

## **ORDINANCE NO. 2019-740**

**AN ORDINANCE OF THE CITY OF INVERNESS, FLORIDA, ADOPTING A DISCHARGE PROHIBITIONS, ENFORCEMENT, TECHNICAL SPECIFICATIONS AND DEFINITIONS IN STORMWATER MANAGEMENT-ORDINANCE PROVIDING FOR PURPOSE AND INTENT; PROVIDING FOR INCORPORATION OF STATUTORY PROVISIONS; PROVIDING FOR DISCHARGE PROHIBITIONS, ENFORCEMENT, TECHNICAL SPECIFICATIONS AND DEFINITIONS IN STORMWATER MANAGEMENT; PROVIDING FOR REPEAL OF INCONSISTENT ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.**

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF INVERNESS FLORIDA AS FOLLOWS:**

**Section 1. Repeal and Replacement of Section 19-5 of the Inverness Code of Ordinances.** Section 19-5 of the Code of Ordinances is hereby repealed, and a new Section 19-5 is hereby adopted as set forth in Exhibit "A" attached hereto and made a part of this Ordinance.

**Section 2. Repeal and Replacement of Section 19.9 of the Inverness Code of Ordinances.** Section 19.9 of the Code of Ordinances is hereby repealed and a new section 19-9 is hereby adopted as set forth in Exhibit "B" attached hereto and made a part of this Ordinance.

**Section 3. Repeal and Replacement of Section 19.10 of the Inverness Code of Ordinances.** Section 19.10 of the Code of Ordinances is hereby repealed and a new section 19-10 is hereby adopted as set forth in Exhibit "C" attached hereto and made a part of this Ordinance.

**Section 4. Repeal and Replacement of Section 19.21 of the Inverness Code of Ordinances.** Section 19.21 of the Code of Ordinances is hereby repealed a new section 19.21 is hereby adopted as set forth in Exhibit "D" attached hereto and made a part of this Ordinance.

**Section 5. Repeal of inconsistent ordinances.** Any ordinance in conflict with this ordinance is hereby repealed by implication.

**Section 6. Severability.** If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this ordinance.

**Section 7. Inclusion in the Code of Ordinances.** The provisions of this Ordinance shall be included and incorporated in the Code of Ordinances of the City of Inverness as an addition or amendment thereto and shall be appropriately renumbered to conform to the uniform numbering system of the Code of Ordinances.

**Section 8. Provide an Effective Date.** This Ordinance shall become effective immediately upon its adoption.

Upon motion duly made and carried on first reading, the foregoing ordinance was approved on the 6<sup>th</sup> day of August, 2019.

Upon motion duly made and carried on second reading, the foregoing ordinance was adopted on the 20<sup>th</sup> day of August, 2019.

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KEN HINKLE, Council President

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ROBERT PLAISTED, Mayor

ATTEST:

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SUSAN JACKSON, City Clerk

Approved as to form and content:

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LARRY M. HAAG, City Attorney

## EXHIBIT 'A'

### Sec. 19-5. - Technical specifications.

- (1) Surface water runoff from adjacent lands flowing into the site shall be considered, and provisions for conveyance of such runoff shall be included to avoid additional flooding of any other land in the drainage basin. Post-development peak discharge rate shall not exceed the predevelopment discharge rate for a twenty-five-year frequency, twenty-four-hour duration storm event, and provision for retention/detention area, shall be required to store the ~~water runoff~~—water runoff volume difference except in cases in which the city engineer conveys that soil/water table conditions are not favorable for such practice, in which case water runoff volume difference shall be detained and released over a period of twenty-four (24) hours in a manner acceptable to the city engineer. Also, the cumulative impact of the outflow on the downstream drainage system shall be considered and shall be demonstrated that the design of all site drainage facilities shall not cause flooding of public streets or buildings during a twenty-five-year, twenty-four-hour storm event. The Rational Method,  $Q=CiA$ ,  ~~$Q=CiA$~~ , shall be used for the drainage calculations, rainfall intensities must be based on available intensity duration curves for appropriate year frequency storms as published by a governmental agency.
- (2) Stormwater runoff shall be subjected to best management practice prior to discharge into natural systems. This "practice" shall mean the most practical way of preventing or reducing the amount of pollution generated by the project.
  - (a) No site alteration shall cause siltation of wetlands, pollution of downstream wetlands or reduce the natural retention or filtering capabilities of wetlands.
  - (b) During construction, approved silt screen and/or other erosion control devices shall be placed ~~between on the project site and the water body~~ to prevent erosion and pollution of the water body and MS4.

(c) Preservation of the natural vegetation adjacent to surface water bodies shall be required to provide proper filtration of stormwater runoff.

- (3) Detention structures shall be designed to release runoff to the downstream drainage system over a period of time so as not to exceed the capacity of the existing downstream system. The side slopes of retention and detention areas shall not be steeper than one (1) vertical to three (3) horizontal and fencing around detention/retention area is required. For lesser than 3:1 side slope, fencing is not required.

*(a) Peak discharge—100-year storm.* For retention structures located in a closed system (depressed area), the peak discharge resulting from a twenty-four-hour, one hundred-year frequency storm on the developed/redeveloped site shall not exceed the peak discharge resulting from a one hundred-year frequency storm for existing conditions on the site. This volume difference shall be basis for providing appropriate sizing of the retention area. The one hundred-year floodplain elevation shall be shown on-site plans.

*(b) Runoff computations.* Runoff computations shall be based on the most critical situation (soil moisture condition, percolation rates of soil) and conform to acceptable engineering practices using rainfall data and other local information from credited agencies pertaining to affected area.

## EXHIBIT 'B'

### **Sec. 19-9. – Discharge Prohibitions.**

#### Prohibition of Illicit Discharges.

No person shall discharge or cause to be discharged into the municipal storm drain system or watercourses any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than storm water.

The commencement conduct or continuance of any illegal discharge to the storm drain system is prohibited except as described as follows:

- (1) The following discharges are exempt from discharge prohibitions established by this ordinance: 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, uncontaminated pumped ground water, 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 wet-land flows, swimming pools (if dechlorinated - typically less than one PPM chlorine), firefighting activities, and any other water source not containing Pollutants.**
- (2) Discharges specified in writing by the authorized enforcement agency as being necessary to protect public health and safety.
- (3) Dye testing is an allowable discharge but requires a verbal notification to the authorized enforcement agency **prior to the time of the test.**
- (4) The prohibition shall not apply to any non-storm water 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, 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.

**Prohibition of Illicit Connections.**

- (1) The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited.
- (2) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
- (3) A person is considered to be in violation of this ordinance if the person connects a line conveying sewage to the MS4 or allows such a connection to continue.

## **Sec. 19-10. – Enforcement.**

### **1. Notice of Violation.**

Whenever the City of Inverness finds that a person has violated a prohibition or failed to meet a requirement of this Ordinance, the authorized enforcement agency may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:

(a) The performance of monitoring, analyses, and reporting;

(b) The elimination of illicit connections or discharges;

(c) That violating discharges, practices, or operations shall cease and desist;

(d) The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property; and

(e) Payment of a fine to cover administrative and remediation costs; and

(f) The implementation of source control or treatment BMPs.

If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator.

**“EXHIBIT D”**

## **Sec. 19-21. - Definitions.**

When used in this article, the following terms shall have the following meanings, unless the context clearly requires otherwise:

*Annual stormwater assessment resolution* means the resolution described in section 19-34 hereof, approving a stormwater assessment roll for a specific fiscal year.

*Assessed property* means all parcels of real property included on the stormwater assessment roll that receive a special benefit from the stormwater management program, the stormwater improvements and stormwater management services identified in an annual stormwater assessment resolution.

*Capital cost* means all or any portion of the expenses that are properly attributable to the acquisition, construction, design, installation, reconstruction, renewal or replacement (including demolition, environmental mitigation and relocation) of stormwater improvements under generally accepted accounting principles and including reimbursement to the city for any moneys advanced for capital cost and interest on any interfund or ~~intrafund~~ interfund loan for such purposes.

*City* means the City of Inverness, Florida.

*Clerk* means the clerk of the council, or such other person as may be duly authorized to act on such person's behalf.

*Comprehensive plan* means the comprehensive plan adopted by the city pursuant to Chapter 163, Part II, Florida Statutes.

*Council* means the city council for the city.

*County* means Citrus County, Florida.

*Developed property* means that property described in the initial stormwater assessment resolution and in each annual stormwater assessment resolution whose stormwater burden is managed by the stormwater management program.

*ESU* means "equivalent stormwater unit," the standard unit used to express the stormwater burden expected to be generated by each parcel of property, after taking into consideration any mitigation of the stormwater burden that results from privately maintained stormwater management facilities and other factors affecting the quantity, quality, or rate of stormwater runoff.



*Final stormwater assessment resolution* means the resolution described in [section 19-33](#) hereof, which shall confirm, modify or repeal the initial stormwater assessment resolution and which shall be the final proceeding for the imposition of the initial stormwater assessment.

*Fiscal year* means the period commencing on October 1 of each year and continuing through the next succeeding September 30, or such other period as may be prescribed by law as the fiscal year for the city.

*Government property* means property owned by the United States of America, the State of Florida, a county, a special district, a municipal corporation, or any of their respective agencies or political subdivisions.

*Illicit Discharge* means any direct or indirect non-storm water discharge to the storm drain system.

*Illicit Connections* means an illicit connection is defined as either of the following:

Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system including but not limited to any conveyances which allow any non0storm water discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency or, 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.

*Initial stormwater assessment resolution* means the resolution described in [section 19-29](#) hereof, which shall be the initial proceeding for the imposition of the stormwater assessment.

*Obligations* mean a series of bonds or other evidence of indebtedness including but not limited to, notes, commercial paper, capital leases or any other obligations of the city issued or incurred to finance any portion of the capital cost of a stormwater improvement and secured, in whole or in part, by proceeds of the stormwater improvement assessments.

*Ordinance* means this stormwater ordinance as amended from time to time.

*Pledged revenue* means, as to any series of obligations:

- (a) The proceeds of such obligations, including investment earnings;
- (b) Proceeds of the stormwater improvement assessments pledged to secure the payment of such obligations; and
- (c) Any other legally available non-ad valorem revenue pledged to secure the payment of such obligations, as specified by the resolution authorizing such obligations.

*Project cost* means:

- (a) The capital cost of a stormwater improvement;
- (b) The transaction cost associated with the obligations to finance the stormwater improvement;
- (c) Interest accruing on such obligations for such period of time as the county deems appropriate;
- (d) The debt service reserve fund or account, if any, established for the obligations which financed the stormwater improvement; and
- (e) Any other costs or expenses related thereto.

*Property appraiser* means the Citrus County property appraiser.

*Stormwater* means the flow of water which results from, and which occurs following, a rainfall event.

*Stormwater assessment* means either a stormwater improvement assessment, a stormwater service assessment, or both.

*Stormwater assessment roll* means the special assessment roll relating to stormwater improvements or stormwater management services, approved by a final stormwater assessment resolution or an annual stormwater assessment resolution pursuant to [section 19-30](#) hereof.

*Stormwater basin* means a part of the earth's surface that contributes stormwater runoff to a drainage system, which consists of diffuse surface waters, together with all natural or artificial tributary surface streams and/or bodies of impounded surface water.

*Stormwater basin plan* means a policy document that is adopted by the council for each stormwater basin or hydrologic subarea thereof in which stormwater improvements are proposed and that provides for implementation of the stormwater master plan.

*Stormwater improvement* means land, capital facilities and improvements acquired or provided to detain, retain, convey or treat stormwater.

*Stormwater improvement area* means one or more stormwater basins, or any portion or portions thereof, as identified in the initial stormwater assessment resolution, encompassing those parcels of property specially benefitted by the construction, reconstruction or installation of all or any portion of a stormwater improvement that removes, detains, retains or treats, in whole or in part, the stormwater burden expected to be generated by the physical characteristics and use of the assessed property. Each stormwater improvement area will include either:

- (a) The property which is hydrologically connected, directly or indirectly, to the stormwater improvement; or
- (b) All property located within a hydrologically defined area in which the city constructs one or more stormwater improvements pursuant to a stormwater basin plan to correct existing deficiencies with respect to a specific level of service and provide a consistent level of stormwater management.

*Stormwater improvement assessment* means a special assessment imposed by the city within a stormwater improvement area to fund the capital cost or the debt service and related cost of obligations issued to finance the project cost of a stormwater improvement.

*Stormwater management program* means the entity established by [section 19-25](#) hereof to implement the stormwater management program of the city.

*Stormwater management service* means:

- (a) Management and administration of the city's stormwater management program;
- (b) Stormwater program engineering;
- (c) Stormwater basin planning;
- (d) Stormwater improvements to be acquired or constructed during a single fiscal year without the issuance of any obligations;
- (e) Operating and maintaining the city's capital facilities for stormwater management, including extraordinary maintenance;
- (f) Billing and collection of stormwater assessments, including customer information services and reserves for statutory discounts; and

(g) Legal, engineering and other consultant services.

*Stormwater management service area* means the area identified in the initial stormwater assessment resolution and in each annual stormwater assessment resolution, encompassing those parcels of property specially benefitted by the provision of the stormwater management services included in a stormwater management service cost component.

*Stormwater management service cost component* means those components of the stormwater service cost identified in the initial stormwater assessment resolution and in each annual stormwater assessment resolution allocated to a stormwater management service area which contains those parcels of property specially benefitted by a stormwater service cost component.

*Stormwater master plan* means a policy document adopted by the council which identifies the levels of service for water quality and quantity management in the city, based upon the criteria in the comprehensive plan and applicable state and federal law, and the methods for prioritizing expenditures within the city. The stormwater master plan shall designate those stormwater basins for which a stormwater basin plan will be prepared.

*Stormwater program director* means the city's stormwater management program manager or such person's designee.

*Stormwater service area* means the geographic area described in the initial stormwater assessment resolution that encompasses all parcels within the city which specially benefit from the stormwater management service cost component.

*Stormwater service assessment* means a special assessment imposed by the city within the stormwater service area to fund the stormwater management service cost components.

*Stormwater service cost* means the estimated amount for any fiscal year of all expenditures and reasonable reserves that are properly attributable to the stormwater management service provided within the stormwater service area under generally accepted accounting principles, including, without limiting the generality of the foregoing, reimbursement to the city for any moneys advanced for the stormwater management service, and interest on any interfund or intra-fund loan for such purpose.

*Tax collector* means the Citrus County tax collector.

*Tax roll* means the real property ad valorem tax assessment roll maintained by the property appraiser for the purpose of the levy and collection of ad valorem taxes.

*Transaction cost* means the costs, fees and expenses incurred by the city in connection with the issuance and sale of any series of obligations, including but not limited to:

- (a) Rating agency and other financing fees;
- (b) The fees and disbursements of bond counsel;
- (c) The underwriters' discount;
- (d) The fees and disbursements of the city's financial advisor;
- (e) The costs of preparing or printing the obligations and the documentation supporting issuance of the obligations;
- (f) The fees payable in respect of any municipal bond insurance policy; and
- (g) Any other costs of a similar nature incurred in connection with issuance of such obligations.

*Uniform Assessment Collection Act* means sections 197.3632 and 197.3635, Florida Statutes, or any successor statutes authorizing the collection of non-ad valorem assessments on the same bill as ad valorem taxes, and any applicable regulations promulgated thereunder.