
Sec. 18-212. Illicit discharges.

- (a) *Purpose and intent.* The purpose of this section is to provide for the health, safety, and general welfare of the citizens of the city by minimizing discharge of pollutants through the regulation of nonstormwater discharges to the city's municipal separate storm sewer system (MS4) to the maximum extent practicable. This section establishes methods for controlling the introduction of pollutants into the city's MS4 within the requirements of the National Pollutant Discharge Elimination System (NPDES) permit process. The objectives of this section are:
- (1) To regulate the contribution of pollutants to the city's MS4 from stormwater discharges by any user;
 - (2) To prohibit illicit connections and discharges to the city's MS4; and
 - (3) To establish legal authority to carry out all inspection and monitoring procedures, necessary to ensure compliance with this section.
- (b) *Applicability; interconnected MS4s.* This section shall apply to the entire city's MS4, unless explicitly exempted by the city in writing.
- (c) *Ultimate responsibility.* The standards set forth herein, and promulgated pursuant to this section, are minimum standards. This section does not intend or imply that compliance by any person will ensure there will be no contamination, pollution, nor unauthorized discharge of pollutants.
- (d) *Control of pollutant contributions from interconnected MS4s.* Interconnected MS4s, including MS4s not owned by the city, shall be controlled so that they do not impair the operation of the receiving MS4 or contribute to the failure of the receiving MS4 to meet any applicable local, state, or federal law or regulation. Owners of sections of an interconnected MS4 shall be responsible for the quality of stormwater within their portion of the system and shall coordinate with the owners of the downstream segments.
- (e) *Prohibitions; illicit discharges.*
- (1) It is a violation of this article to cause allow, continue, or maintain discharge into the city's MS4 that is not composed entirely of stormwater or otherwise in compliance with federal, state or local permits, whether such discharges occur through piping connections, runoff, exfiltration, infiltration, seepage, or leaks Polluting matter includes, but is not limited to, the following:
 - a. Petroleum products, including, but not limited to oil, gasoline, grease;
 - b. Solid waste;
 - c. Paints;
 - d. Steam cleaning waste;
 - e. Pesticides, herbicides or fertilizers, or as regulated by existing ordinance;
 - f. Degreasers, solvents;
 - g. Sanitary sewage;
 - h. Chemically treated cooling water;
 - i. Antifreeze and other automotive products;
 - j. Lawn clippings, leaves, branches, or yard trash;
 - k. Animal carcasses;
 - l. Recreational vehicle gray water;
 - m. Dyes;

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- n. Construction materials and waste;
 - o. Any liquids in quantity or quality that are capable of causing a violation of the city's NPDES stormwater permit; and
 - p. Solids in such quantities or of such size capable of causing interference or obstruction to the flow of the city's MS4.
- (2) No lawn mowing, clipping or other such discharge of debris is permitted towards or into waterbodies or watercourse(s).
 - (3) No direct discharge of roof drains to the city's canal system is permitted.
- (f) *Prohibitions; illicit connections.*
- (1) It is a violation of this article to maintain, use, or establish any direct or indirect connection to the city's MS4 that introduces nonstormwater discharge or results in any discharge in violation of any provision of federal, state, or local governmental law, rule, regulation, including:
 - a. Any drain or conveyance, whether on the surface or subsurface, which allows a discharge in violation of this article to enter the MS4, including, but not limited to any conveyances that allow any nonstormwater discharge, including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the MS4 from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by the department; or
 - b. Any drain or conveyance connected from a commercial or industrial land use to the MS4 which has not been documented in plans, maps, or equivalent records and approved by the department.
 - (2) Any connection to the city's MS4 made prior to March 5, 2018 (the effective date of the ordinance from which this article is derived) that does not comply with this article is prohibited and shall be made to comply, regardless of whether made under a permit or other authorization, or whether permissible under laws or practices applicable or prevailing at the time the connection was made.
- (g) *Violation of permits.* Any discharge into the city's MS4 except as authorized in this article or in accordance with a valid NPDES permit.
- (h) *Stormwater discharges from commercial, industrial or construction activities to the MS4 or regulated waters.*
- (1) Stormwater from areas of any commercial activity, industrial activity, or construction activity shall be controlled, treated and managed on-site using best management practices so as not to cause a discharge to the city's MS4 or regulated waters in violation of this article.
 - (2) All erosion, pollutant, and sediment controls required by this code or by any applicable local, state, or federal permit, including elements of a stormwater pollution prevention plan required under an NPDES permit, shall be properly implemented, installed, operated, and maintained.
 - (3) Authorized discharges to the city's MS4 shall be controlled so that they do not impair the operation of the city's MS4 or contribute to the failure meet any applicable local, state, or federal law or regulation.
 - (4) Authorized discharges to regulated waters as defined by the Clean Water Act, shall be controlled so that they do not adversely impact the quality or beneficial uses of those waters, or result in violation of any applicable local, state, or federal law or regulation.
 - (5) Any person who has been issued an NPDES permit authorizing discharges to the city's MS4 shall submit a complete copy of the permit to the city's building department within 30 days after the issuance of a permit.

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- (i) *Authorized exemptions.* The following discharges to the city's MS4 are not a violation of this article:
- (1) Water line flushing;
 - (2) Flushing of reclaimed water lines;
 - (3) Street cleaning;
 - (4) Diverted stream flows;
 - (5) Rising ground waters;
 - (6) Foundation and footing drains;
 - (7) Dechlorinated swimming pool discharges;
 - (8) Uncontaminated ground water infiltration (as defined at 40 C.F.R. § 35.205(20));
 - (9) Uncontaminated pumped ground water;
 - (10) Discharges from potable water sources;
 - (11) Air conditioning condensate;
 - (12) Irrigation water, including landscaping and lawn water;
 - (13) Springs;
 - (14) Individual residential car washing;
 - (15) Flows from riparian habitat and wetlands; and
 - (16) Discharges or flows from emergency firefighting activities and emergency response activities done in accordance with an adopted spill response/action plan.
- (j) *Nonapplication of prohibitions.* The prohibitions provided in this section shall not apply to any nonstormwater discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Florida Department of Environmental Protection; provided, that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations.
- (k) *Emergency conditions.*
- (1) Notwithstanding any other provisions of this section, whenever the city manager, or as otherwise provided pursuant to section 10-3 of this code, determines that emergency conditions or activities require immediate action to protect the public health, safety or welfare, or to provide for compliance with these regulations, city approved construction plans, city inspectors and employees are authorized to enter at a reasonable time in or upon any property, consistent with subsection (l) of this section, for the purpose of testing, inspecting, investigating, measuring, sampling and correcting such emergency conditions. Failure to admit personnel responding to emergency conditions, shall constitute a separate violation of this section only if actual violation is determined.
 - (2) Suspension due to illicit discharges in emergency conditions. The city manager may, without prior notice, suspend MS4 discharge access when the manager deems 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, or to the MS4. If the violator fails to comply with a suspension order issued in an emergency, the city may take such steps as deemed necessary to prevent or minimize damage to the MS4 or to minimize danger to persons.
 - (3) Suspension due to the detection of illicit discharge. Any person discharging to the MS4 in violation of this section may have their MS4 access terminated if such termination would abate or reduce an illicit

discharge. Reinstatement of MS4 access to premises terminated pursuant to this section is prohibited without prior city approval.

- (l) *Inspection and monitoring for compliance.* City code inspectors may request access for inspection of facilities discharging or suspected of discharging to the city's MS4 to effectuate the provisions of this section and to investigate violations or potential violations of any of the terms of this article.
 - (m) *Reporting requirements.* Any person owning or occupying a premise or facility who has knowledge of a discharge of pollutants from those premises or facilities or other type of evidence which might result in a violation of the prohibitions found in this section shall immediately take action to abate the discharge of pollutants and shall notify the department and city code enforcement department within 24 hours of the discharge of pollutants. The initial notification may be by telephone, but the person responsible shall submit a written report within 72 hours of discovery. The written report shall include a description of the discharge volume, content, frequency, discharge point location to the MS4, measures taken or to be taken to terminate the discharge, and the name, address and telephone number of the person who may be contacted for additional information.
 - (n) *Penalty.* Violation of this article shall be punishable according to the procedures and penalties set forth in chapter 14 of this code.
 - (o) *Appeals.* Appeals of any administrative decision or determination made in the administration of this article shall follow the procedures and requirements in section 1-15 of this code.
- (Ord. No. 18-07, § 5, 3-5-2018; Ord. No. 24-15, § 2(Exh. A), 9-9-2024)