

ORDINANCE NO. 11- 16

THE PURPOSE OF THIS ORDINANCE IS TO PROVIDE FOR THE HEALTH, SAFETY, AND GENERAL WELFARE OF THE GENERAL PUBLIC OF OKALOOSA COUNTY THROUGH THE REGULATION OF NON-STORM WATER DISCHARGES TO THE STORM DRAINAGE SYSTEM TO THE MAXIMUM EXTENT PRACTICABLE AS REQUIRED BY FEDERAL AND STATE LAW.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF OKALOOSA COUNTY, FLORIDA:

Section 1 - Intent: This Ordinance establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process. The objectives of this Ordinance are:

- 1) To regulate the contribution of pollutants to the municipal separate storm sewer system (MS4) by any person.
- 2) To prohibit illicit connections and discharges to municipal separate storm sewer system.
- 3) Prevent non-stormwater discharges, generated as a result of spills, inappropriate dumping or disposal, to the separate storm sewer system.
- 4) To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this Ordinance.

Section 2 - Compatibility with Other Regulations: This Ordinance is not intended to modify or repeal any other ordinance, rule, regulation or other provision of law. The requirements of this Ordinance are in addition to the requirements of any other ordinance, rule, regulation, or other provision of law, and where any provision of this Ordinance imposes restrictions different from those imposed by any other ordinance, rule, regulation, or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human health or the environment shall apply.

Section 3 - Definitions:

Accidental Discharge means a discharge prohibited by this ordinance which occurs by chance and without planning or thought prior to occurrence.

Best Management Practice (BMP) – Schedules of activities, prohibitions of practices, general good house-keeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to

prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage, as established by the County.

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

Construction Activity means activities subject to the Land Development Code which shall apply to the land use, development, construction, addition, alteration, moving, repair, and occupation of any building, structure, parcel of land or sign unless otherwise expressly excepted or exempted herein. Promote and fulfill the intent and requirements of Sections 163.3201 and 163.3202, Florida Statutes.

Illicit Discharge means any direct or indirect non-stormwater discharge to Okaloosa County's separate storm sewer system, and a storm drain with measurable flow during dry weather, except as exempted by this ordinance.

Illegal Connection means either of the following: a) Any pipe, open channel, drain or conveyance, whether on the surface or subsurface, which allows an illicit discharge to enter the storm drain system including but not limited to any conveyances which allow any non-stormwater discharge including, sewage, process wastewater, and wash water to enter the storm drain system, regardless of whether such pipe, open channel, drain or conveyance has been previously allowed, permitted, or approved by an authorized enforcement agency; or b) Any pipe, open channel, drain or conveyance connected to Okaloosa County's separate storm sewer system which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

Industrial Activity means activities subject to NPDES Industrial Permits.

Land Development Code(The Code) is intended to implement the goals, objectives, and policies of the Okaloosa County Comprehensive Plan by classifying and regulating the use and development of lands and waters in unincorporated Okaloosa County. This Code is intended to promote the public health, safety, comfort, convenience, prosperity, and general welfare of residents, landowners, and business enterprise within the County; and to protect and preserve the natural, cultural, historic, and aesthetic resources.

Municipal Separate Storm Sewer System(MS4) means any facility designed or used for collecting and/or conveying stormwater, including but not limited to any roads with drainage systems, highways, Okaloosa County streets, curbs, gutters,

inlets, catch basins, piped storm drains, pumping facilities, structural stormwater controls, ditches, swales, natural and man-made or altered drainage channels, reservoirs, and other drainage structures, and which is: a) Owned or maintained by Okaloosa County; b) Not a combined sewer; and c) Not part of a privately owned stormwater treatment facility.

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

Non-Stormwater Discharge means any discharge to the storm drainage system that is not composed entirely of stormwater.

Person means, except to the extent exempted from this ordinance, any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, city, county or other political subdivision of the State, any interstate body or other legal entity.

Pollutant means anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; petroleum hydrocarbons; automotive fluids; cooking grease, detergents (biodegradable or otherwise) degreasers, cleaning chemicals, non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; liquid and solid wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; concrete and cement; and noxious or offensive matter of any kind.

Pollution means the unregulated, unmitigated, or illegal introduction of pollutants into the natural or manmade environment that degrades the health, stability, or productivity of the natural or manmade system into which such pollutants are introduced.

Premises mean any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking lots.

State Waters means any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells, and other bodies of surface and

- 1) The name and address of the parties listed above;
- 2) The address when available or a description of the building, structure or land upon which the violation is occurring, or has occurred;
- 3) A statement specifying the nature of the violation;
- 4) A description of the remedial measures necessary to restore compliance with this Ordinance and a time schedule for the completion of such remedial action;
- 5) A statement of the penalty or penalties that shall or may be assessed against the person or persons to whom the notice of violation is directed;
- 6) A statement that the determination of violation may be appealed to the County Administrator or designee by filing a written notice of appeal within thirty (30) days of service of notice of violation; and
- 7) The name and authority of the enforcing officer.

Such notice may require without limitation:

- 1) The performance of monitoring, analyses, and reporting;
- 2) The elimination of illicit connections or discharges;
- 3) That violating discharges, practices, or operations shall cease and desist;
- 4) The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property; and
- 5) Payment of a fine to cover administrative and remediation costs; and
- 6) The implementation of source control or treatment BMPs.

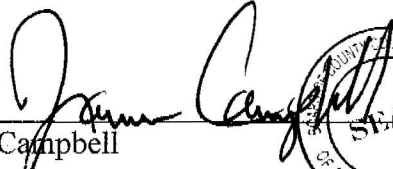
Section 16 – Abatement: If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. All costs associated with remedial actions shall be the responsibility of the responsible parties. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by the County or a contractor designated by the County and the expense thereof shall be charged to the violator. The County shall place a lien over any property for which it has expended funds for remedial actions pursuant to this section.

Section 17 - Severability: It is declared to be the intent of the Board that if any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

Section 18 – Effective Date: This ordinance shall take effect as provided by law.

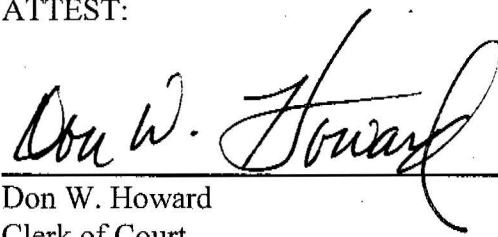
DULY PASSED AND ADOPTED in regular session on this the 1st day of
November 2011.

BOARD OF COUNTY COMMISSIONERS
OKALOOSA COUNTY, FLORIDA


James Campbell
Chairman



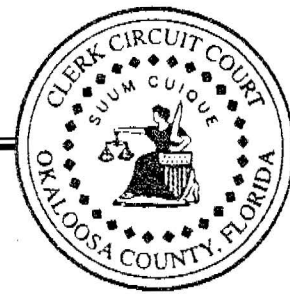
ATTEST:


Don W. Howard
Clerk of Court



DON W. HOWARD

CLERK OF THE CIRCUIT COURT, OKALOOSA COUNTY, FLORIDA



November 9, 2011

Mrs. Liz Cloud, Program Administrator
State Library and Archives of Florida
R. A. Gray Building
500 South Bronough Street, Room 101
Tallahassee, FL 32399-0250

Dear Mrs. Cloud:

Please find enclosed a certified copy of Ordinance Number 11-16 to be placed on file in your office. The Okaloosa County Board of County Commissioners adopted this ordinance on November 1, 2011. Thank you for your assistance.

Sincerely,

DON W. HOWARD
CLERK OF CIRCUIT COURT

Teresa Ward
Deputy Clerk

Enclosure

Certified Mail Article #7160 3901 9849 4730 1745

7160 3901 9849 4730 1745

TO: LIZ CLOUD, PROGRAM ADMINISTRATOR
STATE LIBRARY & ARCHIVES OF FL

SENDER: T WARD, BCC RECORDS

REFERENCE:

PS Form 3800, January 2005

RETURN RECEIPT SERVICE	Postage	
	Certified Fee	
	Return Receipt Fee	
	Restricted Delivery	
	Total Postage & Fees	

US Postal Service
Receipt for
Certified Mail

No Insurance Coverage Provided
Do Not Use for International Mail

POSTMARK OR DATE

Nov. 9, 2011

Certified Article Number

7160 3901 9849 4730 1745

SENDERS RECORD