

CITY OF MARGATE, FLORIDA

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MARGATE, FLORIDA,
AMENDING CITY OF MARGATE CODE OF ORDINANCES
CHAPTER 34 - "STORMWATER MANAGEMENT UTILITY" -
BY CREATING NEW ARTICLE I ENTITLED "IN GENERAL"
FOR EXISTING SECTIONS 34-1 THROUGH 34-7, AND
ADDING A NEW ARTICLE II ENTITLED "ILLICIT
DISCHARGES AND CONNECTIONS"; PROVIDING FOR
DEFINITIONS; PROVIDING FOR PROHIBITIONS,
INSPECTION AND MONITORING AUTHORITY, AND
ENFORCEMENT AND PENALTIES RELATED TO THE
MUNICIPAL SEPARATE STORM SEWER SYSTEM ("MS4");
PROVIDING FOR CONFLICTS; PROVIDING FOR
SEVERABILITY; PROVIDING FOR CODIFICATION; AND
PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Federal Clean Water Act, 33 U.S.C. § 1251 et
seq., and the National Pollutant Discharge Elimination System
("NPDES") stormwater program administered in Florida by the
Florida Department of Environmental Protection require regulated
municipal separate storm sewer system (MS4) operators to
effectively prohibit non-stormwater discharges into the MS4 and to
implement appropriate enforcement procedures; and

WHEREAS, the State of Florida has determined that the City's
Code of Ordinances does not presently establish a prohibition of
illicit discharges to the MS4, and the City desires to remedy that
deficiency and to maintain compliance with its NPDES MS4 permit
obligations; and

1 **WHEREAS**, the discharge of pollutants and non-stormwater into
2 the MS4 may degrade the quality of the waters of the City and State
3 and may be contrary to the public health, safety, and welfare; and

4 **WHEREAS**, the City Commission of the City of Margate finds
5 that the adoption of this Ordinance serves a valid public purpose
6 and is in the best interest of the health, safety, and welfare of
7 the residents of the City.

8
9 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF**
10 **THE CITY OF MARGATE, FLORIDA:**

11 **Section 1. *Recitals Adopted.*** The foregoing "Whereas" clauses are
12 hereby ratified and confirmed as being true and correct and are
13 hereby made a specific part of this Ordinance upon adoption hereof.
14

15 **Section 2. *Code Amendment.*** Chapter 34, "Stormwater Management
16 Utility," of the Code of Ordinances of the City of Margate is
17 hereby amended by creating a new Article I, "In General" for
18 existing Section 34-1 through 34-7, and creating a new Article II,
19 "Illicit Discharges and Connections," to read as follows (words
20 underlined are added):
21

22 **ARTICLE I - IN GENERAL**
23

24 [Note to Municipal Code: The rest of this Article which is to
25 include Sections 34-1 through 34-7 shall remain as codified.]
26
27
28

29 **ARTICLE II. ILLICIT DISCHARGES AND CONNECTIONS**
30
31

32 **Sec. 34-8. - Purpose and intent.**
33

34 The purpose of this Article is to provide for the health, safety,
35 and general welfare of the citizens of the City through the
36 regulation of non-stormwater discharges to the municipal separate

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1 storm sewer system (MS4) to the maximum extent practicable as
2 required by federal, state, and county law. This Article
3 establishes methods for controlling the introduction of pollutants
4 into the MS4 in order to comply with the requirements of the
5 National Pollutant Discharge Elimination System permit process.
6 The objectives of this Article are to regulate the contribution of
7 pollutants to the MS4; to prohibit illicit discharges and illicit
8 connections to the MS4; and to establish legal authority to conduct
9 inspection, monitoring, and enforcement procedures necessary to
10 ensure compliance with this Article.

11
12 **Sec. 34-9. - Definitions.**

13
14 For purposes of this ordinance, the following terms shall have the
15 meanings given to them below.

16
17 (1) Best management practices (BMPs) shall mean the guidance
18 provided by the Florida Stormwater, Erosion, and Sedimentation
19 Control Inspector's Manual as approved by the Florida Department
20 of Environmental Protection, as amended from time to time.

21
22 (2) Illicit Connections shall mean any pipe, drain, or other
23 connection that allows anything other than stormwater to enter the
24 MS4.

25
26 (3) Illicit Stormwater Discharge shall mean any discharge to a
27 storm sewer that is not comprised entirely of stormwater except
28 discharges pursuant to an NPDES permit and discharges resulting
29 from firefighting activities.

30
31 (4) Municipal Separate Storm Sewer System (MS4) shall mean the
32 system of streets, gutters, curbs, ditches, swales, catch basins,
33 pipes, channels, and similar drainage features that the City owns
34 or operates, either entirely or in partnership with the County or
35 State to collect and carry away stormwater. It does not include
36 the sanitary sewer system or any system used to treat sewage or
37 wastewater.

38
39 (5) Pollution or Pollutants shall mean all non-stormwater material
40 or harmful substances, including but not limited to chemicals,
41 oil, tar, asphalt, concrete, debris, and soils.

1 **Sec. 34-10. - Prohibitions**

2
3 (1) No entity or person shall discharge or cause to be discharged
4 into the MS4, any materials, including but not limited to
5 pollutants or waters containing pollutants, other than stormwater.
6 The commencement, conduct, or continuance of any illicit
7 stormwater discharge to the MS4 is prohibited.

8
9 (2) The construction, use, maintenance, or continued existence of
10 illicit connections to the MS4 is prohibited.

11
12 **Sec. 34-11. - Construction**

13
14 (1) Construction sites and operations shall be required to use and
15 maintain, during and after all construction, development,
16 excavation, and alteration operations, whether structural or non-
17 structural, best management practices with the intent to reduce
18 pollutant discharge, erosion, and sediment run-off.

19
20 2) Construction or construction operations impacting or
21 potentially impacting any existing MS4 shall require an
22 engineering permit from the Department of Environmental and
23 Engineering Services prior to the initiation of construction
24 operations.

25
26
27 **Sec. 34-12. - Inspection and Monitoring**

28
29 (1) Whenever necessary to make an inspection to enforce any
30 provision of this Article, or whenever the City Engineer or his or
31 her designee has cause to believe that there exists, or potentially
32 exists, in or upon any premises any condition that constitutes a
33 violation of this Article, the City Engineer or his or her designee
34 may enter the premises at all reasonable times to inspect the same
35 and to inspect and copy records related to stormwater compliance,
36 subject to obtaining consent or an appropriate inspection warrant
37 where required by law.

38
39 (2) The City shall retain sole authority to determine the
40 compliance with this section. Such determination shall be based on
41 inspections, investigations, surveillance, monitoring, sampling,
42 testing, and sound engineering and operational evaluations.

1 (3) The City may require any person engaged in any activity or
2 owning or operating any facility that may cause or contribute to
3 an illicit discharge to undertake monitoring activities and to
4 furnish such information related to stormwater compliance as the
5 City may reasonably require.

6
7
8 **Sec. 34-13. - Notification of accidental discharges and spills.**
9

10 (1) Any person responsible for a facility or operation, or
11 responsible for emergency response for a facility or operation,
12 who has information of any known or suspected release of pollutants
13 or non-stormwater materials from that facility or operation into
14 the MS4 or waters of the State shall take all necessary steps to
15 ensure the discovery, containment, and cleanup of such release and
16 shall notify the City as soon as practicable, but in no event later
17 than the time period required by applicable law, and shall confirm
18 such notification in writing within five (5) days thereafter.

19
20 **Sec. 34-14. - Enforcement; remedies; penalties.**
21

22 (1) Violations of this Article may be enforced by the City through
23 any lawful means.
24

25 (2) Any person or entity found in violation of this section, after
26 notice and opportunity to be heard, shall pay a fine of one hundred
27 dollars (\$100.00) plus costs. Any person or entity which allows
28 said violation to continue beyond twenty-four (24) hours, after
29 paying the aforementioned fine of one hundred dollars (\$100.00)
30 plus costs, shall pay an additional fine of two hundred-fifty
31 dollars (\$250.00). Any person or entity who allows said violation
32 to continue beyond forty-eight (48) hours shall pay a fine of one
33 thousand dollars (\$1,000.00), and for each day of violation
34 thereafter shall also pay a fine of one thousand dollars
35 (\$1,000.00).
36

37 (3) These fines are in addition to any fines that may be imposed
38 by other agencies having jurisdiction over such activities. Repeat
39 violations may result in fines up to \$10,000.00 per day including
40 stopping the work if the violation is of a serious nature,
41 affecting health, safety and welfare of the residents or
42 environment.
43

1 (4) Any person who violates any provision of this Article shall
2 be liable to the City for all costs incurred by the City in
3 remedying or abating the violation, including reasonable
4 administrative and legal costs.

5
6 (5) To the extent permitted by law, the City may enforce the
7 applicable provisions of the Broward County Code Of Ordinances,
8 Chapter 27, "Pollution Control," as may be amended from time to
9 time.

10
11
12 Section 3: **Conflicts**. That all ordinances or parts of ordinances,
13 all City Code sections or parts of City Code sections, and all
14 resolutions or parts of resolutions in conflict with this ordinance
15 are hereby repealed to the extent of such conflict.

16
17 Section 4: **Severability**. Should any section or provision of this
18 ordinance or any portion thereof, any paragraph, sentence, clause
19 or word be declared by a court of competent jurisdiction to be
20 invalid, such decision shall not affect the validity of the
21 remainder hereof as a whole or part hereof other than the part
22 declared invalid.

23
24 Section 5: **Codification**. That the provisions of this ordinance
25 shall be codified within the Code of Ordinances of the City of
26 Margate, Florida, and any paragraph or section may be renumbered
27 to conform with the Code of Ordinances.

28
29 Section 6: **Effective Date**. That this ordinance shall become
30 effective upon its passage on second and final reading.

31
32 PASSED ON FIRST READING THIS 19TH day of AUGUST, 2026.

33 PASSED ON SECOND READING THIS _____ day of _____ 2026.

34
35 ATTEST:

36
37
38 _____
39 JENNIFER M. JOHNSON
CITY CLERK

ANTONIO V. ARSERIO
MAYOR

Ordinance _____

RECORD OF VOTE - 1ST READING RECORD OF VOTE - 2ND READING

Schwartz	_____	Schwartz	_____
Simone	_____	Simone	_____
Ruzzano	_____	Ruzzano	_____
Caggiano	_____	Caggiano	_____
Arserio	_____	Arserio	_____

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