



## **CITY OF MIAMI SPRINGS, FLORIDA**

**Mayor Maria Puente Mitchell**

**Vice Mayor Jorge Santin**  
**Councilman Walter Fajet, Ph. D.**

**Councilwoman Jacky Bravo**  
**Councilman Victor Vazquez, Ph.D.**

*Decorum: "Any person making impertinent or slanderous remarks or who becomes boisterous while addressing the City Council, shall be barred from further audience before the City Council by the Mayor, unless permission to continue or again address the City Council is granted by the majority vote of the City Council members present. In accordance with the foregoing, the City Council has determined that racial or ethnic slurs, personal attacks and comments unrelated to City matters or issues constitute prohibited comments from the podium."*

### **CITY COUNCIL REGULAR MEETING AGENDA**

**Monday, April 10, 2023 – 7:00 p.m.**

**City Hall, Council Chambers, 201 Westward Drive, Miami Springs, Florida**  
**(In-person and virtually. See pages 3-4 for additional information)**

- 1. Call to Order/Roll Call**
- 2. Invocation:** Mayor Maria Mitchell  
**Pledge of Allegiance:** Audience will lead the Pledge of Allegiance and Salute to the Flag
- 3. Agenda / Order of Business**
- 4. Awards & Presentations:**
  - A) Yard of the Month Award for April 2023 – 1105 Bluebird Avenue – The Blanco Family
- 5. Open Forum:** Persons wishing to speak on items of general City business, may do so in person (*subject to capacity restrictions*) or virtually by following the instructions on pages 3-4. This portion of the meeting also includes any pre-screened video submittals. *The purpose of Open Forum is to encourage residents and members of the public to address their concerns and make comments on any item. The City Council will not enter into a dialogue at this time. City staff will gladly address any question, issue, and/or comment after the meeting. The Mayor is the presiding officer of all Council meetings and shall conduct the meetings accordingly.*
- 6. Approval of Council Minutes:**
  - A) March 27, 2023 – Regular Meeting
- 7. Reports from Boards & Commissions:**
  - A) Report by the Centennial Committee Chair Julia Arias
- 8. Public Hearings: None.**

**9. Consent Agenda: (Funded and/or Budgeted):**

A) **Resolution** – A Resolution Of The City Council Of The City Of Miami Springs, Florida Providing For The Third Amendment To The Fiscal Year 2022-23 General Fund Budget; And Providing For An Effective Date

**10. Old Business: None.**

**11. New Business:**

A) **Ordinance – First Reading** – An Ordinance Of The Mayor And Council Of The City Of Miami Springs, Florida, Comprehensively Updating And Amending Chapter 53 “Stormwater Utility Management Program” Of The City’s Code Of Ordinances, By Creating Division Ii, “Water Quality” Pertaining To Illicit Discharges And Connections, Erosion And Sediment Control, And Other Water Quality Regulations; Providing For Severability; Providing For Codification; Providing For Conflicts; And Providing For An Effective Date

**12. Other Business:**

A) Appointment of Miami-Dade County League of Cities Director and Alternate for May 2023-24 session

**13. Reports & Recommendations:**

A) City Attorney

B) City Manager

C) City Council

**14. Adjourn**



## CITY OF MIAMI SPRINGS PUBLIC MEETING NOTICE

The City of Miami Springs will hold a Council meeting on:  
**Monday, April 10, 2023 at 7:00 p.m. at**  
**City Hall, Council Chambers, 201 Westward Drive, Miami Springs, Florida**  
**(Physical Meeting Location)**

The meeting agenda is available online at: <https://www.miamisprings-fl.gov/meetings>

Elected officials and City staff will participate from the physical meeting location. Members of the public may attend the meeting in person at the physical meeting location, or, alternatively, may watch or call in to the meeting by following these instructions:

### ATTEND THE MEETING IN PERSON AT THE PHYSICAL MEETING LOCATION

The meeting will be held in person at the physical meeting location stated above. Admission to the physical meeting location is on a first-come, first-serve basis and space is limited. Doors will open 30 minutes prior to the meeting start time. The City highly encourages those in attendance to wear facial coverings and abide by social distancing as recommended by the CDC.

### WATCH THE MEETING

- **Comcast/Xfinity:** Channel 77 (Meeting will not be live broadcast, but will be available for later viewing)
- **YouTube:** <https://www.youtube.com/channel/UC2at9KNngUxZRSw1UkhdHLQ/featured>
- **From your computer/mobile device:** <https://www.miamisprings-fl.gov/meetings>

### CALL IN TO THE PUBLIC MEETING

**Dial 305-805-5151 or 305-805-5152**

*(Alternatively, you may also dial the phone numbers below to join the meeting:*  
1 (646) 558 8656, 1 (301) 715 8592, 1 (312) 626 6799, 1 (669) 900 9128, 1 (253) 215 8782,  
1 (346) 248 7799) **then input the Meeting ID: 863-9512-4146, followed by #.**  
**There is no participant ID. Press # again.**

Any person requiring special accommodations to access this proceeding is asked to advise the City at least 2 days before the proceeding by contacting the City Clerk at [cityclerk@miamisprings-fl.gov](mailto:cityclerk@miamisprings-fl.gov)

### PUBLIC COMMENTS WILL BE ACCEPTED BY THE FOLLOWING MEANS:

**EMAILED COMMENTS:** Members of the public may email their public comments to the City in advance of the meeting. Please email the City at [cityclerk@miamisprings-fl.gov](mailto:cityclerk@miamisprings-fl.gov) by 12:00 p.m. on the day of the meeting with the subject line "PUBLIC COMMENT" and the following information in the body of the email: Your Name, Address, if you are a hired Consultant or City Employee, and/or if you are engaged in Lobbying Activities and/or representing an organization. Please limit your comments to no more than 350 words. Public comments received via email may be read into the record during the public comment portion of the agenda, if any.

**IN-PERSON COMMENTS:** Members of the public may attend the meeting at the physical meeting location stated above and deliver their public comments in person during the public comment portion of the agenda.

**VIRTUAL COMMENTS:** *Public comments will also be accepted during the meeting using the virtual meeting platform as follows:*

**By telephone:** To ask to speak during the meeting, call in to the meeting using the instructions above. Please press \*9 from your telephone and you will be called on to speak during public comments and identified by the last 4-digits of your telephone number.

During the meeting, when your name or the last 4-digits of your telephone number is called, you will be unmuted and you may deliver your comments.

Please be sure to be in a quiet area to avoid unnecessary noise. Please provide the following information before delivering your comments: Your Name, Address, if you are a hired Consultant or City Employee, and/or if you are engaged in Lobbying Activities and/or representing an organization.

A time limit may be imposed for each speaker during public comment.  
Your cooperation is appreciated in observing the time limit.

Any person making impertinent or slanderous remarks or who becomes boisterous while addressing the City Council, shall be barred from further audience before the City Council by the Mayor, unless permission to continue or again address the City Council is granted by the majority vote of the City Council members present. In accordance with the foregoing, the City Council has determined that racial or ethnic slurs, personal attacks and comments unrelated to City matters or issues constitute prohibited comments when addressing the Council during public comments.

#### **PUBLIC RECORDS**

The meeting will be recorded for later viewing and is a public record. The virtual chat, if any, will be saved and is a public record. Minutes of the meeting will be taken and will be made available.

#### **NOTICE PURSUANT TO §286.0105, FLORIDA STATUTES**

**IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE BOARD, AGENCY, OR COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT THIS MEETING OR HEARING, HE OR SHE WILL NEED A RECORD OF THE PROCEEDINGS, AND FOR SUCH PURPOSE, HE OR SHE MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.**

#### **AMERICANS WITH DISABILITIES ACT**

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this proceeding is asked to advise the City at least 2 days before the proceeding by contacting the City Clerk's Office at 305-805-5006.

#### **LOBBYING ACTIVITIES**

In accordance with Section 33-01 of the City Code, adopting Section 2-11.1(s) of the Miami-Dade County Code, any person engaging in lobbying activities, as defined therein, must register at the City Clerk's Office before addressing the City Council on the agenda items or engaging in lobbying activities. Specifically, all persons, firms or corporations employed or retained by a principal who seeks to encourage the passage, defeat, or modifications of (1) ordinance, resolution, action or decision of the City Council; (2) any action, decision, recommendation of any City Board or Committee; or (3) any action, decision or recommendation of City personnel during the time period of the entire decision-making process on such action, decision or recommendation which will be heard or reviewed by the City Council, or a City Board or Committee shall register with the City before engaging in any lobbying activities on forms prepared for this purpose and shall state under oath his or her name, business address, the name and business address of each person or entity which has employed said registrant to lobby, and the specific issue on which he or she has been employed to lobby. A copy of the lobbyist registration form is available from the Office of the City Clerk and online at: <https://www.miamisprings-fl.gov/cityclerk/lobbyist-registration-form-0>.

**Have questions or need additional information?**

**Write:** [cityclerk@miamisprings-fl.gov](mailto:cityclerk@miamisprings-fl.gov)

**Call:** 305-805-5006

**Mail:** 201 Westward Drive, Miami Springs, FL 33166



## **City of Miami Springs, Florida**

City Council Meeting

Regular Meeting Minutes

Monday, March 27, 2023 at 7:00 p.m.

City Hall Council Chambers, 201 Westward Drive, Miami Springs, Florida

Virtual Council Meeting using Communications Media Technology Pursuant to  
Governor's Executive Order 20-69

1. **Call to Order/Roll Call:** The meeting was called to order by the Mayor at 7:00 p.m.

Present were the following:

Mayor Maria Puente Mitchell

Vice Mayor George V. Lob

Councilman Bob Best

Councilwoman Jacky Bravo

Councilman Walter Fajet, Ph.D.

City Manager/Finance Director William Alonso

City Clerk Erika Gonzalez-Santamaria

City Attorney Haydee Sera (via Zoom)

Assistant City Manager Tammy Romero

Public Works Director Lazaro Garaboa

Human Resources Director Bill Collins

Recreation Director Omar Luna

2. **Invocation:** Offered by Councilman Bob Best

**Pledge of Allegiance:** The audience participated in leading the pledge.

3. **Agenda / Order of Business:**

**Councilman Fajet requested to add under New Business a discussion on the support of the five referenda on the City's April 4, 2023 Election related to Charter amendments. By consensus the Council chose to add Councilman Fajet's request as Agenda Item 11A.**

4. **Awards & Presentations:**

A) Boy Scouts Troop 334 – Project Presentation

**Mr. James Fulton, Scout Master for Troop 334 attended via Zoom, introduced Life Scouts Tyler Diaz and Matthew Mejia, who further detailed their proposed Scout projects. City Council conceded that both proposed projects were well thought out and would be a great asset to the community. The Council encouraged the Scouts to keep in communication with the City Manager and continue their great work and looking forward to the final product.**

B) Proclamation by the Mayor and City Council of Miami Springs proclaiming April 28<sup>th</sup>, 2023 as “Arbor Day” in the City of Miami Springs

**Mayor Mitchell read the Proclamation for the record. She requested Public Works Director Lazaro Garaboa and Administrative Assistant Liz Fuentes to receive the proclamation. She further announced that the City will celebrate Arbor Day at the Miami Springs sign on Curtiss Parkway on April 28<sup>th</sup> at 10:00 a.m.**

**5. Open Forum: The following members of the public addressed the City Council: Ken Amendola; MaryJo Mejia; and Dalvis Velasco.**

**6. Approval of Council Minutes:**

A) March 13, 2023 – Regular Meeting

**Councilman Best moved to approve the minutes of March 13, 2023 Regular Meeting. Vice Mayor Lob seconded the motion, which carried 5-0 on roll call vote. The vote was as follows: Vice Mayor Lob, Councilman Best, Councilwoman Bravo, Councilman Fajet and Mayor Mitchell voting Yes.**

**7. Reports from Boards & Commissions:**

A) Report by the Education Advisory Board Chair

B) Report by the Centennial Committee Chair Julia Arias

**City Clerk Erika Gonzalez provided an update on the Education Advisory Board and the Centennial Committee. She stated that both boards will provide updates at a future Council meeting.**

**8. Public Hearings: None.**

**9. Consent Agenda: (Funded and/or Budgeted):**

A) **Resolution** – A Resolution of the Mayor and City Council of the City of Miami Springs, Florida, Approving a Contract and Contract Addendum with Firework Displays Unlimited, LLC/ Fireworks Displays Unlimited, INC. for the City’s 2023 Fourth of July Fireworks Display in an Amount Not to Exceed \$20,000.00; Waving Competitive Bidding Procedures; Providing for Authorization; and Providing for and Effective Date

B) **Resolution** – A Resolution of the Mayor and City Council of the City of Miami Springs, Florida, Approving the purchase of a Stormwater Pump for the Hook Square Stormwater Pump Station Replacement Project from Miami-Dade County Pump & Supply Company in an amount not to exceed \$62,011.42; Providing for Implementation; and Providing for an Effective Date

C) **Resolution** – A Resolution of the Mayor and City Council of the City of

Miami Springs Adopting a Revised City Employee Pay Plan; Proving for Implementation; and Proving for an Effective Date

D) **Resolution** – A Resolution of the Mayor and City Council of the City of Miami Springs, Florida, Authorizing the Preparation of Documents for the Issuance of a Taxable Capital Improvement Revenue Note with SouthState Bank in an amount not to exceed \$3,800,000.00 at a Fixed Rate of 6.0% For Up To 15 Years for the Miami Springs Golf Course Revitalization Project; Proving for a Supplemental Resolution Setting Forth the Details of Said Note; Providing for Implementation; and Providing for an Effective Date.

**City Manager William Alonso pulled item 9A for an update and further discussion.**

**Councilman Best moved to approve Item 9B through 9D of the Consent Agenda. Councilman Fajet seconded the motion, which carried 5-0 on roll call vote. The vote was as follows: Vice Mayor Lob, Councilman Best, Councilwoman Bravo, Councilman Fajet and Mayor Mitchell voting Yes.**

**City Manager William Alonso read Item 9A, Resolution by title. He stated that there were some corrections in the contract that were recently clarified by the vendor. He also stated that due to the Golf Renovations project set for April 1<sup>st</sup>, the fireworks display for July 4<sup>th</sup> cannot be done at the Golf Course as in past years. He stated that a suggested location for the fireworks display is Springview Elementary. Recreation Director Omar Luna was present and addressed the Council's questions. After further discussion and certain concerns with the suggested location, the City Council conceded to defer the item to a future Council meeting in order for Staff to gather more information on alternative locations to have the July 4<sup>th</sup> Fireworks celebration.**

- 10. **Old Business: None at this time.**
- 11. **New Business: None at this time.**
- 12. **Other Business: None at this time.**
- 13. **Reports & Recommendations:**

A) City Attorney

**City Attorney Haydee Sera had no report at this time.**

B) City Manager

**City Manager William Alonso stated that the Golf Course Renovation Project Groundbreaking Ceremony will take place on April 5<sup>th</sup> at 10:00 a.m. He stated that recently there was an incident that occurred at the Aquatic Center over the weekend that required the quick actions of the City lifeguards and Fire Rescue. He**

recognized Aquatic Center Supervisor James Dean and his staff for their quick response and life-saving training. provide an update the City Council on the search for the Finance Director position. He wished all the candidates good luck on the upcoming elections on April 4<sup>th</sup>.

C) City Council

Vice Mayor Lob stated that it was with great pleasure to serve on the Council temporarily and would be willing to do it again if needed. He thanked the entire City Council for their support. He then stated that “may the good news be yours.”

Councilman Fajet thanked everyone for a great meeting. He had no further report.

Councilwoman Bravo stated that it is a pleasure to serve her City. She stated that this past term has been gratifying and a great learning curve. She thanked Councilman Best for his service and his views on the dais.

Councilman Best stated that is will be tough to leave the Council, it has been a long time, it has been fun and he truly feels the pulse of the community. He said that it has been a wonderful experience and would not trade it for the world. He thanked the former managers, and mostly the current one, William Alonso, he thanked the City Council past and present, he thanked Tammy Romero and Erika Gonzalez. He recognized Mayor Mitchell for her continued leadership as Mayor. Councilman Best expressed his gratitude to the residents of Miami Springs, he says it was an absolute honor to serve the City.

Mayor Mitchell wished all the candidates good luck in the upcoming City Election. She thanked them for wanting to serve on the City Council and that they are committed to the community. She said that Councilman Best has been absolutely invaluable to the Council and to the Community even behind the scenes through his speeches and availability to speak for the citizens and that the past six years have been a pleasure to work with him. The Mayor then reminded the community that The Woman’s Club will have a visit from the Easter Bunny Event on Saturday for the community and that all are invited to attend.

14. Adjourn

There being no further business to be discussed the meeting was adjourned at 8:25 p.m.



*Respectfully submitted:*

---

*Erika Gonzalez-Santamaria, MMC  
City Clerk*

*Adopted by the City Council on  
This 10th day of April, 2023.*

---

*Maria Puente Mitchell, Mayor*

PURSUANT TO FLORIDA STATUTES 286.0105, THE CITY HEREBY ADVISES THE PUBLIC THAT IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THIS COUNCIL WITH RESPECT TO ANY MATTER CONSIDERED AT ITS MEETING OR HEARING, HE OR SHE WILL NEED A RECORD OF THE PROCEEDINGS, AND THAT FOR SUCH PURPOSE, THE AFFECTED PERSON MAY NEED TO ENSURE THAT VERBATIM RECORD OF THE PROCEEDING IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED THIS NOTICE DOES NOT CONSTITUTE CONSENT BY THE CITY FOR THE INTRODUCTION OR ADMISSION OF OTHERWISE INADMISSIBLE OR IRRELEVANT EVIDENCE, NOR DOES IT AUTHORIZE CHALLENGES OR APPEALS NOT OTHERWISE ALLOWED BY LAW.

**RESOLUTION NO. 2023-\_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI SPRINGS, FLORIDA PROVIDING FOR THE THIRD AMENDMENT TO THE FISCAL YEAR 2022-23 GENERAL FUND BUDGET; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Miami Springs (the “City”) Charter prohibits any City department from incurring expenditures in excess of the department’s approved budget; and

**WHEREAS**, on September 26, 2022, the City Council adopted Resolution No. 2022-4032 adopting the City’s fiscal year 2022-2023 Budget (the “Budget”); and

**WHEREAS**, the Finance Department recommends amending the Budget to record the following General Fund expenditures: \$101,400 for the additional salaries and costs related to the addition of a Finance Director and \$23,500 for the hiring of a search firm for the City Manager position; and

**WHEREAS**, Section 166.241(7), Florida Statutes authorizes the governing body of a municipality to amend the Budget at any time within a fiscal year; and

**WHEREAS**, the City Council has determined that the budget increases, recordations, and appropriations as provided in Exhibit “A” attached hereto and incorporated herein are both proper and appropriate, in accordance with general accepted municipal accounting principles, and should be approved as being in the best interest and welfare of the residents of the City.

**NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF MIAMI SPRINGS, FLORIDA, AS FOLLOWS:**

**Section 1. Recitals.** That the above recitals are confirmed, adopted, and incorporated herein and made a part hereof by reference.

**Section 2. Third Amendment to Fiscal Year 2022-2023 Budget.** That the City Council hereby authorizes and approves the amended budgetary appropriations as described in this Resolution and reflected on Exhibit “A” attached hereto and incorporated herein.

**Section 3. Effective Date.** That this Resolution shall be effective immediately upon adoption.

The foregoing Resolution was offered by \_\_\_\_\_ who moved its adoption. The motion was seconded by \_\_\_\_\_ and upon being put to a vote, the vote was as follows:

Vice Mayor \_\_\_\_\_  
Councilmember Dr. Walter Fajet \_\_\_\_\_  
Councilmember \_\_\_\_\_  
Councilmember \_\_\_\_\_  
Mayor Maria Puente Mitchell \_\_\_\_\_

PASSED AND ADOPTED this 10<sup>th</sup> day of April, 2023.

\_\_\_\_\_  
MARIA PUENTE MITCHELL  
MAYOR

ATTEST:

\_\_\_\_\_  
ERIKA GONZALEZ, MMC  
CITY CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY  
FOR THE USE AND RELIANCE OF THE CITY OF MIAMI SPRINGS ONLY:

\_\_\_\_\_  
WEISS SEROTA HELFMAN COLE & BIERMAN, P.L.  
CITY ATTORNEY

**EXHIBIT A**  
**THIRD AMENDMENT TO FISCAL YEAR 2022-2023 BUDGET**

**EXHIBIT "A"**

**City of Miami Springs  
FY 2022-23 Budget Amendment  
All Operating Funds**

<b>Fund/Classification</b>	<b>Adopted Budget</b>	<b>Amendment No. 3</b>	<b>Ref</b>	<b>Amended Budget</b>
<b>General Fund</b>				
<b>Revenues</b>				
Taxes	\$9,567,252			\$9,567,252
Excise Taxes	2,770,585			2,770,585
Licenses & Permits	200,000			200,000
Intergovernmental Revenues	2,232,804			2,232,804
Charges for Services	2,512,300			2,512,300
Fines & Forfeitures	1,372,526			1,372,526
Miscellaneous	371,801			371,801
Proceeds from debt	500,000			500,000
Transfers from other funds	408,210			408,210
Fund Balance	707,635	\$124,900	1	832,535
<b>Total General Fund</b>	<b>\$20,643,113</b>	<b>\$124,900</b>		<b>\$20,768,013</b>
<b>Expenditures</b>				
City Council	185,419			185,419
City Manager	430,662			430,662
City Clerk	349,115			349,115
City Attorney	253,755			253,755
Human Resources	330,275	\$23,500	2	353,775
Finance-Administration	491,672	\$101,400	1	593,072
Finance-Professional Services	273,756			273,756
Information Technology	423,565			423,565
Planning	93,824			93,824
Police	8,514,688			8,514,688
Code Enforcement	310,376			310,376
Public Works	2,252,473			2,252,473
Recreation & Culture	3,080,800			3,080,800
Golf Operations	2,176,602			2,176,602
Transfers to other funds	1,476,131			1,476,131
Budgeted Increase to reserves	0			0
<b>Total General Fund</b>	<b>20,643,113</b>	<b>124,900</b>		<b>20,768,013</b>
Sanitation Operations	2,608,063			2,608,063
Stormwater Operations	601,420			601,420
<b>Total Enterprise Funds</b>	<b>3,209,483</b>	<b>\$0</b>		<b>\$3,209,483</b>
<b>Special Revenue &amp; Capital Projects</b>				
Road & Transportation	892,061			\$892,061
Senior Center Operations	1,199,097			1,199,097
Capital Projects	288,613			288,613
Building Operations	1,206,703			1,206,703
Law Enforcement Trust	164,074			164,074
<b>Total Special Revenue &amp; Capital Projects Funds</b>	<b>3,750,548</b>	<b>\$0</b>		<b>\$3,750,548</b>
Debt Service	1,672,926	\$0		\$1,672,926
<b>Total Debt Service</b>	<b>1,672,926</b>			<b>\$1,672,926</b>
<b>GRAND TOTAL ALL FUNDS</b>	<b>\$29,276,070</b>	<b>\$124,900</b>		<b>\$29,400,970</b>

**Legend:**

- 1) Budget for new Finance Director
- 2) Budget for Mercer Group Search Firm



## MEMORANDUM

To: Honorable Mayor and City Council

From: Haydee Sera, Esq., Weiss Serota Helfman Cole & Bierman, P.L., City Attorney

Date: April 10, 2023

RE: Ordinance Comprehensively Amending Chapter 53, "Stormwater Utility Management Program" to Strengthen Enforcement of the City's Municipal Separate Storm Sewer System (MS4) National Pollutant Discharge Elimination System (NPDES) Permit

### Recommendation:

It is recommended that the City Council approve the attached Ordinance on first reading on April 10, 2023. If approved, the proposed Ordinance will be scheduled for second reading (adoption) on April 24, 2023.

### Background:

The City of Miami Springs, as well as 32 other municipalities and government agencies in Miami-Dade County, is a co-permittee of the State of Florida's Department of Environmental Protection (FDEP) National Pollutant Discharge Elimination System (NPDES) Permit No. FLS000003 relating to the Municipal Separate Storm Sewer System (MS4) (the "MS4 Permit"). The MS4 Permit is issued pursuant to Section 403.0885, Florida Statutes (F.S.), and rules promulgated thereunder.

FDEP implements the stormwater element of the federal National Pollutant Discharge Elimination System (NPDES). The stormwater element of the NPDES program is mandated by Section 402(p) of the Clean Water Act (CWA), 33 U.S.C. Section 1342(p), and implemented through federal regulations including 40 Code of Federal Regulations (CFR) 122.26.

Authorized by Section 403.0885, Florida Statutes, FDEP's federally approved NPDES Stormwater Program is set out in various provisions within Chapters 62-4, 62-620, 62-621 and 62-624 of the Florida Administrative Code (F.A.C.). Chapter 62-624, F.A.C., specifically addresses Municipal Separate Storm Sewer Systems (MS4s).

The MS4 Permit authorizes the City and the co-permittees to discharge stormwater to waters of the State, in accordance with approved Stormwater Management Programs (SWMPs), effluent limitations, monitoring requirements, and other provisions, from all portions of the MS4 owned or operated by the City and the co-permittees.

Pursuant to the MS4 Permit, each co-permittee is *individually* responsible for:

---

- a) Compliance with permit conditions relating to discharges from portions of the MS4 where they are the operator;
- b) Implementation of their SWMP on portions of the MS4 where they are the operator;
- c) Where permit conditions are established for specific portions of the MS4, the permittees need only comply with the permit conditions relating to those portions of the MS4 for which they are the operator;
- d) A plan of action to assume responsibility for implementation of stormwater management and monitoring programs on their portions of the MS4 should inter-jurisdictional agreements allocating responsibility between permittees be dissolved or in default; and
- e) Submission of annual reports as specified in Part VI (Reporting Requirements) of the MS4 Permit.

The co-permittees may be *jointly* responsible for:

- a) Collection of monitoring data as required by Part V.B of the MS4 Permit; and
- b) Insuring implementation of system-wide management program elements, including any system-wide public education efforts.

In addition to being a co-permittee of the MS4 Permit, the City is a party to an Interlocal Agreement between Miami-Dade County and the other MS4 Co-Permittees that provides for pollutant discharge identification and control of discharges from Municipal Separate Storm Sewer Systems (MS4s) within the County. The City Council periodically approves the Interlocal Agreement, which was last approved by Resolution No. 2022-3983 on April 11, 2022.

Among other requirements, each MS4 Permittee is required to ensure legal authority to control discharges to and from those portions of the MS4 over which it has jurisdiction. The legal authority is intended to accomplish the following:

1. Control the contribution of pollutants to the MS4 by stormwater discharges associated with industrial activity, including construction sites, and the quality of stormwater discharged from these facilities/sites;
2. Prohibit illicit discharges and illicit connections to the MS4;
3. Control the discharge of spills and the illegal dumping or improper disposal of materials other than stormwater (e.g., industrial and commercial wastes, trash, used motor vehicle fluids, leaf litter, grass clippings, animal wastes, etc.) into the MS4;
4. Control through interagency or inter-jurisdictional agreements between permittees the contribution of pollutants from one portion of the MS4 to another;
5. Require compliance with conditions in ordinances, permits, contracts or orders; and
6. Carry out all inspection, surveillance and monitoring procedures necessary to determine compliance with permit conditions.

Working closely with City Staff, the City Attorney has prepared the proposed ordinance amending Chapter 53 of the City's Code to incorporate the MS4 Permit requirements in order to

1. strengthen the City's legal authority to enforce the MS4 Permit;
2. provide for post-construction stormwater treatment; and
3. address erosion and sediment control measures; and
4. provide for inspection, monitoring, and control of illicit discharges, illicit connections, illegal dumping, improper disposal and spills into the City's stormwater system.

The City's proposed ordinance has been submitted to and reviewed by FDEP, which will be provided a copy of the ordinance once adopted.



1   **ORDINANCE NO. 2023-\_\_\_\_\_**

2                   **AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE**  
3                   **CITY      OF      MIAMI      SPRINGS,      FLORIDA,**  
4                   **COMPREHENSIVELY UPDATING AND AMENDING**  
5                   **CHAPTER 53 “STORMWATER UTILITY MANAGEMENT**  
6                   **PROGRAM” OF THE CITY’S CODE OF ORDINANCES, BY**  
7                   **CREATING DIVISION II, “WATER QUALITY” PERTAINING**  
8                   **TO ILLICIT DISCHARGES AND CONNECTIONS, EROSION**  
9                   **AND SEDIMENT CONTROL, AND OTHER WATER**  
10                  **QUALITY REGULATIONS; PROVIDING FOR**  
11                  **SEVERABILITY; PROVIDING FOR CODIFICATION;**  
12                  **PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN**  
13                  **EFFECTIVE DATE.**

14                  **WHEREAS**, the City of Miami Springs, Florida (“City”) is committed to  
15 environmental conscientiousness and is located along an interconnected system of  
16 waters that provide habitat for fish and wildlife, opportunities for recreation, and an  
17 enhanced quality of life; and

18                  **WHEREAS**, the City has determined that illicit discharges to the stormwater  
19 system result in the damage and loss of natural resources, including the degradation of  
20 water quality; and

21                  **WHEREAS**, discharge of pollutants directly or via stormwater runoff into the  
22 surrounding waterways degrades water quality and poses a public health risk; and

23                  **WHEREAS**, storm drains that overflow, or are not properly protected or  
24 maintained, can permit an accumulation of pollutants to enter the stormwater system and  
25 discharge into the City’s interconnected waterways; and

26                  **WHEREAS**, as an operator of Municipal Separate Storm Sewer Systems (“MS4”)  
27 and a co-permittee under the National Pollutant Discharge Elimination System (“NPDES”)  
28 Permit No. FLS000003, the City is required to prohibit illicit discharges, illicit connections,  
29 illegal dumping, improper disposal and spills into the stormwater system, and is required  
30 to have the authority to enforce such prohibitions; and

31                  **WHEREAS**, the City Council finds that this Ordinance is necessary for the  
32 preservation and improvement of the environment, and in the best interest of the public  
33 health, safety, and welfare of the City’s residents and visitors.

34                  **NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE MAYOR AND**  
35 **COUNCIL OF THE CITY OF MIAMI SPRINGS, FLORIDA, AS FOLLOWS:**

36                  **Section 1. Recitals.** That each of the above recitals are true and correct and  
37 incorporated herein by this reference.

38                  **Section 2. Amending Chapter 53 of the City Code.** That Chapter 53 of the  
39 code of ordinances of the City of Miami Springs, Florida, is hereby amended to read as  
40 set forth in Exhibit A attached hereto and incorporated herein.

41                  **Section 3. Severability.** That the provisions of this Ordinance are declared to  
42 be severable and if any section, sentence, clause or phrase of this Ordinance shall for

43 any reason be held to be invalid or unconstitutional, such decision shall not affect the  
44 validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but  
45 they shall remain in effect, it being the legislative intent that this Ordinance shall stand  
46 notwithstanding the invalidity of any part.

47 **Section 4. Codification.** That it is the intention of the City Council and it is  
48 hereby ordained that the provisions of this Ordinance shall become and be made a part  
49 of the City’s Code of Ordinances, and that the sections of this Ordinance may be  
50 renumbered or relettered to accomplish such intentions, and that the word Ordinance  
51 shall be changed to Section or other appropriate word.

52 **Section 5. Conflicts.** That all ordinances or parts of ordinances, resolutions or  
53 parts of resolutions, in conflict herewith, are repealed to the extent of such conflict.

54 **Section 6. Effective Date.** That this Ordinance shall become effective  
55 immediately upon adoption on second reading.

56 **PASSED ON FIRST READING** on the \_\_\_\_\_ day of \_\_\_\_\_, 2023,  
57 on a motion made by \_\_\_\_\_ and seconded by \_\_\_\_\_.

58 **PASSED AND ADOPTED ON SECOND READING** this \_\_\_ day of \_\_\_\_\_  
59 \_\_\_\_\_, 2023 on a motion made by \_\_\_\_\_ and seconded by \_\_\_\_\_. Upon  
60 being put to a roll call vote, the vote was as follows:

- 61 Vice Mayor Jorge Santin \_\_\_\_\_
- 62 Councilmember Jacky Bravo \_\_\_\_\_
- 63 Councilmember Dr. Victor Vazquez, Ph.D. \_\_\_\_\_
- 64 Councilmember Dr. Walter Fajet, Ph.D. \_\_\_\_\_
- 65 Mayor Maria Puente Mitchell \_\_\_\_\_

66  
67  
68  
69 \_\_\_\_\_  
70 MARIA PUENTE MITCHELL, MAYOR

71 ATTEST:

72  
73 \_\_\_\_\_  
74 ERIKA GONZALEZ-SANTAMARIA, MMC  
75 CITY CLERK

76 APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

77  
78  
79 \_\_\_\_\_  
80 WEISS SEROTA HELFMAN COLE + BIERMAN, P.L.  
81 CITY ATTORNEY  
82

**Exhibit A<sup>1</sup>**

**Chapter 53- Stormwater Utility Management Program**

**Division 1 – Stormwater Utility Management Program**

\* \* \*

**Division 2. Water Quality**

**Sec. 53-101. Scope and purpose.**

The purpose of this division is to safeguard persons, protect property, and prevent damage to the environment, surface waters, and Biscayne Bay through the regulation of non-stormwater discharges and pollutants into the municipal separate storm sewer system (MS4), Biscayne Bay, and surface waters, to the maximum extent practicable. This division will also promote the public welfare by guiding, regulating, and controlling the design, construction, use, and maintenance of any development or other activity that disturbs or breaks the topsoil or results in the movement of earth on land in the City.

This division shall apply to all water entering the storm drain system generated on any developed and undeveloped lands unless explicitly exempted by an authorized enforcement agency.

This division establishes methods for controlling the introduction of pollutants into the municipal separate sewer storm system (MS4) in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process, and otherwise assure the protection of the water quality of the City.

The objectives of this division are to regulate the contribution of pollutants to the MS4 by stormwater discharges by any user; to prohibit illicit connections and discharges to the MS4; and to establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this division.

**Sec. 53-102. Findings and determinations.**

It is hereby found, determined and declared, as follows:

- 1) As a means of complying with Federal and State-mandated goals and priorities relating to stormwater management, and to provide for the current and future needs of the City with respect to collection, control, and disposal of storm and other surface water within the geographical boundaries of the City, the City's existing system and all stormwater drainage facilities relating thereto presently owned and managed by the City, including but not limited to such storm sewers, drains, culverts, retention systems, detention basins, drainage wells, conduits, and appurtenant features, catch basins, outfall structures, equipment, and all appurtenances, whether man-made or natural, necessary, useful, or convenient shall be treated as a unified stormwater management system.
- 2) Any development affecting storm and surface water should be managed, regulated, and controlled under the unified management of a City-wide system for the purpose

---

<sup>1</sup> Coding: ~~Strikethrough words~~ are deletions to the existing words. Underlined words are additions to the existing words. Changes between first and second reading are indicated with **highlighted double strikethrough** and **double underline**.

121 of, among other things, reducing or controlling erosion, sedimentation and turbidity,  
122 and other pollution of water, danger, and damage to life and property, and to protect  
123 and encourage the use of natural and efficient man-made means to these ends.

124 3) During the construction process, soil is highly vulnerable to erosion by wind and water.  
125 Eroded soil endangers water resources by reducing water quality and causing the  
126 siltation of aquatic habitat for fish and other desirable species. Eroded soil also  
127 necessitates repair of sewers and ditches and the dredging of lakes. In addition,  
128 clearing and grading during construction cause the loss of native vegetation necessary  
129 for terrestrial and aquatic habitat.

130 4) The operation of the system will serve a vital public purpose and promote the common  
131 interests and provide for the health, safety, and welfare of the residents of the City.

132 5) Those elements of the system which provide for the collection, storage, treatment, and  
133 conveyance of stormwater management are of benefit and provide value to all  
134 properties within the City.

135 **Sec. 53-103. Definitions.**

136 The following words, terms, and phrases, when used in this division, shall have the  
137 meanings ascribed to them in this section, except where the context clearly indicates a  
138 different meaning. All terms not otherwise defined in this division shall have the meaning  
139 ascribed to such terms in Section 53-03 of this chapter.

140 *Best management practices ("BMPs")* means schedules of activities, prohibition of  
141 practices, general good housekeeping practices, pollution prevention and educational  
142 practices, maintenance procedures, and/or other measures, practices, or devices that are  
143 generally accepted within an industry as being effective to reduce erosion from occurring  
144 on a disturbed site, prevent sedimentation from occurring on an adjacent property or  
145 within a waterway, and/or prevent or reduce the discharge of pollutants directly or  
146 indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also  
147 include treatment practices, operating procedures, and practices to control site runoff,  
148 spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

149 *Certified contractor* means a person who has received training and is licensed by the  
150 Florida Department of Environmental Protection (FDEP) to inspect and maintain erosion  
151 and sediment control practices.

152 *Clean Water Act* means the federal Water Pollution Control Act (33 U.S.C. § 1251 et  
153 seq.), and any subsequent amendments thereto.

154 *Clearing* means any activity that removes vegetative surface cover.

155 *Construction* means the act of creating or maintaining stockpiles of soil or other  
156 material which are erodible if exposed to water or wind and are capable of generating  
157 dust; or developing or improving public or private land, including without limitation the  
158 removal of surface cover, disturbance of soils, clearing, grubbing, grading, excavating  
159 and/or demolition.

160 *Demolition* means the partial, substantial, or complete removal or destruction of any  
161 structure, building or improvement.

162 Development or development activity means:

- 163 (i) The construction, installation, demolition, or removal of a structure;  
164 (ii) Clearing, scraping, grubbing, killing or otherwise removing vegetation from a  
165 site; and/or  
166 (iii) Adding, removing, exposing, excavating, leveling, grading, digging, furrowing,  
167 dumping, piling, dredging, or otherwise significantly disturbing soil, mud, sand,  
168 or rock of a site.

169 Drainage way means any channel that conveys surface runoff throughout a site.

170 Environmentally sensitive area means landscape elements or places which are vital  
171 to the long-term maintenance of biological diversity, soil, water, or other natural resources  
172 whether on a specific site or in a regional context. These areas shall include, but not be  
173 limited to, all wetlands, open water bodies, dunes, and beaches.

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

176 Erosion control means a measure that prevents erosion.

177 Erosion and Sediment Control Plan means a set of plans prepared by or under the  
178 direction of a licensed professional engineer indicating the specific measures and  
179 sequencing to be used on a development site during and after construction for the control  
180 of soil erosion, sedimentation of waters, release of pollutants into waterbodies or the MS4,  
181 and runoff resulting from land-disturbing activity.

182 Exfiltration means a stormwater management procedure, which stores runoff in a  
183 subsurface collection system and disposes of it by percolation into the surrounding soil.

184 Grading means any stripping, excavating, filling, stockpiling, or combination thereof,  
185 including the land in its excavated or filled condition.

186 Hazardous materials means any material, including any substance, waste, or  
187 combination thereof, which because of its quantity, concentration, or physical, chemical,  
188 or infectious characteristics may cause, or significantly contribute to, a substantial present  
189 or potential hazard to human health, safety, property, or the environment when improperly  
190 treated, stored, transported, disposed of, or otherwise managed.

191 Illicit connection means either of the following:

- 192 (i) Any drain or conveyance, whether on the surface or subsurface, which allows  
193 an illegal discharge to enter the MS4 including, but not limited to, any  
194 conveyance that allows any non-storm water discharge, including sewage,  
195 process wastewater, and wash water to enter the storm drain system and any  
196 connections to the MS4 from indoor drains and sinks, regardless of whether said  
197 drain or connection had been previously allowed, permitted, or approved by the  
198 City; or  
199 (ii) Any drain or conveyance connected from a commercial or industrial land use to  
200 the MS4 which has not been documented in plans, maps, or equivalent records  
201 and approved by the City.

202 Illicit or Illegal discharge means any direct or indirect non-storm water discharge to  
203 the storm drain system, except as exempted by this division.

204 Industrial activity means activities subject to NPDES Industrial Permits as defined in  
205 40 CFR, Section 122.26 (b)(14).

206 Land-disturbing activities means any activity which may result in soil erosion from  
207 water or wind and the movement of sediments or pollutants into surface waters or lands,  
208 or activity that may result in a change to the existing soil cover, including, but not limited  
209 to, clearing, dredging, grading, excavating, transporting, demolition, and filling of land.

210 Municipal separate storm sewer system or MS4 means the conveyance or system of  
211 conveyances that is owned and operated by the City of Miami Springs, and is designed  
212 or used to collect or convey stormwater (e.g., storm drains, pipes, and/or ditches).

213 Non-structural controls means BMPs that include collecting trash and debris,  
214 sweeping up nearby sidewalks and streets, maintaining equipment, and training site staff  
215 on erosion and sediment control practices.

216 NPDES means the National Pollutant Discharge Elimination System.

217 National Pollutant Discharge Elimination System (NPDES) Permit means a permit  
218 issued by the Environmental Protection Agency (EPA) or by the State of Florida  
219 Department of Environmental Protection under authority delegated pursuant to 33 USC  
220 § 1342(b) that authorizes the discharge of pollutants to waters of the State, whether the  
221 permit is applicable on an individual, group, or general area-wide basis.

222 Non-Storm Water Discharge means any discharge to the storm drain system that is  
223 not composed entirely of storm water.

224 Off-site sedimentation means the transport of sediment across boundaries of a land-  
225 disturbing activity, resulting in deposition of such materials in any lake or natural  
226 watercourse or on any land, public or private, not owned by the person responsible for  
227 the land-disturbing activity.

228 Operator means any party that has:

229 (i) Operational control of construction project plans and specifications, including the  
230 ability to make modifications to those plans and specifications; and/or

231 (ii) Day-to-day operational control of any activities that are necessary to ensure  
232 compliance with an erosion and sediment control plan for the site or other permit  
233 conditions imposed by the City.

234 Person means any natural person, association, business, club, corporation, limited  
235 liability company, firm, partnership, limited partnership, organization, and/or any group of  
236 people acting as an organized entity or recognized by law.

237 Perimeter control means a barrier that prevents sediment from leaving a site by  
238 filtering sediment-laden runoff or diverting it to a sediment trap or basin.

239 Phasing means clearing a parcel of land in distinct phases, with the stabilization of  
240 each phase completed before the clearing of the next.

241 Pollutant means anything that causes or contributes to pollution. Pollutants may  
242 include, but are not limited to, chemicals, paints, varnishes, degreasers and solvents;  
243 grease; antifreeze, oil and other automotive fluids or petroleum products; gasoline; diesel  
244 fuel; non-hazardous and toxic or poisonous liquid and solid wastes; sanitary sewage;  
245 heated water, chemically treated cooling water or other water; acids or alkalis; lawn  
246 clippings, leaves, branches, or yard trash; animal carcasses; pet waste; dyes; laundry  
247 waste or soaps; construction materials; pool water; effluent from boats, vessels, and other  
248 recreational watercraft or recreational vehicles; refuse, rubbish, garbage, litter, sediment,  
249 or other discarded or abandoned objects, and accumulations, so that the same may  
250 cause or contribute to pollution; pesticides; herbicides; fertilizers; hazardous substances  
251 and wastes; sewage; dissolved and particulate metals; animal wastes; wastes and  
252 residues that result from constructing a building or structure; steam cleaning waste; filter  
253 backwash water; silt; any groundwater containing phosphorous or nitrogen  
254 concentrations greater than the surface water into which the groundwater is discharged;  
255 solids in such quantities or of such size capable of causing interference or obstruction to  
256 the flow in the City's stormwater system; any water that exceeds the state surface water  
257 standards; and noxious or offensive matter of any kind.

258 Pollution means the contribution of pollutants to any land, the MS4, Biscayne Bay, or  
259 surface waters.

260 Premises means any building, lot, parcel of land, or portion of land whether improved  
261 or unimproved including adjacent sidewalks and parking strips.

262 Sediment means a solid material, whether organic or inorganic, that is in suspension,  
263 is being transported, or has been moved from its site of origin by wind, water, or gravity  
264 as a product of erosion.

265 Sediment control means measures that prevent eroded sediment from leaving the  
266 site.

267 Sedimentation means the process by which sediment resulting from accelerated  
268 erosion has been or is being transported off the site of the land-disturbing activity and  
269 onto adjacent public or private property or into a waterbody.

270 Site means a parcel of land or a contiguous combination thereof, where grading work  
271 is performed as a single unified operation.

272 Site development permit means a permit issued by the City for the construction or  
273 alteration of ground improvements and structures for the control of erosion, runoff, and  
274 grading.

275 Solid waste means and includes bulky waste, commercial refuse, garden trash, tree  
276 and shrubbery, garbage, refuse, rubbish, special handling trash, trash, hazardous waste,  
277 biohazardous waste, industrial waste, residential refuse, white goods, or other discarded  
278 material, including solid, liquid, semisolid, or contained gaseous material, resulting from  
279 domestic, industrial, commercial, mining, or agricultural operations.

280 Stabilization or stabilize means to establish groundcover sufficient and adequate to  
281 prevent erosion; the use of practices that prevent exposed soil from eroding.

282 Start of construction means the first land-disturbing activity associated with a  
283 development, including land preparation such as clearing, grading, and filling; installation  
284 of streets and walkways; excavation for basements, footings, piers, or foundations;  
285 erection of temporary forms; and installation of accessory buildings.

286 Storm Drainage System means publicly-owned facilities by which storm water is  
287 collected and/or conveyed, including but not limited to any roads with drainage systems,  
288 municipal streets, gutters curbs, inlets, piped storm drains, pumping facilities, retention  
289 and detention basins, natural and human-made or altered drainage channels, reservoirs,  
290 and other drainage structures.

291 Stormwater means the any surface flow, runoff, and drainage consisting entirely of  
292 water from any form of natural precipitation, and resulting from such precipitation.

293 Stormwater pollution prevention plan ("SWPPP") means a written plan required for  
294 construction projects proposing to disturb an area equal to or greater than one acre of  
295 land, which identifies Best Management Practices, strategies, and activities to be  
296 implemented to minimize stormwater runoff that will be generated by the project, identify  
297 sources of pollution or contamination at a site, and identify the actions to eliminate or  
298 reduce pollutant discharges to stormwater, stormwater conveyance systems, and/or  
299 receiving waters to the maximum extent practicable. The SWPPP shall be consistent with  
300 the guidelines in the Florida Stormwater, Erosion, and Sedimentation Control Inspector's  
301 Manual published by the Florida Department of Environmental Protection.

302 Structural controls means structural BMPs such as silt fences, sedimentation ponds,  
303 erosion control blankets, and temporary or permanent seeding.

304 Surface waters, or water(s), or waterway means waters on the surface of the earth,  
305 contained in bounds created naturally or artificially, including the Atlantic Ocean, bays,  
306 bayous, sounds, estuaries, lagoons, lakes, ponds, impoundments, rivers, streams,  
307 springs, creeks, branches, sloughs, tributaries, canals, ditches, and other watercourses.

308 Wastewater means any water or other liquid, other than uncontaminated storm water,  
309 discharged from a facility.

310 Watercourse means any body of water, including, but not limited to lakes, ponds,  
311 rivers, streams, and bodies of water delineated by the City.

312 Waterway means a channel that directs surface runoff to a watercourse or to the  
313 public storm drain.

314 **Sec. 53-104. Private facilities.**

315 1) Property owners shall be responsible, in compliance with local law, for providing and  
316 maintaining stormwater drainage facilities located on private property to collect and  
317 dispose of stormwater on site where runoff will principally be collected within that  
318 property. It shall be unlawful for any person to alter privately owned stormwater  
319 drainage facilities without the prior approval of the City. The owner shall clean and  
320 maintain the facility or channel, as required, to ensure efficient and proper operation  
321 of the facility. The owner shall obtain the City's prior written approval for any proposed  
322 changes or alterations to any private stormwater drainage facilities that, in the City's  
323 sole discretion, as decided by the City Manager or his or her designee, may



324 substantially or adversely affect stormwater drainage in the property owner's area in  
325 light of the requirements of this division and applicable law. No changes shall be  
326 permitted by the City which will adversely affect the stormwater management system  
327 in the area of the property.

328 2) The City may provide for inspection of private facilities to ascertain that the stormwater  
329 facilities are functioning as designed and approved.

330 3) The owner of any stormwater drainage facility that connects directly or indirectly to the  
331 City's stormwater management system shall maintain the facility to limit the peak  
332 discharge and the quantity of runoff entering the City's stormwater management  
333 system to that which was computed at the time the connection was authorized.

334 4) In any instance where existing property, land, buildings, or development negatively  
335 impact adjacent properties, land, buildings, or residences by directing or causing to  
336 be directed stormwater or runoff to the adjacent site, the City shall have the authority  
337 to require said property to take corrective action as it deems appropriate to ameliorate  
338 or otherwise mitigate said impact to the maximum extent practicable. Failure to  
339 complete said corrective action within a reasonable time shall constitute a violation of  
340 this division.

341 **Sec. 53-105. Requirements to prevent, control, and reduce stormwater pollutants**  
342 **by the use of best management practices.**

343 1) The City has adopted Best Management Practices through its standard operating  
344 procedures, which shall be required to be used for any activity, operation, or facility  
345 which may cause or contribute to pollution or contamination of storm water, the storm  
346 drain system, or waters of the State.

347 2) The property owner or operator of a commercial or industrial establishment shall  
348 provide or establish, at the owner or operator's expense, reasonable protection or  
349 safeguards from accidental discharge of prohibited materials or other wastes into the  
350 MS4, Biscayne Bay, and/or surface waters, through the use of structural and non-  
351 structural BMPs.

352 3) The property owner or operator responsible for a property that is or may be the source  
353 of an illicit discharge may be required to implement, at the owner or operator's  
354 expense, additional structural and non-structural BMPs to prevent the further  
355 discharge of pollutants to the City's MS4.

356 4) Compliance with all terms and conditions of a valid NPDES permit authorizing the  
357 discharge of stormwater associated with industrial activity, to the extent practicable,  
358 shall be deemed compliance with the provisions of this section.

359 **Sec. 53-106. Authorization by development permit required prior to undertaking**  
360 **development activity.**

361 1) Generally, No development activity may be undertaken unless the activity is  
362 authorized by a development permit.

363 2) Prerequisites to issuance of development permit. A development permit may not be  
364 issued unless the proposed development activity:

- 365 a) Is authorized by a final development order issued pursuant to this Division; and  
366 b) Conforms to the *Miami-Dade County Public Works Manual, Standard Details*; the  
367 *Miami-Dade County Water and Sewer Authority Department Manual of Standards*  
368 *and Specifications*; and other county, state and federal regulations as may be  
369 required and which are hereby adopted by reference.
- 370 3) Exceptions to requirement of a final development order. A development permit may  
371 be issued for the following development activities in the absence of a final  
372 development order issued pursuant to this division. Unless otherwise specifically  
373 provided, the development activity shall conform to this division.
- 374 a) The construction or alteration of a one- or two-family dwelling on a lot in a valid  
375 recorded subdivision approved prior to the adoption of this division. Compliance  
376 with certain development standards in this division is not required if in conflict with  
377 the previously approved plat.
- 378 b) The alteration of an existing building or structure so long as no change is made to  
379 its gross floor area, its use, or the amount of impervious surface on the site, and  
380 conforms to the standards provided for in this division.

381 **Sec. 53-107. Pollution control.**

- 382 1) Construction sites and construction activities.
- 383 a) Construction sites and operations shall be required to maintain, during and after  
384 all construction, development, excavation, and/or alteration operations, structural  
385 and non-structural, best management practices with the intent to reduce pollutants  
386 and sediment in stormwater run-off.
- 387 b) Construction or construction operations over any existing or planned stormwater  
388 management system, or any such operations causing interference with any  
389 stormwater management system shall not be permitted.
- 390 c) A schedule of inspections for monitoring may be developed to be carried out during  
391 and after the construction and operation phases as conditions to the permit to  
392 determine and verify compliance with this section.
- 393 d) Any person subject to an industrial or construction activity NPDES stormwater  
394 discharge permit shall comply with all provisions of such permit. Proof of  
395 compliance may be required in a form acceptable to the Public Works Director or  
396 his or her designee prior to allowing discharges to the municipal separate storm  
397 sewer system.
- 398 2) Alterations or obstructions to stormwater management. Alterations or obstructions to  
399 any stormwater management system, including pump stations, structural controls,  
400 catch basins, culverts, wetlands, or swales shall be prohibited without prior written  
401 approval of the City.
- 402 3) Herbicide, pesticide, fertilizer applications. Companies involved in the application of  
403 herbicides, pesticides, fertilizers, or any regulated material shall be required to obtain  
404 operating licenses, train their employees in the application of said materials with the  
405 intent to minimize or prevent over application and spills; develop plans for spill

406 response and spill control of said materials, and comply with local and Miami-Dade  
407 County regulations related to herbicides, pesticides, fertilizers, or any regulated  
408 material.

409 4) Litter, littering material. The accumulation, placing, sweeping, scattering, throwing, or  
410 dumping of litter, or littering material such as dead plants, yard clippings, stagnant  
411 water, rubbish, debris, trash, including any wrecked, derelict, or partially dismantled  
412 motor vehicle, trailer, boats, machinery, appliances, furniture or other similar division,  
413 or any unsanitary, hazardous or significant material upon any surface area,  
414 stormwater management system, or water body within the City is hereby prohibited.

415 **Sec. 53-108. Erosion and sediment control.**

416 1) Generally. Any person conducting a land-disturbing activity shall take all reasonable  
417 measures to protect all public and private property from damage caused by such  
418 activity, consistent with the requirements of this section. Additionally, any such person  
419 shall be held responsible for knowing and abiding by the requirements of this section.

420 2) Erosion and Sediment Control Plan Required Prior to Building Permit; Exceptions.

421 a) In order to obtain a building permit for any land-disturbing activity, an  
422 environmental plan review by the Building Department shall be required to ensure  
423 the applicable Erosion and Sediment Control Plan is included in the plans as may  
424 be required by this section. A review fee shall be assessed for any land-disturbing  
425 activity with a valuation of \$250,000.00 or more, as determined by the Building  
426 Official. The review fee shall be set forth in the City's Fee Schedule, which may be  
427 amended from time to time by resolution of the City Council

428 i) Sites less than one acre. All construction work, including work in an area less  
429 than one acre in size, that has the potential to impact the City's MS4, Biscayne  
430 Bay, surface waters, and/or adjacent properties, is required to employ sediment  
431 and erosion control measures that are in accordance with the Florida  
432 Department of Environmental Protection ("FDEP") Florida Storm Water Erosion  
433 and Sedimentation Control Inspector's Manual, latest revision, to maintain  
434 water quality standards in accordance with Miami Dade County Department of  
435 Environmental Resource Management ("DERM") standards and Florida  
436 Administrative Code Chapter 62-302.

437 ii) Sites equal to or greater than one acre. All construction activity that results in  
438 the disturbance of an area equal to or greater than one acre is required to obtain  
439 coverage under the FDEP Generic Permit for Storm Water Discharge from  
440 Large and Small Construction Activities (Construction Generic Permit ["CGP"]).  
441 The notice of intent ("NOI"), any correspondence, the acknowledgement letter  
442 granting coverage under the CGP, a copy of the CGP, SWPPP, and all  
443 completed inspection forms and other documentation required by the CGP  
444 shall be available at the site at all times and made available to the City Manager  
445 or any other City official or inspector until land-disturbing activities have been  
446 completed. The contractor shall always have at least one person on-site during  
447 work activities who is certified through the Florida Stormwater, Erosion and  
448 Sedimentation Control Inspector Training Program. All construction activity that

449 involves the alteration of surface water flows is required to obtain coverage  
450 under the FDEP Environmental Resource Permit ("ERP").

451 b) A site development permit is not required for the following activities:

452 i) Any emergency activity that is immediately necessary for the protection of life,  
453 property, or natural resources.

454 ii) Existing nursery and agricultural operations conducted as a permitted main or  
455 accessory use.

456 3) Permit Applications.

457 a) Each permit application shall bear the name(s) and address(es) of the owner or  
458 developer of the site, and of any consulting firm retained by the applicant together  
459 with the name of the applicant's principal contact at such firm and shall be  
460 accompanied by a filing fee. The fee shall be set forth in the City's Fee Schedule,  
461 which may be amended from time to time by resolution of the City Council.

462 b) A Construction Site Erosion and Sediment Control Affidavit, in a form prescribed  
463 by the City and signed by the property owner and certified contractor, shall be  
464 submitted with a building permit application and shall acknowledge that any land  
465 clearing, construction, or development involving the movement of earth shall be in  
466 accordance with the Erosion and Sediment Control Plan, that a certified contractor  
467 shall be on site on all days when construction or grading activity takes place, and  
468 that the Erosion and Sediment Control Plan will be maintained for the duration of  
469 the construction phase.

470 c) The applicant will be required to file with the City a faithful performance bond, letter  
471 of credit, or other improvement security in an amount deemed sufficient by the  
472 Building Official to cover all costs of improvements, landscaping, maintenance of  
473 improvements for such period as specified by the City, and engineering and  
474 inspection costs to cover the cost of failure or repair of improvements on the site.

475 4) Permit Review and Approval. The City, through its Director of Public Works and/or  
476 Building Official, will review each application for a site development permit to  
477 determine its conformance with the provisions of this division. Within 30 days after  
478 receiving an application, the City, through its Director of Public Works and/or Building  
479 Official, shall, in writing:

480 a) Approve the permit application;

481 b) Approve the permit application subject to such reasonable conditions as may be  
482 necessary to secure substantially the objectives of this regulation, and issue the  
483 permit subject to these conditions; or

484 c) Disapprove the permit application, indicating the reason(s) and procedure for  
485 submitting a revised application and/or submission.

486 5) Erosion and Sediment Control Plan.

487 a) The Erosion and Sediment Control Plan shall include one or more of the following,  
488 as applicable and as approved by the City through its Director of Public Works  
489 and/or Building Official:

- 490 i) A sequence of construction of the development site, including stripping and  
491 clearing; rough grading; construction of utilities, infrastructure, and buildings;  
492 and final grading and landscaping. Sequencing shall identify the expected date  
493 on which clearing will begin, the estimated duration of exposure of cleared  
494 areas, areas of clearing, installation of temporary erosion and sediment control  
495 measures, and establishment of permanent vegetation.
- 496 ii) All erosion and sediment control measures necessary to meet the objectives of  
497 this division throughout all phases of construction and after completion of  
498 development of the site. Depending upon the complexity of the project, the  
499 drafting of immediate plans may be required at the close of each season.
- 500 iii) Seeding mixtures and rates, types of sod, method of seedbed preparation,  
501 expected seeding dates, type and rate of lime and fertilizer application, and  
502 kind and quality of mulching for both temporary and permanent vegetative  
503 control measures.
- 504 iv) Provisions for maintenance and control facilities, including easements and  
505 estimates of the cost of maintenance.
- 506 b) Modifications to the Erosion and Sediment Control Plan shall be processed and  
507 approved or disapproved in the same manner as section 53-108(4) and shall  
508 include:
- 509 i) Major amendments of the Erosion and Sediment Control Plan; and  
510 ii) Field modifications of a minor nature.
- 511 c) Design Requirements.
- 512 i) Grading, erosion control practices, sediment control practices, and waterway  
513 crossings shall meet the design criteria set forth in the most recent version of  
514 FDEP's *Florida Stormwater, Erosion, and Sedimentation Control Inspectors*  
515 *Manual*, and shall be adequate to prevent transportation of sediment from the  
516 site.
- 517 ii) Clearing and grading of natural resources, such as forests and wetlands, shall  
518 not be permitted, except when in compliance with all other chapters of this  
519 Code. Clearing techniques that retain natural vegetation and drainage patterns,  
520 as described in FDEP's *Florida Stormwater, Erosion, and Sedimentation*  
521 *Control Inspectors Manual*, latest version shall be used.
- 522 iii) Clearing, except when necessary to establish sediment control devices, shall  
523 not begin until all sediment control devices have been installed and have been  
524 stabilized.
- 525 iv) Phasing shall be required on all sites disturbing greater than 30 acres, with the  
526 size of each phase to be established at plan review and approved by the City  
527 through its Director of Public Works and/or Building Official.
- 528 v) Erosion control requirements shall include one or more of the following, as  
529 applicable and as approved by the City through its Director of Public Works  
530 and/or Building Official:

- 531           (1) Soil stabilization shall be completed within five days of clearing or inactivity  
532           in construction.
- 533           (2) If seeding or another vegetative erosion control method is used, it shall  
534           become established within four weeks or within such other time frame as  
535           may be approved by the City. If the seeding or other vegetative erosion  
536           control method does not become established, the City through its Director  
537           of Public Works and/or Building Official may require the site to be reseeded  
538           or a nonvegetative option employed.
- 539           (3) Special techniques that meet the design criteria outlined in FDEP's *Florida*  
540           *Stormwater, Erosion, and Sedimentation Control Inspectors Manual*, latest  
541           version, on steep slopes or in drainage ways shall be used to ensure  
542           stabilization.
- 543           (4) All disturbed areas of the site shall be vegetated or otherwise temporarily  
544           stabilized until construction completion
- 545           (5) Soil stockpiles must be stabilized or covered at the end of each workday.
- 546           (6) The entire site must be stabilized, using heavy mulch layer or another  
547           method that does not require germination to control erosion, at the close of  
548           the construction season.
- 549           (7) Techniques shall be employed to prevent the blowing of dust or sediment  
550           from the site.
- 551           (8) Controlling dust on paved roadways will be done by use of a sweeper with  
552           water-jet sprayers. Only enough water should be applied to control dust  
553           while sweeping. Sprayers shall not generate runoff into catch basins.
- 554           (9) Techniques that divert upland runoff past disturbed slopes shall be  
555           employed.
- 556        vi) Sediment control requirements shall include:
- 557           (1) Sediment traps and perimeter controls.
- 558           (2) Basins that are designed in a manner that allows adaptation to provide long  
559           term stormwater management, if required by the City through its Building  
560           Official and/or Director of Public Works.
- 561           (3) Protection for adjacent properties by the use of a vegetated buffer strip in  
562           combination with perimeter controls.
- 563        vii) Waterway and watercourse protection requirements shall include:
- 564           (1) A temporary stream crossing installed and approved by the City through its  
565           Building Official and/or Director of Public Works if a wet watercourse will be  
566           crossed regularly during construction.
- 567           (2) Stabilization of the watercourse channel before, during, and after any in-  
568           channel work.

- 569 (3) All on-site stormwater conveyance channels designed according to the  
570 criteria outlined in the [Miami-Dade County Public Works Manual, Standard](#)  
571 [Details](#).
- 572 (4) Stabilization adequate to prevent erosion located at the outlets of all pipes  
573 and paved channels.
- 574 viii) Construction site access and sediment control requirements shall include one  
575 or more of the following, as applicable and as approved by the City through its  
576 Director of Public Works and/or Building Official:
- 577 (1) A temporary access road provided at all sites.
- 578 (2) Construction entrance(s) shall be stabilized wherever traffic will be leaving  
579 a construction site and traveling on paved roads or other paved areas within  
580 the site that is open to the public.
- 581 (3) Any sediment that is tracked onto road pavement shall be removed  
582 immediately (prior to the end of each workday).
- 583 (4) Pavement shall not be cleaned by washing/flushing street unless proper  
584 drain protection is in place to prevent discharges into the MS4.
- 585 (5) All sediments/soils shall remain on site.
- 586 (6) Perimeter protection, including a staked silt fence where applicable, is  
587 required for all development or redevelopment activities.
- 588 (7) Catch basin inserts are to be used to prevent sediments from entering  
589 drainage system. Inserts are to be inspected and cleaned weekly and after  
590 each rainfall event.
- 591 (8) If a water truck is used to control dust on dirt/graded areas only, the water  
592 truck will only drop enough water to control the dust or reach the optimum  
593 moisture content of the soil for compaction. No run-off is to be generated.
- 594 (9) Controlling dust on paved roadways will be done by use of a sweeper with  
595 water-jet sprayers. Only enough water should be applied to control dust  
596 while sweeping. Sprayers shall not generate runoff into catch basins.
- 597 (10) Sediment/soil erosion entering the right-of-way, adjacent private  
598 property, or waterbody shall be prohibited.
- 599 (11) Sediment/soil erosion from uplands into environmentally sensitive  
600 areas shall be prohibited.
- 601 (12) Dumping or piling vegetative debris or clippings in right-of-way or  
602 environmentally sensitive areas shall be prohibited.
- 603 (13) Tracking sediment or soil onto a roadway shall be prohibited
- 604 (14) Floating turbidity curtains labeled with the name of the contractor  
605 shall be required for construction or development activities occurring in or  
606 adjacent to a waterway, or that may cause sedimentation of the adjacent  
607 waterway.

608 (15) Other measures required by the City through its Building official  
609 and/or Director of Public Works in order to ensure that sediment is not  
610 tracked onto public streets by construction vehicles or washed into storm  
611 drains.

612 6) Inspections.

613 a) The City, through its Building official and/or Director of Public Works, shall make  
614 inspections as hereinafter required and shall approve the portion of the work  
615 completed or shall notify the permittee wherein the work fails to comply with the  
616 Erosion and Sediment Control Plan as approved. Plans for grading, stripping,  
617 excavating, and filling work bearing the stamp of approval of the City through its  
618 Building official and/or Director of Public Works shall be maintained at the site  
619 during the progress of the work. To obtain inspections, the permittee shall notify  
620 the City's Building Department at least two business days before the following:

- 621 i) Start of construction;
- 622 ii) Completion of site clearing; and
- 623 iii) Completion of final construction.

624 b) The City or its designated agent shall make regular inspections of all control  
625 measures in accordance with the inspection schedule outlined in the approved  
626 Erosion and Sediment Control Plan. The purpose of such inspections will be to  
627 determine the overall effectiveness of the control plan and the need for additional  
628 control measures. All inspections shall be documented in written form and  
629 submitted to the Director of Public Works at the time interval specified in the  
630 approved permit.

631 c) The City Manager or his or her designee and/or a Code Inspector shall enter the  
632 property of the applicant as deemed necessary to make regular inspections to  
633 ensure the validity of the reports filed under this section.

634 7) Enforcement.

635 a) Stop-Work Order; Revocation of Permit. In the event that any person holding a  
636 site development permit pursuant to this section violates the terms of the permit or  
637 implements site development in such a manner as to materially or adversely affect  
638 the health, welfare, or safety of persons residing or working in the neighborhood  
639 or development site so as to be materially detrimental to the public welfare or  
640 injurious to property or improvements in the neighborhood, the City's Director of  
641 Public Works, Building Official, or Manager may suspend or revoke the site  
642 development permit. This remedy is supplemental to the remedies provided in  
643 section 53-116.

644 **Sec. 53-109. Illicit discharges and connections; Suspension of access to the**  
645 **municipal separate storm sewer system**

646 1) Illicit Discharges Prohibited.

647 a) No person shall discharge or cause to be discharged into the municipal storm drain  
648 system or watercourses any materials, including but not limited to pollutants or



649 waters containing any pollutants that cause or contribute to a violation of applicable  
650 water quality standards, other than storm water.

651 b) Prohibited illicit discharges shall require spill response, spill control, and spill clean-  
652 up by the property owner and responsible party as designated and prescribed by  
653 the City.

654 2) Illicit Discharge Exemptions. The following activities shall be exempt from the  
655 requirements of this section, but only to the extent that the discharge meets state  
656 water quality standards, and does not significantly contribute pollutants into the MS4,  
657 as determined by the City, through its Building Official and/or Director of Public Works:

658 a) Water line flushing;

659 b) Landscape irrigation;

660 c) Diverted stream flows;

661 d) Rising ground waters;

662 e) Uncontaminated ground water infiltration (as defined at 40 CFR 35.2005(20)) to  
663 separate storm sewers;

664 f) Uncontaminated pumped ground water;

665 g) Discharges from potable water sources;

666 h) Foundation drains;

667 i) Air conditioning condensate;

668 j) Irrigation water;

669 k) Springs;

670 l) Water from crawl space pumps;

671 m) Footing drains;

672 n) Lawn watering;

673 o) Individual residential (i.e., non-commercial) car washing;

674 p) Flows from riparian habitats and wetlands;

675 q) Dechlorinated swimming pool discharges;

676 r) Street wash waters;

677 s) Discharges or flows from emergency firefighting activities;

678 t) Reclaimed water line flushing authorized pursuant to a permit issued under the  
679 authority of Rule 62-610, Florida Administrative Code;

680 u) Flows from uncontaminated roof drains; and

681 v) Dye testing after obtaining approval in writing from the City prior to the time of the  
682 test.

683 3) Illicit Connections Prohibited.

684 a) The construction, establishment, use, maintenance, or continued existence of illicit  
685 connections, whether direct or indirect, to the storm drain system is prohibited. This  
686 prohibition expressly includes, without limitation, illicit connections made in the  
687 past, regardless of whether the connection was permissible under law or practices  
688 applicable or prevailing at the time of connection.

689 b) A violation of this section occurs if a person connects a line conveying sewage to  
690 the MS4 or allows such a connection to continue.

691 4) Suspension and Termination of Access to MS4.

692 a) Suspension due to illicit discharges in emergency situations. The City, without prior  
693 notice, may suspend any person's access to the MS4 in order to stop an actual or  
694 threatened discharge which presents or may present imminent and substantial  
695 danger to the environment, or to the health or welfare of persons, or to the MS4,  
696 Biscayne Bay, or surface waters. If the violator fails to comply with a suspension  
697 order issued in an emergency, the City may take such steps as deemed necessary  
698 to prevent or minimize damage to the MS4 or Waters of the State, or to minimize  
699 danger to persons.

700 b) Termination due to detection of illicit discharge. Any person discharging into the  
701 MS4 in violation of this division may have their MS4 access terminated if such  
702 termination would abate or reduce an illicit discharge. The City will notify a violator  
703 of the proposed termination of its MS4 access. The violator may petition the City  
704 for a reconsideration and hearing. The City's Public Works Director shall, within 30  
705 days of receipt of a petition for reconsideration, review the petition, in consultation  
706 with the City's Building Official, and render a decision either granting the petition  
707 and ceasing the termination, or denying the petition and upholding the termination.

708 c) A violation of this section shall be deemed to have occurred if the person reinstates  
709 MS4 access to premises terminated pursuant to this section without the City's prior  
710 approval.

711 **Sec. 53.110. Stormwater inspections and monitoring procedures.**

712 To the fullest extent allowed by law, the City may enter all structures and premises to  
713 perform inspections, surveillance, and monitoring procedures, within reasonable hours,  
714 of said structures or premises, and shall have free access to copying or reviewing  
715 pertinent records of a facility, system, or premises in order to ascertain the state of  
716 compliance with the laws, rules, and regulations of the City, as outlined in this division.

717 (1) The compliance personnel of the City shall be provided with official identification and  
718 shall exhibit such identification when making inspections.

719 (2) The owner, operator, lessee, occupant, or person in charge of the structure or  
720 premises shall give the inspecting officer free access to the structure or premises for  
721 the purpose of making such inspections without hampering, obstructing, or interfering  
722 with such inspection.

723 **Sec. 53-111. Monitoring of Stormwater Discharges Associated with Industrial**  
724 **Activity.**

- 725 1) Applicability. This section applies to all properties that have stormwater discharges  
726 associated with industrial activity, including construction activity.
- 727 2) Access to Properties.
- 728 a) The City shall be permitted to enter and inspect properties subject to regulation  
729 under this division as often as may be necessary to determine compliance with this  
730 division. If a discharger has security measures in force which require proper  
731 identification and clearance before entry into its premises, the discharger shall  
732 make the necessary arrangements to allow access to City representatives.
- 733 b) Operators shall allow the City ready access to all parts of the premises for the  
734 purposes of inspection, sampling, examination and copying of records that must  
735 be kept under the conditions of an NPDES permit to discharge stormwater, and  
736 the performance of any additional duties as defined by state and federal law.
- 737 c) The City shall have the right to set up on any permitted property such devices as  
738 are necessary in the opinion of the City to conduct monitoring and/or sampling of  
739 the property's stormwater discharge.
- 740 d) The City has the right to require the discharger to install monitoring equipment as  
741 necessary. The property's sampling and monitoring equipment shall be  
742 maintained at all times in a safe and proper operating condition by the discharger  
743 at its own expense. All devices used to measure stormwater flow and quality shall  
744 be calibrated to ensure their accuracy.
- 745 e) Any temporary or permanent obstruction to safe and easy access to the property's  
746 to be inspected and/or sampled shall be promptly removed by the operator at the  
747 written or oral request of the City and shall not be replaced. The costs of clearing  
748 such access shall be borne by the operator.
- 749 f) Unreasonable delays in allowing the City access to a permitted property's is a  
750 violation of a stormwater discharge permit and of this division. A person who is  
751 the operator of a property's with a NPDES permit to discharge stormwater  
752 associated with industrial activity commits a violation of this section if the person  
753 denies the City reasonable access to the permitted property's for the purpose of  
754 conducting any activity authorized or required by this division.
- 755 g) If the City has been refused access to any part of the premises from which  
756 stormwater is discharged, and is able to demonstrate reason to believe that a  
757 condition of nonconformity exists with respect to the particular place, dwelling,  
758 structure, or premises, which condition would constitute a violation of this division,  
759 or that there is a need to inspect and/or sample as part of a routine inspection and  
760 sampling program designed to verify compliance with this division or any order  
761 issued hereunder, or to protect the overall public health, safety and welfare of the  
762 community, then the City may seek issuance of an inspection warrant from a court  
763 of competent jurisdiction.

764 **Sec. 53-112. Watercourse Protection.**

765 Every person owning property through which a watercourse passes, or such person's  
766 lessee, shall keep and maintain that part of the watercourse within the property free of

767 trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate,  
768 or significantly retard the flow of water through the watercourse. In addition, the owner or  
769 lessee shall maintain existing privately owned structures within or adjacent to a  
770 watercourse, so that such structures will not become a hazard to the use, function, or  
771 physical integrity of the watercourse.

772 **Sec. 53.113. Notification of Spills; Reporting of Illicit Discharges.**

773 Notwithstanding other requirements of law, as soon as any person responsible for a  
774 facility or operation, or responsible for emergency response for a facility or operation has  
775 information of any known or suspected release of materials which are resulting or may  
776 result in illegal discharges or pollutants discharging into storm water, the storm drain  
777 system, or water of the U.S., said person shall take all necessary steps to ensure the  
778 discovery, containment, and cleanup of such release. In the event of a release of  
779 hazardous materials, said person shall immediately notify the State Warning Point of the  
780 Florida Department of Environmental Protection and the City's Public Works Department.  
781 In the event of a release of non-hazardous materials, said person shall notify the City in  
782 person or by phone or email no later than the next business day. Notifications in person  
783 or by phone shall be confirmed by written notice addressed and mailed to the City within  
784 three business days of the phone notice. If the discharge of prohibited materials emanates  
785 from a commercial or industrial establishment, the owner or operator of such  
786 establishment shall also retain an on-site written record of the discharge and the actions  
787 taken to prevent its recurrence. Such records shall be retained for at least three years.

788 **Sec. 53.114. Determination of compliance or non-compliance.**

789 The City Manager or his or her designee shall have the authority to determine the  
790 compliance or non-compliance with this division of a stormwater management system or  
791 non-stormwater discharge to a stormwater management system, body of water, or  
792 surface area; based on investigation, surveillance, monitoring, sampling, testing, and/or  
793 sound engineering and operational evaluations.

794 **Sec. 53.115. Violations; Assessment of penalty for non-compliance.**

- 795 1) Penalties for violations of the provisions of this division shall be enforced through  
796 sections 32-60 through and including 32-72 of the City Code. Fines shall be in the  
797 amounts prescribed in section 32-67. Each and every day on which such person  
798 continues to violate the provisions of this division after having been notified of such  
799 violation shall constitute a separate offense. The City Manager or designee may bring  
800 any violation of the provisions of this division before the Special Magistrate for a  
801 determination as to whether the violation is irreparable or irreversible in nature. Upon  
802 a finding by the Special Magistrate that a violation of this division is irreparable or  
803 irreversible in nature, the Special Magistrate shall impose a fine of up to \$5,000 in  
804 accordance with section 32-67 of the City Code and section 162.09(2), Florida  
805 Statutes.
- 806 2) Upon determination of a violation of this division, the violator shall bear all costs  
807 incurred for clean-up, enforcement action, and remediation.

- 808 3) The City may order the correction of any unsafe, nonconforming or unauthorized  
809 condition which is in violation of any provision of this division. The City may also order  
810 the discontinuance of any activity causing such condition.
- 811 4) Any person responsible for pollutant discharge into any body of water or stormwater  
812 systems, and who fails to correct any prohibited condition or discontinue any  
813 prohibited activity at the City's request, shall be responsible to pay the necessary  
814 expenses incurred by the City in carrying out the pollution abatement, including any  
815 expenses incurred in testing, measuring, sampling, collecting, removing, containing,  
816 treating, and disposing of the pollutant materials.
- 817 5) If abatement of a violation and/or restoration of affected property is required, the notice  
818 shall set forth a deadline within which such remediation or restoration must be  
819 completed. Said notice shall further advise that, should the violator fail to remediate  
820 or restore within the established deadline, the work will be done by the City or a  
821 contractor and the expense thereof shall be charged to the violator.
- 822 6) Cost of Abatement of the Violation. The owner of the property will be notified of the  
823 cost of abatement, including administrative costs. If the amount due is not paid within  
824 10 days after notice of the cost of abatement, the charges shall become a special  
825 assessment against the property and shall constitute a lien on the property for the  
826 amount of the assessment. The costs shall be paid in not more than 12 equal  
827 payments. Interest shall be assessed in accordance with and at the rate set forth in  
828 section 170.09, Florida Statutes.
- 829 7) Violations Deemed a Public Nuisance. In addition to the enforcement processes and  
830 penalties provided herein, any condition caused or permitted to exist in violation of  
831 any of the provisions of this division is a threat to public health, safety, and welfare,  
832 and is declared and deemed a nuisance, pursuant to section 823.01, Florida Statutes,  
833 and thereby constitutes a second degree misdemeanor punishable by a \$500 fine  
834 pursuant to section 775.083(1)(e), Florida Statutes. The nuisance may be summarily  
835 abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or  
836 otherwise compel the cessation of such nuisance may be taken.
- 837 8) In addition to the remedies set forth in this division, the City may, immediately upon  
838 discovering an ongoing or potential discharge of pollutants into the City's bodies of  
839 water or stormwater system in violation of this division, seek relief in any court of  
840 competent jurisdiction for a temporary restraining order or temporary or permanent  
841 injunction to halt or prohibit such discharge. Prior to the filing of such judicial action,  
842 the City shall attempt to notify the offender of the City's intention to file such action,  
843 but such notification shall not be a condition precedent to the City's action for and  
844 obtaining such or other relief.
- 845 9) The remedies and penalties provided in this section are not exclusive and the City  
846 may seek whatever other remedies are authorized by statute, at law, or in equity,  
847 against any person who violates the provisions of this division.