

1 | **CITY OF ANNA MARIA**

2 | **ORDINANCE 13-761**

3 | AN ORDINANCE OF THE CITY OF ANNA MARIA, AMENDED THE CODE
4 | OF ORDINANCES OF THE CITY OF ANNA MARIA; PROVIDING FOR
5 | FINDINGS OF FACT; PROVIDING FOR AMENDMENT OF SECTION 102-3,
6 | DEFINITIONS OF CHAPTER 102, STORMWATER MANAGEMENT ; PROVIDING
7 | FOR AMENDMENT OF SECTION 102-4, PERFORMANCE STANDARDS OF
8 | CHAPTER 102, STORMWATER MANAGEMENT; PROVIDING FOR REPEAL
9 | OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND
10 | PROVIDING FOR AN EFFECTIVE DATE.

11 |
12 | WHEREAS, the City of Anna Maria is authorized by the Florida
13 | Constitution, Florida statutes and the City Charter to regulate the use of property,
14 | including stormwater management, within the corporate boundaries of the City of
15 | Anna Maria; and

16 |
17 | WHEREAS, the City Commission of the City of Anna Maria finds it in the
18 | best interests of the citizens of the City of Anna Maria to protect public property from
19 | damage; and

20 | WHEREAS, the City of Anna Maria's location on a barrier island mandates
21 | that the regulation, control and management of stormwater is a crucial issue for
22 | persons within the City; and

23 |
24 | WHEREAS, the City Commission has held workshops, meetings, and
25 | hearings, and finds that an update of the City's provisions for protection of public
26 | property from damage and stormwater management regulations is in the best interest
27 | of the public health, safety and welfare.

28 |
29 | NOW, THEREFORE, be it ordained by the City Commission of the
30 | City of -Anna Maria, the following:

31 |
32 | **Section 1.** Findings of Fact;

33 | The above WHEREAS clauses are hereby adopted as findings of fact.

34 |
35 | **Section 2.** Amendment of Chapter 102, Code of Ordinances.

36 | Chapter 102 of the Code of Ordinances of the City of Anna Maria is
37 | hereby amended to read in its entirety as follows:

38 |
39 |
40 | Sec. 102-1. Findings.

41 | (a) Requiring the provision of stormwater management facilities in development
42 | promotes the health, safety and welfare of the community.

- 43 (b) Construction, alteration and improvement of real property in the city generally
44 increases the impervious surface area of the site.
- 45 (c) Construction and development activities can change or alter the natural topography
46 of the land and disturb natural habitats.
- 47 (d) Construction and development activities can change the hydrologic condition of the
48 land, alter the natural pattern of surface water, increase the flow of stormwater runoff,
49 and increase the potential for flooding.
- 50 (e) Stormwater runoff, if not properly controlled, causes soil erosion, sedimentation and
51 siltation of soils, decreases groundwater recharge and damages wetlands.
- 52 (f) Urban stormwater runoff potentially carries pollutants and thereby degrades water
53 quality.
- 54 (g) Stormwater runoff, if not properly managed, affects the eco-dynamic system of
55 natural resources (land, water and biological habitats).

56

57 Sec. 102-2. Purpose and intent of chapter.

58 The intent of this chapter is to protect and maintain the chemical, physical and biological
59 integrity of groundwater and surface water, maintain and restore groundwater levels,
60 minimize runoff pollution and prevent activities which adversely affect such waters; to
61 encourage the construction of stormwater management systems that aesthetically and
62 functionally approximate natural systems and which protect natural drainage systems; to
63 protect and maintain natural salinity levels in estuarine areas; to minimize soil erosion,
64 sedimentation and siltation; to protect and maintain environmentally sensitive areas and
65 all natural wildlife habitats; and to minimize flooding.

66

67

68 Sec. 102-3. Definitions.

69 The following words, terms and phrases, when used in this chapter, shall have the
70 meanings ascribed to them in this section, except where the context clearly indicates a
71 different meaning:

72 *Alter and alteration* mean work done on a stormwater management system other than that
73 necessary to maintain the system's original design and function.

74 *Applicant* means the permit holder or property owner

75 *City, the* means the municipality of the City of Anna Maria and or any employee thereof
76 appointed by the Mayor- as Public Works Director.

77 *Cistern* means a receptacle for holding rainwater for future use typically used for
78 collection from rain gutters for irrigation purposes.

79 *Best Management Practices or BMPs* means schedules of activities, prohibitions of
80 practices, maintenance procedures, and other management practices to prevent or reduce
81 the pollution of surface waters. BMPs also include treatment requirements, operating
82 procedures, and practices to control site runoff, spillage or leaks, sludge or waste
83 disposal, or drainage from raw material storage. For examples of Best Management
84 Practices refer to the Florida State Department of Environmental Protection document;
85 1988 Florida Erosion and Sediment Control Inspector's Manual as amended from time to
86 time.

87 *Detention* means the collection and storage of surface water for subsequent gradual
88 discharge.

89 *Developer* means any person, firm, partnership, association, corporation or organization
90 of any kind engaged in any type of construction, including, without limitation, the
91 construction, reconstruction or demolition of buildings, structures or improvements
92 thereon or the clearing of land for use.

93 *Development and development activity* for the purposes of this chapter mean the addition
94 to or improvement of real estate, including any of the following activities:

95 (1) Construction, clearing, filling, excavating, grading, paving, dredging, drilling or
96 otherwise significantly disturbing the soil of the site.

97 (2) Building, installing, enlarging, replacing or substantially restoring a structure,
98 impervious surface or water management system, including the long term storage of
99 materials.

100 (3) Subdividing land into three or more parcels.

101 (4) Erection of a permanent sign unless expressly exempted by this Code.

102 (5) Changing the use of a site so that the need for parking is increased.

103 (6) Construction, elimination or alteration of a driveway onto a public street.

104 *Development order* means any order granting, denying or granting with conditions an
105 application for approval of a development project or activity.

106 *Development plan* means the site plan for one or more lots or parcels on which is shown
107 the existing and proposed conditions of the site and project, including topography,
108 vegetation, drainage, floodplains, environmentally sensitive areas, water bodies and
109 waterways, open spaces, walkways, means of ingress and egress, utility services,
110 landscaping, structures, signs, lighting, screening and buffering, and any other
111 information that may reasonably be required in order that an informed decision can be
112 made by the approving authority.

113 *Director of public works* means the person appointed as the department head of public
114 works.

115 *Existing* means the condition or average condition immediately before development or
116 redevelopment commences.

117 *Final Stabilization* means that all soil disturbing activities at the site have been
118 completed, and that a uniform (e.g., evenly distributed, without large bare areas)
119 perennial vegetative cover with a density of at least 70% for all unpaved areas and areas
120 not covered by permanent structures has been established or equivalent permanent
121 stabilization measures such as pervious filter mix or washed shell have been employed.

122 *Illicit discharge* means discharge or deposition of any sewage, industrial wastewater,
123 industrial wastes, solid wastes or other wastes into the storm sewer system whether such
124 discharges and deposits occur through runoff, piping connecting, dumping, spills,
125 seepage or leaks.

126 *Impervious surface* means a surface that has been compacted or covered with a layer of
127 material so that it is highly resistant to infiltration by water. It includes but is not limited
128 to semi-impervious surfaces such as paver bricks, crushed and compacted clay, as well as
129 most conventionally surfaced streets, roofs, sidewalks, parking lots and other similar
130 structures.

131 *Infiltration* means abstraction process in which water flows or is absorbed into the
132 *ground.*

133 *Local development permit* means an official document authorizing performance of a
134 specific activity regulated by this chapter. A local development permit is sometimes
135 called a building permit.

136 *Long term storage of materials* means storage of earth, sand, rock, shell or like products
137 for a period exceeding ten days.

138 *Maintenance* means that action taken to restore or preserve the original design and
139 function of any stormwater management system.

140 *Modified Rational Method* means the method for calculating Runoff by generating a
141 *hydrograph. This method is preferred for drainage areas with a time of concentration less*
142 *than 15 minutes.*

143 *Municipal separate storm sewer system* means the system of conveyances, owned by the
144 city, used for collecting and transporting stormwater, but not including any facilities
145 intended to be used in accordance with applicable law for collecting and transporting
146 sanitary or other wastewater.

147 *Natural systems* means systems which predominantly consist of or are used by those
148 communities of plants, animals, bacteria and other flora and fauna which occur
149 indigenously on the land, in the soil or in the water.

150 *Offline* means a type of pond design where the design treatment volume is diverted
151 offline to a treatment pond or swale. When the offline pond or swale becomes full, the
152 remaining runoff bypasses it and falls into the City Municipal separate storm sewer
153 system for further treatment. This approach allows for the segregation of the "first flush"
154 of runoff, which may contain the majority of pollutants.

155 *Online.* means a type of design where all of the runoff from a storm routes through a
156 pond. This method may have a lower pollutant removal efficiency than offline ponds if
157 the pond volume is not large enough to hold all the runoff from a significant rain event.
158 This is because the most polluted volume is mixed with the remainder storm volume, and
159 excess flows dilute the concentrations and leave the pond with the mixed polluted water.
160 If the online pond is sized properly, it can treat the entire runoff volume.

161 *Rainfall event* means precipitation that equals or exceeds a 510-year 24-hour rainfall
162 event of seven (7) inches.

163 *Rain gutter* means a narrow trough or duct which collects rainwater from the roof of a
164 building and diverts it away from the structure, typically into a drain, swale, cistern or
165 other water detention/retention area or device.

166 *Rate* means volume per unit of time.

167 *Rational Method* means the formula -- $Q = CIA$. Where **Q** is the peak discharge measured
168 in cubic feet per second, **C** is the runoff coefficient reflecting the ratio of runoff to
169 rainfall, **I** is the rainfall intensity for the duration of the storm measured in inches per
170 hour, and **A** is the area contributing drainage measured in acres.

171 *Recovery Time or percolation* means the length of time required for the design treatment
172 volume in a retainage area to subside to the normal water level or bottom of the retainage
173 area. This time shall be designed to occur between 24 and 72 hours after the rainfall
174 event. This recovery may be accomplished by either infiltration or controlled release
175 through an outfall structure. Infiltration is preferred, controlled release must meet the
176 City's performance standards for the Municipal separate storm sewer system.

177 *Retention* means the collection and storage of runoff without subsequent discharge to
178 surface waters.

179 *Runoff coefficient* means ratio of the amount of rain which runs off a surface to that
180 which falls on it, a factor from which runoff can be calculated.

181 *Sediment* means the mineral or organic particulate material that is in suspension or has
182 settled in surface water or groundwater.

183 *Semi-impervious* means land surfaces which partially restrict the penetration of water;
184 included as examples are porous pavements, limerock, and other compacted materials.

185 *Site of industrial activity* means any area or facility used for manufacturing, processing
186 or raw materials storage, as defined under 40 CFR Section 122.26(b)(14) of regulations
187 of the U.S. Environmental Protection Agency and includes construction activity where
188 five or more acres are subject to clearing, grading and excavation activities.

189 *Stormwater* means any flow or runoff occurring during or following any form of natural
190 precipitation and resulting therefrom.

191 *Stormwater management system* means the system, or combination of systems, designed
192 to treat stormwater, or to collect, convey, channel, hold, inhibit or divert the movement of
193 stormwater on, through and from a site.

194 *Stormwater runoff* means that portion of the stormwater that flows from the land surface
195 of a site either naturally, in manmade ditches, or in a closed conduit system.

196 *Surface water* means water above the surface of the ground, whether or not flowing
197 through definite channels, including the following:

198 (1) Any natural or artificial pond, lake, reservoir or other retainage area which ordinarily
199 or intermittently contains water and which has a discernible shoreline;

200 (2) Any natural or artificial stream, river, creek, channel, ditch, canal, conduit, culvert,
201 drain, waterway, gully, ravine, street, roadway, swale or wash in which water flows in a
202 definite direction, either continuously or intermittently, and which has a definite channel,
203 bed or banks; or

204 (3) Any wetland.

205 *Swale* means any detention/retention feature designed to mitigate stormwater intrusion
206 from one lot or parcel to another or to the City Stormwater drainage system or allows
207 percolation of stormwater on private or public controlled land within a 24-72 hour period
208 without the water from a 510-year 24-hour rainfall event of seven (7) inches increasing
209 the post development runoff ratio.

210 *Wetland* means land that is a hydric soil as defined by the Hydric Soils of Florida
211 Handbook, 1995. Florida Association of Environmental Soil Scientists or inundated or
212 saturated by surface water or groundwater at a frequency and duration sufficient to
213 support, and that under normal circumstances does or would support, a prevalence of
214 vegetation typically adapted for life in saturated soil conditions. The term includes but is
215 not limited to freshwater marshes, tidal flats, salt marshes, mangrove swamps and marine
216 meadows.

217 Sec. 102-4. Performance standards.

218 All development must be designed, constructed and maintained to meet the following
219 performance standards; impervious surface areas coverage shall comply with chapter 114
220 zoning district standards:

221 (1) All Developments and development activity disturbing soil are required to submit
222 plans and specifications ensuring that the post-development stormwater discharge will
223 not exceed the amount generated under predevelopment conditions. A stormwater
224 management site plan shall be submitted with all applications for approval of any

225 proposed development. The stormwater management site plan shall contain sufficient
226 information and shall be drawn to a sufficient scale to allow the city to determine whether
227 the proposed development meets the requirements of this chapter.

- 228
- 229 (a) The site plan shall incorporate a survey done to the standards set forth in Chapter 74
230 of this code. The Site Plan shall at minimum contain:
- 231 (1) the information included on the survey;
- 232 (i) the method and placement of project access route – how and where the site will
233 be entered
- 234 (2) types of proposed impervious areas and depictions of such impervious areas;
235 including structures and paving;
- 236 (3) site coverage calculations with run-off co-efficient(s) for all paving or
237 hardscaping, location and cross section of proposed swales or detention/retention
238 area(s), and;
- 239 (4) direction of stormwater sheet flow across the property.
- 240 (5) for construction excavation and ground de-watering; show the location of
241 discharge and the method of siltation/sedimentation control
- 242 (6) best management practices plan for stormwater and sediment control during the
243 project; this includes, but is not limited to:
- 244 (i) a washed shell soil tracking prevention device across the City Right-of-Way;
- 245 (ii) silt fencing around the perimeter of the property and/or stored material;
- 246 (iii) turbidity control features in canals
- 247 (iv) location of groundwater discharge and filtration methods to be used to control
248 siltation
- 249 (2) New development with 20,000 SF or less of proposed impervious or semi-
250 impervious area shall retain the runoff from all storms up to and including the 5 10-year
251 24-hour rainfall event of seven (7) inches. New development with more than 20,000 SF
252 of proposed impervious or semi-impervious area shall retain the runoff from the 100 year
253 24 hour rainfall event of ten (10) inches. The Rational Method formula or Modified
254 Rational Method as applicable shall be used for such calculations. All new structures
255 shall be equipped with Rain Gutters that direct the discharge in to a swale, infiltration
256 area, detention/retention area or cistern. Recovery time for the subject storm event shall
257 be designed to occur within 24 to 72 hours. The system shall not be designed to allow
258 runoff from the subject property to be directed onto adjacent properties or rights-of-way.
259 Design calculations shall be consistent with State of Florida Department of
260 Transportation Drainage Handbook and Southwest Florida Water Management District
261 Environmental Resource permit Applicant's Handbook Volume II, latest editions.
262 Drainage calculations and plans shall be submitted in electronic format. Calculations and
263 plans shall be reviewed by a City Engineer and cost for such review shall be borne by the
264 applicant. Construction shall be consistent with Chapter 82 Flood protection standards
265 and the Florida Building Code as to fill and grades. All building sites shall be graded in
266 such a manner as to provide runoff rates, volumes and pollutant loads not exceeding
267 predevelopment conditions. New development shall include swales or detention/retention
268 areas along front, side and or rear lot lines and shall incorporate steps to control erosion
269 and sedimentation.
- 270

271 (3) All Stormwater management site plans shall bear the seal of a Florida licensed
272 Engineer. Upon completion of any development project the applicant shall furnish the
273 city with a certificate of compliance stating that the project has been constructed and
274 conforms to the approved stormwater management system plans and this chapter before a
275 Certificate of Occupancy or Completion is issued.

276 (4) While development activity is underway and after it is completed, the characteristics
277 of stormwater runoff shall approximate the rate, volume, quality and timing of that which
278 occurred under the site's natural unimproved or existing state. Development shall treat the
279 first one inch of rainfall or handle the first one-half inch of runoff in an off-line retention
280 system or according to other best management practices as approved by the South West
281 Florida Water Management District (SWFWMD) or the Florida Department of
282 Environmental Protection as applicable.

283 (5)) For those projects requiring review under Article XIII. Development Review;
284 The proposed development and development activity shall meet all requirements of the
285 State, Federal or SWFWMD regulations governing the volume of stormwater discharge
286 and shall not violate the water quality standards as set forth in those applicable portions of
287 Florida Administrative Code .

288 (6) For those projects requiring review under Article XIII. Development Review;
289 Adequate retention areas and controls, and swales along front, rear and side yard lot lines,
290 shall be designed into the development, and shall be designed so neither the upstream or
291 the downstream owners' property is subjected to runoff. Stormwater outfalls shall receive
292 appropriate additional treatment and filtering using best management practices to
293 improve the quality of water entering the Gulf of Mexico, Tampa Bay, Bimini Bay and
294 canals.

295 (7) No new point sources of pollution shall be permitted to be constructed.

296 (8) All nonexempt development shall receive appropriate local development permits
297 from the state department of environmental protection and the SWFWMD before a
298 development order is issued by the city.

299 (9) The design and performance of all stormwater management systems for commercial
300 development shall comply with applicable state regulations such as but not limited to- the
301 requirements of the Southwest Florida Water Management District (SWFWMD, Florida
302 State Department of Environmental Protection, the National Estuary and other provisions
303 of the Florida Administrative Code as amended from time to time.

304 Sec. 102-5. Alternate methods of storm water design.

305 (a) For a development project requiring review under Article XIII. Development
306 Review Procedures where the required performance standards of section 102-6 are
307 impractical, the city engineer may recommend to the city commission acceptance of an
308 alternate design that meets the intent of section 102-4 based on existing field condition
309 even if such alternate design does not meet the strict letter of section 102-4. Any alternate
310 design shall be the best available based on the circumstances and limitations of the
311 property. The city commission may authorize the use of the alternate design if it finds
312 that the design is in keeping with the intent of this article and that the alternate design is
313 not based solely on the developer seeking to maximize a profit or to avoid
314 inconveniences associated with strict compliance with this article. No alternate design
315 shall be approved if it results in post-development runoff from a site exceeding its pre-
316 development runoff.

317 (b) A person proposing an alternate design may include the request for alternate design
318 in conjunction with any other application process it may have pending before the city,
319 such as a site plan review.

320 (c) As part of this Section, the developer may utilize the Standard Infiltration Trench
321 Design for single family residential lots. Construction of the Infiltration Trenches must
322 be in substantial compliance with the applicable City Standard Details. Utilization of this
323 method will not require signed and sealed calculations and/or drainage plans prepared by
324 a Florida licensed Professional Engineer. The details shall be included as part of the
325 application for development. An inspection by the Public Works Director or designee
326 shall be required upon completion of excavation and prior to placement of infiltration
327 materials.

328 (d) The Administration is authorized to create such technical documents as necessary to
329 implement this section.

330 Sec.102-6. Dedication, maintenance and inspection of stormwater management systems;

331 (a) *Dedication.* Any stormwater management system approved under this chapter
332 intended to function as an integral part of the city-maintained system, as determined by
333 the city official, shall be dedicated to the city. Dedication shall be completed on
334 documents approved by the city.

335 (b) *Maintenance.*

336 (1) The developer shall be responsible for the maintenance of all improvements until
337 such time as the responsible organization, party or owner assumes responsibility. The
338 developer shall not, however, transfer these improvements for the purpose of
339 maintenance until he has complied with either section 102-4 or 102.5, and until he has
340 received final approval and final inspection. Projects requiring review under Article
341 XIII. Development Review Procedures of this code must also submit a letter of
342 compliance from the engineer of record. Thereafter, all stormwater management system
343 improvements shall be maintained in perpetuity and cannot be developed for any other
344 use which would limit or cause to be limited the use for stormwater management.

345 (c) *Inspection and monitoring:*

346 (1) For those projects requiring review under Article XIII. Development Review
347 Procedures, the developer shall be required to have a Florida licensed engineer inspect all
348 drainage facilities under construction and certify their compliance with approved plans.
349 Submittal of a copy of the certification of compliance to the SWFWMD will be accepted
350 as compliance with this requirement. Developer shall submit percolation test results
351 demonstrating that recovery rates are achieved within the 72 hour requirement. Tests
352 shall be submitted upon completion of construction and on an annual basis or sooner if a
353 complaint is filed or failure of the system is discovered by the Public Works Director or
354 designee.

355 (2) All systems requiring local development permits shall have adequate easements to
356 permit the director of public works to inspect and, if necessary, to take corrective action
357 should the owner fail to properly maintain the system. Before taking corrective action,
358 the director of public works shall give the owner written notice of the nature of the
359 existing defects. If the owner fails within 30 days from the date of notice to commence
360 corrective action or to appeal the matter to the board of appeals, the director of public
361 works may take necessary corrective action, the cost of which shall become a lien on the
362 property until paid.

363 (3) The Public Works Director or designee shall have Right of Entry onto private
364 properties to inspect and, if necessary, to take corrective action should the owner fail to
365 properly maintain the system and has reasonable cause to believe the conditions are the
366 cause of cause flooding of adjacent properties or damage to the City Municipal separate
367 storm sewer system. Such entry or inspection shall be performed in accordance with the
368 procedures established herein. If such building or premises are occupied, he shall first
369 present proper credentials and request entry. If such building, structure, or premises are
370 unoccupied, the Public Works Director or designee shall first make a reasonable effort to
371 locate the owner or other persons having charge or control of such and request entry. If
372 entry is refused, the Public Works Director or designee shall have recourse to every
373 remedy provided by law to secure entry.

374 (d) Private stormwater facilities not in compliance with the standards for maintenance or
375 previous approved design shall be subject to enforcement as prescribed by section 102-9.

376 (e) The city may inspect all stormwater facilities, including public and private facilities,
377 at least once per year. Any city inspection program shall not relieve the owner of any
378 private stormwater facility from maintaining the system in accordance with the article
379 and other applicable laws and regulations, and good maintenance and engineering
380 practice.

381

382 | Sec. 102-7. Exemptions.

383

384 The following development activities are exempt from the requirements of sections 102-4
385 through 102-5:

386 (1) Maintenance activity that does not change or affect the quality, rate, volume or
387 location of stormwater flows on the site or of stormwater runoff.

388 (2) Action taken under emergency conditions to prevent imminent harm or danger to
389 persons, or to protect property from imminent fire, violent storms, hurricanes or other
390 hazards. A report of the emergency action shall be made to the Public Works Director as
391 soon as practicable.

392 Sec. 102-8. Prohibited discharges.

393 (a) Discharge of sewage, industrial waste, hazardous waste, or other wastes into the
394 municipal separate storm sewer system is prohibited whether such discharge occurs
395 through dumping, spills, runoff, piping connections, seepage or leaks.

396 (b) No person may maintain, use, or establish any direct or indirect connection to any
397 municipal separate storm sewer system that results in any discharge in violation of any
398 provision of federal, state, or local law or regulation. This provision is retroactive and
399 applies to connections made prior to the effective date of this provision, regardless of
400 whether made under a local development permit, or other authorization, or whether
401 permissible under laws or practices applicable or prevailing at the time the connection
402 was made.

403 Sec. 102-9. Enforcement.

404 (a) If the Director of Public Works determines that stormwater is being discharged,
405 directly or indirectly, to any municipal separate storm sewer system by or from a site of
406 industrial activity or any other source in violation of this chapter or in violation of any
407 federal, state or local law or regulation, the Director of Public Works may order the

408 immediate cessation of such discharge and shall notify all governmental authorities
409 having jurisdiction over any such discharge.
410 (b) A site of industrial activity shall obtain appropriate local, state and federal
411 stormwater local development permits, and shall remain in compliance with these local
412 development permits. The Director of public Works may require proof of such local
413 development permit compliance.
414 (c) The Director of Public Works shall carry out all inspection, surveillance, and
415 monitoring procedures deemed necessary to determine compliance and noncompliance
416 with local development permit conditions and this chapter.
417 (d) Any violation of this article shall be treated and prosecuted as if a code violation
418 pursuant to chapter 2, article III of the City Code of Ordinances, including all remedies
419 provided therein.
420 (e) No provisions of this article shall be construed to impair the city or any other person
421 from bringing any common law, equitable, administrative, or statutory cause of action, or
422 other legal remedy for injury or damage arising from any violation of this chapter. As an
423 additional remedy, the operation and maintenance of any stormwater management
424 systems in violation of any provision of this chapter that causes damage, erosion or
425 siltation off site whether public or private shall be deemed and is declared to be a public
426 nuisance and may be subject to abatement summarily by proceedings in a court of
427 competent jurisdiction for injunction, both temporary and permanent, and to the recovery
428 of any cost associated with the repair, restoration and maintenance for such facility. The
429 city is hereby authorized to bring any such action authorized in this section on its behalf
430 or on behalf of the general public.

431

432 Sec. 102-10. Appeals.

433

434 (a) Anna Maria City Commission is designated the board of appeals and shall consider
435 any appeals which may be taken from actions or rulings of the city official administering
436 this article, and such appeals may be made by any person, or by any officer, department,
437 board or bureau affected.

438 (b) *Procedure:* Any aggrieved person may appeal a decision of the city official or
439 Board interpreting or administering this article. The appeal shall be to the City
440 Commission. A request for appeal shall be filed with the city no later than 21 calendar
441 days following the city official's decision. A person shall file the request for appeal with
442 the city and shall describe with particularity the city official's decision and why the
443 decision is in contravention with this article.

444 (c) A public hearing before the City Commission shall be scheduled as soon as practical
445 following receipt of a complete request for appeal. The hearing shall be noticed by
446 posting the property subject to the appeal ten days prior to the hearing and by posting in
447 city hall and any other place customarily used by the city for posted notices. The notice
448 shall contain at a minimum the date, time, and place of the hearing, a brief description of
449 the matter being appealed, and how persons may get additional information. The appeal
450 shall be based on the record presented to the city official at time of the original decision
451 and no new information shall be presented to the commission, it being the intent of this
452 article that any new information discovered, created, or presented, shall first be presented

453 to the appropriate city official for reconsideration of the original decision so that the city
454 official may first determine whether the new information affects the original decision.
455 (d) The City Commission shall hold a public hearing on the appeal at the time and place
456 announced. The City Commission is authorized to continue the public hearing to a date
457 and time certain without additional notice if the commission finds continuance is in the
458 best interest of the public health, safety and welfare. The city official's decision is
459 presumed correct and the person bringing the appeal shall have the burden to demonstrate
460 that the decision was incorrect.
461 (e) *Fees and consultant reimbursement:* The city is authorized to hire consultants to
462 assist it in administering this article. The city is authorized to seek reimbursement of its
463 costs from the applicant as an additional application fee. The city commission is
464 authorized to adopt reasonable fees for administering this article by resolution from time
465 to time.
466

467 **Section Five. Repeal of Ordinances in Conflict.** All Ordinances of the City of Anna Maria
468 in direct conflict with this Ordinance are hereby repealed to the extent of such conflict.

469 **Section Six. Severability.** Should any portion of this Ordinance be found by a court of
470 competent jurisdiction to be illegal or unconstitutional, then such portion shall be severed and
471 the remaining portions of the Ordinance shall be unaffected thereby.

472 **Section Seven. Effective Date.** This Ordinance shall be effective upon adoption by the City
473 Commission and approval by the Mayor in accordance with the Charter of the City of Anna
474 Maria.

475 **PASSED AND ADOPTED**, by the City Commission of the City of Anna Maria, Florida, in regular
476 session assembled, this ____ day of _____, 2014.

477
478
479
480
481
482
483
484
485

Carol Carter, Commissioner
Doug Copeland, Commissioner
Charles Webb, Commissioner
Dale Woodland, Commissioner
Nancy Yetter, Commissioner

486 _____
Charles Webb, Chairman

487 I hereby approve this Ordinance:

488
489 _____
490 SueLynn, Mayor

491
492 ATTEST
493
494 _____
495 Alice Baird, City Clerk