

Chapter 6A NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM

ARTICLE I. GENERAL PROVISIONS

Sec. 6A-1.1 This ordinance shall be known as the City of Punta Gorda Stormwater Pollution Control Ordinance.

Sec. 6A-1.2 This ordinance is adopted by the City for the purpose of maintaining efficient, economic and safe operation of the separate storm sewer system and for the protection of the health, safety and general welfare of the public within all of the City. This article is intended to prevent and abate pollution through the regulation and control of connections and discharges to the separate storm sewer system of the City and to limit the use of the separate storm sewer system to the collection, conveyance, treatment and disposal of stormwater through appropriate regulation and enforcement. The prohibitive discharge standards contained in this ordinance were developed under the authority of Section 5 of the Clean Water Act, 40 CFR 122, Chapter 62, F.A.C., SWFWMD or SFWMD regulations and applicable home rule power.

(Ord. No. 1537-08, <sec> 1, 1-2-08)

Sec. 6A-1.3 This ordinance shall apply to all areas within the legal boundaries of the City of Punta Gorda, any unincorporated areas within those boundaries and any portion of the City of Punta Gorda MS4 (Municipal Separate Storm Sewer System) that may exist within the limits of another municipality.

Sec. 6A-1.4 Construction and Interpretation.

- (a) Where any provision of this ordinance refers to another provision, ordinance, statute, policy, reference, manual, rule, regulation or other authority, it refers to the most current version, incorporating any amendments thereto or redesignation thereof.
- (b) The standards set forth herein and promulgated pursuant to this ordinance are minimum standards intended to minimize the offsite discharge of pollutants to the Maximum Extent Practicable; therefore, this ordinance does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution nor unauthorized discharge of pollutants into Waters of the U.S., Waters of the State or the City's MS4 caused by said person. This ordinance shall not create liability on the part of the City of Punta Gorda or any agent or employee thereof for any damages that result from any person's reliance on this ordinance or any administrative decision lawfully made hereunder.

Sec. 6A-1.5 Definitions

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

“Authorized Official” means any employee or agent of the City authorized by the City Manager to administer or enforce the provisions of this ordinance.

“Clean Water Act” (CWA) means the Federal Clean Water Act Amendments to the Federal Water Pollution Control Act, enacted by Congress in 1972, and commonly known as the Clean Water Act and subsequent amendments thereto.

“City” – The term “City,” “the City” or “this City” shall mean the City of Punta Gorda in the State of Florida.

“City Manager” means the City Manager of the City of Punta Gorda, Florida or his/her authorized designee.

“Discharge” means any direct or indirect introduction of any solid, liquid or gaseous matter into the separate storm sewer system. It includes, but is not limited to, any release, spilling, leaking, seeping, pouring, emitting, emptying, pumping, placing or dumping of any substance or material.

“Illicit Connection” means the connection of any structure (including but not limited to pipes, inlets, channels, ditches and swales) that is intended for the conveyance of wastes or materials other than stormwater to the MS4, whether or not such non-stormwater material is actually being conveyed. It shall also include any connection made for the purpose of conveying and discharging stormwater to the MS4 without first having obtained authorization for the connection and discharge.

“Illicit Discharge” means any discharge to the separate storm sewer system that is not composed entirely of stormwater except discharges pursuant to an NPDES permit, or authorized by a City permit or other discharges specifically identified as authorized exceptions pursuant to subsection 6A-1.6(c) of this ordinance. Any discharge in violation of NPDES or City permit shall constitute an illicit discharge.

“Municipal Separate Storm Sewer System (MS4)” means the separate storm sewer system owned or operated by the City of Punta Gorda or by any other City or County government. As used herein, unless otherwise specified, it shall mean that MS4 owned by the City of Punta Gorda.

“NPDES” means the National Pollutant Discharge Elimination System authorized by the Clean Water Act and by the provisions of Sections 307, 402, 318 or 405 of the Clean Water Act or by the State of Florida pursuant to the State’s federally-approved NPDES regulatory program and applicable rules of the Florida Administrative Code (F.A.C.).

“NPDES permit” means general, group and individual discharge permits issued by the U.S. Environmental Protection Agency pursuant to Sections 307, 402, 318 or 405 of the Clean Water Act or by the State of Florida pursuant to the State’s federally-approved NPDES regulatory program and applicable rules of the Florida Administrative Code (F.A.C.).

“Person” means association, clubs, societies, firms, partnerships and bodies politic and corporate as well as individuals.

“Pollutant” means anything that causes or contributes to pollution as defined in Section 403.031(7), Florida Statutes.

“Separate storm sewer system” means the system of conveyances used for collecting, storing and transporting stormwater, including, but not limited to, roads with drainage systems, streets, catch basins, curbs, gutters, ditches, swales or other manmade channels or storm drains and any inlets thereto, but not including any facilities intended to be used in accordance with applicable law for collecting and transporting sanitary or other wastewater.

“SFWMD” means the South Florida Water Management District.

“Site of industrial activity” means any area or facility used for manufacturing, processing, raw materials storage or storage of finished products.

“State” – The term “State”, “the State” or “this State” shall mean the State of Florida.

“Stormwater” means any surface runoff and drainage from land surfaces, including the surfaces of buildings and other hardened surfaces on the land, consisting entirely of water from rainfall events.

“Surface water” means all bodies of water existing or flowing upon the land surface, whether natural or manmade, including, but not limited to ponds, streams, canals, ditches, swales, rivers, wetlands, bays, harbors, the Atlantic Ocean or the Gulf of Mexico.

“SWFWMD” means the Southwest Florida Water Management District.

“Waters of the State” means waters within the State of Florida that are defined as such in Section 403.031, Florida Statutes.

“Waters of the United States” means surface waters and water bodies as defined at 40 CFR, Sec. 122.2, or any amendment thereto, including all natural waterways and definite channels and depressions in the earth that may carry water, even though such waterways may only carry water during rains and storms and may not carry stormwater at and during all times and seasons.

(Ord. No. 1537-08, <sec> 1, 1-2-08)

Sec. 6A-1.6 Prohibited Discharges

- (a) General Prohibitions. Except as set forth under subsection (c) of this section, or in accordance with a valid NPDES or City permit, any discharge to the separate storm sewer system that is not composed entirely of stormwater is an illicit discharge and is prohibited.

- (b) **Specific Prohibitions.** Any discharge to the separate storm sewer system containing any sewage, industrial waste or other waste materials or containing any materials that cause or contribute to violation of Federal, State, City or other laws, rules, regulations, orders or permits or which cause or contribute to a violation of State water quality standards contained in Chapter 62, Florida Administrative Code, in the MS4 or the Waters of the United States is prohibited.
- (c) **Authorized Exceptions.** The following discharges are exempt from the general prohibition set forth under subsection (a) of this section unless they are shown to be causing violations of water quality standards in Waters of the United States: flows from firefighting, water line flushing and other contributions from potable water sources, landscape irrigation and lawn watering, irrigation water, diverted stream flows, rising groundwaters, direct infiltration of groundwater to the separate storm sewer system, uncontaminated pumped groundwater, foundation and footing drains, water from crawl space pumps, uncontaminated air conditioning condensation, springs, individual residential car washing, filter backwash from residential swimming pools and flows from riparian habitats and wetlands.
- (d) **Illicit connections.** No person may maintain, use or establish any direct or indirect connection to the separate storm sewer system that results in any discharge in violation of this ordinance. Such connections are prohibited regardless of whether a discharge is occurring. This prohibition applies to connections made in the past, 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.

Sec. 6A-1.7 Notification of Spills.

Any person who is responsible for any discharge to the separate storm sewer system in violation of this ordinance shall immediately notify the City of Punta Gorda at 575-5050 (Monday-Friday 8:00 a.m. – 4:30 p.m.), after hours at the City of Punta Gorda Police Department at 911 or 639-4111 for non-emergency and such person shall also take immediate action to ensure the containment and cleanup of such discharge and shall confirm such telephone notification in writing to the City within three calendar days.

Sec. 6A-1.8 Failure to comply with the requirements of this article or any permit or approval granted or authorized under this ordinance shall be punished as provided by the City of Punta Gorda Land Development Regulations, Section 26-18.3.

Sec. 6A-1.9 In addition to the penalties provided by the City of Punta Gorda Land Development Regulations, Section 26-18.3, the City Council may institute any appropriate action or proceeding, including suit for injunctive relief, in order to prevent or abate violations of this ordinance. The City Council may also institute proceedings to impose and recover damages or civil penalties for each violation of this ordinance pursuant to Section 26-18 of the Land Development Regulations. If a violation of this

ordinance is continued, each day of such violation shall constitute a separate offense.

Sec. 6A-1.10 The Authorized Official may issue an order to any person to immediately cease any discharge or eliminate any connection to the separate storm sewer system, determined by the Authorized Official to be in violation of any provision of this ordinance or in violation of any regulation or authorization issued under this ordinance.

Sec. 6A-1.11 Authority for Inspections.

Whenever necessary to make an inspection to enforce any provision of this ordinance or regulation or permit issued under this ordinance, or whenever an Authorized Official has reasonable cause to believe there exists any condition constituting a violation of any of the provisions of this ordinance or regulation or permit issued under this ordinance, any Authorized Official may enter any property, building or facility at any reasonable time to inspect the same or to perform any duty related to enforcement of the provisions of this ordinance or any regulation or permit issued under this ordinance; provided that:

- (a) If such property, building or facility is occupied, such Authorized Official shall first present proper credentials and request permission to enter; and
- (b) If such property, building or facility is unoccupied, such Authorized Official shall make a reasonable effort to locate the owner or other person having charge or control of the property, building or facility and shall request permission to enter.
- (c) Any request for permission to enter made under this ordinance shall state that the owner or person in control has the right to refuse entry, and that in such event that entry is refused, the Authorized Official may enter to make inspection only upon issuance of a search warrant. If the owner or person in control refuses permission to enter after such request has been made, the Authorized Official is hereby authorized to seek assistance from any court of competent jurisdiction in obtaining entry. Routine or area-wide inspections shall be based upon such reasonable selection processes as may be necessary to carry out the purposes of this ordinance, including but not limited to random sampling and sampling in areas with evidence of stormwater contamination, non-stormwater discharges or similar factors.

Sec. 6A-1.12 Authority for Monitoring and Sampling.

Any Authorized Official may install and maintain such devices as are necessary to conduct sampling or monitoring of discharges to the separate storm sewer system. During any inspections made to enforce the provisions of this ordinance or regulations or permits issued hereunder, any Authorized Official may take any samples deemed necessary.

Sec. 6A-1.13 Requirements for Self-monitoring.

The Authorized Official may require any person engaging in any activity or owning any property, building or facility, including but not limited to a site of industrial activity, to undertake reasonable monitoring of any discharge to the MS4 at their expense and to furnish periodic reports.

Sec. 6A-1.14 NPDES Permits.

Any person who holds a National Pollutant Discharge Elimination System permit which authorized discharge to the City's separate storm sewer system shall provide a copy of such permit to an Authorized Official no later than the later of 60 calendar days after the effective date of this article or 60 calendar days after the issuance of the permit.

ARTICLE II. GENERAL PROVISIONS

Sec. 6A-2.1 Findings and Intent.

During the construction process, soil is the most vulnerable to erosion by wind and water. This eroded soil endangers water resources by reducing water quality and causing the siltation of aquatic habitat for fish and other desirable species. Eroded soil also necessitates repair of sewers and ditches and the dredging of lakes. In addition, clearing and grading during construction causes the loss of native vegetation necessary for terrestrial and aquatic habitat.

As a result, the purpose of this ordinance is to safeguard persons, protect property, prevent damage to the environment and promote the public welfare by guiding, regulating and controlling the design, construction, use and maintenance of any development or other activity which disturbs land or removed the vegetative cover or results in the movement of soils on construction sites in the City of Punta Gorda.

This ordinance is enacted to protect and enhance the quality of the surface waters of the City of Punta Gorda in a manner pursuant to and consistent with the Federal Clean Water Act (33 U.S.C. sec. 1251 et. seq.) and Municipal Separate Storm Sewer Systems (Chapter 62 F.A. C. pursuant to the authority of Section 403.0885, Florida Statutes) by reducing pollutants in stormwater discharges from construction sites to the maximum extent practicable and by prohibiting non-stormwater discharges to the surface waters or the storm drain system.

(Ord. No. 1537-08, <sec> 1, 1-2-08)

Sec. 6A-2.2 This ordinance shall apply to all areas within the legal boundaries of the City of Punta Gorda, any unincorporated areas within those boundaries and any portion of the City of Punta Gorda MS4 (Municipal Separate Storm Sewer System) that may exist within the limits of another municipality.

Sec. 6A-2.3 Construction and Interpretation.

- (a) Where any provision of this ordinance refers to another provision, ordinance, statute, policy, reference, manual, rule, regulation or other authority, it refers to the most current version, incorporating any amendments thereto or redesignation thereof.
- (b) The standards set forth herein and promulgated pursuant to this ordinance are minimum standards intended to minimize the offsite discharge of pollutants to the maximum extent practicable; therefore, this ordinance does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants into Waters of the U.S., Waters of the State or the City's MS4 caused by said person. This ordinance shall not create liability on the part of the City of Punta Gorda or any agent or employee thereof for any damages that result from any person's reliance on this ordinance or any administrative decision lawfully made hereunder.

Sec. 6A-2.4 Definitions.

"Best Management Practices (BMP)" means a schedule of activities, a prohibition of practices, maintenance procedures and other management practices to prevent or reduce the pollution of surface waters or the City's MS4. BMPs include but are not limited to, treatment facilities to remove pollutants from stormwater, operating and maintenance procedures, facility management practices to control runoff, spillage or leaks of non-stormwater, waste disposal and drainage from raw materials storage, erosion and sediment control practices and the prohibition of specific activities, practices and procedures and such provisions as the City determines appropriate and necessary for the control of pollutants.

"Clean Water Act (CWA)" means the Federal Water Pollution Control Act (33 U.S.C., Sec. 1251 et. seq.), and any subsequent amendments thereto.

"Clearing" means any activity which results in exposure of soil to wind or rain, through removal of the vegetative surface cover or removal of pavement or other structures from any construction site.

"Construction Activities" means activities subject to the FDEP Generic Permit for Stormwater Discharge from Construction Activities that Disturb One or More Acre of Land pursuant to Sec. 62, F.A.C. Such activities include but are not limited to clearing and grubbing, grading, excavating and demolition.

"City" – The term "City", "the City" or "this City" shall mean the City of Punta Gorda in the State of Florida.

"Discharge" means any direct or indirect introduction of any solid, liquid or gaseous matter into the separate storm sewer system. It includes, but is not limited to, any release spilling, leaking, seeping, pouring, emitting, emptying, pumping, placing or dumping of any substance or material.

“Erosion Control” means BMPs or other measures that prevent erosion of exposed soils or sediments or other exposed materials that may be subject to erosion.

“Erosion and Sediment Control Plan” means a set of plans prepared by or under the direction of a licensed professional engineer which indicate the specific measures and sequencing to be used controlling sediment and erosion on a development site before, during and after construction.

“Grading” means excavation or fill of material or relocation of soil, resulting in a change in topography.

“Illicit Discharge” means any discharge to the separate storm sewer system that is not composed entirely of stormwater except discharges pursuant to an NPDES permit or authorized by a City permit or other discharges specifically identified as authorized exceptions pursuant to Section 3.3 of the City of Punta Gorda Stormwater Pollution Control Ordinance. Any discharge in violation of an NPDES or City permit shall constitute an illicit discharge.

“Inspection” includes, but is not limited to, any on-site physical examination of all facilities and grounds and all construction activities thereupon, or a review of all records on operation and maintenance of facilities and the results of any monitoring performed, for compliance with local, state and federal regulations and permit conditions.

“Municipal Separate Storm Sewer System (MS4)” means the separate storm sewer system owned or operated by the City of Punta Gorda or by any other City or County government. As used herein, unless otherwise specified, it shall mean that MS4 owned by the City of Punta Gorda.

“NPDES” means the National Pollutant Discharge Elimination System authorized by the Clean Water Act and by the provisions of Section 403.0885, Florida Statutes and applicable rules of the Florida Administrative Code (FAC) pursuant to the State of Florida’s federally-approved NPDES program.

“NPDES permit” means general, group and individual discharge permits issued by the U.S. Environmental Protection Agency pursuant to Sections 307,402, 318 or 405 of the Clean Water Act or by the State of Florida pursuant to the State’s federally-approved NPDES regulatory program and applicable rules of the Florida Administrative Code (F.A.C.).

“Operator” or “site operator” means the person in charge of construction activities at a construction site.

“Owner” means the owner of a building or land and shall include any owner, part owner, joint owner, tenant in common, tenant in partnership, joint tenant or tenant by the entirety, of the whole or of a part of such building or land.

“Perimeter Control” means a barrier that prevents sediment from leaving a site or entering any surface water or MS4, either by filtering sediment-laden runoff or by diverting it to a sediment trap or basin.

“Person” – the word “person” shall extend and be applied to associations, clubs, societies, firms, partnerships and bodies politic and corporate as well as to individuals.

“Phasing” means clearing a parcel of land or construction upon a parcel of land, and in distinct phases, with the stabilization of each phase before the clearing of the next.

“Pollutant” means anything that causes or contributes to pollution as defined in Sec. 403.031(7), F.S.

“Qualified Inspector” means anyone having received specialized training from an erosion and sedimentation control training course acceptable to the City.

“Sediment Control” means measures that are intended to prevent eroded sediments or other erodeable material from leaving the site.

“Separate storm sewer system” means the system of conveyance used for collecting, storing and transporting stormwater, including but not limited to, roads with drainage systems, streets, catch basins, curbs, gutters, ditches, swales or other manmade channels, or storm drains and any inlets thereto, but not including the facilities intended to be used in accordance with applicable law for collecting and transporting sanitary or other wastewater.

“Stabilization” means the use of practices that prevent exposed soil from eroding.

“Start of Construction” means the first land-disturbing activity associated with a development, including land preparation such as clearing, grading and filling, installation of streets and walkways, excavation for basements, footings, piers or foundations, erection of temporary forms and installation of accessory buildings such as garages.

“Site” means a parcel of land or a contiguous combination thereof, where clearing, grading or construction activities are performed as a single unified. operation.

“State” means the State of Florida.

“Stormwater” means any surface runoff and drainage from land surfaces, including the surface of buildings and other hardened surfaces on the land, consisting entirely of water from rainfall events.

“Surface water” means all bodies of water existing or flowing upon the land surface, whether natural or manmade, including but not limited to ponds, lakes, streams, canals, ditches, swales, rivers, wetlands, bays, harbors, the Atlantic Ocean or the Gulf of Mexico.

“Waters of the State” means waters within the State of Florida that are defined as such in Section 403.031, Florida Statutes.

“Waters of the United States” means surface waters and other water bodies as defined at 40 CFR Sec. 122.2 or any amendment thereto, including all natural waterways and definite channels and depressions in the earth that may carry water, even though such waterways may only carry water during rains and storms and may not carry stormwater at and during all times and seasons.

(Ord. No. 1537-08, <sec> 1, 1-2-08)

Sec. 6A-2.5 Technical and Non-Technical Words.

Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

Sec. 6A-2.6 General Conditions.

- (a) 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 of the City’s MS4 to meet any applicable local, state or federal law or regulation.
- (b) Stormwater from construction sites shall be controlled onsite using BMPs to protect water quality to the Maximum Extent Practicable prior to discharge to the City’s MS4.
- (c) The owners or operators of construction sites that will discharge stormwater to the City’s MS4 must provide to the City written notification and obtain approval in the form of a site development permit prior to discharging.
- (d) Any person responsible for illicit discharges determined by the City to be contributing to the degradation of the City’s MS4 either directly or indirectly shall provide corrective measures in accordance with a schedule approved by the City and may be subject to paying fines and damages.

Sec. 6A-2.7 State Permits.

- (a) Any person proposing to engage in construction activity which disturbs one (1) acre of land or greater or is part of a construction activity that will disturb one (1) acre of land or greater is required to obtain coverage under the FDEP Generic Permit for Stormwater Discharge from Construction Activities that Disturb One or More Acre of Land, pursuant to Section 62 F.A.C., and shall submit proof of coverage to the City as a part of City site development approval.
- (b) Any person who holds a NPDES permit which authorizes stormwater discharge to the City’s MS4 shall provide proof of such stormwater discharge permit to the City no later than 60 days after the effective date of this ordinance or 60 calendar days after issuance of the permit.

- (c) Any person proposing to engage in construction activities that require a permit from FDEP or the Southwest Florida Water Management District Stormwater Discharge or Environmental Resource Permit (ERP) shall obtain such permit as required by state or district regulations. A permit must be obtained and proof of such permit shall be submitted to the City prior to the commencement of any land clearing or construction activities.

(Ord. No. 1537-08, <sec> 1, 1-2-08)

Sec. 6A-2.8 Erosion and Sediment Control Plan.

- (a) Prior to the commencement of any construction or land clearing activities, all permitted sites shall prepare and submit an Erosion and Sediment Control Plan to the City. This plan is to be consistent with requirements of the City as contained herein, the FDEP, the Southwest Florida Water Management District, and all erosion and sedimentation control regulations of the City, and the Stormwater Pollution Prevention Plan (SWPPP) prepared for the site pursuant to Section 62 F.A.C.
- (b) The Erosion and Sediment Control Plan shall include at the minimum:
 1. A natural resources map identifying soils, surface waters, wetlands, forest cover and resources protected under other rules, ordinances or laws of the City and/or the State.
 2. A statement providing the Nature of Activity and the Sequence of Construction of the development site, including stripping and clearing, rough grading, construction of utilities, infrastructure and buildings, and final grading and landscaping. Sequencing shall identify the expected date on which clearing will begin, the estimated duration of exposure of cleared areas and the sequence of clearing, installation of temporary erosion and sediment measures and establishment of permanent vegetation.
 3. All erosions and sediment control measures and BMPs necessary to meet the objectives of this ordinance throughout all phases of construction and permanently, after completion of the development of the site. Measurable goals for each BMP must be defined in the plan.
 4. Provisions for containment of construction-related materials and wastes temporarily stored on the site, including discarded building materials, concrete truck washout, chemicals, litter and sanitary waste and other materials subject to solution or entrainment in runoff.
 5. Seeding mixtures and rates, types of sod, method of seedbed preparation, expected seeding dates, type and rate of lime or fertilization application and kind and quantity of mulching for both temporary and permanent vegetative control measures.
 6. Provisions for maintenance of control facilities, including easements and estimates of the cost of maintenance.

7. Measures that would be implemented in the event of the discharge or release of any harmful chemical, petroleum product or toxic substance which may have an inverse impact to water quality to any onsite or offsite surface waters, or which may threaten or endanger public health or safety. Reporting requirements for such discharges or releases is provided in 40 CFR or any amendment thereto.
8. Procedures to receive and review information submitted by the general public.

(c) Modifications to the Erosion and Sediment Control Plan.

1. Significant amendments to the erosion and sediment control plan shall be submitted to the City and shall be processed and approved, or disapproved, in the same manner as the original plans prior to implementing any changes in procedures established by the plan.

(Ord. No. 1537-08, <sec> 1, 1-2-08)

Sec. 6A-2.9 Grading, erosion control practices, sediment control practices and stabilization practices shall meet the design criteria set forth in the most recent version of the Florida Development Manual (Florida Department of Environmental Protection), and shall be adequate to prevent transportation of sediments or other pollutants from the site to the satisfaction of the City.

Sec. 6A-2.10 Clearing and Grading.

- (a) Clearing and grading shall be conducted in accordance with the following requirements:
1. Clearing and grading of natural resources, such as forests or wetlands shall not be permitted, except when in compliance with all other applicable rules of the City and State.
 2. Clearing techniques that retain natural vegetation and retain natural drainage patterns, as described in the Florida Department Manual shall be used to the satisfaction of the City.
 3. Phasing shall be required on all sites disturbing greater than ten acres, with the size of each phase to be established at plan review and as approved by the City.
 4. Clearing, except that necessary to establish sediment control devices shall not begin until all sediment control devices and BMPs have been installed and have been stabilized.
 5. Cut and fill slopes shall have no greater than 4:1, except as approved by the City to meet other community or environmental objectives.

Sec. 6A-2.11 Measures to Prevent Erosion of Exposed Soils.

- (a) Erosion and sedimentation control procedures for soils exposed as a result of clearing and grading shall be employed in accordance with the following requirements:

1. Soil stabilization measures must be initiated within 14 days of clearing or inactivity in construction. Performance of these measures does not absolve the permittee of the Sediment Control requirements under subsection 6A-2.12.
2. If vegetative erosion control methods, such as seeding, have not become established within 60 days, the City may require that the site be reseeded and sodded or that a non-vegetative option be employed.
3. On steep slopes or in drainage ways, special techniques that meet the design criteria outlined in the Florida Development Manual shall be used to ensure stabilization.
4. Soil stockpiles must be stabilized, controlled or covered at the end of each workday.
5. Techniques shall be employed to prevent the blowing of dust, sediment or litter from the site.
6. Techniques that divert upland runoff past disturbed slopes shall be employed until the slopes have become stabilized.

Sec. 6A-2.12 Measures to Prevent Discharge of Sediments From the Site.

- (a) Sediment controls shall be employed in accordance with the following requirements:
 1. Sediment controls shall be provided in the form of settling basins or sediment traps as needed and perimeter controls will be properly installed prior to the commencement of clearing or construction.
 2. Adjacent properties shall be protected by the use of a vegetated buffer strip when practical, in combination with perimeter controls.

Sec. 6A-2.13 Provisions must be made for containment of construction-related materials and wastes temporarily stored on the site, otherwise they must be stored and maintained in a manner to prevent offsite discharge or onsite discharge into surface waters or the City's MS4. These materials may include but are not limited to unused or discarded building materials, stockpiled soil or sand, concrete truck washout, fertilizers, chemicals, solvents, petroleum products, litter, debris, sanitary waste or any other materials which may be dissolved in or transported by stormwater or blown from the site by the wind.

Sec. 6A-2.14 Construction Site Access.

- (a) A temporary road for access to the site shall be provided at stages of development.
- (b) Stabilization measures in the form of gravel or other measures described in Florida Department Manual are required at the construction entrance in order to ensure that soil is not tracked onto public roads by construction vehicles or washed from the site by run off.

Sec. 6A-2.15 The City shall conduct inspections as hereinafter required and shall either approve that portion of the work completed or shall notify the permittee wherein the work fails to comply with the erosion and sediment control plan as approved. Plans for grading, stripping, excavating and filling work previously approved by the City shall be maintained at the site during the progress of the work.

Sec. 6A-2.16 The permittee, owner, site manager or their authorized agent(s) shall make regular inspections of all erosion control measures and BMPs in accordance with the inspection schedule outlined on the approved erosion and sediment control plan(s). These inspections shall be conducted weekly and after any 0.5-inch rain event, by a qualified inspector as herein defined. The purpose of such inspections will be to determine the overall effectiveness of the control plan, the condition of the BMPs and the need for additional control measures. All inspections shall be documented in written form, signed by the inspector and maintained onsite for review by the City.

Sec. 6A-2.17 The City shall be allowed to enter the property of the permittee as deemed necessary to make regular inspections to ensure implementation of the submitted plan and control of offsite sedimentation and polluted runoff.

Sec. 6A-2.18 Stop Work Order; Revocation of Permit

- (a) In the event that any person holding a City site development permit pursuant to this ordinance violates the terms of the permit or implements site developments in such a manner as to materially adversely affect the health, welfare or safety of persons residing or working in the City or development site so as to be materially detrimental to the public welfare or injurious to property or improvements in the City, the City may suspend or revoke the site development permit.
- (b) Any action that results in impairment to the operation of the City's MS4 or that causes pollution of surface waters shall be considered detrimental to the public welfare and injurious to the property of the City.

Sec. 6A-2.19 No person shall construct, enlarge, alter, repair or maintain any grading, excavation or fill, or cause the same to be done, contrary to or in violation of any terms of this or any other City ordinance. Failure to comply with the requirements of this ordinance or any permit or approval granted or authorized under this ordinance shall be punished as provided in the City of Punta Gorda Land Development Regulations, Section 26-18.3.

Sec. 6A-2.20 In addition to the penalties provided in the City of Punta Gorda Land Development Regulations, Section 26-18.3, the City Manager or designee may institute any appropriate action or proceeding, including suit for injunctive relief, in order to prevent or abate violations of this ordinance. The City Manager or designee may also institute proceedings to impose and recover damages or civil penalties for each violation of this ordinance pursuant to the City of Punta Gorda Land Development Regulations, Section 26-18.3. If a violation of this ordinance is continued, each day of such violation shall constitute a separate offense.