

## **Chapter 50 UTILITIES<sup>1</sup>**

### ***ARTICLE I. IN GENERAL***

**Secs. 50-1—50-30. Reserved.**

### ***ARTICLE II. SEWER SERVICE***

#### **Sec. 50-31. Application for service.**

All applications for sewer service shall be made by filing a copy of the town's report for the multifamily building or single-family residence in which the outlets are located with the town administration.

(Code 1996, § 50-31; Ord. No. 284 , § 1(exh. A), 4-26-2016)

#### **Sec. 50-32. Sewer outlet designations.**

Pursuant to this article, sewer outlets shall include any appliance or plumbing fixture which allows for ultimate drainage into the public sewer outlets. All sewer outlets shall be as designated by the town building official and current buildings shall provide the number of such sewer outlets to the town for purposes of determining the total number of sewer outlets subject to the monthly charge for the building; and any new or renovated buildings shall have the number of such sewer outlets determined by the building official and may include, but not be limited to, the following:

- (1) S: sink or set tub.
- (2) T: toilet.
- (3) TS: tub or shower.
- (4) W: washing machine.
- (5) WB: washbasin.
- (6) \*: other.

(Code 1996, § 50-32; Ord. No. 284 , § 1(exh. A), 4-26-2016)

#### **Sec. 50-33. Rates and payment.**

The monthly charge for each sewer outlet as defined in section 50-32 shall be as established by a resolution of the town council and shall be payable as provided in section 50-34; the current resolution providing for such fees is Resolution No. 431, adopted on January 24, 2006, or as such resolution may be amended in the future.

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<sup>1</sup>State law reference(s)—Municipal Home Rule Powers Act, F.S. ch. 166.

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(Code 1996, § 50-33; Ord. No. 284 , § 1(exh. A), 4-26-2016)

**Sec. 50-34. Billing.**

- (a) Sewer bills shall be issued by the town administration semi-annually ~~approximately 15 days before~~ on or about October 1 and April 1; and payment shall be in advance for the six-month period immediately following the statement date.
- (b) Sewer bills for new outlets shall be issued by the town approximately one week subsequent to the issuance of a certificate of occupancy for the building in which the outlet is located. Payment shall be in advance for the period immediately following the statement date until the next scheduled semi-annual billing date.
- (c) Sewer bills shall be issued to the owner of record of the property served by the sewer outlets or, in the case of condominiums or cooperative buildings, to the condominium association or other managing agent of the building served by the sewer outlets.

(Code 1996, § 50-34; Ord. No. 284 , § 1(exh. A), 4-26-2016)

**Sec. 50-35. Nonpayment of bills; lien.**

- (a) Sewer bills are due and payable not later than 30 days from the date of mailing; interest thereon shall accrue from the due date at the maximum rate permitted by law. If bills are not paid within 30 days from the date of mailing, the following action may be taken:
  - (1) A final notice shall be issued to the owner of record of the property served by the sewer outlet, or in the case of condominiums or cooperative buildings, to the condominium association or other managing agent of the building served by the sewer outlet.
  - (2) The final notice shall provide that if full payment has not been made within 15 days of the date of the notice, including arrearage and interest charges, plus a service charge of ten percent of the unpaid balance, then a lien may be recorded against the property.
  - (3) The final notice shall also provide that if the customer wishes to request a hearing on the payment due, he or she is required to deliver a written request for such hearing to the town manager within 15 days from the date of the notice. If the customer fails to timely deliver the request for hearing, he or she will be deemed to have waived the right to such hearing.
  - (4) For the purposes of the hearing provided by subsection (a)(3) of this section, the town manager shall designate a special magistrate to be authorized to hear such matters and empowered to resolve any dispute. The special magistrate's determination will be final.
- (b) If sewer bills are not paid within 15 days from the date of the final notice or otherwise in accordance with the special magistrate's order, the balance due the town shall run against the owner of record of the property served by the sewer outlet from the billing due date, and the town, through the town manager or designee, shall have the right to execute and record a lien against the title to the real property for the amount of the bill, which bill may include arrearage, interest charges and service charges as provided hereinabove and any costs of collection, including, but not limited to, all lien filing fees, penalties, costs and attorney's fees. If the lien is paid in full, the town manager or designee shall have the authority to execute and record a satisfaction and/or release of lien.
- (c) The authority to lien the property for nonpayment of a sewer bill shall be in addition to the right of the town to proceed for the collection of the unpaid bill in any manner provided by law for the collection of such delinquencies or to proceed in exercising all other enforcement powers as permitted by law.

### **Sec. 50-36. Construction and permitting of building sewers.**

- (a) No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the town with approval of the town manager or designee of the manager.
- (b) It shall be unlawful to commence work on any building or premises on which plumbing is required or is to be installed; perform any work covered by the Florida Building Code ("FBC"), including, but not limited to, the excavation or obstruction of any public or private street, alley or other thoroughfare for the purpose of installing plumbing, sewer work or connection to the public sewer system or appurtenance thereof; or commence the construction, reconstruction, alteration, repair and/or remodeling of any plumbing, sewer or liquid waste treatment system, without first having obtained a permit from the town building official as required by the FBC and this chapter. No sewage collection system intended to convey flow to the public sewer system shall be permitted without prior approval of the town manager.
- (c) Plans and specifications for building sewers (e.g., sewers connecting buildings and homes to the public sewer) and connections shall be submitted to the town building official for approval prior to the issuance of a town permit.
- (d) Building sewers shall be connected to the public sewers only at such service connection as may be designated in the permit. The work of connecting building sewers to public sewers in conformance with plans filed in accordance with the terms of this chapter must be performed by a duly [Florida](#) licensed master plumber. No person other than designated town employees, town agents or a duly [Florida](#) licensed master plumber shall tap, cut into, or break open any public sewer mains or lines, unless approved by the town manager, or designee of the town manager, in writing.
- (e) All costs and expenses incidental to the installation or connection of the building sewer shall be borne by the owner. The owner shall indemnify the town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer and connection.
- (f) Existing building sewers may be used in connection with new buildings sewers only when they are found, on examination and test by the town building official, to conform in all respects to the requirements governing new building sewers as outlined in chapter 29 of the Florida Building Code in effect in the town, as revised from time to time.
- (g) No person shall connect roof downspouts, foundation drains, area drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to the public sewer, or which in any way violates the town's stormwater control code or its floodplain management ordinance.
- (h) The applicant for a building sewer permit shall notify the town building official when the building sewer is ready for inspection and connection to the public sewer. The connection and testing shall be made under the inspection of the town building official or his representative, for connection to a lateral at the property lines or the town for connection within a public right-of-way or easement.
- (i) All excavations for building sewer installations shall be adequately guarded with barricades and lights in compliance with all OSHA requirements so as to protect the workers and the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the town.

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- (j) The connection to the building sewer into the public sewer shall conform to the requirements of the FBC or other applicable rules and regulations of the town. All such connections shall be made gastight and watertight and verified by the proper testing.
  - (k) If sewers are not available for connection because of insufficient capacity, the town, at the customer's request or by its own choice, may upgrade the system when and if such upgrade is not detrimental to the system. The town shall then require the customer to connect to the sewer system. The customer shall pay the town for required connection fees to reimburse the town for costs incurred to make sewers available.
  - (l) On completion of any construction for building sewers and connections licensed under this chapter, as-built drawings signed by a professional engineer or land surveyor registered in the state shall be submitted to the town. Certificates of occupancy for any structure built under the provisions of this chapter or for structures connecting to a sewer collection/transmission system built under the provisions of this chapter shall not be issued by the town until notified by the manager, or designee, that said structure and/or sewer as-built drawings have been reviewed and the project approved.

(Code 1996, § 50-36; Ord. No. 284 , § 1(exh. A), 4-26-2016)

### **Sec. 50-37. Building sewers and connections; maintenance by owner.**

- (a) The owner shall be responsible to maintain, repair, and replace, as necessary all sewer laterals and appurtenances serving the owner's property, and which are not located within the public rights-of-way. The clearing of any blockages within the sewer lateral is included within this obligation.
  - (1) A sewer lateral is that portion of sewer pipe, which connects a structure to a sewer main. Appurtenances to the sewer lateral include, but are not limited to, the fitting to which the owner's plumbing is connected, the clean-out and plug, and any markings or devices installed as an aid to locating the service connection.
  - (2) Except as provided in this section, any portion of the sewer lateral located within the public rights-of-way, once accepted by the town, is the responsibility of the town. All other portions of the sewer lateral are the responsibility of the property owner.
  - (3) No modification, repair or replacement of a sewer lateral within the public right-of-way shall be performed without the written consent of the town.
  - (4) Nothing herein shall be construed to prohibit the town from performing any repairs or replacement of sewer laterals in the public rights-of-way.
  - (5) The town shall not be responsible for, nor will the town provide reimbursement for, claims of costs incurred by property owners to clear blockages to any sewer lateral, including any and all damage within the residence or structure, without a written agreement, entered into prior to the commencement of any work on the sewer lateral.
  - (6) In the event of an emergency and in order to protect the public health and safety, the town may perform repairs to the sewer lateral on private property. Wherever possible, the town shall, at a minimum, make reasonable attempts to notify the property owner of the need for repairs to the sewer lateral.
- (b) If a sewer connection permits entrance of infiltration or inflow, the town shall require the customer to repair the sewer at the customer's expense within 90 days. The town may charge the owner a sewer surcharge that reflects the additional cost of sewage treatment from the owner's property; and/or require the owner to disconnect his sewer from the town's sewer system.

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- (c) A clean-out for the servicing of sewer systems attached to improvements on private property shall be located on such private property at the edge of such property line. The top of such clean-out section housing the sealed opening shall be brought to, but not above, grade level.
  - (d) This section shall apply to all new and existing sewer connections having been placed onto any private property in the town.

(Code 1996, § 50-37; Ord. No. 284 , § 1(exh. A), 4-26-2016)

**Secs. 50-38—50-55. Reserved.**

**ARTICLE III. WATER<sup>2</sup>**

**DIVISION 1. WATER SHORTAGE EMERGENCIES**

**Sec. 50-56. 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:

*District* means the South Florida Water Management District.

*Water resource* means any and all water on or beneath the surface of the ground, including natural or artificial watercourses, lakes, ponds, or diffused surface water, and water percolating, standing, or flowing beneath the surface of the ground.

*Water shortage condition* means a condition existing when sufficient water is not available to meet present or anticipated needs of persons using the water resource, or when conditions are such as to require temporary reduction in total water usage within a particular area to protect the water resource from serious harm. A water shortage usually occurs due to drought.

*Water shortage emergency* means that situation when the powers which can be exercised under chapter 40E-21, part II, Florida Administrative Code, are not sufficient to protect the public health, safety, or welfare; or the health of animals, fish or aquatic life; or a public water supply; or commercial, industrial, agricultural, recreational or other reasonable uses.

(Code 1983, § 51.02; Code 1996, § 50-56)

**Sec. 50-57. Intent and purpose.**

It is the intent and purpose of this article to protect the water resources of the town from the harmful effects of overutilization of the water resource during periods of water shortage and allocate available water supplies by assisting the South Florida Water Management District in the implementation of its water shortage plan.

(Code 1983, § 51.01; Code 1996, § 50-57)

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<sup>2</sup>Ord. No. 303 , § 2, adopted May 11, 2021, changed the title of Art. III from "Water Shortage Emergencies" to "Water," as set out herein.

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**Sec. 50-58. Applicability.**

The provisions of this article shall apply to all persons using the water resource within the geographical areas subject to a water shortage or water shortage emergency, as determined by the district, whether from publicly or privately owned water utility systems, private wells, or private connections with surface water bodies. This article shall not apply to persons using treated effluent or saltwater.

(Code 1983, § 51.03; Code 1996, § 50-58)

**Sec. 50-59. Amendments to water shortage plan.**

Chapter 40E-21, Florida Administrative Code, as amended, is incorporated in this article by reference as a part of this Code of Ordinances.

(Code 1983, § 51.04; Code 1996, § 50-59)

**Sec. 50-60. Declaration of water shortage or water shortage emergency.**

- (a) The declaration of a water shortage or water shortage emergency within all or any part of the town by the governing board or the executive director of the district shall invoke the provisions of this article. Upon such declaration, all water use restrictions or other measures adopted by the district applicable to this town, or any portions thereof, shall be subject to enforcement action pursuant to this article. Any violation of the provisions of chapter 40E-21, Florida Administrative Code, or any order issued pursuant thereto, shall be a violation of this article.
- (b) In the event of a facility failure or circumstance outside the immediate jurisdiction of the South Florida Water Management District which would necessitate curtailment of water production, the town ~~administrator~~ manager, or ~~his~~ designee, may declare the existence of a water shortage condition or emergency, which shall activate the provisions of this article.

(Code 1983, § 51.05; Code 1996, § 50-60)

State law reference(s)—Similar provisions, F.S. § 373.175.

**Sec. 50-61. Enforcement of article.**

In the event of a water shortage emergency, every police officer or sheriff having jurisdiction in the area governed by this article shall, in connection with all other duties imposed by law, diligently enforce the provisions of this article.

(Code 1983, § 51.06; Code 1996, § 50-61)

**Sec. 50-62. Water users to accept provisions of article.**

No water service shall be furnished to any person by a public or private utility unless such person agrees to accept all the provisions of this article. The acceptance of water service shall be in itself the acceptance of the provisions of this article.

(Code 1983, § 51.07; Code 1996, § 50-62)

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**Sec. 50-63. Penalty for violation of article; enforcement.**

- (a) Violation of any provision of this article shall be subject to the following penalties:
- (1) First violation: \$25.00.
  - (2) Second and subsequent violations: Fine not to exceed \$500.00 and/or imprisonment in the county jail not to exceed 60 days.
- (b) Each day in violation of this article shall constitute a separate offense. In the initial stages of a water shortage or water shortage emergency, law enforcement officials may provide violators with no more than one written warning. The town, in addition to the criminal sanctions contained in this article, may take any other appropriate legal action, including, but not limited to, emergency injunctive action, to enforce the provisions of this article.

(Code 1983, § 51.99; Code 1996, § 50-63)

**Secs. 50-64—50-69. Reserved.**

*DIVISION 2. WATER CONSERVATION AND IRRIGATION SCHEDULE.*

**Sec. 50-70. Intent and purpose; applicability.**

- (a) *Intent and purpose.* It is the intent and purpose of this division to implement procedures that promote water conservation through the efficient use of landscape irrigation.
- (b) *Applicability.* The provisions of this division shall apply to each user providing landscape irrigation from all water resources within the boundaries of the town with the following exceptions: The use of reclaimed water, which may or may not be supplemented from another source.

( Ord. No. 303 , § 2, 5-11-2021)

**Sec. 50-71. Definitions.**

The following words, terms and phrases, when used in this division, shall have the meanings listed below except where the context clearly indicates a different meaning.

*Address* means the "house number" (a numeric or alphanumeric designation) that, together with the street name, describes the physical location of a specific property.

*Consumptive use permit* (CUP) means a permit issued pursuant to Chapter 40E-2, F.A.C., authorizing the consumptive use of water.

*District* means the South Florida Water Management District, a government entity created under F.S. ch. 373.

*Even numbered address* means an address ending in the numbers 0, 2, 4, 6, 8.

*Existing landscaping* means any landscaping which has been planted and in the ground for more than 90 days.

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*Landscaping* means shrubbery, trees, lawns, sod, grass, ground covers, plants, vines and other flora which are situated in the landscapes of single-family residences, multifamily residences, condominiums, housing cooperatives and rights-of-way.

*Landscape irrigation* means the outside watering of shrubbery, trees, lawns, sod, grass, ground covers, plants, vines, and other flora which are situated in landscapes of single-family residences, multifamily residences, condominiums, housing cooperatives and rights-of-way.

*Law enforcement officials* mean any law enforcement officer employed by a law enforcement agency charged with the enforcement of laws of the town and of the state.

*Low volume hand watering* means the watering of landscape by one person, with one hose, fitted with a self-canceling or automatic shutoff nozzle.

*Low volume irrigation* means the use of equipment and devices specifically designed to allow the volume of water delivered to be limited to a level consistent with the water requirement of the plant being irrigated, and to allow that water to be placed with a high degree of efficiency in the root zone of the plant. The term also includes water used in mist houses and similar establishments for plant propagation. Overhead irrigation and flood irrigation are not included.

*Micro-irrigation* means the application of small quantities of water on or below the soil surface as drops or tiny streams of spray through emitter or applicators placed along a water delivery line. Micro-irrigation includes a number of methods or concepts, such as bubbler, drip, trickle, mist or microspray, and subsurface irrigation.

*New landscaping* means any landscaping which has been planted in the ground for 90 days or less.

*Odd numbered address* means an address ending in the numbers 1, 3, 5, 7, 9, ~~or the letters N-Z~~.

*Reclaimed water* means wastewater that has received at least secondary treatment and basic disinfection, and is reused after flowing out of a wastewater treatment facility as defined by Rule 62-40.210, F.A.C.

*User* means any person, individual, firm, association, organization, partnership, business trust, corporation, company, agent, employee, or other legal entity whether natural or artificial, which directly or indirectly takes water from the water resource, including uses from private or public utility systems, uses under water use permits issued pursuant to Chapter 40E-2, F.A.C., or uses from individual wells or pumps.

*Wasteful and unnecessary* means allowing water to be dispersed without any practical purpose to the water use; for example, excessive landscape irrigation, leaving an unattended hose on a driveway with water flowing, allowing water to be dispersed in a grossly inefficient manner regardless of the type of water use; for example, allowing landscape irrigation water to unnecessarily fall onto pavement, sidewalks, and other impervious surfaces; or allowing water flow through a broken or malfunctioning water delivery or landscape irrigation system.

*Water resource* means any and all water on or beneath the surface of the ground, including natural or artificial watercourses, lakes, ponds, or diffused surface water, and water percolating, standing, or flowing beneath the surface of the ground.

*Water shortage* means when the district determines there is the possibility that insufficient water will be available to meet the present and anticipated needs of the users, or when conditions are such as to require a temporary reduction in total use within a particular area to protect water resources from serious harm. A water shortage usually occurs due to drought.

*Water shortage emergency* means when the district determines the provisions listed in Part II of Chapter 40E-21, F.A.C., are not sufficient to protect the public health, safety, or welfare, the health of animals, fish, or aquatic life, a public water supply, or commercial, industrial, agricultural, recreational, or other reasonable-beneficial uses.

( Ord. No. 303 , § 2, 5-11-2021)



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## **Sec. 50-72. Year-round landscape irrigation conservation measures.**

The town hereby adopts the rules of the district, listed in subsection 40E-24.201 (1)-(6), F.A.C., including subsequent additions or corrections, which are set out as follows:

- (1) The year-round landscape irrigation conservation measures contained in this division are applicable to all users including permitted and exempt users under Chapter 40E-2, F.A.C., unless otherwise indicated. These conservation measures apply to all water resources, unless otherwise indicated. In addition to the requirements of this section, all permitted users under Chapter 40E-2, F.A.C., are required to maintain compliance with all CUP conditions and terms, including requirements to implement water conservation practices.
- (2) It shall be the duty of each user to keep informed as to the landscape irrigation conservation measures within this division which affect each particular water use.
- (3) In addition to the specific conservation measures, all wasteful and unnecessary water use is prohibited.
- (4) The following requirements shall apply to all users, unless specified in this subsection 50-72 or subsection 50-73.
  - a. Landscape irrigation shall be prohibited between the hours of 10:00 a.m. and 4:00 p.m., except as otherwise provided.
  - b. Irrigation of existing landscaping shall comply with the following provisions:
    - i. Even addresses, installations with irrigation systems that irrigate both even and odd addresses within the same zones, such as multi-family units and homeowners' associations, and rights-of-way shall have the opportunity to accomplish necessary landscape irrigation two days a week, only on Thursday and/or Sunday.
    - ii. Odd addresses shall have the opportunity to accomplish necessary landscape irrigation two days a week, only on Wednesday and/or Saturday.
  - c. Irrigation of new landscaping shall comply with the following provisions:
    - i. New landscaping may be irrigated once on the day it is installed without regard to the listed watering days and times. Irrigation of the soil immediately prior to the installation of the new landscaping is allowed without regard to the normal watering days and times.
    - ii. A 90 day establishment period begins on the day the new landscaping is installed. The new landscaping shall be installed within a reasonable time from the date of purchase, which may be demonstrated with a dated receipt or invoice.
    - iii. Irrigation of new landscaping which has been in place for 30 days or less may be accomplished on Monday, Tuesday, Wednesday, Thursday, Saturday, and/or Sunday.
    - iv. Irrigation of new landscaping which has been in place for 31 to 90 days may be accomplished on Monday, Wednesday, Thursday, and/or Saturday.
    - v. Irrigation of new landscaping is limited to areas only containing the new landscaping. An entire zone of an irrigation system shall only be utilized for landscape irrigation under this subsection if the zone contains at least 50 percent new landscaping. If a zone contains less than 50 percent new landscaping, or if the new landscaping is in an area that will not typically be irrigated by an irrigation system, only the individual new plantings are eligible for additional irrigation. Targeted watering may be accomplished by low volume hand watering or any appropriate method which isolates and waters only the new landscaping.

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- (5) Any water shortage restrictions or other measures declared pursuant to Chapter 40E-21, F.A.C., or related district governing board or executive director orders which are more restrictive than a measure contained within this division, shall supersede this division for the duration of the applicable water shortage declaration.

( Ord. No. 303 , § 2, 5-11-2021)

### **Sec. 50-73. Exceptions to schedules.**

Landscape irrigation scheduling shall be subject to the following exceptions:

- (1) Landscape irrigation systems may be operated during restricted days and/or times for cleaning, maintenance, and repair purposes with an attendant on site in the area being tested. Landscape irrigation systems may routinely be operated for such purposes no more than once per week, and the run time for any one test should not exceed ten minutes per zone.
- (2) Landscape irrigation for the purpose of watering-in fertilizers, insecticides, pesticides, fungicides and herbicides, where such watering-in is recommended by the manufacturer, or by federal, state or local law, or best management practices, shall be allowed under the following conditions:
  - a. Such watering-in shall be limited to one application, unless the need for more than one application is stated in the directions for application specified by the manufacturer; and
  - b. Such watering-in shall be accomplished during normally allowable watering days and times set forth in subsection 22-143(4)b. unless a professional licensed applicator has posted a temporary sign containing the date of application and the date(s) of needed watering-in activity.
- (3) Any plant material may be watered using low volume irrigation, micro-irrigation, low volume hand watering method, rain barrels, cisterns, or other similar rain-harvesting devices without regard to the watering days or times allowed pursuant to this division.

( Ord. No. 303 , § 2, 5-11-2021)

### **Sec. 50-74. Additional requirements.**

Any user who purchases and installs an automatic landscape irrigation system shall properly install, maintain, and operate technology that inhibits or interrupts operation of the system during periods of sufficient moisture in accordance with F.S. § 373.62.

( Ord. No. 303 , § 2, 5-11-2021)

### **Sec. 50-75. Variances**

- (a) If a user wishes to request a variance from the specific day or days identified in subsection 50-72 and required under Rule 40E-24.201, the user may apply to the district for such variance pursuant to Rule 40E-24.501(1), F.A.C. The decision of the district shall be final.
- (b) The town recognizes all irrigation variances or waivers issued by the district under Rule 40E-24.501, F.A.C.

( Ord. No. 303 , § 2, 5-11-2021)

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**Sec. 50-76. Declaration of water shortage or water shortage emergency.**

Declaration of a water shortage condition and/or water shortage emergency within all or parts of the town by the district's governing board or executive director shall supersede this division for the duration of the applicable water shortage declaration in accordance with the town's Water Shortage Emergencies set forth in Chapter 50, Article III, Division 1. A water shortage usually occurs due to drought.

( Ord. No. 303 , § 2, 5-11-2021)

**Sec. 50-77. Enforcement.**

- (a) In the absence of a declaration of water shortage or water shortage emergency within all or any part of the town by the District's governing board or executive director, the listed landscape irrigation restrictions shall be subject to enforcement action.
- (b) The town authorizes law enforcement officials to enforce the provisions of this division. In addition, the town manager may delegate this division's enforcement responsibility to departments within the town government.

( Ord. No. 303 , § 2, 5-11-2021)

**Sec. 50-78. Penalties.**

- (a) Violation of any provision of this division shall be subject to the following penalties:
  - (1) First violations, a warning.
  - (2) Second violations, a \$50.00 fine.
  - (3) Third violations, a \$250.00 fine.
  - (4) Fourth and subsequent violations, a \$500.00 fine.
- (b) Each day a violation of this division occurs shall be a separate offense. Law enforcement officials, and others as delegated, may provide violators with no more than one written warning. In addition to civil penalties, the town may take any other appropriate legal action, including, but not limited to, injunctive action to enforce the provisions of this division.

( Ord. No. 303 , § 2, 5-11-2021)

***ARTICLE IV. STORMWATER CONTROL<sup>3</sup>***

***DIVISION 1. GENERALLY***

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<sup>3</sup>Editor's note(s)—Ord. No. 166, adopted May 25, 1993, replaced Ord. No. 144 , adopted Feb. 27, 1990, which pertained to stormwater management.

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## **Sec. 50-86. 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 town authorized in writing by the building code administrator to administer and enforce the provisions of this article.

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

*Site of industrial activity* means any area or facility used for manufacturing, processing or raw materials 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 runoff and drainage.

*Stormwater system* means the system of conveyances owned by the town used for collecting, storing, and transporting stormwater, but not including any facilities intended to be used in accordance with applicable law for collecting and transporting sanitary or other wastewater.

(Code 1996, § 50-86; Ord. No. 166, § 1.2, 5-25-1993)

## **Sec. 50-87. Purpose and intent.**

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

(Code 1996, § 50-87; Ord. No. 166, § 1.1, 5-25-1993)

## **Sec. 50-88. National pollutant discharge elimination system permit.**

Any person who holds a national pollutant discharge elimination system (NPDES) permit shall provide a copy of such permit to the building code administrator no later than the later of 60 calendar days after the effective date of the ordinance from which this article derives or 60 calendar days after issuance.

(Code 1996, § 50-88; Ord. No. 166, § 2.4, 5-25-1993)

## **Sec. 50-89. 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.

(Code 1996, § 50-89; Ord. No. 166, § 2.1, 5-25-1993)

## **Sec. 50-90. Specific prohibitions on industrial activities.**

By adoption of industrial activity stormwater regulations or by issuance of industrial activity stormwater permits, or both, the building code administrator may impose reasonable limitations 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 issuance of permits by the building code administrator shall be in accordance with the applicable law.

(Code 1996, § 50-90; Ord. No. 166, § 2.2, 5-25-1993)

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**Sec. 50-91. Administrative orders to cease unlawful discharge.**

The building code administrator may issue an order to any person to immediately cease any discharge determined by the building code administrator to be in violation of any provision of this article or in violation of any regulation or permit issued under this article.

(Code 1996, § 50-91; Ord. No. 166, § 2.3, 5-25-1993)

**Sec. 50-92. Injunctive relief.**

Any violation of any provision of this article, or of any regulation or order issued under this article, shall be subject to injunctive relief if necessary to protect the public health, safety or general welfare.

(Code 1996, § 50-92; Ord. No. 166, § 5.1, 5-25-1993)

**Sec. 50-93. Continuing violations.**

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 under this article.

(Code 1996, § 50-93; Ord. No. 166, § 5.2, 5-25-1993)

**Sec. 50-94. Enforcement actions.**

The building code administrator may take all actions necessary, including the issuance of notices of violation, the filing of court actions and/or referral of the matter to the local code enforcement board, to require and enforce compliance with the provisions of this article and with any regulation or permit issued under this article.

(Code 1996, § 50-94; Ord. No. 166, § 5.3, 5-25-1993)

**Secs. 50-95—50-120. Reserved.**

*DIVISION 2. INSPECTIONS AND MONITORING*

**Sec. 50-121. Authority for inspections.**

Whenever necessary to make an inspection to enforce any of the provisions of this article, or regulation or permit issued under this article, 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 under this article, any authorized official may enter any property, building or facility at any reasonable time to inspect such property, building or facility or to perform any duty related to enforcement of the provisions of this article or any regulations or permits issued under this article; provided that if such property, building or facility is occupied, such authorized official shall first present proper credentials and shall request permission to enter. Any request for permission to enter made under this article shall state that the owner or person in control has the right to refuse entry, and that in the event that entry is refused, the authorized official may enter to make inspection only upon issuance of a search warrant by a duly authorized magistrate. 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 areawide inspections shall be based upon such

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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, nonstormwater discharges, or similar factors.

(Code 1996, § 50-121; Ord. No. 166, § 6.1, 5-25-1993)

**Sec. 50-122. Sampling devices; authority.**

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 under this article, any authorized official may take any samples deemed necessary.

(Code 1996, § 50-122; Ord. No. 166, § 6.2, 5-25-1993)

**Sec. 50-123. Requirements for monitoring, reports.**

The building code administrator 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 discharges to the stormwater system and to furnish periodic reports.

(Code 1996, § 50-123; Ord. No. 166, § 6.3, 5-25-1993)

Editor's note(s)—Provisions are as required by 40 CFR 122.26(d)(1)(ii)(A), (B), (C), (E) and (F), and the Florida Interlocal Cooperation Act of 1969 (F.S. § 163.01).

**Secs. 50-124—50-145. Reserved.**

*DIVISION 3. ILLICIT DISCHARGES*

**Sec. 50-146. General prohibitions.**

Except as set forth under section 50-148 or as authorized in accordance with a valid NPDES permit, any discharge to the stormwater system that is not composed entirely of stormwater is prohibited.

(Code 1996, § 50-146; Ord. No. 166, § 3.1, 5-25-1993)

**Sec. 50-147. 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, orders or permits, is prohibited.

(Code 1996, § 50-147; Ord. No. 166, § 3.2, 5-25-1993)

**Sec. 50-148. Authorized exceptions to discharge prohibitions.**

Unless the building code administrator determines that it is not properly managed or otherwise is not acceptable, the discharges which are exempt from the general prohibition set forth under section 50-146 are flows

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from firefighting; water line flushing and other contributions from potable water sources; landscape irrigation and lawn watering; irrigation water; diverted stream flows; rising groundwaters; 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 washings; flows from riparian habitats and wetlands; and dechlorinated swimming pool contributions.

(Code 1996, § 50-148; Ord. No. 166, § 3.3, 5-25-1993)

**Sec. 50-149. Prohibited connections.**

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

(Code 1996, § 50-149; Ord. No. 166, § 3.4, 5-25-1993)

**Sec. 50-150. Administrative order to cease unlawful discharge or connection.**

The building code administrator may issue an order to any person to immediately cease any discharge, or any connection to the stormwater system, determined by the building code administrator to be in violation of any provision of this article, or in violation of any regulation or permit issued under this article.

(Code 1996, § 50-150; Ord. No. 166, § 3.5, 5-25-1993)

**Secs. 50-151—50-170. Reserved.**

*DIVISION 4. SPILLS AND PROHIBITED DISCHARGES*

**Sec. 50-171. General prohibitions.**

Except as set forth under section 50-148 or as authorized in accordance with a valid NPDES permit, any discharge to the stormwater system that is not composed entirely of stormwater is prohibited.

(Code 1996, § 50-171; Ord. No. 166, § 4.1, 5-25-1993)

**Sec. 50-172. 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, orders or permits, is prohibited.

(Code 1996, § 50-172; Ord. No. 166, § 4.2, 5-25-1993)

**Sec. 50-173. 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 building code administrator by telephone, and if such person is directly or indirectly responsible for such discharge, then such person shall also take immediate action to ensure the

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containment and clean-up of such discharge and shall confirm such telephone notification in writing to the building code administrator within three calendar days.

(Code 1996, § 50-173; Ord. No. 166, § 4.3, 5-25-1993)

**Sec. 50-174. Administrative order.**

The building code administrator may issue an order to any person to immediately cease any discharge, or connection to the stormwater system, determined by the building code administrator to be in violation of any provision of this article, or in violation of any regulation or permit used under this article.

(Code 1996, § 50-174; Ord. No. 166, § 4.4, 5-25-1993)