

ORDINANCE NO. 1496

AN ORDINANCE OF THE CITY OF PANAMA CITY BEACH, FLORIDA, AMENDING THE CITY'S LAND DEVELOPMENT CODE RELATING TO STORMWATER MANAGEMENT; PROHIBITING ILLICIT DISCHARGE INTO THE MUNICIPAL STORM DRAIN SYSTEM, ESTABLISHING EXEMPTIONS, ENFORCEMENT AND PENALTIES, AS MORE PARTICULARLY SET FORTH IN THE BODY OF THE ORDINANCE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING AN IMMEDIATELY EFFECTIVE DATE.

WHEREAS, the City maintains a municipal stormwater utility system, through which stormwater is collected and conveyed; and

WHEREAS, the City finds and determines that it is necessary to prevent the introduction of pollutants into the municipal stormwater system which could harm the system or environment into which it is passed or received; and

WHEREAS, the Planning Board considered the proposed amendment to the Land Development Code on August 14, 2019, and recommended approval; and

WHEREAS, the City Council has considered the amendments and finds that they are in the best interests of the health, safety and welfare of the City's residents and visitors.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PANAMA CITY BEACH:

SECTION 1. From and after the effective date of this ordinance, Section 3.05.24 of the Land Development Code of the City of Panama City Beach related to Illicit Discharge Prohibited, is created to read as follows:

3.05.24 Illicit discharge prohibited.

A. Prohibition. No person shall discharge or cause to be discharged into the municipal storm drain system, adjacent properties or watercourses any liquid, solid or gaseous materials, including but not limited to pollutants or water containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than stormwater. The commencement, conduct or continuance of any illicit discharge to the storm drain system is prohibited except as described in subsection (B). For purposes of this section, discharge shall mean and include the release, spilling, leaking, seeping, pouring, emitting, emptying or dumping of materials into the municipal storm drain system.

B. Exemptions. The following discharges are exempt from discharge prohibitions established in subsection (A): (i) water line flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising ground water, ground water infiltration to storm drains, pumped ground water containing no visible color, turbidity or detectable odor, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning condensation, springs, non-commercial washing of vehicles, natural riparian habitat or wetland flows, swimming pools if dechlorinated (less than one parts per million chlorine), fire fighting activities, and any other water source not including pollutants; (ii) discharges determined in writing by the City as being necessary to protect public health and safety; (iii) dye testing, provided written notice is provided to the City Engineer at least 48 hours prior to commencement of the test; and (iv) any non-stormwater discharge permitted under an NPDES permit, waiver or waste discharge order issued to the discharger and administered under the authority of the Federal Environmental Protection Agency (EPA), provided that the discharger is in full compliance with all requirements of the permit, waiver or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.

C. Enforcement and Penalties.

(i) Whenever the City finds that a person has violated this section, the City may order compliance by written order of violation to the responsible person. The notice may require, without limitation:

1. The performance of monitoring, analyses, and reporting.
2. The elimination of illicit discharges.
3. That violating discharges, practices or operations shall cease and desist.
4. The abatement or remediation of stormwater pollution or contamination hazards and the restoration of affected property.
5. The payment of a fine to cover actual administrative and remediation costs.
6. The implementation of source control or treatment practices.
7. A deadline within which such remediation or restoration must be completed.

8. Notice that should the violator fail to timely remediate or restore within the established deadlines, that the City may undertake or cause to be undertaken the remediation or restoration, and that the expense thereof shall be charged to the property owner which may become a lien or special assessment on the property if unpaid.

(ii) The City, without prior notice, may suspend access to the City's municipal storm sewer system when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, the MS4, or waters of the United States. If the violator fails to timely comply with a suspension order issued by the City, the City may enter the property and take such actions as deemed necessary to prevent or minimize damage to persons, the MS4 or waters of the United States. The violator shall be responsible to reimburse the City for all costs incurred by the City in taking the corrective actions.

SECTION 2. All ordinances or parts of ordinances in conflict herewith are repealed to the extent of such conflict.

SECTION 3. The appropriate officers and agents of the City are authorized and directed to codify, include and publish in electronic format the provisions of this Ordinance within the Panama City Beach Land Development Code, and unless a contrary ordinance is adopted within ninety (90) days following such publication, the codification of this Ordinance shall become the final and official record of the matters herein ordained. Section numbers may be assigned and changed whenever necessary or convenient.

SECTION 4. This Ordinance shall take effect immediately upon passage.

PASSED, APPROVED AND ADOPTED at the regular meeting of the

City Council of the City of Panama City Beach, Florida, this 12th day of September, 2019.


MAYOR

ATTEST:


CITY CLERK

EXAMINED AND APPROVED by me this 12th day of September, 2019.


MAYOR

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