

ORDINANCE NO. 536

AN ORDINANCE OF THE TOWN OF INDIAN RIVER SHORES, FLORIDA, PROVIDING FOR ADDING ARTICLE II TO CHAPTER 101, ENVIRONMENT, ENTITLED “STORM WATER, EROSION, AND SEDIMENTATION CONTROL;” PROVIDING FOR PERMIT REQUIRED FOR SITE INSPECTIONS FOR STORMWATER, EROSION AND SEDIMENTATION CONTROL AS REQUIRED BY THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PROGRAM; PROVIDING FOR A PERMIT FEE; PROVIDING FOR ENFORCEMENT OF THE ORDINANCE; PROVIDING FOR PENALTIES FOR VIOLATION OF THE ORDINANCE; PROVIDING FOR CONFLICT & SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 403.0885, Florida Statutes, Part IV, Chapter 373, Florida Statutes, and Title 40 of the Code of Federal Regulations require the Town of Indian River Shores to be in compliance with NPDES regulations, and;

WHEREAS, the Town, in an effort to improve the quality and viability of all surface water, especially the Indian River Lagoon, recognizes the importance of reducing or eliminating pollution discharges into surface waters and the Lagoon located within the Town boundaries; and

WHEREAS, the Florida Department of Environmental Protection (FDEP) conducts annual compliance inspections and completes an audit every 5 years to ensure the Town is in compliance with all requirements under the NPDES program; and

WHEREAS, it is the desire of the Town of Indian River Shores to adopt such an ordinance in accordance with NPDES regulations in order to enact a Public Works Permit, titled: “STORM WATER, EROSION, AND SEDIMENTATION CONTROL PERMIT” to ensure construction site compliance with all NPDES regulations; and

WHEREAS, the Town of Indian River Shores hereby finds and declares that the adoption of this ordinance is appropriate, and in the public interest of the citizens of this community.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF INDIAN RIVER SHORES, FLORIDA, THAT THE FOLLOWING ARTICLE II BE ADDED TO THE CODE OF ORDINANCES:

Article II

STORM WATER, EROSION, AND SEDIMENTATION CONTROL

Sec. 101.20. Applicability

Site inspections for stormwater, erosion and sedimentation control are required by the National Pollutant Discharge Elimination System (NPDES) program. The provisions of this Ordinance shall apply to each property owner, and General Contractor doing construction activities that in any way disturb the soil on property located within the Town.

Sec. 101.21. Permit Required for On-Site Inspections

Property owners or general contractors must obtain a Public Works permit from the Building Department. An application must be completed and submitted with the accompanying fee as specified herein.

Sec. 101.22. Permit Fee

Prior to disrupting the site, all applicants must obtain a permit for Stormwater, Erosion and Sedimentation Control, which is subject to a permit fee of \$125 plus a mandatory \$4 State surcharge. Any future changes to this fee or penalty charges that may be incurred related to Stormwater, Erosion and Sedimentation Control will be made by Resolution of the Town Council,

Sec. 101.23. Enforcement Officials

The Town Manager has the authority to delegate enforcement activities, and hereby delegates the Public Safety Officers of the Town as the primary authority to enforce the provisions of this Ordinance. The Town Manager additionally delegates enforcement responsibility for this ordinance to the Code Enforcement official or others as may be determined to be the most efficient and effective method of enforcement.

Section 101.24. Penalties

Violation of any provision of this Ordinance shall be subject to the following penalties:

First violation	Written Warning
Second violation	\$50
Subsequent violations	Fine not to exceed \$500

Each day in violation of this Ordinance shall constitute a separate offense. Enforcement officials shall provide violators with no more than one (1) written warning. In addition to the civil sanctions contained herein, the Town may take any other appropriate legal action, including, but not limited to, injunctive action to enforce the provisions of this Article. Work on any site may be stopped until compliance is completed within the provisions of this Ordinance.

Sec. 101.25. Conflict and Severability

If any section, sentence, clause or phrase of this Ordinance is held to be in conflict, invalid or unconstitutional by any Court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

Sec. 101.26 Effective Date

1st Reading: July 27, 2017

Published: September 16, 2017

PASSED AND ADOPTED upon second and final reading at a regular meeting of the Town Council of the Town of Indian River Shores, Florida, on the 28th day of September, 2017.

By:

/s/
Michael B. Ochsner, Vice Mayor

Attest:

/s/
Laura Aldrich, Town Clerk

FLORIDA STATE STATUTES, SECTION 1. SUBSECTION (10) OF SECTION 553.79 – APPLICATION – READS:

(10) “Notice: in addition to the requirements of this permit, there may be additional restrictions applicable to this property that may be found in public records of this county, and there may be additional permits required from other governmental entities such as water management districts, state agencies, or federal agencies.”

CHECK ONE:

- Application is hereby made to obtain a permit to do the work and installation as indicated. I certify that no work or installation has commenced prior to the issuance of a permit and that all work will be performed to meet the standards of all regulating construction in this jurisdiction.
- The work has already commenced, appropriate measures will be taken immediately to bring the project into compliance.

BUILDING PERMIT APPLICANT’S AFFIDAVIT:

I, _____, certify that all the foregoing information is accurate and that all work will be done in compliance with all applicable laws regulating construction and zoning.

WARNING TO OWNER: YOUR FAILURE TO RECORD A NOTICE OF COMMENCEMENT MAY RESULT IN YOUR PAYING TWICE FOR IMPROVEMENTS TO YOUR PROPERTY. IF YOU INTEND TO OBTAIN FINANCING, CONSULT WITH YOUR LENDER OR AN ATTORNEY BEFORE RECORDING YOUR NOTICE OF COMMENCEMENT.

X _____ *QUALIFIER (signature)* DATE: _____

NOTARY REQUIRED

**STATE OF FLORIDA
COUNTY OF INDIAN RIVER**

*The forgoing document was acknowledged before me this _____ day of _____, 20____,
by _____ who is personally know to me or who has produced _____ as
identification.*

(affix seal)

X _____
NOTARY PUBLIC