



Office of *Departmental Matters 10/24/2017*
INDIAN RIVER COUNTY
ATTORNEY

Dylan Reingold, County Attorney
William K. DeBaal, Deputy County Attorney
Kate Pingolt Cotner, Assistant County Attorney

MEMORANDUM

TO: Board of County Commissioners

THROUGH: Richard B. Szpyrka, P.E., Public Works Director 

FROM: William K. DeBaal, Deputy County Attorney 

DATE: October 18, 2017

SUBJECT: Permission to Advertise Amending Indian River Code Creating Chapter 318, Stormwater Discharge

The Indian River County Stormwater Division was recently audited by the Florida Department of Environmental Protection (DEP). Overall, the County received favorable comments. One comment received was a suggestion to amend the County's waste water section of the code to include a prohibition against illicit discharges into the storm sewers. On October 3, 2017, staff presented a bare bones ordinance to the Board and the Board directed staff to come back with an ordinance in more final form ready for advertisement.

Staff now presents a more final form of the ordinance and seeks Board approval to advertise the ordinance for a public hearing. Highlights of the proposed ordinance include:

- Definitions of Best Management Practices, illicit discharges and stormwater
- Prohibitions on illicit discharges and connections
- Provisions for suspension of permits and monitoring of discharges
- Enforcement, appeal and abatement of discharges

In its current form, the ordinance will be enforced by the Public Works Stormwater Division as they have the most working knowledge of stormwater issues. If a violation citation is issued and contested by the recipient, the Code Enforcement Board would hear the matter and assess fines and timetables for resolution of the violation. If an emergency exists, either injunctive relief could be sought or remedial action could be taken by the County with reimbursement the responsibility of the violator.

FUNDING: The only cost of amending the code will be advertising in the Indian River Press Journal. Advertising costs are estimated to be less than \$200.00 and funds are budgeted and available from Account # 11128138-034910, Transportation Fund/Stormwater/Legal Ads.

RECOMMENDATION: Staff recommends the Board discuss the proposed ordinance, recommend changes and approve advertisement for a public hearing on the amendment to the IRC Code to prohibit illicit discharges into storm sewers.