

ORDINANCE NO. 001-2026

**AN ORDINANCE OF THE TOWN OF CENTURY, FLORIDA
ENACTING ARTICLE III OF CHAPTER 18 OF THE CODE
OF ORDINANCES OF THE TOWN OF CENTURY
PROVIDING FOR CONTROL OF DISCHARGE OF
POLLUTANTS FROM STORMWATER; PROVIDING FOR
SEVERABILITY; PROVIDING FOR REPEAL OF
CONFLICTING ORDINANCES; AND PROVIDING AN
EFFECTIVE DATE.**

Be it ordained by the Town Council of the Town of Century, Florida, as follows:

SECTION 1. Article III of Chapter 18, of the Code of Ordinances of the Town of Century is hereby enacted to read as follows:

ARTICLE III. STORMWATER DISCHARGE CONTROL

Sec. 18-75. Purpose. This Article is enacted for the purpose of controlling the discharge of pollutants from stormwater and to benefit and provide for the health, safety, and welfare of the citizens of the Town of Century.

Sec. 18-76. Definitions. When used in this Article the following terms are defined to have the meanings ascribed thereto:

Best management practices (“BMPs”): Schedules of activities, prohibitions of practices, maintenance procedures, treatment methods, and other management practices to prevent or reduce pollutants from entering the Town’s MS4 or being discharged from the MS4.

Clean Water Act (the “Act”): Formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972; Pub. L. 92-500, as amended, Pub. L. 95-217, Pub. L. 95-576, Pub. L. 6-483, and Pub. L. 97-117, 33 U.S.C. 1251 et seq., as amended by the Water Quality Act of 1987, Pub. L. 100-4.

Construction activities: The alteration of land during construction and includes, but is not limited to, clearing, grading, and excavation.

Discharge: The release of liquid, solid or gaseous material and includes, but is not limited to, a release, spilling, leaking, seeping, pouring, emitting, emptying, and dumping of any substance or material.

Illicit connection: Point source discharges to the Town's MS4 or to waters of the United States, which are not composed entirely of stormwater and are not authorized by a permit.

Illicit discharge: Discharge to the Town's MS4 or to the waters of the United States which is not composed entirely of stormwater, unless exempted as provided in this Article, or the

discharge to the Town's MS4 or to waters of the United States which is not in compliance with federal, state, or local permits.

Industrial activities: Activities at facilities identified by the United States Environmental Protection Agency as requiring an NPDES stormwater permit in accordance with 40 C.F.R. 122.26 or amendments thereto.

Municipal separate storm sewer system (“MS4”): A conveyance, storage area or system of conveyances and storage areas (including, but not limited to, roads with drainage systems, streets, catch basins, curbs, gutters, ditches, manmade channels, storm drains, treatment ponds, and other structural BMPs) owned or operated by a local government that discharges to waters of the United States or to other MS4s, that is designed solely for collecting, treating or conveying stormwater, and that is not part of a publicly owned treatment works as defined by 40 C.F.R. 122.2 or any amendments thereto.

National Pollutant Discharge Elimination System (“NPDES”): The national program for issuing, modifying, revoking, and reissuing, terminating, monitoring, and enforcing permits, and imposing and enforcing pretreatment requirements, pursuant to the provisions of the Clean Water Act.

Point source: Any discernible and confined conveyance including, but not limited to, any pipe, ditch, channel, conduit, well, container, rolling stocks, concentrated animal feeding operation, vessel, or other floating craft from which pollutants are discharged. This term does not include return flows from irrigated agriculture.

Pollutant: Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials (except those regulated under the Atomic Energy Act of 1954, as amended, 43 U.S.C. 2011, et seq.), heat, wrecked or damaged equipment, rock, sand, and industrial, municipal, and agricultural waste discharged into the MS4.

Reclaimed water: Water that has received at least advanced secondary treatment and basic disinfection and is reused after flowing out of a wastewater treatment facility.

Reuse: The deliberate application of reclaimed water, in compliance with the Florida Department of Environmental Protection and Northwest Florida Water Management District rules, for a beneficial purpose.

Runoff: The surface flow of water which results from, and occurs following, a rainfall event.

Significant construction activities: Construction activities which result in the disturbance of five acres or more of total land area.

Significant redevelopment: The alteration of an existing development which results in the increase of the discharge of a stormwater facility beyond its previously designed and constructed capacity, or increased pollution loading, or changed points of discharge, except emergency repairs.

Spill: An illicit discharge.

Stormwater: Surface runoff and the discharge of runoff water resulting from rainfall.

Waters of the United States: surface and ground waters as defined in 40 C.F.R. 122.2.

Sec. 18-77. Control of Stormwater Discharges.

(a) Discharges to the Town's MS4 must be controlled to the extent that such discharges will not impair the operation of the MS4 or contribute to the failure of the MS4 to meet any local, state, or federal requirements. Discharges to the waters of the United States shall be controlled to the maximum extent practicable.

(b) Stormwater discharges to the MS4 from new development or a site of significant redevelopment are required to obtain appropriate federal, state, or local permits prior to discharging to the MS4 or to waters of the United States within the county.

(c) Any person responsible for discharges determined by the Town to be contributing to the failure of the Town's MS4 or waters within the Town to comply with the provisions and conditions of the Town's NPDES Permit shall provide corrective measures as approved by the Town's Mayor, or his designee, and may be subject to paying fines and damages.

Sec. 18-78. Stormwater Discharges from Industrial and Construction Activities.

(a) Stormwater discharges from industrial activities shall be treated or managed on site, in accordance with appropriate federal, state, or local permits and regulations, prior to discharge to the Town's MS4 or to waters of the United States.

(b) Stormwater discharges from significant construction activities must be treated or managed on site in accordance with appropriate federal, state, or local permits and regulations, prior to discharge to the Town's MS4 or to waters of the United States. Erosion, sediment, and pollution controls for construction sites must be properly implemented, maintained, and operated according to a pollution prevention plan required by the NPDES permit for the discharge of stormwater from construction activities, or according to a state permit issued by the Florida Department of Environmental Protection.

(c) Any construction activity which is not significant is an illicit connection or illicit discharge if the activities cause an impairment of the operation of the Town's MS4 or contributes to the failure of the MS4 to meet any federal, state, or local requirements.

(d) The owners or operators of industrial facilities and construction sites which will discharge stormwater to the Town's MS4 or to waters of the United States within the incorporated area of the Town of Century shall provide written notification to the Town's Mayor

or his designee of the connection or discharge prior to the discharge from the industrial activity or construction activity.

Sec. 18-79. Control of Pollutant Contributions from Interconnected MS4s.

The discharge of stormwater between interconnected state, county, city or other MS4s must not cause the Town's MS4 to be in violation of the provisions of its NPDES Permit. Owners of any section of interconnected MS4 shall be responsible for the quality of discharge from their portion of the MS4 in accordance with interlocal agreements controlling the discharge of stormwater from one MS4 to another.

Sec. 18-80. Illicit Discharges and Illicit Connections.

(a) Illicit discharges and illicit connections, not exempt under the provisions of this Article, are prohibited.

(b) Failure to report a connection from industrial activities or construction activities to the Town's MS4 or to waters of the United States constitutes an illicit connection.

(c) Failure to report a discharge from industrial activities or construction activities to the Town's MS4 or to the waters of the United States constitutes an illicit discharge.

(d) Any discharge to the Town's MS4 or to waters of the United States which is in violation of federal, state, or local permits or regulations constitutes an illicit discharge.

(e) Persons responsible for illicit discharges or illicit connections shall immediately, upon notification or discovery, initiate procedures to cease the illicit discharge or illicit connection, or obtain appropriate federal, state, or local permits for such discharge or connection.

Sec. 18-81. Inspection and Monitoring for Compliance. Town personnel must be granted access for inspection of facilities discharging or suspected of discharging to the Town's MS4 or waters of the United States in order to effectuate the provisions of this Article and to investigate violations or potential violations of any of the terms this Article. All structures and processes which allow discharges to the Town's MS4, as well as records concerning them, must be made accessible to Town personnel for this purpose. Failure to provide access for inspection as provided constitutes a violation of the terms of this Article.

Sec. 42-309. Maintenance of BMPs. Structural controls and other BMPs used for controlling the discharge of pollutants to the Town's MS4 or to waters of the United States must be operated and maintained so as to function in accordance with permitted design or performance criteria and in compliance with federal, state, or local permit conditions and regulations.

Sec. 42-310. Exemptions. The following activities are not considered either an illicit discharge or illicit connection unless the activities cause, or significantly contribute to, the impairment of the use of the Town's MS4 or the violation of the conditions of the Town's NPDES Permit.

(a) Discharges from:

1. Water line flushing;
2. Flushing of reclaimed water lines;
3. Street cleaning;
4. Construction dust control;
5. Landscape irrigation;
6. Diverted stream flows;
7. Rising groundwaters;
8. Foundation and footing drains;
9. Dechlorinated swimming pool and spa discharges;
10. Uncontaminated groundwater infiltration defined at 40 C.F.R. 35.205(20);
11. Uncontaminated pumped groundwater;
12. Discharges from potable water sources;
13. Air conditioning condensate;
14. Irrigation waters;
15. Springs;
16. Lawn watering;
17. Individual residential car washing;
18. Flows from riparian habitat and wetlands;
19. Discharges or flows from emergency firefighting activities; and, emergency fire response activities done in accordance with an adopted spill response/action plan; and
20. Decanted water from MS4 cleaning operations.

(b) Discharges which have obtained appropriate federal, state, and local permits and are in compliance with the conditions of those permits.

Sec. 42-311. Violations; Penalties; Enforcement.

(a) *Enforcement.* Any violation of this Article will be enforced as provided in the Town's Code of Ordinances; provided, however, the Town is not prohibited from enforcing the provisions of this Article by any other lawful means, so that the pursuance of one does not preclude the other.

(b) *Injunctive relief.* The Town is authorized to institute a civil action in state or federal court of competent jurisdiction to seek injunctive relief to enforce compliance with the terms of this Article, to protect the health, safety or welfare of the public or the environment, including the quality of stormwater in the Town's MS4 or when irreversible or irreparable harm may result, and immediate discontinuation of the activity is necessary to protect the public or the environment.

(c) *Violations.* For the purposes of this Article, a separate offense is committed for each day a violation of the terms of this Article exists, commencing on the day the offender is notified of the violation.

(d) *Failure to abate violations.* If the persons responsible for the violation fail to take actions required in this Article, the Town has the right to take remedial action. All costs incurred by the Town in taking remedial actions must be reimbursed by the persons responsible for the violation.

(e) *Costs.* Persons responsible for violation of the provisions of this Article are liable for all sampling and analytical costs incurred in monitoring the discharge, and state, federal fines, or both, imposed as a result of the discharges and costs of removing or properly treating the discharge. All expenses incurred by the Town in taking remedial actions must be reimbursed by the legal or beneficial owner of the property upon which remedial action was taken, and constitutes a lien against the property until paid, including statutory interest. The Town may recover expenses by any means authorized by law or equity. "Expenses" may include, but not be limited to, costs incurred in ascertaining ownership, consultation fees, mailing or delivery of notices, recording fees, taxable costs of litigation including reasonable attorney's fees, removing or treating the discharge, or other cost of remedying any violation of the terms of this Article.

Sec. 42-312. More Stringent Standards. Where any section, subsection, sentence, clause or phrase, of this Article is in conflict with any section, subsection, sentence, clause or phrase of any other regulation or ordinance of the Town, or state or federal rules, regulations or laws, the regulation, ordinance, rule or law requiring the more stringent standard prevails. Applicants for permits must obtain all permits required by state or federal rules, regulations, and laws prior to applying for permits required by this Article.

SECTION 2. Severability. It is not the intent of this Ordinance to supersede or conflict with any law, rule, or regulation that has been reserved to or is preempted by laws, rules, and regulations of the State of Florida. If any section, sentence, clause, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this Ordinance. Further, in the event that any section, sentence, clause, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then it is hereby declared to be the intent of the Town of Century Town Council that this Ordinance be construed to the fullest extent possible in a manner that is valid and constitutional and excepting only such portions of this Ordinance that are necessary in order for the remaining portions hereof to be valid and lawful.

SECTION 3. Conflict. The provisions of this Ordinance shall be deemed to control and prevail over any ordinance or portion thereof in conflict with the terms hereof.

SECTION 4. Effective Date. This Ordinance shall become effective upon adoption by the Town of Century Town Council.

PASSED ON THE FIRST READING ON THE _____ DAY OF _____,
2026.

ADVERTISED ON THE _____ DAY OF _____, 2026.

PASSED ON THE SECOND READING ON THE _____ DAY OF _____,
2026.

TOWN OF CENTURY, FLORIDA

By:

Benjamin D. Boutwell,
Mayor

ATTEST TO:

By: _____
Carrie Moore, Town Clerk