

TOWN OF DAVIE TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Mark Kutney, AICP, Development Services Director

PREPARED BY: Larry A. Peters, P.E., Town Engineer and Le Nguyen, Assistant Town Engineer
(954) 797-1113

SUBJECT Ordinance of the Town of Davie adopting a stormwater management program in accordance with FDEP and NPDES

AFFECTED DISTRICT: Townwide

TITLE OF AGENDA ITEM: AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING CHAPTER 12, CODE OF ORDINANCES, ENTITLED “LAND DEVELOPMENT CODE”, BY AMENDING ARTICLE XII THEREOF, ENTITLED “SUBDIVISION AND SITE PLANS”, BY AMENDING DIVISION 3 THEREOF ENTITLED “SITE PLAN REQUIREMENTS AND PROCEDURES”, BY CREATING SECTION 12-381 BY INTRODUCING STORMWATER POLLUTION PREVENTION REQUIREMENTS, WHICH ARE MANDATED BY THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR VARIOUS CONSTRUCTION ACTIVITIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

REPORT IN BRIEF: The United States Environmental Protection Agency has authorized the Florida Department of Environmental Protection to implement and administer the National Pollutant Discharge Elimination System stormwater permitting program within the State of Florida. The Town of Davie and certain other Broward County municipalities maintain co-permittee status on the current NPDES M4 Permit. The NPDES requires operators of Municipal Separate Storm Sewer Systems (MS4’s) to maintain stormwater management programs that include stormwater pollution prevention plans, inspection and enforcement activities related to sedimentation and erosion controls for various construction activities.

PREVIOUS ACTIONS: None

CONCURRENCES: None

FISCAL IMPACT: None

RECOMMENDATION(S): It is the recommendation of the Town Engineer of Development Services Department that the stormwater pollution prevention plan required by the NPDES permit be approved.

Attachment(s): Ordinance

ORDINANCE _____

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING CHAPTER 12, CODE OF ORDINANCES, ENTITLED "LAND DEVELOPMENT CODE", BY AMENDING ARTICLE XII THEREOF, ENTITLED "SUBDIVISION AND SITE PLANS", BY AMENDING DIVISION 3 THEREOF ENTITLED "SITE PLAN REQUIREMENTS AND PROCEDURES", BY CREATING SECTION 12-381 BY INTRODUCING STORMWATER POLLUTION PREVENTION REQUIREMENTS, WHICH ARE MANDATED BY THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR VARIOUS CONSTRUCTION ACTIVITIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the United States Environmental Protection Agency (USEPA) has authorized the Florida Department of Environmental Protection (FDEP) to implement and administer the National Pollutant Discharge Elimination System (NPDES) stormwater permitting program within the State of Florida; and

WHEREAS, the Town of Davie, Broward County, and certain other Broward County municipalities maintain co-permittee status on the current NPDES MS4 Permit; and

WHEREAS, the NPDES requires operators of Municipal Separate Storm Sewer Systems (MS4's) to maintain stormwater management programs that include stormwater pollution prevention plans, inspection and enforcement activities related to sedimentation and erosion controls for various construction activities; and

WHEREAS, it is the recommendation of the Town Engineer of Development Services Department that the stormwater pollution prevention plan required by the NPDES permit be approved; and

WHEREAS, the Town Council of Davie, Florida finds and determines the stormwater pollution prevention standards required by the Florida Department of Environmental Protection is necessary to protect the health, safety, property, and welfare of the citizens, residents and inhabitants of the Town of Davie.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA:

Section 1: That Chapter 12 Code of Ordinances entitled "Land Development Code", is hereby amended by amending Article XII, thereof entitled "Subdivisions and Site Plans", by amending Division 3, thereof entitled "Site Plan Requirements and Procedures", by creating Sections 12-381 to read and provide as follows:

ARTICLE XII: SUBDIVISIONS AND SITE PLANS

DIVISION 3. SITE PLAN REQUIREMENTS AND PROCEDURES

Sec. 12-381. Stormwater pollution prevention plan.

A stormwater pollution prevention plan (SWPPP) shall be submitted with all application for building and engineering permits. The SWPPP shall be in compliance with the requirements of chapter 62-621, Florida Administrative Code (F.A.C).

(A) The SWPPP shall contain sufficient information to allow the Town Engineer to determine whether the proposed development or construction meets the requirements of this section. The SWPPP shall include, but not limited to the following:

(1) Site descriptions.

- (a) Potential sources of pollution that may affect the quality of the stormwater discharge.
- (b) Best management practices (BMPs) to reduce the pollutants in stormwater discharge associated with construction activity.
- (c) Appropriate erosion and sediment controls to reduce erosion and sedimentation.
- (d) Procedures for maintenance of vegetation, erosion and sediment controls.
- (e) Inspection schedule of construction activity and inspection report.
- (f) Existing and final elevation contours at an interval and scale sufficient for distinguishing drainage patterns before and after disturbance.
- (g) Critical areas within or near the project area, such as streams, lakes, wetlands, highly erodible soils, public streets, and residences.
- (h) Limits of clearing and grading and existing vegetation.
- (i) Location and name of erosion and sediment control elements with dimensions.
- (j) Location of temporary construction entrance and exit.
- (k) Spill response equipment and secondary containment of onsite fueling.
- (l) Proper maintenance of material storage and debris stockpiles.
- (m) Proper stabilization and compaction of perimeter berms, lakes and canal banks.
- (n) Any other requirements deemed necessary by the Town.

(2) Erosion and sediment controls.

Construction activities could generate significant amounts of pollutants that may harm surface or ground waters. The erosion and sediment controls shall be in conformance with guidelines of the Florida Stormwater, Erosion, and Sedimentation Control Inspector's Manual, developed by the Florida Department of Environment Protection. Erosion and sediment controls shall include, but not be limited to, the following:

- (a) Sediment basins and traps, perimeter dikes, filter fabric, haybale and other measures intended to trap sediment shall be constructed to protect onsite and offsite as a first step in any land-disturbing activity and shall be made functional before land disturbance takes place.
- (b) Erosion and sediment control measures shall be adjusted to meet field conditions at the time of construction and be constructed prior to any grading or disturbance of existing surface material on balance of site. Perimeter sediment barriers, silt screens shall be constructed to prevent sediment or trash from flowing or floating on to adjacent properties. All erosion and sediment control measures shall be continuously maintained during the construction phase of the development. Turbidity barriers shall be installed at stormwater discharge locations.
- (c) Permanent or temporary soil stabilization shall be applied to denuded areas within seven (7) days after final grade is reached on any portion of the site. Temporary soil stabilization shall be applied immediately to denuded areas that may not be at final grade but will remain undisturbed for longer than fourteen (14) days. Permanent stabilization shall be applied to areas that are to be undisturbed for more than six (6) months.
- (d) Erosion and sediment control measures shall apply to all features of the construction site, including street and utility installations as well as to the protection of individual lots.
- (e) After any rainfalls of 0.25" or greater, sediment control structures will be inspected for integrity and shall be documented on the NPDES inspection report. Any damaged devices shall be corrected immediately.
- (f) During all phases of construction, all stormwater entering, leaving, or flowing through construction sites shall be controlled in a manner consistent with the approved stormwater plan and shall not adversely affect the drainage of the adjacent properties.

- (g) Where construction vehicle access routes intersect paved public roads, provisions shall be made to minimize the transport of sediment by tracking onto the paved surface. Where sediment is transported onto a public road surface with curbs, the road shall be cleaned thoroughly at the end of each day. Sediment shall be removed from the roads by shoveling or sweeping and transported to a sediment disposal area. Street washing shall only be allowed after sediment is removed in this manner. This provision shall apply to individual lots as well as to larger land-disturbing activities.
- (h) Underground utility lines shall be installed in accordance with the following standards in addition to other applicable criteria:
1. Excavated material shall be placed on the uphill side of trenches.
 2. Effluent from dewatering operations shall be filtered or passed through an approved sediment-trapping device, and discharged in a manner that does not adversely affect flowing streams or off-site property.
- (i) All temporary erosion and sediment control measures shall be removed within thirty (30) days after final site stabilization. Disturbed soil areas resulting from the disposition of temporary measures shall be permanently stabilized to prevent further erosion and sedimentation.
- (j) No person shall engage in land-disturbing activity until an engineering permit has been issued by the Town Engineer.

B. Permitting requirement

Developer or contractor of construction/development activities shall submit a Notice of Intent (NOI) to the FDEP and obtain a State of Florida Generic Permit for National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge from the FDEP. A copy of the approved State of Florida Generic Permit for Stormwater Discharge from Construction Activities shall be submitted to the Town Engineer along with the Town permit applications.

C. Inspections:

No land clearing, grading, filling or construction activities on land shall begin prior to inspection and approval of the Town Engineer or his designee. It shall be the responsibility of the developer or contractor to contact the Town Engineering Division to arrange for said inspection.

D. Violations and penalties

Any person found in violation of this section shall be notified in writing by the Town Engineer or his designee and shall pay a fine of five hundred dollars (\$500.00). Any person who allows said violation to continue twenty-four (24) hours after the first notification shall pay a fine of two hundred fifty dollars (\$250.00) per day for each day of violation thereafter.

Section 2: That in the event any provision or application of this Ordinance shall be held to be invalid, it is the legislative intent that the other provisions and applications hereof shall not be thereby affected.

Section 3: That the provisions of this Ordinance shall be codified within the Code of Ordinances of the Town of Davie, Florida, and any paragraph or section may be renumbered to conform to the Code of Ordinances.

Section 4: That all Ordinances or parts of Ordinances in conflict herewith are to the extent of said conflict, hereby repealed.

Section 5: This ordinance shall take effect immediately upon its passage and adoption.

PASSED ON FIRST READING THIS ____ DAY OF _____, 2004

PASSED ON SECOND READING THIS ____ DAY OF _____, 2004

MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK

APPROVED THIS ____ DAY OF _____, 2004