmember Amy Isackson-Rojas	<u>Aye</u>

PASSED AND ADOPTED on second reading this 23rd day of September, 2014.



MAYOR GLENN SINGER

ATTEST:



LISSETTE PEREZ
TOWN CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:



STEPHEN J. HELFMAN
TOWN ATTORNEY