

Sponsored by: City Manager

ORDINANCE NO. 26-_____

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, AMENDING CHAPTER 21 OF THE CITY'S CODE OF ORDINANCES, ENTITLED "WATER, SEWER, AND STORMWATER UTILITIES"; ADDING CERTAIN NEW DEFINITIONS; AMENDING SECTION 21-202 TO ADD NEW SUBPARAGRAPH (C) TO REQUIRE CERTAIN CONSTRUCTION SITE OPERATORS TO USE AND MAINTAIN APPROPRIATE EROSION, SEDIMENTATION, AND WASTE CONTROLS; PROVIDING FOR PLAN REVIEW PRIOR TO CONSTRUCTION; PROVIDING FOR SIZE THRESHOLDS; PROVIDING FOR CONSTRUCTION-SITE INSPECTION OF PERMIT WORK; PROVIDING FOR NOTICE OF FAILURE TO COMPLY WITH APPROVED PLANS AND SPECIFICATIONS; PROVIDING FOR POST-CONSTRUCTION STORMWATER STANDARDS; PROVIDING FOR ENFORCEMENT REVIEW; PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the City of Opa-Locka ("City") is a co-permittee under Florida Department of Environmental Protection NPDES MS4 Permit No. FLS000003 (FLS267180), and Parts II.E.1, III.A.9.a, and related provisions of that permit require the City to maintain within its Code of Ordinances adequate legal authority to prohibit illicit discharges and to require construction-site operators to install, use, and maintain appropriate erosion, sedimentation, and waste controls, and to enforce those requirements; and

WHEREAS, on August 12, 2025, the City and the Department entered into Consent Order OGC File No. 24-3045 (the "Consent Order"), paragraph 6(c)(viii) of which requires the City to adopt an ordinance requiring construction-site operators to use and maintain appropriate erosion, sedimentation, and waste controls during construction in accordance with Permit Parts II.E. and III.A.9.a., and the Department's Stipulated Penalty Assessment dated April 21, 2026 establishes a deadline of August 1, 2026 for adoption of that ordinance; and

WHEREAS, the City of Opa-Locka desires to incorporate certain provisions from Chapter 24 of the Miami-Dade County Code of Ordinance that are necessary to satisfy its MS4 permit and Consent Order and related obligations for review and enforcement.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA

Section 1. Adoption of Representations.

The foregoing “Whereas” clauses are hereby ratified and confirmed as being true, and the same are hereby made a specific part of this Ordinance.

Section 2. Amending Chapter 21 of the City’s Code of Ordinances.

Amending Chapter 21 the City of Opa-Locka’s Code of Ordinances, entitled “Water, Sewer, and Stormwater Utilities” to add certain new definitions to Article II, Division I specifically entitled “Definitions”, with all other definitions remaining the same and shall read:

FDEP Florida Department of Environmental Protection, the State agency that issued the Consent Order (also called “the Department” or “DEP”).

MS4 Municipal Separate Storm Sewer System, the City’s publicly owned network of storm drains, pipes, ditches, and canals that carries rainwater (separate from the sewer that carries wastewater).

NPDES National Pollutant Discharge Elimination System, the federal Clean Water Act permit program (run by the State) that regulates what may be discharged into waters; the City’s MS4 operates under an NPDES permit.

SWPPP Stormwater Pollution Prevention Plan, a site plan showing how a construction project will control erosion, sediment, and pollution while work is underway.

BMP Best Management Practice, a control method used to stop pollution; examples include silt fencing, inlet protection, sediment basins, and ground stabilization.

ESC Erosion and Sediment Control, the general term for keeping soil and mud from washing off a site. **SOP** Standard Operating Procedure, a written, step-by-step procedure staff follow (for example, how to review or inspect a construction site).

BPCP Bacterial Pollution Control Plan, a separate plan the Consent Order also requires; not an ordinance item.

CGP Construction Generic Permit, Florida’s general NPDES permit for stormwater discharges from construction sites.

DERM Division (formerly Department) of Environmental Resources Management – the Miami-Dade County environmental agency referenced in the City Code.

OGC Office of General Counsel, FDEP’s legal office; the Consent Order’s file number (OGC No. 24-3045) comes from this office.

CFR Code of Federal Regulations, the body of federal rules (the Consent Order cites 40 CFR 122.26(d)).

Fla. Stat. / Fla. Admin. Code Florida Statutes (State laws) and Florida Administrative Code (State rules), respectively.

Section and Ch. Means, “§” means “Section”; “Ch.” means “Chapter.”

Section 3: Amending Section 21-202 to add subsection (c) and other relevant section to the City’s Code of Ordinances. Amending Chapter 21, specifically, Section 21-202 to add new subparagraphs to address construction site operators, inspections, measures for to use and appropriate erosion, sedimentation, and waste controls and shall read:

Sec. 21-202. - Permits, plan reviews, inspections, and administrative fees.

(a) It shall be unlawful for any person or organization to construct, enlarge, alter, repair, relocate, or demolish a storm sewer, natural watercourse or other drainage facility, without first filing an application and obtaining a proper permit from the city, DERM or any required county/state agency. The city shall require the payment of administrative fees to defray certain administrative costs incurred by the city's department of buildings and licensing and department of engineering, including, but not limited to, permit application and plan review, inspection and engineering review for each project. Payment shall be due upon submission of the permit application.

(b) Stormwater inspections and monitoring procedures. The city may enter, perform inspections, surveillance and monitoring procedures, within reasonable hours, on and of all structures and premises, and shall have free access to copying or reviewing

pertinent records of a facility, system or premises, to ascertain the state of compliance with the laws, rules and regulations of the city, state and federal government regarding compliance as outlined in this chapter.

(1) The compliance personnel of the enforcing agency shall be provided with official identification and shall exhibit such identification when performing inspections.

(2) The owner, operator, lessees, occupant or person in charge of the structure or premises shall give the inspecting officer free access for the purpose of making such inspections without hampering, obstructing, or interfering with such obstruction.

(i) Any duly authorized representative of the City may enter and inspect any property, premises or place, at any reasonable time for the purpose of ascertaining the state of compliance with this article, or rules and regulations of the City. No person shall refuse immediate entry or access to any authorized representative of the City who requests such entry or access for the purpose of inspection, and who presents appropriate credentials; nor shall any person obstruct, hamper or interfere with any such inspection. If requested, the owner of the premises shall receive a report setting forth all facts found which relate to compliance status.

(ii) During work for which a permit has been issued, the City shall make periodic inspections to insure conformity with the approved plans and specifications of this Chapter.

(iii) If during the work, the City finds that the work is not being done in accordance with the said approved plans and specifications, it shall give the permittee and/or

contractor and the engineer of record written notice, stating with which particulars of the approved plans and specifications the work is not in compliance. Failure to act in accordance with the requirements of the City after receipt of written notice may result in the initiation of revocation.

(c) For any application that includes stormwater infrastructure relating to land disturbing or construction activity, an engineering report that includes at least the following shall be submitted before any work takes place. The engineer's report and the SWPPP shall be reviewed and approved administratively by the Director.

1. a detailed description of the stormwater infrastructure and any alterations to existing stormwater infrastructure proposed;
2. basis of design with design data and calculations;
3. hydrology and hydraulic data and information, including storm duration and frequency;
4. geotechnical and other signed and sealed field test results quantifying infiltration, percolation, seepage, drawdown, upwelling, mounding, flow rates, and other properties of the ground, soil, subsurface, aquifer, and wells for the project and adjacent parcels and land, as applicable for the study;
5. topographical, aerial and other signed and sealed surveys for the project and adjacent parcels and land, as applicable for the study;
6. assumptions;
7. if a project disturbs 0.25 or more acres of land or is part of a larger common plan of development that will collectively disturb such quantity of land, a signed and sealed Stormwater Pollution Prevention Plan (SWPPP) demonstrating stabilization measures and pollution prevention controls designed to prevent erosion and sediment loss in areas exposed by the construction process, in accordance with the following:
 - a. For purposes of this paragraph, "disturb" means to clear, grade, excavate land.
 - b. The SWPPP shall provide sufficient details on the proposed measures to prevent dust particulates and stormwater runoff from leaving the site.

c. Prevention measures must include the protection of existing stormwater drainage structures onsite and offsite from impacts of siltation, turbidity, and ponding from the construction site.

d. Prevention measures may also include structural controls such as retention ponds, temporary sediment basins, entrance/exit controls, silt fencing, berms, and non-structural controls such as stabilization, phased construction, and good housekeeping.

e. The SWPPP shall include an inspection and maintenance schedule of the proposed pollution prevention controls; and

(f) The Director shall provide written notice of the deficiencies to the owner of the subject property and, where applicable, the wastewater collection or transmission system or stormwater infrastructure, and shall order the submission, for the Director's review and approval, of:

1. plans demonstrating how the deficiencies are to be corrected; and

2. after implementation of the approved plans, as-built plans demonstrating that the deficiencies have been corrected.

(g) Plans required pursuant to this subsection shall comply with this Chapter and the Land Development Regulations for the City.

(h) *Compliance with other regulations.* No provision of this section shall be construed to permit a less stringent design standard than that required by Chapter 24 of the Miami-Dade County Code of Ordinances pertaining to Stormwater.

(h) *Minimum stormwater standards for all development applications or approvals.* The following shall govern installation, replacement, or expansion of a non-structural impervious surface improvement and all other development applications or approvals on any parcel or property.

(a) *General requirements:*

(i) Non-structural impervious surface improvements shall not cause stormwater runoff onto adjacent parcels that are not designed and are not approved by the Director to receive such runoff.

(ii) Pavers shall be reviewed as non-structural impervious surface improvements, except that pavers installed and maintained in accordance with all of the following shall be deemed to be pervious areas:

1. Pavers are installed in low traffic areas with sandy soils, slopes less than 5 degrees (<5°), and a minimum of 24 inches between the water table and the paver base.

2. Pavers are certified by the manufacturer to be pervious.

3. Soils underlying pavers have a minimum permeability rate of 0.8 inches (2 cm) per hour, and pavers may be combined with an underdrain discharging into exfiltration trenches or other drainage infrastructure. Such an underdrain shall be required if the permeability rate of underlying soils is less than 0.8 inches (2 cm) per hour. An underdrain system, including any connected infrastructure, shall be designed to allow for periodic maintenance.

(iii) For all pervious areas, the property owner shall be responsible for periodic maintenance to avoid clogging and soil compaction or other substantial reduction of permeability. Maintenance of pervious areas includes but is not limited to maintenance of swales as required by the City's Code of Ordinances and pressure cleaning of permeable pavers and permeable pavement. All improvements shall be reviewed prior to approval to ensure that post-development stormwater impacts and runoff are limited to pre-development levels at the site boundary.

1. The applicant shall submit a signed and sealed engineering report for the Director's review and approval.

2. It is provided, however, that an engineering report shall not be required for single family and duplex residences that meet the stormwater quantity standards for single-family and duplex residences set forth in subparagraph (b)(i) below.

(iv) Stormwater impacts and runoff levels may be calculated based on peak flow, volume, or a combination of the two.

(v) The applicant shall demonstrate that the volume of runoff from the proposed improvement will be controlled by retaining runoff on site, infiltrating the runoff, ensuring that the volume of runoff during all storms greater than half of the two-year event remains constant, or a combination of such mechanisms.

(vi) For purposes of this subsection:

1. A "townhouse" as defined in the most current Florida Building Code, Building Edition, shall be considered a single-family property.

2. A "system" means a facility, or one or more separate facilities, structures, devices, equipment, or appurtenances that manage stormwater.

(vii) Perimeter site elevation shall be harmonized with the grades of adjacent and abutting parcels, except that the Director may approve onsite dry retention, dry detention, and stormwater inlets that are located no more than 12 inches below the minimum elevations of the County Flood Criteria map.

(b) *Single-family and duplex residences under certain conditions.* This paragraph shall govern individual single-family or duplex lots that are not part of a subdivision application and are not subject to a stricter water quantity requirement by other applicable local, County, South Florida Water Management District, or State regulation. For such lots, prior written approval by the Director shall be required pursuant to this section. Applications pursuant to this paragraph shall comply with subparagraph (a) above and all of the following:

(i) *Stormwater quantity.* Lots shall retain, at a minimum, the runoff from a 25-year/10-minute storm event with zero off-site discharge. The following is considered equivalent to a 25-year/10-minute storm event with zero off-site discharge retention.

1. For lots with an area of 5,500 square feet or less:

a. a minimum of 5 feet of pervious area setback on a minimum of 3 sides of the property, with a 6-inch-deep swale along the property perimeter, and a minimum of 20 percent of pervious lot area; or

b. a minimum of 2.5 feet of pervious area setback on a minimum of 2 sides of the property and 10 feet of pervious area setback on a minimum of 1 side, with a 6-inch-deep swale along the property perimeter, and a minimum of 20 percent of pervious lot area.

2. For lots larger than 5,500 square feet:

a. a minimum of 5 feet of pervious area setback on a minimum of 3 sides of the property, with a 6-inch-deep swale along the property perimeter, and a minimum of 25 percent of pervious lot area; or

b. a minimum of 2.5 feet of pervious area setback on a minimum of 2 sides of the property and 10 feet of pervious area setback on a minimum of 1 side, with a 6-inch-deep swale along the property perimeter, and a minimum of 25 percent of pervious lot area.

3. The elevations along the perimeter of the property should match the existing elevations of the adjacent properties.

4. If the proposed grading raises the property more than 1.5 feet compared to the elevations of the adjacent properties, a retaining wall or equivalent feature shall be required.

5. Site grading shall direct stormwater away from buildings and shall prevent stormwater from running off to or discharging onto an adjacent parcel not approved for stormwater retention.

6. Where an existing or proposed site boundary elevation could allow runoff or discharge onto an adjacent property that has not been approved for stormwater retention pursuant to this chapter, retaining walls or other features to prevent offsite runoff shall be provided, subject to the Director's approval.

7. For lots, regardless of size, where buildings are proposed to have five stories or more, the lot shall retain, at a minimum, the run-off from a 25-year/6-hour storm event with zero off-site discharge, unless a higher retention standard is required by other applicable local, County, South Florida Water Management District, or State regulation.

(ii) *Stormwater quality.* Green areas, swales, pervious pavers, pervious pavement, dry shallow exfiltration trenches, retention systems, or similar infrastructure or other development as may be acceptable to the Director shall be utilized to satisfy the minimum stormwater retention onsite.

(iii) To meet the requirements set forth in subparagraphs (i) and (ii) above, the following shall not be located within the impervious area setback and shall not be included in calculations of minimum pervious area required by this section: structures; nonstructural impervious surface improvements; installations or improvements that do not qualify as a pervious area; or other impediments to stormwater infiltration, including, without limitation, over-compaction of soils.

(iv) The area from the property line to the impervious area setback shall be pervious, to prevent stormwater runoff and discharges onto adjacent parcels and land.

(v) The improvement will not cause or let stormwater to run off or discharge onto adjacent parcels, properties, land, or surface water bodies, except for public rights-of-way, as determined by the Director.

(vi) *Administrative adjustments authorized.* Notwithstanding any provision to the contrary, where existing site conditions preclude full compliance with this section, the Director is authorized to approve an alternative design that complies with applicable state and federal requirements and achieves the highest level of water quality.

(vii) For existing single-family or duplex residences, an application shall not be required to comply with the stormwater quality and quantity standards set forth above where the application does not include, as determined by the Director: a non-structural

impervious surface improvement; or any other improvement that increases impervious area on the lot or that is anticipated to cause pollution, contamination, flooding, or runoff.

(viii) Single-family or duplex residences that are part of a subdivision application or are subject to stricter stormwater quantity requirements by other applicable local, County, South Florida Water Management District, or State regulation shall be governed by paragraph 4(c).

(c) All other developments and improvements. Applications for all other developments and non-structural impervious surface improvements shall demonstrate compliance with the following stormwater quantity and quality standards in addition to the general requirements of paragraph (4)(a).

(i) Stormwater Quantity.

1. Lowest site elevation shall be harmonized with the grades of adjacent and abutting parcels, except that the Director may approve onsite dry retention, dry detention, and stormwater inlets that are located no more than 12 inches below the minimum elevations of the County Flood Criteria map.

2. The Director may approve off-site discharge to an adjacent parcel approved for stormwater retention.

3. Onsite retention systems shall be designed for a minimum of a 25-year/6-hour storm event with zero off-site discharge unless a higher retention standard is required by other applicable local, County, South Florida Water Management District, or State regulation.

4. Retention systems shall be designed to recover as follows:

a. Onsite dry retention systems shall recover to the seasonal highwater table within 24 hours of the storm event.

b. Wet retention systems shall recover the permanent storage volume within 24 hours of the storm event.

5. Where a new overflow or outfall is proposed to discharge onto surface waters of secondary canals under City jurisdiction or primary canals maintained and operated by the South Florida Water Management District, on-site retention of the 25-year/3-day storm event with zero off-site discharge shall be provided, unless a higher retention standard is required by other applicable County, South Florida Water Management District, or State regulation.

6) For lots, regardless of size, where commercial, industrial, or multifamily buildings, including parking facilities, are proposed to have five stories or more, onsite retention systems shall be designed for a minimum of a 25-year/6-hour storm event with zero off-site discharge, unless a higher retention standard is required by other applicable local, County, South Florida Water Management District, or State regulation.

Stormwater Quality.

1. In evaluating stormwater quality, the greater of the following volumes shall be used: the onsite retention systems' volume; two and one-half inches of the total impervious area, excluding public rights of way; or one inch over the total area, excluding the public rights of way.

2. If served or to be served by one or more outfalls, discharges shall be maintained free of debris, plastics, and floatable, settleable, suspended, or aquatic trash, and stormwater quality shall meet the strictest of the following standards:

a. post-development pollutant loads shall not exceed pre-development loads; or

b. post-development pollutant reduction shall not be less than 85 percent based on average annual loading; or

c. post-development pollutant loads shall not cause water quality violations in receiving water bodies; or

d. level of treatment sufficient to accomplish the percent reduction specified in the load allocation of an adopted Total Maximum Daily Load (TMDL) or adopted Reasonable Assurance Plan (RAP) for the pollutant(s) not meeting water quality standards, provided that if the TMDL or RAP for a particular pollutant is less strict than a., b., or c. above, then the strictest standard shall control for any particular pollutant.

Administrative adjustments authorized. Notwithstanding any provision to the contrary, where the Director determines that existing site conditions preclude full compliance with this section, the Director may approve an alternative design that complies with applicable state and federal requirements and achieves the highest level of water quality, provided that the applicant demonstrates that removal efficiency and design criteria are based on field-verified data approved by the Director or data and reports published by the Florida Department of Environmental Protection.

(iii) For existing developments, an application shall not be required to comply with the stormwater quality and quantity standards set forth above where the application does

not include, as determined by the Director: a non-structural impervious surface improvement; or any other improvement that increases impervious area on the lot or that is anticipated to cause pollution, contamination, flooding, or runoff.

(d) *Public right-of-way projects not part of a subdivision application.* Public right-of-way projects that are not part of a subdivision application shall comply with the following stormwater quantity and quality standards in addition to the general requirements of paragraph (4)(a):

(i) *Stormwater Quantity*

1. Where approved by the Director, stormwater inlets and catch basins may be located up to twelve inches below County Flood Criteria.

2. The right-of-way shall be graded to prevent stormwater from running off or discharging onto adjacent parcels not approved for stormwater retention pursuant to this chapter.

3. Green areas, swales, retention or detention areas, and exfiltration trenches may be used when consistent with this chapter.

(ii) *Stormwater Quality.* Unless otherwise approved by both the Director and the Director of Public Works, public rights-of-way shall comply with the stricter of: the stormwater quality requirements set forth in paragraph (4)(c) above; or the City public works manual.

(iii)

Administrative adjustments authorized. Notwithstanding any provision to the contrary, where existing site conditions preclude full compliance with this section for public rights-of-way, the Director, following consultation with the Director of Public Works, is authorized to approve an alternative design that complies with applicable state and federal requirements and achieves the highest level of water quality.

(e) *Other Requirements.*

(i) If provided, interior garage drains shall be connected to a separate onsite drainage system with a two-foot sand filter below the pipe invert and above the mean high-water table.

(ii) If provided, dumpster pads shall be located adjacent and graded to a green area for proper stormwater management and to prevent waste liquids from entering the drains.

(f) Erosion and Sedimentation Controls. Erosion and sedimentation controls shall be provided in accordance with the following:

(i) Construction activities involving earth work or excavations along public rights-of-way or adjacent to water bodies shall provide erosion and sedimentation controls to limit impacts to existing drainage facilities, water bodies, and natural preserve areas. The controls shall be included in the Stormwater Pollution Prevention Plan (SWPPP) to be submitted as part of a permit application and shall be subject to review and approval by the Director.

(ii) Construction projects involving more than one acre of total impervious area, including existing impervious area at the site, shall provide temporary structural stormwater features to retain stormwater runoff onsite from a 25-year/6-hour storm event during and until the completion of all construction activities.

(iii) During construction, open ground soils shall be stabilized or covered for protection from rainfall to prevent erosion and sedimentation into public rights-of-way, adjacent properties, water bodies, and natural preserved areas.

(g) Design seasonal water table.

(i) The design seasonal water table (October and May) shall be based on the latest current and future groundwater elevations maps and data that are officially adopted by Miami-Dade County ordinance, the United States Geological Service, or the South Florida Water Management District, and the most restrictive shall apply.

(ii) Future groundwater elevation maps that incorporate sea level rise forecasts based on the Intermediate High curve projections promulgated by the National Oceanic and Atmospheric Administration (NOAA) shall be used, when available, to best match the future time horizon with the anticipated life cycle being used for design of infrastructure.

(h) Tail-water design seasonal elevation.

(i) The tail-water design seasonal elevation for outfalls shall be based on the latest current surface water elevations that are officially adopted by Miami-Dade County ordinance, the United States Geological Service, NOAA, and the South Florida Water Management District, and the most restrictive shall apply.

(ii) Future surface water elevations that incorporate sea level rise based on the Intermediate High curve projections promulgated by NOAA shall be used, when available, to best match the future time horizon with the anticipated life cycle being used for design of infrastructure.

(iii) Seasonal surface water elevation calculations shall be signed and sealed by an engineer licensed in the State of Florida.

(i) Notwithstanding any provision of this chapter to the contrary, development that contains at least 10 acres of total area, or at least 2 acres of impervious surface area, shall provide on-site retention of the 25-year/3-day storm event with zero off-site discharge.

(i) The construction, alteration, or operation of a stormwater water management system in such a development shall also require a Surface Water Management General Permit, which may be issued by the Department pursuant to authority delegated by the South Florida Water Management District.

(ii) It is provided, however, that a Surface Water Management General Permit is not required if the project does not meet the District-specific threshold for a Surface Water Management General Permit, as defined in the South Florida Water Management District Environmental Resource Permit Applicant's Handbook - Volume II, effective May 22, 2016, as may be amended.

(j) Any development that includes placement of fill shall provide flood routing calculations demonstrating that the peak stage for the 100-year design storm is not encroaching on the floodplain. No such fill may be placed until such calculations have been submitted in a report signed and sealed by a professional engineer licensed in the State of Florida and have been reviewed and approved in writing by the Director.

(k) Notwithstanding any provisions of this chapter to the contrary, any subdivision or development that includes more than one contiguous parcel shall provide, at a minimum, on-site retention of the 25-year/3-day storm event with zero off-site discharge, unless otherwise approved by the Director.

Issuance of stop orders; injunctions; standards of service.

Whenever any public utility as herein defined engages or is about to engage in the construction, operation or extension of a water system or sewer system in violation of the provisions of this chapter, the Director, on the Director's own initiative or upon complaint, shall forthwith make such preliminary investigation as he may deem appropriate and may, either with or without notice, enter an order requiring such public utility to cease and desist from such construction, operation or extension until further order of the Board. A public hearing on such violation shall be held by the Board within thirty (30) days after the entry of the order to cease and desist. Reasonable written notice of the public hearing shall be given by mail to the public utility involved. Within fifteen (15) days after the hearing the Board shall enter an order either requiring the permanent

cessation of construction, operation or extension, or authorizing continuation thereof under such terms and conditions as may be commensurate with the public interest and welfare. Any failure to comply with the stop orders of the Board may be enjoined and restrained by injunctive order of the Circuit Court in appropriate proceedings instituted for such purpose.

The Environmental Quality Control Board shall have the power, and it shall be its duty, to establish reasonable standards of service for each class of public utilities as defined in this Code, after notice and public hearing, and thereafter to enforce such standards. In performing this duty, the Board shall exercise its powers to conduct investigations and inspections, to make examinations and tests, to prescribe standards of measurement for testing the quality, pressure, or other conditions pertaining to the supply or quality of the product furnished or adequacy of the service rendered by any such utility, and to fix fees for the examination and testing of meters and other measuring devices, as provided by law in establishing the general regulatory powers of the Board, and as directed herein. Standards previously adopted by the Water and Sewer Board pursuant to this Code remain in full force and effect under the jurisdiction of the Environmental Quality Control Board until modified as provided above.

Sec. Enforcement; procedure, remedies.

It shall be unlawful for any person to violate any of the provisions of this chapter, any lawful rules and regulations promulgated under this chapter, any lawful order of the Director or the Director's designee, or any condition, limitation or restriction which is part of an operating permit. It shall be the duty of the City and municipal officials and employees to enforce the provisions of this chapter. No building permit shall be issued for the installation of any improvements or facilities governed by the provisions of this chapter without the prior approval of the Director or the Director's designee. In addition to any other remedies provided by this chapter, the Director shall have the following judicial remedies available to the Director for violations of this chapter, any lawful rule or regulation promulgated under this chapter, any lawful order of the Director or the Director's designee, or any condition, limitation or restriction which is part of an operating permit:

(1) The Director may institute a civil action in a court of competent jurisdiction of through the City's Special Magistrate process to establish liability and to recover damages for any injury to the air, waters, or property, including animal, plant, and aquatic life, within the geographical limits of the City caused by such violation.

(2) The Director may institute a civil action in a court of competent jurisdiction to impose and recover a civil penalty for each violation in an amount of not more than twenty-five thousand dollars (\$25,000.00) per offense. However, the court may receive evidence in mitigation. Each day during any portion of which such violation occurs constitutes a separate offense.

(3) The Director may institute a civil action in a court of competent jurisdiction to seek injunctive relief to enforce compliance with or prohibit the violation of this chapter, any lawful rules or regulations promulgated under this chapter, any lawful order of the Director or the Director's designee, or any condition, limitation or restriction which is part of an operating permit; and to seek injunctive relief to prevent injury to the air, waters, and property, including animal, plant, and aquatic life within the geographical limits of the City, and to protect human health, safety, and welfare caused or threatened by any violation.

(4) If any person shall fail or refuse to obey or comply with, or violates any of the provisions of this chapter, or any lawful rule or regulation promulgated hereunder, or any lawful order of the Director or the Director's designee, or any condition, limitation or restriction which is part of an operating permit; issued or rendered under and pursuant to the provisions of this chapter, such person, upon conviction of such offense, shall be punished by a fine not to exceed five hundred dollars (\$500.00), or, in the case of a violation of this Code, by a fine not to exceed two thousand (\$2,000) per day, or by imprisonment in accordance with the penalties set forth in Section 125.69 of the Florida Statutes, or by imprisonment not to exceed sixty (60) days in the County Jail, or both in the discretion of the court. Each day of continued violation shall be considered as a separate offense.

Civil liability; joint and several liability; attorneys' fees.

(1) Whoever commits a violation of this chapter or any lawful rule or regulation promulgated under this chapter is liable to the City for any damage caused to the air, ground, waters, or property, including animal, plant, or aquatic life, within the geographical limits of the City and for reasonable costs and expenses of the City in tracing the source of the discharge, in controlling and abating the source and the pollutants, and in restoring the air, waters, and property, including animal, plant, and aquatic life, within the geographical limits of the City in accordance with the provisions of this chapter, and furthermore is subject to the judicial imposition of a civil penalty for each offense in an amount of not more than twenty-five thousand dollars (\$25,000.00) per offense. Each day

during any portion of which such violation occurs constitutes a separate offense. Nothing herein shall give the Director the right to bring an action on behalf of any private person.

(2) Whenever two (2) or more persons pollute the air, ground or waters of the City in violation of this chapter or any lawful rule or regulation promulgated under this chapter or any order of the Director so that the damage is indivisible, each violator shall be jointly and severally liable for such damage and for the reasonable cost and expenses of the City incurred in tracing the source of the discharge, in controlling and abating the source and the pollutants, and in restoring the air, waters, ground and property, including the animal, plant and aquatic life of the City in accordance with the provisions of this chapter. However, if said damage is divisible and may be attributed to a particular violator or violators, each violator is liable only for that damage attributable to his violation.

(3) In assessing damages for fish killed, the value of the fish is to be determined in accordance with a table of values for individual categories of fish which has been promulgated by the Florida Department of Environmental Protection.

(4) All the judicial remedies in this chapter are independent and cumulative.

(5) Each mangrove tree unlawfully trimmed, cut or altered shall constitute a separate violation of this chapter.

(6) Whenever a violation of this chapter occurs or exists, or has occurred or existed, any person, individually or otherwise, who has a legal, beneficial, or equitable interest in the facility or instrumentality causing or contributing to the violation, or who has a legal, beneficial, or equitable interest in the real property upon which such violation occurs or exists, or has occurred or existed, shall be jointly and severally liable for said violation regardless of fault and regardless of knowledge of the violation. This provision shall be construed to impose joint and severable liability, regardless of fault and regardless of knowledge of the violation, upon all persons, individually or otherwise, who, although said persons may no longer have any such legal, beneficial or equitable interest in said facility or instrumentality or real property, did have such an interest at any time during which such violation existed or occurred or continued to exist or to occur. This provision shall be liberally construed and shall be retroactively applied to protect the public health, safety, and welfare and to accomplish the purposes of this chapter.

(7) Any person violating any provision of this chapter shall immediately correct the violation and restore the air, water, ground and property, including but not limited to animal, plant, and aquatic life, affected by said violation in accordance with the provisions of this chapter.

(8) Owners of real property shall be liable for the sums expended by the City pursuant to this Code when the violation of this chapter occurred or continued to exist or appeared imminent upon the real property aforesaid, regardless of fault and regardless of knowledge of the aforesaid violation. All sums expended by the City pursuant this Code shall constitute and are hereby imposed as special assessments against the real property aforesaid, and until fully paid and discharged or barred by law, shall remain liens equal in rank and dignity with the lien of City ad valorem taxes and superior in rank and dignity to all other liens, encumbrances, titles and claims in, to or against the real property involved. All such sums shall become immediately due and owing to the City upon expenditure by the City and shall become delinquent if not fully paid within sixty (60) days after the due date. All such delinquent sums shall bear a penalty of fifteen (15) percent per annum. Unpaid and delinquent sums, together with all penalties imposed thereon, shall remain and constitute special assessment liens against the real property involved for the period of five (5) years from due date thereof. Said special assessment liens may be enforced by the Director by any of the methods provided in Chapter 85, Florida Statutes, or, in the alternative, foreclosure proceedings may be instituted and prosecuted by the Director pursuant to the provisions of Chapter 173, Florida Statutes, or the collection and enforcement of payment thereof may be accomplished by any other method provided by law. All sums recovered by the City pursuant to this provision shall be deposited by the City into the fund from which said sums were expended.

(9) Upon the rendition of a judgment or decree by any of the courts of this state against any person and in favor of the Director under any of the provisions of this chapter, the trial court, or, in the event of an appeal in which the Director prevails, the appellate court shall adjudge or decree against said person and in favor of the Director a reasonable sum as fees or compensation for the Director's attorney prosecuting the suit in which the recovery is had. Where so awarded, compensation or fees of the attorney shall be included in the judgment or decree rendered in the case. This provision shall apply to all civil actions, legal or equitable, filed after the effective date of this ordinance by the Director pursuant to this chapter. Cessation of a nuisance, sanitary nuisance or of any other violation of any of the provisions of this chapter whatsoever, prior to rendition of a judgment or of a temporary or final decree, or prior to execution of a negotiated settlement, but after an action is filed by the Director under any of the provisions of this chapter, shall be deemed the functional equivalent of a confession of judgment or verdict in favor of the Director for which attorneys' fees shall be awarded by the trial court as set forth hereinabove.

(10) Each tree that is not exempt under this chapter and is unlawfully effectively destroyed or removed shall constitute a separate violation of this chapter for which liability shall attach in accordance with the provisions of this Code. In addition, the owner and operator of any motor vehicle that destroys or effectively destroys any nonexempt tree due to its negligent operation shall be jointly liable for the replacement cost. Trees destroyed or effectively destroyed by an Act of God shall not constitute a violation of this chapter.

(11) In assessing damages for tree(s) or understory unlawfully removed, the value of the tree(s) or understory shall be based upon the cost of the tree(s) or understory and all costs associated with planting. At a minimum, the value of the tree(s) or understory, including the cost of planting, shall be two (2) times the current wholesale price of the tree(s) or understory based upon the largest available size or actual size of the tree(s) or understory removed, whichever is smaller, as set forth in recognized nursery publications.

(12) Whenever a mangrove tree is unlawfully trimmed, cut or altered, any person who authorized, permitted, suffered, or allowed said violation or whose agent, employee, servant, or independent contractor caused or contributed to the violation or who has a legal, beneficial or equitable interest in the real property upon which such violation occurs or exists, shall be jointly and severally liable for said violation regardless of fault and regardless of knowledge of the violation. This provision shall be construed to impose joint and several liability, regardless of fault and regardless of knowledge of the violation, upon all persons, individually or otherwise, who, although said persons may no longer have a legal, beneficial or equitable interest in said real property or may no longer have a relationship with such agent, employee, servant or independent contractor, did have such an interest or relationship at any time during which such violation existed or occurred or continued to exist or occur. This provision shall be liberally construed and shall be retroactively applied to protect the mangrove tree resources of Miami-Dade City and to accomplish the purposes of this chapter.

Section 4. Relationship to other law.

Nothing in this Chapter shall be construed to waive the sovereign immunity of the City beyond the limits of Section 768.28, Florida Statutes; to repeal, supersede, or limit Chapter 21, Article IV (the City of Opa-locka Stormwater Utility Ordinance) or any other provision of this Code except to the extent of express conflict; or to limit any right, remedy, or authority available to the City under law.

Section 5. Codification and Inclusion In Code.

It is the intention of the City Commission of the City of Opa-locka that the provisions of this Ordinance shall, at some time in the future, become and be made a part of the General Code of Ordinances of the City of Opa-Locka and that the sections of this Ordinance may be renumbered or re-lettered and the word "Ordinance" may be changed to "Chapter," "Section," "Article" or such other appropriate word or phrase, the use of which shall accomplish the intentions herein expressed.

The provisions of Section 1 of this Ordinance shall be codified as Chapter 24 of the Code of Ordinances of the City of Opa-locka. The City Attorney and the City Clerk are authorized to renumber, reletter, and correct scrivener's errors and citations to conform to the final codified text, provided that no chapter or section number already in use in the Code (including Chapter 23, Employee Protection Whistleblower Act) shall be duplicated.

Section 6. Severability. The provisions of this Ordinance are severable, and it is the legislative intention to confer upon the whole or any part of the Ordinance the powers herein provided. If any provision of this Ordinance shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any remaining provisions of the Ordinance. It is hereby declared to be the legislative intent that this Ordinance would have been adopted had such unconstitutional provision not been included herein.

Section 7. Conflict and Repealer. All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

Section 8. Scrivener's Errors. Sections of this Ordinance may be renumbered or re-lettered and corrections of typographical errors which do not affect the intent as may be authorized by the City Manager without need of public hearing following review by the City Attorney, by filing a corrected or re-codified copy of same with the City Clerk.

Section 9. Effective date.

This Ordinance shall take effect thirty (30) days after adoption on second reading. The City Clerk shall transmit a certified copy of this Ordinance to the Florida Department of Environmental Protection (in satisfaction of paragraph 6(c)(viii) of Consent Order OGC File No. 24-3045) and to the Miami-Dade County Department of Environmental Resources Management within ten (10) business days of adoption.

PASSED on First Reading this ____ day of _____, 2026.

PASSED AND ADOPTED on Second Reading this ____ day of _____, 2026.

John Taylor, Mayor

ATTEST:

Joanna Flores, City Clerk

**APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:**

Burnadette Norris-Weeks, P.A.
City Attorney

Moved by: _____

Seconded by: _____

VOTE:

Commissioner Bass	_____
Commissioner Santiago	_____
Commissioner Ervin	_____
Vice Mayor Kelley	_____
Mayor Taylor	_____



City of Opa-locka Agenda Cover Memo

Department Director:	Airia Austin		Department Director Signature:		
City Manager:	Sha'mecca Lawson		CM Signature		
Commission Meeting Date:	07.08.2026	Item Type: <i>(Enter X in box)</i>	Resolution	Ordinance	Other
Fiscal Impact: <i>(Enter X in box)</i>	Yes	No	Resolution Reading: <i>(Enter X in box)</i>	1st Reading	2nd Reading
	X		Public Hearing: <i>(Enter X in box)</i>	Yes	No
				X	X
Funding Source: <i>Account#:</i>	<i>(Enter Fund & Dept)</i> Ex: N/A See Financial Impact section below		Advertising Requirement: <i>(Enter X in box)</i>	Yes	No
				X	
ILA Required: <i>(Enter X in box)</i>	Yes	No	RFP/RFQ/Bid#: N/A		
		X			
Strategic Plan Related <i>(Enter X in box)</i>	Yes	No	Strategic Plan Priority Area: Enhance Organizational ☒ Bus. & Economic Dev ☐ Public Safety ☒ Quality of Education ☐ Qual. of Life & City Image ☒ Communication ☐	Strategic Plan Obj./Strategy: <i>(list the specific objective/strategy this item will address)</i> Maintain regulatory compliance and environmental stewardship of the City's stormwater (MS4) system.	
	X				
Sponsor Name	City Manager		Department:	Public Works	

Short Title:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, CREATING CHAPTER 24 OF THE CODE OF ORDINANCES, ENTITLED "STORMWATER QUALITY MANAGEMENT"; ADOPTING BY REFERENCE SPECIFIED STORMWATER, ILLICIT-DISCHARGE, CONSTRUCTION-SITE EROSION, SEDIMENTATION, AND WASTE-CONTROL, AND DEWATERING PROVISIONS OF CHAPTER 24 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; ESTABLISHING THE CITY'S LEGAL AUTHORITY AND ENFORCEMENT MECHANISM UNDER ITS NPDES MS4 PERMIT AND CONSENT ORDER OGC FILE NO. 24-3045; DESIGNATING THE CITY'S SPECIAL MAGISTRATE AS THE ENFORCEMENT AUTHORITY PURSUANT TO CHAPTER 162, FLORIDA STATUTES; AND PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

Staff Summary:

The City of Opa-locka is required by State regulators to adopt a stormwater ordinance and currently has no chapter of its Code that provides the legal authority demanded by its stormwater (MS4) permit. As a co-permittee under FDEP NPDES MS4 Permit No. FLS000003, the City must maintain ordinances that prohibit illicit discharges and require construction-site operators to install and maintain erosion, sedimentation, and waste controls. Paragraph 6(c)(viii) of the City's Consent Order with the Florida Department of Environmental Protection (FDEP) specifically directs the City to adopt such an ordinance, and FDEP's Stipulated Penalty Assessment dated April 21, 2026, sets a firm deadline of August 1, 2026, for adoption.

Staff recommend the City Commission adopt the proposed ordinance, which creates Chapter 24 of the City Code ("Stormwater Quality Management"). Rather than re-writing technical standards, the ordinance adopts by reference only the targeted, on-point provisions of Miami-Dade County Code Chapter 24 — water-pollution prohibitions (24-42), stormwater and construction-site SWPPP / erosion-and-sediment standards (24-42.8), environmental permits including the Class V dewatering permit (24-48 / 24-48.1), and stormwater management (24-21.1), while establishing the City's own municipal enforcement authority through its Special Magistrate under Chapter 162, Florida Statutes. This approach satisfies the permit and Consent Order while preserving regional uniformity with the County and avoiding overlap with the City's existing Stormwater Utility Ordinance (Chapter 21, Article IV).

History – The City's stormwater obligations arise from its NPDES Municipal Separate Storm Sewer System (MS4) permit administered by FDEP. On August 12, 2025, the City and FDEP entered into Consent Order OGC File No. 24-3045 to resolve identified MS4 program deficiencies, which required the City to complete a series of corrective actions, including, under Paragraph 6(c)(viii), adoption of a construction-site erosion, sedimentation, and waste-control ordinance consistent with Permit Parts II.E. and III.A.9.a.

Because the ordinance had not been adopted within the Consent Order's original time frame, FDEP issued a Stipulated Penalty Assessment dated April 21, 2026 establishing August 1, 2026 as the deadline for adoption. The proposed Chapter 24 ordinance was prepared by the City Attorney and Public Works to meet that deadline. It also designates the Special Magistrate as the enforcement authority, requires post-construction maintenance covenants, adopts the State's Florida-Friendly fertilizer model, directs conforming updates to City dewatering procedures within 60 days, directs negotiation of an Interlocal Memorandum of Understanding with Miami-Dade DERM within 180 days, and continues the bi-monthly and quarterly status reporting required by the Consent Order until all corrective actions are complete.

Financial Impact

Adoption of the ordinance requires no new appropriation, but the matter carries significant financial consequences because it is the regulatory driver that limits the City's exposure to FDEP penalties under the Consent Order:

- **Penalties already assessed:** \$62,852.92 under the Consent Order (Paragraph 9) — comprising \$60,352.92 in administrative penalties and \$2,500 in the Department's costs and expenses.
- **Stipulated penalties for noncompliance:** \$200 per day for each day the City fails to timely comply with the Consent Order's requirements (Paragraph 10), which include adopting this ordinance by August 1, 2026 — approximately \$6,000 per month, or roughly \$73,000 per year, of avoidable, recurring cost.
- **Maximum exposure on default:** should the City fail to perform under the Consent Order, FDEP retains the right to seek judicial civil penalties of up to \$15,000.00 per day, per violation, plus potential criminal liability.

- **Ongoing compliance costs:** conforming the City's dewatering SOPs and permit forms (within 60 days), preparing the annual MS4 report, and negotiating the DERM Interlocal MOU (within 180 days) are administrative tasks expected to be absorbed within the existing Public Works operating budget.

Net effect: timely adoption is a cost-avoidance measure. It stops the \$200/day stipulated-penalty clock and removes the risk of escalating civil penalties, at no direct appropriation to the City.

Proposed Action:

Staff recommend the City Commission adopt the ordinance creating Chapter 24, "Stormwater Quality Management," on first and second reading, and authorize and direct the City Clerk to transmit a certified copy of the adopted ordinance to the Florida Department of Environmental Protection (in satisfaction of Paragraph 6(c)(viii) of Consent Order OGC File No. 24-3045) and to the Miami-Dade County Department of Environmental Resources Management within ten (10) business days of adoption — so that the City remains compliant with its NPDES MS4 permit and the Consent Order and avoids further FDEP penalties.

Attachment:

Agenda Cover Memo

Proposed Ordinance creating Chapter 24, "Stormwater Quality Management"

1st Reading/Public Hearing:
2nd Reading/Public Hearing:
Adopted:
Effective Date:
Sponsored by: City Manager

ORDINANCE NO. 26-XXX

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, AMENDING THE ANNUAL ADOPTED GENERAL, PROPRIETARY AND SPECIAL REVENUE FUNDS BUDGETS FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2025 AND ENDING SEPTEMBER 30, 2026, ADJUSTING REVENUES AND EXPENDITURES AS REFLECTED IN EXHIBIT "A"; PROVIDING FOR THE EXPENDITURE OF FUNDS ESTABLISHED BY THE BUDGET; AUTHORIZING THE CITY MANAGER TO TAKE CERTAIN ACTIONS; PROVIDING FOR APPROPRIATION OF ALL BUDGETS AND EXPENDITURES; PROVIDING FOR FEES CONSISTENT WITH APPROPRIATIONS AND AMENDMENT; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Opa-Locka, FL adopted its 2025-2026 Fiscal Year General, Proprietary and Special Revenue Funds budgets by passage of Ordinance 2025-26 and amended by Ordinance 2026-03; and

WHEREAS, pursuant to Florida Statute 166.241(5), the governing body of each municipality at any time within a fiscal year or within 60 days following the end of fiscal year may amend a budget for that year as follows:

- a) Appropriations for expenditures within a fund may be decreased or increased by motion recorded in the minutes if the total appropriations of the fund is not changed;
- b) The governing body may establish procedures by which the designated budget officer may authorize budget amendments if the total appropriations of the fund is not changed;
- c) If a budget amendment is required for a purpose not specifically authorized in paragraph (a) or paragraph (b), the budget amendment must be adopted in the same manner as the original budget unless otherwise specified in the municipality's charter; and

WHEREAS, pursuant to 4.7(c) of the City of Opa-Locka Charter, entitled "Appropriation Amendments During the Fiscal Year", the City Commission may otherwise amend the annual budget from time to time during the year, by ordinance, as it deems necessary to do so; and