

ORDINANCE #ORD2025-03

AN ORDINANCE OF THE CITY OF DUNNELLON, FLORIDA, RELATING TO STORMWATER RUNOFF, SEDIMENTATION AND EROSION CONTROL, CONSTRUCTION WASTE CONTROL, AND ILLICIT STORMWATER CONNECTIONS AND DISCHARGES; AMENDING CODE OF ORDINANCES, SUBPART B, LAND DEVELOPMENT REGULATIONS, CHAPTER 98, SUBDIVISION AND LAND DEVELOPMENT CRITERIA; ARTICLE IV. DESIGN GUIDELINES; PROVIDING FOR CONFLICTS; CODIFICATION; SEVERABILITY; AND AN EFFECTIVE DATE.

WHEREAS, the Florida Department of Environmental Protection conducted a NPDES Stormwater Phase II Municipal Separate Storm Sewer Systems (MS4) audit in August 2024; and

WHEREAS, as a result of the audit, FDEP has requested the City update its MS4 ordinance and the City has coordinated with FDEP to update this ordinance; and

WHEREAS, the City Council of the City of Dunnellon finds this ordinance to be in the best interest of the health, safety, and welfare of the citizens of Dunnellon and the general public.

LEGISLATIVE UNDERSCORING: Underlined words constitute additions to the City of Dunnellon Land Development Regulations, ~~strike through~~ constitutes deletions from the original, and asterisks (***) indicate an omission from the existing text which is intended to remain unchanged.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DUNNELLON, FLORIDA THAT:

SECTION 1. The provisions set forth in the recitals of this Ordinance (whereas clauses) are hereby adopted by the City Council as the legislative findings and intent pertaining to this Ordinance.

SECTION 2. The City of Dunnellon, FL Code of Ordinances, Subpart B, "Land Development Regulations," Chapter 98, "Subdivisions and Land Development Criteria," is hereby amended as follows:

ARTICLE IV. – DESIGN STANDARDS

DIVISION 3. – STORMWATER SYSTEM ILLICIT DISCHARGE AND CONNECTION

Sec. 98-166. Title of division, applicability, and interpretation.

This division shall be known as the "stormwater system illicit discharge and connection ordinance." The provisions of this division shall set prohibitions and restrictions to prevent illicit and illegal discharges from entering or being disposed into or illicit connection to, the city's stormwater collection system or waterways of the state. This division shall be liberally construed to effect the purposes set forth in this division.

Sec. 98-167. Purpose and intent.

- (a) The purpose of this division is to provide for the health, safety and general welfare of the citizens of the city through the regulation of non-stormwater discharges into the storm drainage system and waterways of the state to the maximum extent practicable as required by federal and state law.
- (b) The United States Environmental Protection Agency, pursuant to 40 C.F.R. § 122.26, Code of Federal Regulations, has mandated, through the issuance of a National Discharge Elimination System ("NPDES") permit, that the city oversee discharges to the city stormwater system, to waters of the State of Florida, and to waters of the United States.
- (c) This division establishes methods for controlling the introduction of pollutants into the city's MS4 in order to comply with the requirements of the federal NPDES permit process. The objectives of this division are to:
 - (1) Regulate the contribution of pollutants to the city's MS4 stormwater discharge by any user;
 - (2) Prohibit illicit connection and discharges to the city's MS4; and
 - (3) Establish legal authority to carry out inspection, surveillance, monitoring, and enforcement procedures to ensure compliance with this division.

Sec. 98-168. Definitions.

For purposes of this division, the following shall mean:

Authorized enforcement agent. The ~~stormwater supervisor or his/her designee~~ city is authorized to enforce the provisions of this division. ~~In the event the stormwater supervisor is not able to act in this capacity or delegate a designee, the city administrator would serve as enforcement agent.~~

Best management practices (BMPs). The schedule of activities, prohibition of practices, general good housekeeping practices, pollution prevention and education 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 run-off, spillage or leaks, sludge or water disposal, or drainage from raw material storage.

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

80 *Clearing.* Any activity which results in exposure to wind or rain, through removal of the
81 vegetative surface cover, or removal of pavement or other structures from any construction site.

82 *Construction activity.* Any activity subject to NPDES construction permits including
83 construction project activities resulting in land disturbance of one acre or more or projects of less
84 than one acre which are part of a common plan of development. Such activities include, but are
85 not limited to, clearing and grubbing, demolition, grading, excavating, utility installation, building
86 erection, paving and landscaping.

87 *Erosion control.* BMPs or other similar measures that prevent erosion of exposed soils,
88 sediments, or other exposed materials that may be subject to erosion.

89 *Erosion and runoff control plan.* A plan or set of plans prepared by or under the direction of
90 a licensed professional engineer that indicate the specific measures and sequencing to be used to
91 control sediment and erosion on a development site before, during and after construction.

92 *Florida Department of Environmental Protection (FDEP).* The agency of the state approved
93 by the federal Environmental Protection Agency (EPA) to regulate the NPDES and MS4 programs
94 within the state.

95 *Grading.* The excavation or filling of material, or relocation of soil, resulting in a change in
96 site topography.

97 *General permit.* The permit issued by the FDEP in its role granted by the federal EPA as
98 administrator of the state's NPDES program which permits the discharge of runoff from
99 construction activities into a local MS4 system.

100 *Hazardous materials.* Any material, including any substance, waste, or combination thereof,
101 which because of its quality, concentration, physical, chemical, or infection characteristics may
102 cause, or significantly contribute to, a present or potential hazard to human health, safety, property
103 or the environment when improperly treated, stored, transported, disposed of, or otherwise
104 managed.

105 *Illicit or illegal discharge.* Any direct or indirect non-stormwater discharge into any part of
106 the stormwater drainage system or state waters located within the city limits, except as exempted
107 in section 97-174 of this division. Illegal discharges are discharges including, but not limited to,
108 municipal sewage, process wastewater, wash water, and discharges from indoor drains and sinks,
109 regardless of whether said drain or connection has been previously allowed, permitted, or approved
110 by the city, as well as any pollutants and hazardous materials or other substances regulated by the
111 EPA or FDEP.

112 *Illicit or illegal connection.* Those connections involving either:

- 113 (1) Any drain or conveyance, whether on the surface or subsurface, that conveys an illegal
114 discharge into the storm drainage system; or
- 115 (2) Any drain or conveyance connected to the storm drainage system or waters of the state
116 whose source has not been thoroughly investigated or documented on plans, maps, or
117 equivalent records and approved in writing by the city.

118 *Municipal separate storm sewer system (MS4).* The entire storm drainage system located
119 within the city limits that is both publicly owned and has been designed and is used specifically
120 for collection and conveyance of stormwater, as hereinafter defined.

121 *National Pollutant Discharge Elimination System (NPDES) stormwater permit.* A permit
122 issued by the FDEP under authority delegated pursuant to 33 USC § 1342(b) that authorizes the
123 discharge of pollutants to waters of the state, whether the permit is applicable on an individual
124 group, or general area-wide basis.

125 *Non-stormwater discharge.* Any discharge to the storm drain system that is not entirely
126 composed of stormwater.

127 *Notice of intent.* The form required to be submitted to the local government and the FDEP
128 prior to getting permission for stormwater discharge under the state's general permit.

129 *Perimeter control.* A barrier that prevents sediment or other materials from leaving a
130 construction site or entering any water of the state or MS4, whether by filtering sediment-laden
131 runoff, or by diverting it to a sediment trap or basin.

132 *Person.* Any individual, association, organization, partnership, firm, corporation or other
133 entity recognized by law and acting as either the owner or the owner's agent.

134 *Phasing.* Clearing a parcel of land, or construction upon a parcel of land, in distinct phases,
135 with the stabilization of each phase before the clearing of the next.

136 *Pollutant.* Anything which causes or contributes to pollution. Pollutants include, but are not
137 limited to, those substances, materials, and wastes listed in the Code of Ordinances § 70-
138 243(c)(1)–(10).

139 *Premises.* Any building, lot, parcel of land, or portion of land, whether improved or
140 unimproved, including all infrastructure improvements on the site.

141 *Project manager.* The person with the primary construction company as identified on the
142 building permit who has the ultimate administrative control of construction of the project.

143 *Sediment control.* Measures that are intended to prevent eroded sediments or other eroded
144 material from leaving the site.

145 ~~*St. Johns River Southwest Florida Water Management District (SJRWMSWFWMD).*~~ An
146 environmental regulatory agency of the state, which regulates environmental issues related to
147 water in the City of Dunnellon. ~~18 counties in northeast and east central Florida.~~

148 *Stabilization.* The seeding or sodding of exposed land, or the use of any other practices that
149 prevent exposed soil from eroding.

150 *Storm drainage system.* The entire infrastructure within the city limits comprised of many
151 components, both publicly and privately owned, by which stormwater is collected and conveyed
152 through the city, including, but not limited to, city, county, state and private street and road
153 drainage systems comprised of gutters, curbs, inlets and storm pipes; storm pumping facilities;
154 drainage retention and detention areas/basins, both publicly and privately owned; natural and
155 human-made or altered drainage swales, ditches, channels, and reservoirs; and all other
156 stormwater-related storm drainage facilities within the city.

157 *Stormwater.* Any surface flow, runoff, and drainage consisting entirely of accumulated water
158 from natural precipitation and resulting from such precipitation.

159 *Stormwater management and erosion control plan.* A plan prepared according to FDEP
160 regulations that describes the best management practices and other required activities to be

undertaken by a person to first identify sources of pollution and/or contamination at a site and follow-up actions to be taken by such persons to eliminate or reduce pollutant discharges into municipal stormwater, storm drainage systems, and/or waters of the state to the maximum extent practicable.

Wastewater. For the purposes of this division, any waters that are discharged from construction sites, including, but not limited to, toilets, sinks, showers, and wash-down operations.

Watercourse. These are either:

- (1) Any stream, river, creek, slough, or other naturally occurring stormwater conveyance feature in which water usually flows over the surface of the land; or
- (2) Any artificial or man-made swale, ditch, channel or other man-made stormwater conveyance feature in which water usually flows in a defined bed or bottom.

Sec. 98-169. Administrative responsibility.

The stormwater administrator or his/her designee is the authorized enforcer for this division. In the event the stormwater administrator or his/her designee is unable to fulfill this duty, the city administrator shall fill this capacity. He/she shall administer, implement, and otherwise enforce all provisions of this division of the Code of Ordinances. Any powers granted to or duties imposed upon the city by this division may be carried out by said persons.

Sec. 98-170. Applicability.

This division shall apply to all water entering the stormwater drainage systems or waters of the state or the United States within the boundaries of the city that was generated on any developed or undeveloped lands ~~under construction~~, unless specifically exempted by the city.

Sec. 98-171. Compatibility with other regulations.

This division is not intended to modify or repeal any other division, article, ordinance, rule, regulation, or other provision of law. The requirements of this division are in addition to the requirements of any other division, article, ordinance, rule, regulation, or other provision of law of the city. Where any provision of this division imposes restrictions different from those of any other division, article, 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 control.

Sec. 98-172. Ultimate responsibility.

The standards set forth herein and promulgated pursuant to this division are minimum standards; therefore, this division does not intend or imply that compliance by any person will ensure that there will be no contamination, pollution, or unauthorized discharge of pollutants to the city's stormwater system or waters of the state.

Sec. 98-173. Watercourse protection.

Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through a watercourse. In addition, the owner/lessee shall maintain existing privately-owned structures within or adjacent to the watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

Sec. 98-174. Illicit discharge prohibition and exceptions.

(a) *Prohibition of illegal discharges.* Throwing, draining or otherwise discharging, causing or permitting others under one's control to throw, drain, or otherwise discharge into the city's MS4 or state waters or waters of the United States any liquids, solids, or waters containing any stormwater, pollutants, or hazardous materials other than stormwater is prohibited.

(b) *Exceptions to the prohibition of illegal discharges.* The following are exceptions to the illegal discharge prohibition:

(1) Discharges and releases from the following sources: portable line flushing; landscape irrigation; diverted stream flows; rising ground waters; uncontaminated groundwater infiltration; uncontaminated pumped ground water; discharges from potable water sources; building foundation drains; air conditioning condensation; irrigation water; natural springs; water from crawl space pumps; roof drains; footing drains; flows from riparian habitats and wetlands; dechlorinated swimming pool discharges; and street maintenance wash-down water.

(2) Discharges or water flow from firefighting operations or similar discharges expressly specified in writing by the ~~stormwater supervisor or his/her designee~~city as being necessary to protect public health and safety.

(3) Discharges associated with investigatory dye testing, however, this activity requires a 24-hour prior written notification to the ~~stormwater supervisor or his/her designee~~city prior to the time of the test.

(4) Discharges of non-stormwater permitted under an NPDES permit, waiver, or waste discharge order issued to the ~~discharger~~owner and/or site operator and administered under the authority of the FDEP, provided that the ~~discharger~~owner and/or site operator is in full compliance with all requirements of the permit, waiver, or order and any applicable laws and regulations, and further provided that written approval has been granted for any discharge to the storm system.

Editor's note(s)—Ord. No. 2019-01, § 2, adopted March 11, 2019, amended the Code by repealing former § 98-174, and renumbering former §§ 98-175 and 98-176 as new §§ 98-174 and 98-175. Former § 98-174 pertained to the erosion and runoff control plan, and derived from Ord. No. 2018-05, adopted July 23, 2018.

Sec. 98-175. Illicit connection prohibition.

The construction, use, maintenance or continued existence of illicit connections to the MS4 is prohibited.

- (1) This prohibition expressly includes without limitations illicit connection made in the past, regardless of whether the connection was permissible under laws or practices practicable or prevailing at the time of connection.
- (2) A person is considered to be in violation of this division if the person connects a line conveying sanitary sewer to the MS4 during construction or allows such a connection to continue.
- (3) Improper construction in violation of this division shall be disconnected and redirected if necessary, to an approved on-site wastewater management system or the MS4, upon approval of the ~~stormwater supervisor or his/her designee~~ city.
- (4) Only drains or conveyances depicted on the construction plans, maps or the equivalent shall be constructed.

Note(s)—Former § 98-176. See editor's note, § 98-174.

Sec. 98-176. Erosion and runoff control plan prior to commencement of any construction.

(a) Prior to the commencement of any construction activity, a signed and sealed erosion and runoff control plan prepared by a licensed professional engineer shall be submitted to the city as part of the permitting process. This plan shall be consistent with the requirements of the FDEP, the ~~SJR WMD~~ SWFWMD, all erosion and sediment control regulations of the city, and the stormwater pollutions prevention plan (SWPPP) prepared for the site pursuant to § 62-621.300(4)(a) of the Florida Administrative Code (FAC).

(b) The erosion control and runoff plan shall include, at a minimum:

- (1) A natural features map identifying soils, surface waters, wetlands, forest cover, and resources protected under other rules, ordinances or laws of the city, state, and/or federal governments.
- (2) A statement providing the nature of activity and sequence of construction of the development site, including stripping and clearing; grading; construction of utilities; infrastructure; buildings; final grading; and landscaping. Sequencing shall identify the expected date on which clearing will begin; the estimated duration of exposure of cleared areas; the phasing of clearing; installation of erosion and sediment measures; and establishment of permanent vegetation.
- (3) All erosion and sediment control measures and BMPs necessary to meet the objectives of this division shall be set forth in the plan. Such measures shall be in place and administered throughout all phases of construction and permanently, after completion of development of the site. BMPs proposed for use must be consistent with criteria set forth in the most recent version of the Florida Development Manual, Chapter 6, Stormwater and Erosion and Sediment Control Environmental Resource Permit Applicant's Handbook Volume I, or Volume 2 as appropriate by FDEP or the EPA document

"Stormwater Management for Construction Activities" (EPA 832-R-92-005 September 1992). Measurable goals for each BMP must be defined in the plan. Erosion and sediment controls on the construction site shall be updated as necessary to prevent erosion and sedimentation if the initial controls listed in the plan are not sufficient by the City and/or any other agency with jurisdiction over the site.

- (4) Provision for containment or protection of construction-related materials and wastes temporarily stored on-site, including discarded building materials, concrete, truck washout, chemicals, litter, sanitary waste, and other materials subject to solution or entrainment in runoff. Also, a plan showing the location and types of structures for the containment or protection of construction materials and wasters, along with a schedule for the removal of said waste.

Note(s)—See editor's note, § 98-174.

Sec. 98-177. Construction activity discharges.

(a) Submission of intent to the city.

- (1) Any person subject to a construction activity NPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the ~~stormwater supervisor or his/her designee~~city prior to the allowing of discharges to the MS4.
- (2) The ~~manager/operator~~ of a construction site required to have an NPDES permit to discharge stormwater associated with said activity shall submit a copy of the notice of intent and acknowledgement to the city at the same time the project manager submits an original notice of intent to the FDEP within seven (7) calendar days of receipt of the acknowledgement from FDEP.
- (3) The copy of the notice of intent and acknowledgement shall be delivered to the city either in person, by U.S. Postal Service Registered Mail, or by FedEx/UPS or similar organization, registered delivery, and sent to the attention of the ~~stormwater supervisor or his/her designee~~city at the following mailing address:

City of Dunnellon, FL
11924 Bostick Street
Dunnellon, FL 34432.

Sec. 98-178. ~~Compliance monitoring for construction.~~ Monitoring and Inspection for Compliance.

- (a) Right of entry-inspection and sampling. ~~The city shall be permitted to enter and inspect construction sites subject to regulation under this division as may be necessary to determine compliance with the requirements of this division.~~ City personnel shall be permitted to enter and inspect sites which are subject to regulation under this article or which are discharging or are suspected of discharging into the city's MS4 or waters of the State and to investigate violations or potential violations of this article. The city shall be permitted to enter and inspect sites subject to regulation under these regulations as often as may be necessary to determine compliance with these regulations. All structures, facilities, and activities which allow*

discharges to the city's MS4, as well as records concerning them, shall be made accessible to the city's personnel for this purpose

(1) If the ~~discharger~~ owner and/or site operator has security measures in force which require proper identification and clearance before entry into the premises, the ~~discharger~~ owner and/or site operator shall make the necessary arrangements to allow access to representatives of the city.

(2) ~~Site project managers~~ The owner and/or site operator shall allow the ~~stormwater supervisor or his/her designees~~ city ready access to all parts of the premises for purposes of inspection, sampling, examination, and copying of records that must be kept under the conditions of the NPDES permit to discharge stormwater, and the performance of any additional duties as defined by state and federal law.

(3) The ~~stormwater supervisor or his/her designees~~ city shall have the right to set up any such facilities and/or devices as are necessary in his/her opinion to conduct monitoring and/or sampling of the ~~construction~~ site's discharge.

(4) The ~~stormwater supervisor or his/her designees~~ have city shall have the right to require the ~~discharger~~ owner and/or site operator to install monitoring equipment as necessary. The site's compliance and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the ~~discharger~~ owner and/or site operator at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.

(5) Any temporary or permanent obstruction to safe and easy access to the site to be inspected and/or sampled shall be promptly removed by the contractor at written or oral request of the ~~stormwater supervisor or his/her designee~~ city, and shall not be replaced. The costs of clearing such access shall be borne by the ~~contractor~~ owner and/or site operator.

(6) Unreasonable delays in allowing the city access to the permitted ~~facility~~ site is a violation of the stormwater discharge permit and this division. The ~~project manager of the construction~~ owner and/or site operator of a site discharging under an NPDES permit to the city's MS4 commits an offense if the person denies reasonable access to the ~~stormwater supervisor or the person's designee~~ city for the purpose of conducting any activity authorized and/or required by this division.

(b) *Search warrants.* The city may seek a search warrant from any court of competent jurisdiction if the city has been refused access to any part of the premises from which stormwater is discharged and the city can demonstrate probable cause to believe that:

(1) There may be a violation of the division; or

(2) There is a need to inspect and/or sample as part of the routine inspection and sampling program designed to verify compliance with this division or any order issued hereunder to protect the overall health, safety and welfare of the community.

Sec. 98-179. Establishment and use of BMPs.

- (a) The city will establish and implement BMP requirements for all activities within the city which may cause or contribute to pollution or contamination of stormwater, the MS4 or waters of the state.
- (b) The owner and/or site operator ~~project manager~~ of such activity shall provide, at the person's own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the MS4 or waters of the state through the use of these structural and non-structural BMPs.
- (c) Any person responsible for property or premise that is, or may be, the source of illicit discharge, may be required to implement, at said person's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the MS4 or waters of the state.
- (d) Compliance with all terms and conditions of a valid FDEP issued NPDES permit authorizing the discharge of stormwater, to the extent practicable, shall be deemed in compliance with the provisions of this division.

Sec. 98-180. Notification of spills.

- (a) Notwithstanding other requirements of law, as soon as any person responsible for a ~~construction~~ site or emergency response if it has any information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into stormwater, the MS4, or waters of the state, said person shall take all necessary steps to ensure the discovery, containment and cleanup of such release. In the event of such a release of hazardous materials, said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services.
- (b) In the event of a release of non-hazardous materials, said person shall notify the ~~stormwater supervisor or his/her designee~~ city in person, by phone or facsimile no later than the next business day. Notification in person or by phone shall be confirmed by written notice mailed to ~~stormwater supervisor or his/her designee~~ city within two business days of the phone notice.
- (c) The ~~owner and/or site operator or project manager~~ shall also retain on-site a written record of the discharge and actions taken to prevent its recurrence ~~until the conclusion of construction on the site. Following the conclusion of any project or construction,~~ Such records shall be maintained for at least ten years at the office of the owner and/or site operator ~~project manager~~.

Sec. 98-181. Violations, enforcement, and penalties.

- (a) *Violations.* It shall be unlawful for any person to violate any provision or fail to comply with any requirements of this division. Any person who has violated or continues to violate the provisions of this division shall make any corrective measures determined necessary by the ~~stormwater supervisor or his/her designee~~ city, may be subject to the enforcement actions outlined in this division, or may be restrained by injunction or have the violation otherwise abated in a manner provided by law.

(b) *Emergency cease and desist orders.* When the ~~stormwater supervisor or his/her designee~~city finds that any person has violated, or continues to violate, any provision of this division, or any order issued hereunder, and such violation(s) has or have caused an imminent or substantial endangerment to the health, safety or welfare of persons or the environment, the ~~stormwater supervisor or his/her designee~~city may serve upon that person a written notice directing him/her to cease and desist all such violations, and directing the violator to:

- (1) Immediately comply with all permits, ordinances, and other requirements of the law; and
- (2) Take such appropriate preventive action as may be needed to properly address a continuing or threatened violation, including immediately halting operations and/or terminating the discharge.

(c) *Response to emergency cease and desist order.* The violator shall submit to the ~~stormwater supervisor or his/her designee~~city a detailed written statement describing the causes of the harmful discharge and the actions taken or to be taken to prevent any future occurrence within five days of receipt of the emergency cease and desist order. Issuance of the emergency cease and desist order shall not bar against, or be a prerequisite, for taking any other action against the violator. The remedial actions outlined in the violator's written response shall be approved by the ~~stormwater supervisor or his/her designee~~city.

(d) *Actions for enforcement of emergency cease and desist order.* Anyone notified through an emergency cease and desist order under this subsection shall immediately comply and stop or eliminate the endangering discharge. In the event of the ~~discharger's owner and/or site operator's~~ failure to immediately comply voluntarily with the emergency cease and desist order, the city shall take such steps as deemed necessary to prevent or minimize harm to the MS4, watercourses, or receiving waters, and/or endangerment to persons or the environment, including termination of a ~~construction-site's~~ water supply, sewer connection, or other municipal services. The ~~stormwater supervisor or his/her designee~~city may allow the violator to recommence its discharge when it has demonstrated to that person that the period of danger has passed, unless further termination proceedings are initiated against the violator under this division.

(e) *Reinstating MS4 access deemed an offense.* A violator commits an offense if he/she reinstates MS4 access to the construction site pursuant to this division, without approval of the ~~stormwater supervisor or his/her designee~~city.

(f) *Civil penalties.* In the event the alleged violator fails to take the remedial measures set forth in the notice of violation or otherwise fails to cure the violations therein within five business days, or such greater period as the city shall deem appropriate, after the city has taken one or more of the actions described above, the city may impose a penalty not to exceed \$500.00 (depending on the severity of the violation) for each day the violation remains not remedied after receipt of the notice of violation.

(g) *Judicial remedy.* In addition to the remedies provided herein, the city may make application to a court of competent jurisdiction for injunctive relief to restrain any person from violating or continuing to violate the provisions of this division. In addition, the city may seek any and all applicable legal actions, including, but not limited to, entry of a court order requiring restoration and mitigation of any impacted ~~construction-site(s)~~, land, or waters, as well as reimbursement of court costs and other costs associated with abatement of the violation. The

city shall be entitled to an award of attorney's fees in prosecuting such actions, together with attorney's fees and costs on appeal.

- (h) Each act of violation and each day upon which any violation occurs shall constitute a separate offense.

Sec. 98-182. Appeal of notice of violation.

(a) Any person receiving a notice of violation under the provisions of this division may appeal the determination of the ~~stormwater supervisor or his/her designee~~city.

(b) The notice of appeal must be submitted in writing to the city within five business days from the date of the notice of violation.

(c) Hearing on the appeal before the special magistrate shall take place 30 days from the date of receipt of the notice of appeal. The decision of the special magistrate shall be final, except in the event where the violation is escalated to a court of competent jurisdiction.

Sec. 98-183. Enforcement measures after appeal.

(a) If the violator has not corrected the violation pursuant to the requirements set forth in the notice of violation, or, in the event of an appeal, within 30 days of the decision of the special magistrate upholding the decision of the city, then the city's representatives shall enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property.

(b) It shall be unlawful for any person, owner, site operator, agent, or person in possession of any premises to refuse to allow the ~~stormwater supervisor or his/her designee~~city, or a city-designated contractor to enter upon the premises for the purposes set forth above.

Sec. 98-184. Cost of abatement of violation.

(a) Within 30 days after abatement of the violation, the owner and/or site operator of the property will be notified of any costs of the abatement, including administrative costs. The ~~property owner~~ and/or site operator may file a written protest objecting to the amount of the assessment within 15 business days of receipt of the notification of these costs. Upon receipt of the written objection, the city shall hold a hearing before the special magistrate within 30 days. The decision of the special magistrate shall be binding.

(b) If the amount due is not paid within a timely manner as determined at the decision of the city or by the expiration of time in which to file an appeal, the charges will become a special assessment against the property and shall constitute a lien on the property for the full amount of the assessment.

Sec. 98-185. Violations deemed a public nuisance.

In addition to their enforcement processes and penalties provided, any condition caused or permitted to exist in violation of this division shall constitute a threat to public health, safety and welfare, and is declared to be a nuisance, and may be summarily abated or restored at the

violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

Sec. 98-186. Ownership and maintenance responsibilities.

(a) Nothing in this division shall affect the ownership and/or maintenance responsibilities of individual storm drainage components within the city.

(b) Privately-owned stormwater system components within the city, including privately-owned drainage retention areas, shall remain privately owned and maintained until such time as a legal instrument is executed transferring such ownership and maintenance responsibility.

(c) Publicly-owned stormwater system components within the city, including publicly-owned drainage retention areas, shall remain owned and maintained by the city, county or state authority until such time as a legal instrument is executed transferring such ownership and maintenance responsibility.

Sec. 98-187. Remedies not exclusive.

The remedies listed in this division are not exclusive of any other remedies available under any applicable federal, state or local law, and it is within the discretion of the city to seek cumulative remedies. The city may recover all attorney's fees, court costs, and other expenses associated with enforcement of this division, including costs associated with obtaining water quality and other samples and laboratory testing expenses.

Secs. 98-188—98-210. Reserved

SECTION 3. CODIFICATION. It is the intent of the City Council of the City of Dunnellon that the provisions of this Ordinance shall be codified. The codifier is granted broad and liberal authority in codifying the provision of this Ordinance.

SECTION 4. CONFLICTS. After the effective date of this Ordinance, in any case where all or any part of this Ordinance is found to conflict with any provision of any other ordinance of the City of Dunnellon, to the extent of such conflict, all such ordinances are hereby repealed.

SECTION 5. SEVERABILITY. If any section, sentence, phrase, word, or portion of this Ordinance is determined to be invalid, unenforceable, unlawful, or unconstitutional by a court of competent jurisdiction, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, word or portion of this Ordinance.

SECTION 6. EFFECTIVE DATE. This Ordinance shall become effective upon adoption.

Upon motion duly made and carried, the foregoing Ordinance was approved upon the first reading on the 16th day of April 2025.

Upon motion duly made and carried, the foregoing Ordinance was approved and passed upon the second and final reading and public hearing on the 14th day of May 2025.

Ordinance Posted on the City's website on April 8, 2025.

Final Public hearing advertised on the City's website on April 23, 2025, and advertised in the Riverland News on May 2, 2025.

ATTEST:

CITY OF DUNNELLON

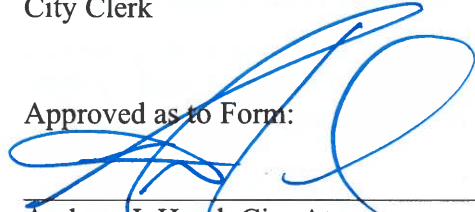


Amanda L. Odom, CMC
City Clerk



Walter L. Green, Mayor

Approved as to Form:



Andrew J. Hand, City Attorney

CERTIFICATE OF POSTING

I HEREBY CERTIFY that copies of the foregoing Ordinance were posted at City Hall, the Chamber of Commerce, and Dunnellon Library, in the City of Dunnellon, Florida, and on the City's Official Website this 8th day of April 2025.



Amanda L. Odom, CMC
City Clerk