

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.