

ORDINANCE NO. 93- 22

AN ORDINANCE AMENDING CHAPTER 14, ARTICLE II, DIVISION 2, PARTS 1 AND 2 CODE OF BREVARD COUNTY, FLORIDA, TO ESTABLISH A NEW DIVISION 5, ENTITLED "STORMWATER MANAGEMENT CRITERIA"; SPECIFICALLY PROVIDING FOR DESIGN CRITERIA FOR DRAINAGE IMPROVEMENTS FOR NEW SUBDIVISIONS AND SITE PLANS, RETROFITTING PROJECTS, PUBLIC ROAD AND DRAINAGE PROJECTS, AND MAINTENANCE OF STORMWATER FACILITIES; PROVIDING FOR EROSION CONTROL PROCEDURES FOR LAND ALTERATIONS; PROVIDING FOR DEFINITIONS; PROVIDING FOR DRAINAGE CONSTRUCTION AND MATERIAL SPECIFICATIONS; ESTABLISHING REQUIREMENTS FOR STORMWATER FACILITY MAINTENANCE ENTITY; PROVIDING FOR MAINTENANCE OF COPY OF STORMWATER MANAGEMENT CRITERIA AS PUBLIC RECORD; PROVIDING FOR RULES OF APPLICATION; PROVIDING FOR PENALTIES; PROVIDING FOR ALTERNATE REMEDIES; PROVIDING FOR CONFLICTING REGULATIONS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on September 10, 1990, the Board of County Commissioners of Brevard County, Florida, adopted Brevard County Ordinance No. 90-34, creating Article VII, Chapter 23, Code of Brevard County, Florida, establishing a Stormwater Management Program for the unincorporated areas of Brevard County, Florida; and

WHEREAS, the Board of County Commissioners of Brevard County, Florida, desires to develop a Brevard County-wide Stormwater Management Program, to be responsible for the operation, construction, and maintenance of stormwater devices; for stormwater system planning; for review of development plans for compliance with stormwater management codes; and for lake and river quality management; and

WHEREAS, the Board of County Commissioners of Brevard County, has appointed the Brevard County Surface Water Improvement Division as the regulatory agency for the Brevard County Stormwater Management Program; and

Officially filed with
The Secretary of State
August 30, 1993

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WHEREAS, pursuant to the provisions of Section 23-161, Article VII, Chapter 23, Code of Brevard County, Florida, the Board of County Commissioners of Brevard County, Florida, is authorized to adopt stormwater management criteria as a means to develop and implement a Brevard County Stormwater Management Program; and

WHEREAS, the Board of County Commissioners of Brevard County, Florida, hereby desires to adopt such Brevard County Stormwater Management Criteria, which shall have the following objectives:

- (a) To provide minimum standards for the design, construction, and installation of stormwater systems including new subdivisions and site plans; retrofitting and upgrading existing development; road and drainage projects; and maintenance of existing stormwater facilities; and
- (b) To provide construction and material specifications for stormwater facilities; and
- (c) To provide erosion criteria for any land alteration activities; and
- (d) To provide maintenance entity requirements for stormwater facilities; and

WHEREAS, the Board of County Commissioners of Brevard County, Florida, hereby finds that the provisions of this Ordinance, and the establishment of Brevard County Stormwater Management Criteria as specified hereunder, are consistent with the provisions of the 1988 Brevard County Comprehensive Plan; and

WHEREAS, all land development regulations are to be incorporated into Chapter 14, Code of Brevard County, Florida; and

WHEREAS, the Board of County Commissioners of Brevard County, Florida, has determined that the adoption of this Ordinance, under the terms, conditions, and criteria set forth hereunder, is necessary to protect the health, safety, and welfare of the citizens, residents, and inhabitants of Brevard County, Florida.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, as follows:

SECTION 1. Chapter 14, Article IV, Code of Brevard County, Florida, is hereby amended to add a new Division 5, entitled "Stormwater Management Criteria", to read as follows:

"CHAPTER 14.
LAND DEVELOPMENT REGULATIONS

ARTICLE IV. ENVIRONMENTAL PROTECTION AND CONSERVATION

DIVISION 5. STORMWATER MANAGEMENT CRITERIA

Section 14-85. Adoption of Stormwater Management Criteria.

Any and all design, construction, installation and maintenance of stormwater management facilities and systems within any established Stormwater Management System Benefit Area, as defined under Chapter 23, Code of Brevard County, Florida, within the unincorporated areas of Brevard County, Florida, shall fully comply with all of the provisions of the Stormwater Management Criteria, a copy of which is attached hereto as Exhibit "A", and which Criteria are specifically incorporated herein by this reference.

SECTION 14-86. PUBLIC RECORD.

A copy of the Stormwater Management Criteria, Exhibit "A" attached hereto, shall be maintained, and open for public inspection, at the Office of the Brevard County Surface Water Improvement Division during regular business hours.

SECTION 14-87. APPLICATION.

The Brevard County Stormwater Management Criteria adopted herein, shall be applied by Brevard County to all land alteration activities, modifications of existing stormwater management systems, or modifications of existing sites, for which engineering plans have been submitted to Brevard County for review after the effective date of this Division. New phases of multiphased projects which had master stormwater systems approved prior to the effective date of these Criteria shall not be required to alter the detention/retention criteria in effect at the time of approval of the master stormwater system.

SECTION 14-88. PENALTIES.

Any person, firm, corporation, association or other group or body who shall violate any provision of this Division, or the Stormwater Management Criteria established hereunder, shall be guilty of a misdemeanor, and, upon conviction thereof, be fined not more than Five Hundred Dollars (\$500.00) or imprisoned in a County jail for not more than sixty (60) days, or both, and in addition shall pay all costs and expenses involved in said case. Each day any such violation continues to exist shall be considered a separate offense.

SECTION 14-89. ALTERNATE REMEDIES.

In addition to any other remedies, whether civil or criminal, for any violation of this Division, or the Stormwater Management

Criteria established hereunder, Brevard County may institute in a court of competent jurisdiction any appropriate action or proceeding, including injunction, to prevent or remedy any such violation. Further, Brevard County may take such other lawful action, including code enforcement proceedings under Chapter 15 1/2, Code of Brevard County, Florida, as may be necessary to prevent or remedy any such violation.

SECTION 14-90. CONFLICTING REGULATIONS.

In the case of direct conflict between any provision of this Division, or the Stormwater Management Criteria established hereunder, and any part or provision of any other applicable federal, state, or Brevard County regulation, the more restrictive shall apply.

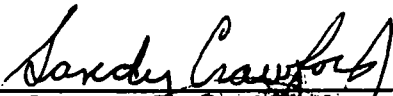
SECTION 2. EFFECTIVE DATE.

This Ordinance shall take effect immediately upon its adoption and filing pursuant to law.

DONE, ORDERED AND ADOPTED in regular session this 23rd day of August, 1993.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA



Sandy Crawford, Clerk

By: 
Karen S. Andreas, Chairman

CAA SPECIAL CONTRACTS DIVISION

