

Agenda Item: 2.b

Meeting Date: September 3, 2020

MEMORANDUM

To: City Commission

Date: 2020-08-25

From: Jorge Quintas, Public Works & Utilities Director/Engineer

Subject: Second Reading of Ordinance 20-27 amending Article IX - Stormwater Management of the Code of Ordinances

Presenter(s): Whitney Marsh, Environmental Manager, Public Services Division

Recommend: Staff recommends to adopt Ordinance 20-27.

Epic Goal(s): Goal #3 - Promote Dunedin as the Premier Coastal Community, protecting and improving our natural resources for the enjoyment of all;
Goal #4 - Be the statewide model for environmental sustainability stewardship.

Boards & Committees: Committee on Environmental Quality;
Stormwater Advisory Committee.

Budget Impact: TBD

Past Action: 1.) First Reading of Ordinance 20-27 amending Article IX - Stormwater Management of the Code of Ordinances occurred on July 16, 2020;
2.) Commission Workshop Presentation, held on July 23, 2019, Agenda Item #4.b, Stormwater Enforcement Ordinance.

Next Action: Adopt Ordinance 20-27 amending Article IX - Stormwater Management of the Code of Ordinances.

Attachments: [A. Stormwater Enforcement Ordinance PowerPoint \(2nd Reading\).pdf](#), [B. ARTICLE IX - STORMWATER MANAGEMENT.pdf](#), [C. Ordinance 20-27 - Stormwater.pdf](#), [D. Notice of Public Hearing Advertisement - \(Ord 20-27 Amending Article IX -](#)

Background:

The City of Dunedin is an environmentally forward thinking community, and the Stormwater Program is at the forefront of planning initiatives, educational outreach, and scientific studies. The one area where improvement is needed is in enforcement. The current stormwater ordinance does not provide a clearly defined violation structure nor mechanism for enforcement. The consequences result in waterway pollution.

The Commission may recall, in Fiscal Year 2017, it was proposed that the City of Dunedin would enter into an interlocal agreement with Pinellas County to allow for enforcement of the Pinellas County Environmental Enforcement Ordinance (Sec. 58-26 - Sec. 58-34). The City of Dunedin intended to cost share with other municipalities that would agree to enter into an interlocal agreement to cover the cost of enforcement personnel and equipment. Upon further legal review, it was determined that Pinellas County could not enforce outside of their unincorporated jurisdiction. Therefore, the Pinellas County Stormwater Enforcement initiative with the City of Dunedin ended.

City staff subsequently decided to proceed with the creation of a Stormwater Enforcement Ordinance to provide a clearly defined violation matrix based on a tiered structure and extent of violation. In addition, staff proposes the creation of an Environmental Enforcement Recovery Fund to collect the monies from Stormwater Enforcement, and allow for the mitigation of corresponding damages, as well as future planning for sea level rise.

Upon research of various jurisdictions within Pinellas County and the State of Florida, a fine matrix, trust fund, along with aid from Code Enforcement provides the greatest opportunity of success for a stormwater enforcement program. These proposed changes to the Stormwater Ordinance will facilitate a much improved enhancement for the environmental health of the City of Dunedin.

In addition to the proposed enforcement changes to the ordinance noted herein, staff has also addressed inconsistencies and clarified design criteria with respect to plans review requirements in order to remain consistent with the proposed illicit discharge related language.

Staff hereby recommends the Commission adopt, on Second Reading, Ordinance 20-27 - amendments to Article IX - Stormwater Management of the Code of Ordinances.