

ORDINANCE NO. 08-28

AN ORDINANCE OF OSCEOLA COUNTY, FLORIDA, RELATING TO THE NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM; PROVIDING FOR DEFINITIONS; PROVIDING FOR PROHIBITION OF ILLICIT DISCHARGE; PROVIDING FOR PROHIBITION OF ILLICIT CONNECTION; PROVIDING FOR REPORTING OF ILLICIT DISCHARGES AND ILLICIT CONNECTIONS; PROVIDING FOR ENFORCEMENT, PENALTIES, AND LIABILITY FOR POLLUTION ABATEMENT; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR CODIFICATION.

WHEREAS, the Florida Legislature has declared that it is in the public interest to promote effective and efficient regulation of the discharge of pollutants into waters of the state; and

WHEREAS, section 403.0885, Florida Statutes, and applicable provisions under Chapters 62-4, 62-620, 62-621, and 62-624, Florida Administrative Code, provide for state establishment and implementation of the federal National Pollutant Discharge Elimination System (NPDES) program in accordance with section 402 of the Clean Water Act, Pub. L. No. 92-500, as amended, 33 U.S.C. section 1251 et. seq.; and

WHEREAS, the Board of County Commissioners of Osceola County, Florida, (the "Board") finds it is in the best interest of the public health, safety and welfare to effectively prohibit non-stormwater discharges into the County stormwater system and implement appropriate enforcement procedures and actions;

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

SECTION 1. RECITALS

The foregoing recitals are true and correct and incorporated herein by reference.

SECTION 2. DEFINITIONS

For purposes of this Ordinance, the following terms, phrases, words, and their derivations shall have the following meanings, unless the context hereof otherwise requires:

- A. **"Board"** means the Board of County Commissioners of Osceola County, Florida.

- B. "County"** means Osceola County, a political subdivision of the State of Florida.
- C. "Illicit Connection"** means: 1) any drain or conveyance, whether on the surface or subsurface, which allows any illicit discharge to enter the stormwater system including, but not limited to, any connections to the storm drain system from indoor drains and sinks; or 2) any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.
- D. "Illicit Discharge"** means a discharge to the stormwater system within the County that is not composed entirely of stormwater except as exempted in Section 3(B) of this Ordinance.
- E. "Stormwater"** means stormwater runoff, surface runoff and drainage.
- F. "Stormwater System"** means the system of conveyances (including, but not limited to, sidewalks, roads with drainage systems, catch basins, curbs, gutters, ditches, constructed channels, or storm drains) owned and/or operated by the County and designed or used for collecting or conveying stormwater, and which is not used for collecting or conveying sewage.

SECTION 3. PROHIBITION OF ILLICIT DISCHARGE

- A.** No person shall directly or indirectly cause an illicit discharge to enter the stormwater system. Categories of illicit discharges include, but are not limited to, the following:
1. Petroleum products including, but not limited to, oil, gasoline, and grease
 2. Solid waste or sanitary sewage
 3. Chemicals including, but not limited to, fertilizers and pesticides
 4. Paints, solvents, or degreasers
 5. Concrete slurry
 6. Laundry wastes or soaps
 7. Antifreeze and other automotive products
 8. Soil
 9. Leaves, branches, and other yard/landscaping waste
 10. Construction materials
 11. Toxic or poisonous solids or liquids
 12. Solids or suspended solids in such quantities or of such size capable of causing interference or obstruction to the flow in the stormwater system.

B. The following categories of non-stormwater discharges are exempt from discharge prohibitions established by this Section provided they do not cause a violation of water quality standards as determined by the State of Florida:

1. Water line flushing
2. Irrigation water
3. Diverted stream flows
4. Rising ground waters
5. Uncontaminated groundwater infiltration (as defined at 40 CFR 35.2005(20) as "Water other than wastewater that enters a sewer system (including sewer service connections and foundation drains) from the ground through such means as defective pipes, pipe joints, connections, or manholes. Infiltration does not include, and is distinguished from, inflow")
6. Discharges from potable water sources
7. Foundation drains
8. Air conditioning condensate
9. Springs
10. Water from crawl space pumps
11. Footing drains
12. Lawn watering runoff
13. Water from individual residential car washing
14. Flows from riparian habitats and wetlands
15. Dechlorinated swimming pool discharges
16. Residual street wash water
17. Discharges from bona fide agricultural activities that conform to best management practices
18. Discharges or flows from firefighting activities
19. Discharges specified in writing by the County as being necessary to protect public health, safety and welfare.
20. Discharge(s) pursuant to a NPDES permit.

SECTION 4. PROHIBITION OF ILLICIT CONNECTIONS

The construction, use, maintenance or continued existence of illicit connections to the stormwater system is prohibited.

SECTION 5. REPORTING OF ILLICIT DISCHARGES AND ILLICIT CONNECTIONS

Upon discovery of an illicit discharge or an illicit connection, the person(s) responsible for the illicit discharge or the illicit connection shall report his or her findings immediately to the County.

SECTION 6. ENFORCEMENT, PENALTIES, AND LIABILITY FOR POLLUTION ABATEMENT

- A.** The provisions of this Ordinance shall be enforced as provided in Chapter 7 of the Osceola County Code of Ordinances and any amendment(s) thereto.
- B.** No person shall oppose, obstruct or resist any enforcement officer, designated County staff, or any person authorized by the enforcement officer or designated County staff in the discharge of his or her duties, as provided in this Ordinance.
- C.** Any person responsible for an illicit connection, or an illicit discharge, to the stormwater system, is subject to fine(s) and shall be responsible to pay both the necessary expenses incurred in evaluating, treating, and disposing of pollutant materials and also the reasonable cost of repairs. A lien may be placed against the land on which the violation exists and upon any other real or personal property owned by the violator.
- D.** The remedies and penalties provided in this Ordinance are not exclusive, and the County may seek whatever other remedies are authorized by statute, at law, or in equity against any person who violates the provisions of this Ordinance.

SECTION 7. CONFLICT

All Ordinances or parts of Ordinances in conflict herewith shall be and the same are hereby repealed to the extent of such conflict.

SECTION 8. SEVERABILITY

If any portion of this Ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holding shall not affect the remaining portions of this Ordinance. If this Ordinance or any provision thereof shall be held to be inapplicable to any person, property or circumstances, such holding shall not affect its applicability to any other person, property or circumstance.

SECTION 9. EFFECTIVE DATE

This Ordinance shall take effect upon adoption by the Board of County Commissioners.

SECTION 10. CODIFICATION

It is the intention of the Board that the provisions of this Ordinance shall become, and be made a part of, the Osceola County Code of Ordinances. The word "Ordinance"

may be changed to "section," "article," or another appropriate word or phrase, and the sections of this Ordinance may be re-numbered or re-lettered to accomplish such intention.

DONE AND ORDAINED this 10 day of November 2008,
at Kissimmee, Osceola County, Florida.

**BOARD OF COUNTY COMMISSIONERS
OSCEOLA COUNTY, FLORIDA**

By: _____

Chairman/Vice Chairman

ATTEST:

Jimmy Ross
Clerk/Deputy Clerk of the Board
BCC approved 11/10/08

