

TAB 1



City of Palmetto Agenda Item

Meeting Date

3/1/10

Presenter: Allen R. Tusing

Department: Public Works / Stormwater

Title: Ordinance 2010-03 Amending the definitions related to Stormwater discharge regulations

The city currently has a stormwater permit number FLS000036 which is part of the Manatee County Separate Stormwater System (MS4). We under went our annual inspection in October and November. We had a few clarrification and a required change that required us to make the change to the current Storwater Ordinance. Currently we only require parcel greater that 5 ac. to comply but with the regulations from FDEP the requirements will be larger than 1 ac.

Budgeted Amount: \$0.00 **Budget Page No(s):** **Available Amount:** \$0.00 **Expenditure Amount:** \$0.00

Additional Budgetary Information: N/A

Funding Source(s): **Sufficient Funds Available:** Yes No **Budget Amendment Required:** Yes No **Source:**

City Attorney Reviewed: Yes No N/A **Advisory Board Recommendation:** For Against N/A **Consistent With:** Yes No N/A

Potential Motion/ Direction Requested: Motion to approve Ordiance 2010- 03

Staff Contact: Allen R. Tusing

Attachments: Ordinance 2010-03

ORDINANCE 2010-03

AN ORDINANCE OF THE CITY COMMISSION FOR THE CITY OF PALMETTO, FLORIDA, AMENDING THE PALMETTO CODE OF ORDINANCES; AMENDING THE DEFINITIONS RELATED TO STORMWATER DISCHARGE REGULATIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Article VIII, Section 2 of the Florida Constitution provides that municipalities shall have governmental, corporate and proprietary powers to enable municipalities to conduct municipal government, perform municipal functions and render municipal services; and,

WHEREAS, pursuant to the referenced provision of the Florida Constitution, a city may exercise any power for municipal purposes except as otherwise provided by law; and,

WHEREAS, Chapter 166, Florida Statutes, the "Municipal Home Rule Powers Act," implements the applicable provisions of the Florida Constitution and authorizes municipalities to exercise any power for municipal purposes, except when expressly prohibited by law and to enact ordinances in furtherance thereof; and,

WHEREAS, the Department of Environmental Protection has required the City amend its definition of a "site of industrial activity" to broaden the definition to include smaller sites which may be classified as a site of industrial activity; and

WHEREAS, the City has elected to correct punctuation errors in the existing code.

WHEREAS, consistent with the findings stated above, the City Commission has determined that adoption of this ordinance is in the best interest of the public health, safety and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF PALMETTO, FLORIDA, as follows:

Section 1. Findings of Fact. The above “WHEREAS” clauses are adopted herein as findings of fact.

Section 2. Amendment Language and Effect on Other Subsection Language.

A. Section 16-46 of the City of Palmetto Code of Ordinances is hereby amended to read in its entirety as follows:

Definitions:

The following words, terms and phrases, when used in this article shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

“Illicit discharge” means discharge or depositing of any sewage, industrial wastewater, industrial waste, and solid wastes into the storm sewer system whether such discharges and deposits occur through runoff, piping connections, dumping, spills, seepage or leaks.

“Municipal separate stormwater sewer system” means the system of conveyances used for collecting and transporting stormwater owned by the city but not including any facilities intended to be used in accordance with applicable law for collecting and transporting sanitary or other wastewater.

“Site of industrial activity” means any area or facility used for manufacturing, processing, or raw material storage, as defined under 40 CFR section 122.26 and includes construction activity where one (1) or more acres are subject to clearing, grading, and excavation.

“Stormwater” means any flow occurring during or following any form of natural precipitation and resulting therefrom.

B. All other subsections of the City of Palmetto Code of Ordinances shall remain in full force and effect and are not amended by this Ordinance.

Section 3. Repeal of Inconsistent Ordinance Provision. This Ordinance hereby repeals all ordinances, or parts thereof, in conflict herewith to the extent of such conflict.

Section 4. Severability. If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, the invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

Section 5. Effective Date. This Ordinance shall take effect as provided for by law and by City Charter, Section 14, upon execution by the Mayor or, if disapproval occurs, upon reconsideration by the City Commission and passing of the Ordinance by at least four (4) votes.

FIRST READING	March 1, 2010
PUBLICATION DATE	March 5, 2010
SECOND READING	March 15, 2010

PASSED AND DULY ADOPTED, BY THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, with a quorum present and voting, in regular session assembled, this 15th day of March, 2010.

CITY OF PALMETTO, FLORIDA, BY
AND THROUGH THE CITY
COMMISSION OF THE CITY OF
PALMETTO

By: _____
Shirley Groover-Bryant, Mayor

ATTEST:

By: _____
James R. Freeman, City Clerk