

Agenda Item: 4.b

Meeting Date: July 23, 2019

MEMORANDUM

To: City Commission

Date: 2019-07-16

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

Subject: Stormwater Enforcement Ordinance

Presenter(s): Whitney Marsh, Stormwater Program Coordinator and Jorge Quintas, Director of Public Works & Utilities/City Engineer

Recommend: Following the Staff presentation, Staff would like to solicit comments from the Commission, address questions, and receive consensus direction concerning the draft Stormwater Enforcement Ordinance.

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

Boards & Committees: Committee on Environmental Quality
Stormwater Advisory Committee

Budget Impact: None

Past Action: None

Next Action: Proceed with finalizing the proposed Stormwater Enforcement Ordinance, hold Public Hearings, and recommend adoption by the Commission.

Attachments: [A. Draft_ARTICLE_IX.___STORMWATER_MANAGEMENT.pdf](#), [B. Stormwater Enforcement Ordinance Presentation.pdf](#),

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 the area of enforcement. The current stormwater ordinance does not provide a clearly defined violation structure nor mechanism for enforcement. The consequence results in waterway pollution.

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 the 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.

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 a violation. Staff also proposes the creation of an Environmental Enforcement Recovery Fund to collect the monies from Stormwater Enforcement, and allow for the mitigation of 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, and aid from Code Enforcement provide the greatest chance of success for a stormwater enforcement program. These proposed changes to the Stormwater Ordinance will provide a much needed enhancement for the environmental health of the City of Dunedin.