

ARTICLE 14

ENVIRONMENTAL STANDARDS

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ARTICLE 14

ENVIRONMENTAL STANDARDS

CHAPTER A SEA TURTLE PROTECTION AND SAND PRESERVATION

Section 1 Purpose and Intent

The purpose of this Chapter is to reduce impacts of coastal lighting and beach obstructions on sea turtles and prohibit the removal of sand from the beach/dune system. **[Ord. 2009-040]**

Section 2 Definitions

See [Art. 1.H, Definitions and Acronyms](#).

Section 3 STPZ/STPO – Sea Turtle Protection Ordinance

This Chapter shall be known as the PBC Sea Turtle Protection and Sand Preservation Standards. It repeals and replaces PBC Ordinances No. 72-12, 78-20, 87-13, and 90-2.

Section 4 Applicability

- A. All provisions of this Chapter shall be effective within the unincorporated and incorporated areas of PBC, and shall set restrictions, constraints, and requirements to preserve and protect sea turtles, sea turtle habitat, and beach/dune sediments. Notwithstanding the foregoing, incorporated areas that have a Sea Turtle Protection Ordinance (STPO) shall not be subject to the provisions of this Chapter that pertain to coastal lighting, and incorporated areas that have established a sand protection zone to preserve beach/dune sediments shall not be subject to the provisions of this Chapter pertaining to sand preservation. **[Ord. 2011-001]**
- B. PBC funds for dune restoration or shore protection projects in municipalities shall be contingent upon this Chapter being fully enforced or the adoption and enforcement of an equally stringent or more stringent ordinance by a municipality. Funding determinations shall be based on ERM's review and acceptance or rejection of a municipality's replacement ordinance, as well as a review of permits and variances and enforcement notices issued pursuant to the municipal ordinance.
- C. This Chapter shall apply to any coastal lighting activity that has the potential to adversely impact sea turtles in PBC within the limits of jurisdiction. This Chapter shall also apply to any sand removal or degradation that has the potential to adversely impact the unique sediments which comprise the coastal beach/dune system in PBC within the limits of jurisdiction.

Section 5 Authority

This Chapter is adopted under the authority of [F.S. § 125.01](#) et seq.

Section 6 Jurisdiction

- A. ERM shall have regulatory authority over coastal lighting and alterations to the beach/dune system. This Chapter establishes two zones of jurisdiction: the Sea Turtle Protection Zone (STPZ) and the Sand Preservation Zone (SPZ). The STPZ extends from three miles offshore of the Atlantic Ocean and along inlet shorelines to a line 600 feet landward of the mean high water line. The SPZ extends from the mean high water line of the Atlantic Ocean to 600 feet landward.
- B. The STPZ is established for the purpose of minimizing and controlling coastal lighting. **[Ord. 2011-001]**
- C. The SPZ is established for the purposes of maintaining the volume and quality of beach sand presently existing within the beach/dune system. The unique characteristics of the sediments contained in the existing beaches and dunes of PBC require the preservation of these materials within the beach/dune system. **[Ord. 2011-001]**
- D. Within the limits of jurisdiction of the STPZ as defined in this Chapter, no person, firm, corporation, municipality, special district, or public agency shall perform new building construction or install any new artificial lighting on any property that, in whole or in part, is seaward of a line 600 feet landward of the mean high water line without first having obtained an approved Sea Turtle Protection Lighting Plan (STLP) from ERM as provided for in this Chapter. Existing beachfront lighting causing direct or indirect illumination within

the STPZ as defined herein shall comply with [Art. 14.A.11, Standards for Existing Beachfront Lighting](#). **[Ord. 2009-040]**

- E. Within the limits of jurisdiction of the SPZ as defined in this Chapter, no person, firm, corporation, municipality, special district, or public agency shall remove any beach or dune sediments from their property or from the SPZ without first complying with [Art. 14.A.13, Standards for SPZ](#).
- F. Beach obstructions are exempt from the requirements of this Article. However, this exemption shall not be in effect during sea turtle nesting season (March 1 through October 31) unless the structures are removed daily from the beach from sunset until two hours following sunrise or after completion of a dedicated independent sea turtle nesting survey by a Marine Turtle Permit Holder. Beach obstructions shall be removed from the beach or placed in a single row as close to the toe of the dune as possible in an area that does not impact native vegetation or significantly affect sea turtles. Exemptions under this provision are not intended to authorize any violation of [F.S. § 379.2431](#) or any of the provisions of the Endangered Species Act of 1973, as may be amended. **[Ord. 2006-036] [Ord. 2009-040]**

Section 7 *De Minimis*

Those projects for which ERM provides a written determination that there will be no significant adverse environmental impacts. Approvals may include but are not limited to: removal of a light source whether approved or not approved; reduction in light intensity of a light source; installation of a light source within the STPZ which is not directly or indirectly visible from the beach. **[Ord. 2009-040]**

Section 8 *Sea Turtle Protection Lighting Plan*

- A. A STLP approval is required for all new building construction and new artificial lighting proposed within the limits described in [Art. 14.A.6.D](#). A STLP must be approved by ERM prior to the issuance of a Building Permit by the PZB or the local building department. **[Ord. 2009-040] [Ord. 2011-001]**
- B. Applications shall be made on a form approved by ERM. ERM may make use of forms already in use by the State of Florida and/or Federal agencies.
- C. ERM may attach conditions to any STLP approval where such conditions are deemed reasonably necessary to protect sea turtles.
- D. Any application received that is substantially the same as a previous application that has been denied by ERM shall also be denied without further processing.
- E. Any site or Property Owner that is subject to or recipient of a notice of violation or notice of noncompliance that remains unresolved shall not be issued an ERM STLP approval.
- F. STLP approval shall not be issued until any and all information necessary to fully understand the extent, nature, and potential impacts of a proposed lighting plan are received by ERM. Such information may include, but is not limited to: **[Ord. 2011-001]**
 - 1. A completed application form;
 - 2. An explanation of the necessity and purpose of the proposed lighting;
 - 3. Photographs of existing conditions which may include aerial photographs;
 - 4. Plans showing profile and plan views depicting all light fixture locations, the elevations of proposed and existing structures, proposed and existing vegetation, beach/dune profiles, and pertinent topographic information; and,
 - 5. Electrical, building, and landscape plans shall be submitted illustrating all exterior lights and windows within jurisdictional boundaries. Light and window tinting information shall include: **[Ord. 2009-040]**
 - a. The location, number, wattage, elevation, orientation, light fixture cut sheets, photometric illustrations, and all type(s) of proposed artificial light sources. **[Ord. 2006-036]**
 - b. Protective/mitigative measures to minimize lighting impacts on sea turtles, including measures to prevent direct and indirect illumination that is visible from the beach. **[Ord. 2009-040]**
 - c. Window tinting specifications for all windows and doors within line of sight of the beach including percentage of visible light transmittance (see definition of tinted glass).
- G. When an application is made for a STLP approval in common areas of a Multifamily residential site (e.g., condominiums, apartments, Townhouses, villas, etc.), the representative association, or all of the homeowners as a group, shall be the Applicant. ERM shall not process an application made by one unit owner in a Multifamily setting where the work is proposed on lands designated as, or can reasonably be considered to be, common areas.
- H. Upon receipt of an application and appropriate application fee, ERM shall have 30 days to request any additional information. Within 30 days of receipt of such additional information, ERM may request only that

information needed to clarify such additional information or to answer new questions raised by, or directly related to, such additional information. **[Ord. 2011-001]**

- I. If ERM does not make a request for additional information within 30 days of receipt of an application or requested information, the application shall be deemed complete upon receipt.
- J. If an Applicant fails to respond to an ERM request for an application fee, or any additional information, within 60 days, the application may be denied without prejudice. However, ERM may grant an extension of time as is reasonably necessary to fulfill the request for additional information.
- K. Upon receipt of a completed application and fee, ERM shall have 90 days to take final action unless the Applicant agrees in writing to a time extension or waiver of this requirement. Final agency action shall be approval of a STLP, denial of a STLP, or conditional approval of a STLP. Failure by ERM to take final action within 90 days shall result in the authorization of the proposed work with standard limiting conditions.
- L. Any application containing false information may be denied, and any STLP approval granted based upon false information may be revoked. **[Ord. 2011-001]**
- M. ERM STLP approvals may be issued with a duration period that is reasonably necessary to complete the project not to exceed five years.
- N. Any substantial modification to a complete application, or a STLP approval, shall require an amended application form and an additional application fee and shall restart all time periods of this Section.
- O. No application shall be processed until ERM receives the appropriate application fee. **[Ord. 2011-001]**

Section 9 Criteria for STLP Approval

- A. A STLP approval may be issued pursuant to this Chapter provided that the Applicant provides to ERM reasonable assurance that there shall be no adverse impacts to sea turtles, sea turtle nesting, and sea turtle habitat, and that the following criteria will be met:
 - 1. Any and all light fixtures shall be designed to be the minimum level necessary for safety and shall be positioned such that they do not cause direct or indirect illumination that is visible from the beach. **[Ord. 2009-040] [Ord. 2011-001]**
 - a. All outdoor lighting and exterior lighting shall be directed downwards. No lights shall be directed upwards. **[Ord. 2009-040]**
 - b. Filters shall be prohibited. **[Ord. 2009-040]**
 - c. All exterior fixtures on the seaward and the shore perpendicular sides of the building (and the landward side of the building if they are visible from the beach) shall be well shielded and full cutoff. **[Ord. 2009-040]**
 - d. Long wavelength lights that produce light that measures greater than 570 nanometers, shall be used for all coastal construction visible from and adjacent to the beach. Bright white light, such as metal halide, halogen, fluorescent, mercury vapor, and incandescent lamps will not be approved. Shorter wavelength lights will only be approved in areas where direct or indirect illumination is not visible from the beach. **[Ord. 2009-040]**
 - 2. **Use of Window Treatments at Multifamily Residential Properties**
In common areas of a Multifamily residential property, window treatments that are sufficient to prevent direct or indirect illumination visible from the beach shall be required on all windows visible from the beach within jurisdictional boundaries. **[Ord. 2009-040]**
 - 3. ERM determines that coastal lighting alternatives and modifications to lessen impacts are infeasible.
 - 4. ERM determines that the cumulative impacts of the subject lighting project and other similar lighting projects will also meet the criteria of this Article. **[Ord. 2009-040]**
- B. Measures that may be implemented to protect sea turtles include: elimination, modification, or alteration of all proposed and/or existing exterior lights that cause illumination which is directly or indirectly visible from the beach. **[Ord. 2009-040]**
- C. All lighting installed after September 2, 1987 shall comply with the following standards: **[Ord. 2011-001]**
 - 1. Artificial public or private light source shall not cause illumination which is directly or indirectly visible from the beach where it may deter adult female sea turtles from nesting or disorient hatchlings. **[Ord. 2009-040]**
 - 2. The installation of coastal lighting shall meet the standards and mitigative measures published in the current state-of-the-art manual pertaining to coastal lighting and sea turtle conservation available at ERM (Witherington, Blair E. & Eric R. Martin, Understanding, Assessing and Resolving Light-pollution Problems on Sea Turtle Nesting Beaches, Florida Marine Research Institute Technical Report, Florida Department of Environmental Protection, 2000). **[Ord. 2009-040] [Ord. 2011-001]**
 - 3. Any and all light fixtures shall be designed and/or positioned such that they do not cause illumination which is directly or indirectly visible from the beach. **[Ord. 2009-040]**

4. All lights on balconies shall be eliminated or shielded from the beach. Proposed balcony lights which do not meet standard [Art. 14.A.9.C.1](#), above shall not be authorized. **[Ord. 2005-002] [Ord. 2009-040]**
5. Artificial lighting for decorative or accent purposes shall not be authorized within the zone of jurisdiction unless it will not be directly or indirectly visible from the beach. **[Ord. 2009-040]**
6. Lighting used in parking lots shall be: **[Ord. 2009-040]**
 - a. Set on a base which raises the source of light no higher than 48 inches off the ground unless the lighting does not cause illumination or is not directly or indirectly visible from the beach. **[Ord. 2009-040]**
 - b. Positioned and/or shielded such that the source of light is not visible from the beach and does not cause illumination directly or indirectly visible from the beach. **[Ord. 2009-040]**
7. Sign lighting may be authorized provided it illuminates an area less than 15 square feet and meets the criteria of standard [Art. 14.A.9.C.1](#), above.
8. Permanent fire pits shall be positioned and/or shielded to ensure that the source of illumination is not directly or indirectly visible from the beach. Maximum flame height shall be determined at final inspection. **[Ord. 2009-040]**
9. Open fires on the beach shall be prohibited during sea turtle nesting season. **[Ord. 2005-002]**
10. Tinted glass or any window film applied to window glass which meets the defined criteria for tinted glass, shall be installed on all windows and doors within line of sight of the beach.
11. Pool deck lights and underwater pool lights shall be turned off while the pool is closed at sunset during sea turtle nesting season, March 1 through October 31. The use of an automatic timer shall be acceptable only for pool lighting. **[Ord. 2009-040]**

Section 10 Inspection Required

- A. Prior to the issuance of a Certificate of Occupancy (CO) by the PZB or local building department, each facility shall be inspected for compliance as follows:
 1. Upon completion of the construction activities, a State of Florida-registered Architect, Landscape Architect, Environmental Professional, or Professional Engineer shall conduct a site inspection which includes a night survey with all the beachfront lighting turned on to the highest illumination levels. **[Ord. 2009-040]**
 2. The inspector shall prepare and report the inspection finding in writing to ERM, identifying:
 - a. the date and time of initial inspection;
 - b. the extent of compliance with this Chapter and the approved STLP;
 - c. all areas of potential and observed noncompliance with this Chapter;
 - d. any action(s) taken to remedy observed noncompliance and date remedy will be implemented, if applicable; and,
 - e. the date(s) and time(s) of remedial inspection(s), if applicable.
 3. The inspector shall sign and seal the inspection report which includes a certification that:
 - a. the beachfront lighting has been constructed in accordance with this Chapter;
 - b. the inspector observed the project area at night with all lights operating;
 - c. the beachfront lighting does not cause direct or indirect illumination that is visible from the beach at the time of the night inspection; and, **[Ord. 2009-040]**
 - d. the beachfront light sources within the jurisdictional boundaries are not directly or indirectly visible from the beach at the time of the night inspection.

Section 11 Standards for Existing Beachfront Lighting

A. Existing Beachfront Lighting

Existing beachfront lighting causing direct or indirect illumination within the STPZ shall be adjusted or corrected to ensure that the lighting does not cause illumination that is directly or indirectly visible from the beach. **[Ord. 2011-001]**

B. Adjustment to Essential Lighting

Changing coastal conditions (including but not limited to erosion, renourishment, and vegetation impacts), may necessitate retrofitting light fixtures. Installation of a new fixture shall require an approved Sea Turtle Lighting Plan (STLP) that must comply with [Art. 14.A.9, Criteria for STLP Approval](#). Retrofits to existing fixtures shall be designed and/or positioned to ensure that they do not cause illumination that is directly or indirectly visible from the beach. **[Ord. 2006-036] [Ord. 2009-040] [Ord. 2011-001]**

C. Reduction of Indirect Lighting on the Beach

The installation and maintenance of ground-level barriers including dense native vegetation is strongly encouraged and may be required to reduce the amount of lighting striking the beach/dune system. **[Ord. 2009-040]**

D. Lighting for Pedestrian Traffic

Lights illuminating beach access points, dune crossovers, beach walkways, piers, or any other structure designed for pedestrian traffic shall be the minimum level necessary to maintain safety and shall be located and shielded such that lights and their illumination are not directly or indirectly visible from the beach. **[Ord. 2009-040]**

E. Use of Window Treatments

To prevent interior lights from illuminating the beach, window treatment shall be required on all windows visible from the beach within jurisdictional boundaries. Blackout draperies or shade screens are preferred. Alternatively or additionally, window tint may be applied to beachfront windows. The turning out of all unnecessary interior lights during the nesting season is strongly encouraged.

F. Special Lighting Restrictions during the Nesting Season

Effective May 1, 1988, and continuously throughout each nesting season (March 1 through October 31), external light sources that are directly or indirectly visible from the beach shall be disconnected or otherwise modified to comply with this Chapter. **[Ord. 2009-040]**

G. Recommended Corrective Action

The following measures can be used to reduce or eliminate the effects of any exterior lighting on hatchlings and nesting sea turtles:

1. permanently remove the light fixture; **[Ord. 2006-036]**
2. disconnect the light fixture; **[Ord. 2006-036]**
3. reposition the light fixture so the point source of light is no longer visible from the beach; **[Ord. 2006-036]**
4. replace light fixtures having an exposed light source with light fixtures containing recessed light sources or shields; **[Ord. 2006-036]**
5. replace non-directional light fixtures with directional light fixtures pointing down and away from the beach; **[Ord. 2006-036]**
6. replace light fixtures having translucent or transparent coverings with light fixtures having opaque shields covering an arc of at least 180 degrees and extending an appropriate distance below the bottom edge of the light fixture on seaward side so the light source is not visible from the beach; **[Ord. 2006-036]**
7. replace pole lamps with low-profile, low-level luminaires so that the light source is not visible from the beach;
8. plant or improve vegetation buffers between the light source and the beach to screen light from the beach;
9. construct an ornamental structural barrier to shield light source from the beach; and,
10. modify the light fixture by adding a shield. **[Ord. 2006-036]**

Section 12 Standards for Dune Crossovers

A. Information Sign Requirements

Permanent sea turtle information signs shall be conspicuously posted by applicable jurisdictions at all public beach access points provided with dune crossovers. The information signs shall be standardized by ERM.

1. Sign Posting Responsibility

Sea turtle information signs shall be encouraged at all new private beach access points provided with dune crossovers. Signage shall be the responsibility of the Property Owner.

2. Sign Maintenance Requirements

Standardized sea turtle information signs shall be maintained in perpetuity such that information printed on the signs remains accurate and legible and the signs positioned such that they are conspicuous to persons at all public beach access points provided with dune crossovers.

3. Sign Removal

Removal of the information signs by anyone other than those authorized by ERM is prohibited.

Section 13 Standards for SPZ

- A. There shall be no net loss of sand from the SPZ. Sand temporarily excavated from the SPZ shall be returned to the SPZ. Sand shall be returned to the SPZ prior to the issuance of a building department CO where a CO is required, or within six months of the excavation for projects which do not require a CO. In addition, the sand may not be degraded by mixing with any sediment, soil, or material, such that it will not meet the definition for beach compatible sand as defined. **[Ord. 2009-040]**
- B. Sediment analysis of existing beach/dune and any proposed fill material to be mixed with the existing sand may be required by ERM. Written notification must be provided to ERM (attention: ERM Coastal Geologist) prior to removal of sand from the SPZ.

Section 14 Appeals

Any affected party may appeal a final determination of ERM pursuant to [Art. 14.C.11, Appeals](#).

Section 15 Fees

- A. Fees shall be required as established by Resolution of the BCC. **[Ord. 2009-040] [Ord. 2011-001]**
- B. Fees shall be non-refundable and non-transferable.
- C. All application fees paid by check shall be made payable to the BCC.

Section 16 Violations

- A. An unapproved lighting source illuminated during the night that is directly or indirectly visible from the beach. **[Ord. 2011-001]**
- B. An approved lighting source that has experienced a change in conditions such that it is no longer in conformance with this Chapter. Violations may include but are not limited to: increase of intensity or direction of the light source; failure to maintain proper shielding; addition or modification of adjacent structures; modification of background colors of the structure; or, modification of height of vegetation, width or height of dune, or width of beach. **[Ord. 2011-001]**
- C. Installation of beachfront light fixtures in the limits described in [Art. 14.A.6.D](#), without ERM approval. **[Ord. 2009-040]**
- D. Submittal to ERM of any signed and sealed lighting inspection report containing false information.
- E. Removal of sand from the SPZ without first supplying written notification to ERM.
- F. Degrading sand by mixing with sediment, soil, or material such that it will not meet the definition for beach compatible sand.
- G. Alterations which result in a net loss of sand from the SPZ.
- H. Failure to comply with the requirements of this Chapter or any approval granted or authorized hereunder.
- I. Traversing a natural dune by a pedestrian within 200 feet of a public dune walkover.
- J. Any lighting projects or alterations which would have been in violation of PBC Ordinances No. 72-12, 78-20, 87-13, or 90-2, as amended, during its effective period, shall continue to be violations under this Chapter but shall be subject to prosecution under the terms of PBC Ordinances No. 72-12, 78-20, 87-13, or 90-2, as amended.

Section 17 Enforcement and Implementation of Corrective Measures

- A. In order to enforce compliance with the provisions of this Chapter, ERM may do one or more of the following: **[Ord. 2011-001]**
 - 1. provide the violator with verbal or written notice of noncompliance; **[Ord. 2011-001]**
 - 2. require a noncompliant Property Owner to take corrective measures; **[Ord. 2011-001]**
 - 3. issue a notice of noncompliance; **[Ord. 2011-001]**
 - 4. issue a notice of violation citation; **[Ord. 2011-001]**
 - 5. issue a Notice of Hearing; **[Ord. 2011-001]**
 - 6. issue a cease and desist order; and, **[Ord. 2011-001]**
 - 7. require that a Building Permit or CO be withheld, if the noncompliance involves new construction. **[Ord. 2011-001]**
- B. When a violator is required to take corrective measures to cure a violation, such corrective measures shall be implemented in addition to applicable penalties and fines. **[Ord. 2011-001]**
- C. Violations of the provisions of this Chapter shall be punishable by one or more of the following:
 - 1. triple application fees for STLP approvals not obtained prior to violations involving activities which would otherwise have been authorized as determined by ERM;
 - 2. enforcement procedures as outlined in this Chapter and in [Art. 10.C, Groundwater and Natural Resources Protection Board](#). **[Ord. 2011-001]**
- D. All monies collected as civil penalties for violations of this Chapter shall be deposited in the Pollution Recovery Trust Fund.

CHAPTER B WELLFIELD PROTECTION

Section 1 Purpose and Intent

- A. The purpose and intent of this Chapter is to protect and safeguard the health, safety, and welfare of the residents and visitors of PBC by providing criteria for regulating and prohibiting the use, handling, production, and storage of certain deleterious substances which may impair present and future public potable water supply wells and wellfields.

Section 2 Definitions

See [Art. 1.H, Definitions and Acronyms](#).

Section 3 Applicability

A. General

The provisions of this Chapter shall be effective within the incorporated and unincorporated areas of PBC, and shall set restrictions, constraints, and prohibitions to protect present and future public potable water supply wells and wellfields from degradation by contamination of deleterious substances.

B. Review and Permitting Procedures

No Building Permit or Business Tax Receipt for any non-residential activity shall be issued by PBC or any city located within PBC that would allow development or construction in Zones 1, 2, 3, or 4 that is contrary to the restrictions and provisions provided in this Chapter. Permits or Business Tax Receipts issued in violation of this Chapter confirm no right or privilege on the grantee and such invalid permit or licenses will not vest rights. **[Ord. 2007-013]**

Section 4 Effective Date

A. Effective Date

The requirements and provisions of this Chapter shall apply immediately upon and after March 7, 1988 to all new non-residential activities. An existing activity is one for which a Building Permit or Business Tax Receipt had been issued by the appropriate jurisdiction prior to March 7, 1988 and which had not expired on or before March 7, 1988, or for which a completed Building Permit or Business Tax Receipt application had been filed and accepted with the appropriate jurisdiction prior to March 7, 1988. All other activities shall be deemed "new." **[Ord. 2007-013]**

B. Time of Review

Any application for a Building Permit for a non-residential development or residential development greater than 25 units or non-residential development subject to review by an advisory planning body and approval by the local governing authority or zoning board of appeals that includes property wholly or partially within Zones 1, 2, 3, or 4, of a wellfield shall include requirements of ERM. These requirements shall be as follows:

1. Notification by the local governing authority of the location of the property in Zones 1, 2, 3, or 4 and notarized letter from Applicant admitting acceptance of notification. Notification shall be prepared by ERM providing details of zones, prohibitions, and measures required for compliance; or
2. Submittal of application to ERM for notification.

C. Certification of Compliance

Any application submitted for a Business Tax Receipt for any use within Zones 1, 2, 3, or 4 of an incorporated or unincorporated area shall require certification by ERM that the use meets the applicable requirements of this Article. **[Ord. 2007-013]**

D. Screening of Occupational License

It shall be the duty of each local agency to screen all applications for Zones 1, 2, 3, or 4 Business Tax Receipts. **[Ord. 2007-013]**

E. Zone 1 Activities

ERM shall provide a list to all local agencies of potentially prohibited operations in Zone 1.

F. Interdepartmental Coordination

Copies of Building Permits for residential uses containing more than 25 units, all non-residential projects, and all occupational licenses issued for Zones 1, 2, 3, or 4 shall be submitted to ERM on a weekly basis, or upon issuance by the appropriate issuing authority.

Section 5 Exemption

A. General Exemptions

A general exemption application and an operating permit issued pursuant to the provisions of [Art. 14.B.6.C.2, Zone 2](#), shall be filed with ERM for any non-residential activity claiming a general exemption to these regulations under [Art. 14.B.5.A.4.a, Fire, Police, Emergency Medical Services, and PBC Emergency Management Center Facilities](#), [Art. 14.B.5.A.4.b, Utilities in Zone 1](#), and [Art. 14.B.5.A.4.f, Retail/Wholesale Sales Activities](#). No non-residential facility that stores, handles, produces, or uses any Regulated Substances after March 7, 1988 shall be eligible for a general exemption in Zone 1 unless such facility was in existence prior to the establishment of a new Wellfield Zone 1 or a reconfigured Wellfield Zone 1 and is required to move or cease operations as a direct result of a change in the Wellfield Protection Maps. **[Ord. 2013-001]**

1. Application

A general exemption application shall contain a concise statement detailing the circumstances which the Applicant believes would entitle him or her to a general exemption pursuant to [Art. 14.B.5.A, General Exemptions](#).

2. Fee

A fee shall be required as established by the approved Fee Schedule.

3. Procedure

Within 30 working days of receipt of an application for a general exemption, ERM shall inform the Applicant whether such application contains sufficient information for a proper determination to be made. If the application is found to be insufficient, then ERM shall provide to the Applicant a written statement by certified mail or hand delivery requesting the additional information required. The Applicant shall inform ERM within ten working days of the date of the written statement of intent to either furnish the information or have the application processed as originally submitted. ERM shall have 90 working days from the date that the sufficiency determination was rendered or the date of receipt of additional requested information to act upon the application.

4. General Exemption Activities and Criteria

a. Fire, Police, Emergency Medical Services, and PBC Emergency Management Center Facilities

Existing fire, police, emergency medical services, and PBC Emergency Management center facilities are exempt from the Zone 1 prohibitions set forth in [Art. 14.B.6.C.1, Zone 1](#), provided that an operating permit for such uses is obtained pursuant to [Art. 14.B.7.B.1, Operating Permit](#).

b. Utilities in Zone 1

Existing utilities as of July 25, 1991 shall be exempt, except for the maintenance and refueling of vehicles, from the Zone 1 prohibitions set forth in [Art. 14.B.6.C.1, Zone 1](#), provided that an operating permit for such uses is obtained pursuant to [Art. 14.B.7.B.1, Operating Permit](#).

c. Continuous Transit

The transportation of any Regulated Substance through Zones 1, 2, 3, or 4 shall be exempt from the provisions of this Chapter, provided that the transporting motor vehicle is in continuous transit. The transport of such substances through existing permanent pipelines is also exempt, provided that the currently authorized use or uses are not changed, and provided that leak detection and monitoring as approved by ERM are employed. No general exemption or operating permit application is required except that an operating permit is required to establish the leak detection and monitoring requirements for said existing pipelines. Any new pipelines constructed through Zones 1, 2, or 3 and carrying Regulated Substances shall be provided with secondary containment, leak detection, and monitoring as approved by ERM.

d. Vehicular and Lawn Maintenance Fuel and Lubricant Use

The use in a vehicle or lawn maintenance equipment of any Regulated Substance solely as fuel in that vehicle or equipment fuel tank or as a lubricant in that vehicle or equipment shall be exempt from the provisions of this Chapter. No general exemption or operating permit application is required.

e. Application of Pesticides, Herbicides, Fungicides, and Rodenticides

The application of those Regulated Substances used as pesticides, herbicides, fungicides, and rodenticides in recreation, agriculture, pest control, and aquatic weed control activities shall be exempt from the provisions of this Chapter provided that:

- 1) in all zones, the application is in strict conformity with the use requirement as set forth in the substances EPA registries and as indicated on the containers in which the substances are sold;

- 2) in all zones, the application is in strict conformity with the requirements as set forth in [F.S. ch. 482](#), [F.S. ch. 487](#), [Chapter 5E-2, F.A.C.](#), and [Chapter 5E-9, F.A.C.](#);
 - 3) in all zones, the application of any of the pesticides, herbicides, fungicides, and rodenticides shall be noted in the records of the certified operator. Records shall be kept of the date and amount of these substances applied at each location and said records shall be available for inspection at reasonable times by ERM;
 - 4) in Zones 1, 2, 3, or 4, the pesticides, herbicides, fungicides, and rodenticides shall not be handled during application in a quantity exceeding 700 gallons of formulation; and,
 - 5) all non-residential applicators of pesticides, herbicides, fungicides, and rodenticides who apply those substances in Zones 1, 2, 3, or 4 shall obtain an operating permit covering all application operations using these materials under one permit and shall comply with all the requirements of [Art. 14.B.6.C.2.b.3](#)), [Emergency Plan](#).
- f. Retail/Wholesale Sales Activities**
Retail/wholesale sales establishments in Zone 1 that store and handle Regulated Substances for resale in their original unopened containers shall be exempt from the prohibition in Zone 1, provided that those establishments obtain an operating permit pursuant to [Art. 14.B.6.C.1, Zone 1](#). Items in [Art. 14.B.6.C.2.b.7](#)), [Monitoring for Regulated Substances in the Potable Water Wells](#), certification by a Professional Engineer or Professional Geologist registered or licensed in the State of Florida, and a bond or letter of credit as set forth in [Art. 14.B.7.B.4, Bond Required](#), are not required for facilities in Zones 1, 2, or 3, provided no individual container of Regulated Substances exceeds five gallons, if liquid, or 25 pounds, if solid.
- g. Office Uses**
Offices uses, except for the use of Regulated Substances for the maintenance and cleaning of office buildings, shall be exempt from the provisions of this Chapter, and no general exemption or operating permit shall be required.
- h. Construction Activities**
The activities of constructing, repairing, or maintaining any facility or improvement on lands within Zones 1, 2, 3, or 4 shall be exempt from the provisions of this Chapter, provided that all contractors, subcontractors, laborers, material men, and their employees, when using, handling, storing, or producing Regulated Substances in Zones 1, 2, 3, or 4, use those applicable Best Management Practices set forth in [Appendix 3, Best Management Practices for the Construction Industry](#), attached hereto and incorporated herein. No general exemption or operating permit applications are required.
- i. Activities Subject to Regulation Due to Accumulation of Waste Regulated Substances**
Activities in Zones 2 or 3, which are subject to permitting requirements of this Chapter shall obtain an operating permit pursuant to the provisions in [Art. 14.B.6.C.2, Zone 2](#), or [Art. 14.B.6.C.3, Zone 3](#). Items in [Art. 14.B.6.C.2.b.7](#)), [Monitoring for Regulated Substances in the Potable Water Wells](#), and [Art. 14.B.6.C.2.b.8](#)), [Regulated Substances in Groundwater Monitoring Wells](#), and a bond or letter of credit as set forth in [Art. 14.B.7.B.4, Bond Required](#), are not required, provided that all waste liquid Regulated Substances are secondarily contained according to the conditions described in [Art. 14.B.6.C.2.b.1](#)), [Containment of Regulated Substances](#), and are removed from the site on a regular schedule by a contracted hauler licensed by EPA or the State of Florida to handle the waste Regulated Substances. The accumulated waste Regulated Substances shall at no time exceed 55 gallons if liquid or 220 pounds if solid, and the accumulation time shall not exceed 90 days. Records of removal and disposal of all waste Regulated Substances through the licensed hauler shall be maintained and made available for ERM inspection at reasonable times. In addition, all other Regulated Substances shall not exceed the threshold quantities identified in the definition of "Regulated Substances." Failure to comply with any of these requirements shall subject the facility to the full permitting provisions for the applicable zone.

B. Special Exemptions

An affected person in Zones 1 or 2 may petition the Hearing Officer pursuant to the appeal process in [Art. 14.C.11, Appeals](#), for a special exemption, from the prohibitions and monitoring requirements set out in [Art. 14.B.6.C.1, Zone 1](#), and [Art. 14.B.6.C.2, Zone 2](#). No non-residential facility that stores, handles, produces, or uses any Regulated Substances after March 7, 1988 shall be eligible for a special exemption in Zone 1 unless such facility was in existence prior to the establishment of a new Wellfield Zone 1 or a reconfigured Wellfield Zone 1 and is required to move or cease operations as a direct result of a change in the Wellfield Protection Maps. **[Ord. 2013-001]**

1. Criteria

In order to obtain a special exemption, a person must demonstrate, by a preponderance of competent, substantial evidence, that:

- a. Special or unusual circumstances and adequate technology exists to isolate the facility or activity from the potable water supply; and
- b. In granting the special exemption, the Hearing Officer pursuant to [Art. 14.C.11, Appeals](#), may prescribe any additional appropriate conditions and safeguards which are necessary to protect the wellfield.

2. Procedures

The following special exemption application and review procedures shall apply to activities claiming a special exemption with adequate technology to isolate the facility or activity from the potable water supply and protect the wellfield:

a. Application

A special exemption application claiming special or unusual circumstances and adequate protection technology shall be filed with ERM, who shall then promptly notify the County Attorney's Office that such an application has been filed. The application shall be signed by the Applicant and a Professional Engineer or Professional Geologist registered or licensed in the State of Florida;

b. Basis for Application

The application shall contain a concise statement by the Applicant detailing the circumstances that the Applicant feels entitles the Applicant to special exemption, pursuant to this Chapter;

c. Fee

A fee shall be required as established by the approved Fee Schedule; and,

d. Submittal Requirements

The application for special exemption shall contain but not be limited to the following elements:

1) Operating Conditions

A description of the situation at the site requiring isolation from the wellfield, including:

- a) a list of the Regulated Substances in use at the site;
- b) a Site Plan of the facility including all storage, piping, dispensing, shipping, etc. facilities;
- c) what operations at the facility involve Regulated Substances which must be isolated from the wellfields;
- d) the location of all operations involving Regulated Substances;
- e) a sampling and analysis of the groundwater on the site of the activity seeking a special exemption shall be performed to determine if any Regulated Substances are already present which constitute a threat to the water supply;
- f) an analysis of the affected well showing whether or not such well is already contaminated by any Regulated Substances and the extent of such contamination; and,
- g) a hydrogeologic assessment of the site which shall address, as a minimum, soil characteristics and groundwater levels, directional flow, and quality.

2) Technical Components

A technical proposal to achieve the required isolation including:

- a) components to be used and their individual functions;
- b) system tying the components together;
- c) a discussion and documentation, such as published technical articles, substantiating the performance and reliability of the components individually and the system as a whole. If the system has not been field tested, a discussion and laboratory test documentation to substantiate the proposed performance and reliability of the system; and,
- d) details of the specific plans to install the system at the site.

3) Testing Procedures

If the proposed system does not have a proven history of successful in-field operation, it may still be proposed using proven components. A test plan for the system as installed shall be provided to prove that the proposed system works in the field.

4) Back-Up Detection

A technical proposal for back-up detection of Regulated Substances that may elude the isolation system and escape to outside a perimeter to be established by ERM. Such proposal shall include emergency measures to be initiated in case of escape of Regulated Substances.

5) Criteria for Success

Site-specific, system performance criteria shall be proposed to ascertain the success of the system. Such criteria shall include but shall not be limited to:

- a) performance;
- b) reliability;
- c) level of maintenance;
- d) level of sensitivity to Regulated Substances; and,
- e) effect of rain, flood, power failure, or other natural disaster.

6) Precautions in Event of Failure

The Applicant shall provide information on the on-site availability of substance removal technologies sufficient to remediate any introduction of Regulated Substances into the water table at the site. Where water is removed from on-site wells during the remedial process a plan shall be proposed for the disposal of such water.

7) Closure Plan

A closure plan shall be provided in the event the system does not prove successful in the testing required by [Art. 14.B.5.B.2.d.3\), Testing Procedures](#).

8) Other Information

Any other reasonable information deemed necessary by ERM shall be due to site-specific circumstances.

e. Sufficiency Review

Within 30 working days of receipt of an application for special exemption, ERM shall inform the Applicant whether such application contains sufficient information for a proper determination to be made. If the application is found to be insufficient, then ERM shall provide to the Applicant a written statement by certified mail or hand delivery requesting the required additional information. The Applicant shall inform ERM within ten working days of the date of the written statement of intent to either furnish the information or have the application denied. When the application contains sufficient information for a proper determination to be made, ERM shall notify the County Attorney's Office that all documentation necessary to evaluate the special exemption has been received, and shall promptly transmit all such documentation to the County Attorney's Office.

f. Action on Application

Any special exemption granted by the reference to [Art. 14.C.11, Appeals](#), shall be subject to the applicable conditions which apply to Zones 1 and 2 and any other reasonable and necessary special conditions imposed by the reference to [Art. 14.C.11, Appeals](#). An operating permit shall be issued by ERM with the applicable conditions of [Art. 14.B.6.C.1, Zone 1](#), and [Art. 14.B.6.C.2, Zone 2](#), and any other reasonable and necessary special conditions imposed by the Hearing Officer. Such special exemptions shall be subject to revocation or revision by ERM for violation of any condition of said special exemption by first issuing a written notice of intent to revoke or revise (certified mail return receipt requested or hand delivery). Upon revocation or revision, the activity will immediately be subject to the enforcement provisions of this Article. **[Ord. 2013-001]**

Section 6 Zones of Influence

A. Maps

The Zones of Influence Maps, developed as described in [Art. 14.B.6.A.2, Basis](#), are incorporated herein and made a part of this Chapter. These Maps shall be on file and maintained by ERM.

1. Amendments

Any amendments, additions, or deletions to said Maps shall be approved by the BCC after public hearing. **[Ord. 2013-001]**

2. Basis

The Zones of Influence Maps are based upon travel time contours and one-foot drawdown contours. They are generated using a contaminant transport computer model that simulates pollutant movement using particles released around wells. The travel time contours and the one-foot drawdown contours are calculated by using finite difference computer modeling techniques that incorporate the effects of an extensive canal system, groundwater flows, and SFWMD Consumptive Use Permit-approved public water supply pumping rates. Additional considerations may be incorporated into the modeling methodology as approved by ERM. **[Ord. 2006-036]**

3. Review

The Zones of Influence Maps shall be reviewed at least on an annual basis. However, failure to conduct said review shall not affect the validity of the existing approved Maps. The basis for updating said Maps may include, but is not limited to, the following:

- a. Changes in the technical knowledge concerning the applicable aquifer;
- b. Changes in the pumping rate of wellfields;
- c. Wellfield reconfiguration; and,
- d. Designation of new wellfields.

4. Boundaries

The Zones of Influence indicated on the Zones of Influence Maps are as follows:

a. Zone 1

The land area situated between the well(s) and the 30-day travel time contour;

b. Zone 2

The land area situated between the 30-day and the 210-day travel time contours;

c. Zone 3

The land area situated between 210-day and the 500-day travel time contours; and,

d. Zone 4

The land area situated beyond the 500-day travel time contour and within the one-foot drawdown contour.

5. Interpretation of Boundaries

In determining the location of properties and facilities within the zones depicted on the Zones of Influence Maps, the following rules shall apply:

- a. Properties located wholly within one zone reflected on the applicable Zones of Influence Maps shall be governed by the restrictions applicable to that zone;
- b. To that the extent [Art. 14.B.6.C, Prohibitions and Restrictions](#), does not apply, properties having parts lying within more than one zone as reflected on the applicable Zones of Influence Maps shall be governed by the restrictions applicable to the zone in which the part of the property is located;
- c. Where a travel time contour which delineates the boundary between two Zones of Influence, passes through a facility, the entire facility shall be considered to be in the more restrictive zone; and,
- d. Where the facility, or portion thereof, is overlapped by Zones of Influence of different wells or wellfields, the stricter zones shall apply.

6. Reference Raw Water Analysis to Be Completed for Each Well

A reference set of raw water analyses shall be completed for each well for which a Zones of Influence Map has been established. Said analyses shall be completed within 185 days after March 7, 1988, for existing wells. A copy of the analytical report shall be forwarded to ERM and the PBCHD within 14 days of completion. For any new well, this set of analyses shall be completed prior to the release of the well into service by the PBCHD and ERM. Said analyses shall address inorganic priority pollutants and organic pollutants as listed in [Chapter 62-550, F.A.C.](#) The cost shall be borne by the utility. The analytical reports shall be prepared by a State of Florida-certified laboratory, certified for the applicable analyses. Samples shall be taken by the State of Florida-certified laboratory performing the analyses, or its authorized representative. **[Ord. 2013-001]**

B. Protection of Future Wellfields

The prohibitions and restrictions set forth in this Chapter and in regulations promulgated pursuant hereto shall apply to any sites officially designated by the BCC as future wellfields. Such prohibitions and restrictions shall become effective upon approval by the BCC of the Zones of Influence Maps for the designated future wellfield. [Ord. 2013-001]

C. Prohibitions and Restrictions

1. Zone 1

a. Prohibited Activities

The use, handling, production, and storage of Regulated Substances associated with non-residential activities is prohibited in Zone 1, except as provided under the general exemptions and special exemptions provisions of this Chapter.

b. Closure of Existing Uses

All existing non-residential activities within Zone 1 which store, handle, use, or produce any Regulated Substances shall cease to do so within one year from the date of notification by writing, certified mail, or hand delivery, except as provided for in this Chapter.

A closure permit application, general exemption application, or a special exemption application prepared and signed by a Professional Engineer or Professional Geologist registered or licensed in the State of Florida shall be submitted to ERM within 120 days receipt of the notice to cease. Within 30 days of receipt of said notice, the owner or operator shall file with ERM proof of retention of said engineer or geologist.

Any non-residential activity in Zone 1 which is allowed to continue in accordance with the general exemption or special exemption provisions of this Chapter shall obtain an operating permit, unless expressly not required by this Chapter, which shall indicate the special conditions to be instituted and the dates on which such conditions shall be instituted. Such activities shall comply with all Zone 2 requirements unless otherwise provided herein. No expansions, modifications, or alterations which would increase the storage, handling, use, or production of Regulated Substances shall be permitted in Zone 1. An owner or operator that is denied a special exemption shall be issued a closure permit as part of the denial process. Any operating permit application required herein shall be filed with the applications for general exemption or special exemption.

2. Zone 2

a. Prohibited Activities

All non-residential activities within Zone 2 which store, handle, use, or produce any Regulated Substance are prohibited, unless they qualify as a general exemption, obtain a special exemption, or receive an operating permit from ERM.

b. Permit Conditions

An operating permit issued to any non-residential activity within Zone 2 that stores, handles, uses, or produces any Regulated Substance shall be subject to the following conditions:

1) Containment of Regulated Substances

Leak-proof trays under containers, floor curbing, or other containment systems to provide secondary liquid containment shall be installed. The containment shall be of adequate size to handle all spills, leaks, overflows, and precipitation until appropriate action can be taken. The specific design and selection of materials shall be sufficient to preclude any Regulated Substance loss to the external environment. Containment systems shall be sheltered so that the intrusion of precipitation is effectively prevented. The owner/operator may choose to provide adequate and appropriate liquid collection methods rather than sheltering only after approval of the design by ERM. These requirements shall apply to all areas of use, production, and handling, to all storage areas, to loading and off-loading areas, and to above-ground and underground storage areas. The containment devices and liquid collection systems shall be certified in the operating permit application by the Professional Engineer or Professional Geologist registered or licensed in the State of Florida.

2) Emergency Collection Devices

Vacuum suction devices, absorbent scavenger materials, or other devices approved by ERM, shall be present on site or available within two hours (one hour in Zone 1) by contract with a clean-up company approved by ERM, in sufficient magnitude so as to control and collect the total quantity of Regulated Substances present. To the degree feasible, emergency containers shall be present and of such capacity as to hold the total quantity of Regulated Substances plus absorbent material. The presence of such emergency collection devices shall be certified

in the operating permit application for existing activities. Such certification for new activities shall be provided to ERM prior to the presence of Regulated Substances on the site. Certification shall be provided by a Professional Engineer or Professional Geologist registered or licensed in the State of Florida.

3) Emergency Plan

An emergency plan shall be prepared and filed with the operating permit application indicating the procedures which will be followed in the event of spillage of a Regulated Substance so as to control and collect all such spilled material in such a manner as to prevent it from reaching any storm or sanitary drains or the ground.

4) Inspection

A responsible person designated by the permittee who stores, handles, uses, or produces the Regulated Substances shall check on every day of operation, for breakage or leakage of any container holding the Regulated Substances. Electronic sensing devices may be employed as part of the inspection process, if approved by ERM, and provided the sensing system is checked daily for malfunctions. The manner of daily inspection shall not necessarily require physical inspection of each container provided the location of the containers can be inspected to a degree which reasonably assures ERM that breakage or leakage can be detected by the inspection. Monitoring records shall be kept and made available to ERM at all reasonable times for examination.

5) Proper and Adequate Maintenance of Containment and Emergency Equipment

Procedures shall be established for quarterly, in-house inspection and maintenance of containment and emergency equipment. Such procedure shall be in writing; a regular checklist and schedule of maintenance shall be established; and, a log shall be kept of inspections and maintenance. Such logs and records shall be available for inspection by ERM.

6) Reporting of Spills

Any spill of a Regulated Substance in excess of the non-aggregate quantity thresholds identified in the definition of "Regulated Substances" shall be reported by telephone to PBCHD and the designated public utility within one hour, and to ERM within 24 hours of discovery of the spill. Clean-up shall commence immediately upon discovery of the spill. A full written report including the steps taken to contain and clean up the spill shall be submitted to ERM within 15 days of discovery of the spill.

7) Monitoring for Regulated Substances in the Potable Water Wells

Arrangements shall be made with the designated public utility to establish a semi-annual schedule of raw water analysis unless sampling results indicate contamination, in which case ERM shall require an increased sampling schedule.

The analysis shall be for all substances which are listed on the operating permit. The analytical reports shall be prepared by a State of Florida-certified laboratory, certified for the applicable analyses. It shall be the responsibility of the designated public utility to provide for the sampling and analyses but the cost shall be borne by the permittee or those permittees on a *pro-rata* basis as to the same substances listed on the permits of those permittees in Zones of Influence of the subject well. Samples shall be taken by the State of Florida-certified laboratory performing the analyses, or its authorized representative. Semi-annual reports prepared by a State of Florida-certified laboratory of the analyses for Regulated Substances shall be submitted to ERM for the purpose of determining the presence of Regulated Substances in each well for which a Zones of Influence Map has been established.

8) Regulated Substances in Groundwater Monitoring Wells

Groundwater monitoring well(s) shall be provided at the expense of the permittee in a manner, number, and location approved by ERM. Except for existing wells found by ERM to be adequate for this provision, the required well or wells shall be installed by a State of Florida-licensed water well contractor. Samples shall be taken by the State of Florida-certified laboratory performing the analyses, or its authorized representative. Analytical reports prepared by a State of Florida-certified laboratory of the quantity present in each monitoring well of the Regulated Substances listed in the activity's operating permit shall be filed at least semi-annually, or more frequently, as determined by ERM, based upon site conditions and operations.

9) Alterations and Expansions

ERM shall be notified in writing prior to the expansion, alteration, or modification of an activity holding an operating permit. Such expansion, alteration, or modification may result from

increased square footage of production or storage capacity, or increased quantities of Regulated Substances, or changes in types of Regulated Substances beyond those square footages, quantities, and types upon which the permit was issued. Should a facility add new Regulated Substances which individually are below the non-aggregate limits identified in the definition of "Regulated Substances," it shall notify ERM on an annual basis of the types and quantities of such substances added and the location of the use, handling, storage, and production of said substances. **[Ord. 2013-001]**

Any such expansion, alteration, or modification shall be in strict conformity with this Chapter. Further, except as provided herein, any existing operating permit shall be amended to reflect the introduction of any new Regulated Substances resulting from the change. However, the introduction of any new Regulated Substance shall not prevent the revocation or revision of any existing operating permit if, in the opinion of ERM, such introduction substantially or materially modifies, alters, or affects the conditions upon which the existing operating permit was granted or the ability to remain qualified as a general exemption, if applicable, or to continue to satisfy any conditions that have been imposed as part of a special exemption, if applicable. ERM shall notify the permittee in writing within 60 days of receipt of the permittee's notice that ERM proposes to revoke or revise the permit and state the grounds therefore.

10) Reconstruction after Catastrophe

Reconstruction of any portion of a structure or building in which there is any activity subject to the provisions of this regulation which is damaged by fire, vandalism, flood, explosion, collapse, wind, war, or other catastrophe shall be in strict conformity with this Chapter.

11) Revocation or Revision for Spill

Within 30 days of acquiring knowledge of any spill of a Regulated Substance, ERM shall consider revocation or revision of the permit. In consideration of whether to revoke or revise the permit, ERM may consider the intentional nature or the degree of negligence, if any, associated with the spill, the extent to which containment or clean-up is possible, the nature, number, and frequency of previous spills by the permittee, and the potential degree of harm to the groundwater and surrounding wells due to such spill.

c. Permits for Existing Uses

All existing non-residential activities in Zone 2 which use, handle, store, or produce Regulated Substances shall file an application for an operating permit within 90 days of the receipt of written notice from ERM. Said permit application shall be prepared and signed by a Professional Engineer or Professional Geologist registered or licensed in the State of Florida, except for closure or transfer permits as provided [Art. 14.B.7.B.2, Closure Permit](#), and [Art. 14.B.10, Transfers and Changes in Ownership](#). Within 30 days of receipt of said notice, the owner or operator shall file with ERM proof of retention of said engineer or geologist. If application is made for an operating permit, such a permit shall be issued or denied within 60 days of the filing of the completed application. If the application for an operating permit is denied, then the activity shall cease within 180 days of the denial of the operating permit. All Regulated Substances and contaminated containers shall be disposed in a lawful and environmentally sound manner in accordance with applicable State and Federal laws, and the activity and environs shall be cleaned up so as to preclude leaching of residual Regulated Substances into the environment. **[Ord. 2013-001]**

3. Zone 3

a. Prohibited Activities

All non-residential activities within Zone 3 which store, handle, use, or produce any Regulated Substance are prohibited, unless they qualify as a general exemption or receive an operating permit from ERM.

b. Permit Conditions

An operating permit issued to any non-residential activity within Zone 3 that stores, handles, uses, or produces any Regulated Substance shall be subject to the following conditions:

1) Containment of Regulated Substances

Leak-proof trays under containers, floor curbing, or other containment systems to provide secondary liquid containment shall be installed. The containment shall be of adequate size to handle all spills, leaks, overflows, and precipitation until appropriate action can be taken. The specific design and selection of materials shall be sufficient to preclude any Regulated Substance loss to the external environment. Containment systems shall be sheltered so that the intrusion of precipitation is effectively prevented. The owner/operator may choose to provide adequate and appropriate liquid collection methods rather than sheltering only after

approval of the design by ERM. These requirements shall apply to all areas of use, production, and handling, to all storage areas, to loading and off-loading areas, and to above-ground and underground storage areas. The containment devices and liquid collection systems shall be certified in the operating permit application by the Professional Engineer or Professional Geologist registered or licensed in the State of Florida.

2) Emergency Plan

An emergency plan shall be prepared and filed with the operating permit application indicating the procedures which will be followed in the event of spillage of a Regulated Substance so as to control and collect all such spilled material in such a manner as to prevent it from reaching any storm or sanitary drains or the ground.

3) Inspection

A responsible person designated by the permittee who stores, handles, uses, or produces the Regulated Substances shall check on every day of operation, for breakage or leakage of any container holding the Regulated Substances. Electronic sensing devices may be employed as part of the inspection process, if approved by ERM, and provided the sensing system is checked daily for malfunctions. The manner of daily inspection shall not necessarily require physical inspection of each container provided the location of the containers can be inspected to a degree which reasonably assures ERM that breakage or leakage can be detected by the inspection. Monitoring records shall be kept and made available to ERM at all reasonable times for examination.

4) Maintenance of Containment and Emergency Equipment

Procedures shall be established for the quarterly in-house inspection and maintenance of containment and emergency equipment. Such procedure shall be in writing; a regular checklist and schedule of maintenance shall be established; and, a log shall be kept of inspections and maintenance. Such logs and records shall be available for inspection by ERM.

5) Reporting of Spills

Any spill of a Regulated Substance in excess of the non-aggregate quantity thresholds identified in the definition of "Regulated Substances" shall be reported by telephone to PBCHD and the designated public utility within one hour, and to ERM within 24 hours of discovery of the spill. Clean-up shall commence immediately upon discovery of the spill. A full written report including the steps taken to contain and clean up the spill shall be submitted to ERM within 15 days of discovery of the spill.

6) Revocation or Revision for Spill

Within 30 days of acquiring knowledge of any spill of a Regulated Substance, ERM shall consider revocation or revision of the permit to comply with some or all the conditions applicable to Zone 2, as set forth in [Art. 14.B.6.C.2.b, Permit Conditions](#), in addition to the Zone 3 conditions of [Art. 14.B.6.C.3.b, Permit Conditions](#). In consideration of whether to revoke or revise the permit, ERM may consider the intentional nature or the degree of negligence, if any, associated with the spill, the extent to which containment or clean-up is possible, the nature, number, and frequency of previous spills by the permittee, and the potential degree of harm to the groundwater and surrounding wells due to such spill.

7) Permit Process

Operating permits required by this Chapter shall be applied for and processed in accordance with [Art. 14.B.6.C.2.c, Permits for Existing Uses](#), by filing an application for an operating permit within 90 days of the receipt of written notice from ERM. Said permit application shall be prepared and signed by a Professional Engineer or Professional Geologist registered or licensed in the State of Florida. Within 30 days of receipt of said notice, the owner or operator shall file with ERM proof of retention of said engineer or geologist. If application is made for an operating permit, such a permit shall be issued or denied within 60 days of the filing of the completed application. If the application for an operating permit is denied, then the activity shall cease within 180 days of the denial of the operating permit. All Regulated Substances and contaminated containers shall be disposed in a lawful and environmentally sound manner in accordance with applicable State and Federal laws, and the activity and environs shall be cleaned up so as to preclude leaching of residual Regulated Substances into the environment.

[Ord. 2013-001]

4. Zone 4

a. Prohibited Activities

All non-residential activities within Zone 4 which store, handle, use, or produce any Regulated Substance are prohibited, unless they qualify as a general exemption or receive an operating permit from ERM.

b. Permit Conditions

An operating permit issued to any non-residential activity within Zone 4 that stores, handles, uses, or produces any Regulated Substance shall be subject to the following conditions:

1) Inspection

A responsible person designated by the permittee who stores, handles, uses, or produces the Regulated Substances shall check on every day of operation, for breakage or leakage of any container holding the Regulated Substances. Electronic sensing devices may be employed as part of the inspection process, if approved by ERM, and provided the sensing system is checked daily for malfunctions. The manner of daily inspection shall not necessarily require physical inspection of each container provided the location of the containers can be inspected to a degree which reasonably assures ERM that breakage or leakage can be detected by the inspection. Monitoring records shall be kept and made available to ERM at all reasonable times for examination.

2) Reporting of Spills

Any spill of a Regulated Substance in excess of the non-aggregate quantity thresholds identified in the definition of "Regulated Substances" shall be reported by telephone to PBCHD and the designated public utility within one hour, and to ERM within 24 hours of discovery of the spill. Clean-up shall commence immediately upon discovery of the spill. A full written report including the steps taken to contain and clean up the spill shall be submitted to ERM within 15 days of discovery of the spill.

3) Revocation or Revision for Spill

Within 30 days of acquiring knowledge of any spill of a Regulated Substance, ERM shall consider revocation or revision of the permit to comply with some or all the conditions applicable to Zone 2, as set forth in [Art. 14.B.6.C.2, Zone 2](#), and [Art. 14.B.6.C.2.b, Permit Conditions](#), in addition to those of [Art. 14.B.6.C.4.b, Permit Conditions](#). In consideration of whether to revoke or revise the permit, ERM may consider the intentional nature or the degree of negligence, if any, associated with the spill, the extent to which containment or clean-up is possible, the nature, number, and frequency of previous spills by the permittee, and the potential degree of harm to the groundwater and surrounding wells due to such spill.

4) Permit Process

Operating permits required by this Chapter shall be applied for and processed by filing an application for an operating permit within 90 days of the receipt of written notice from ERM. Said permit application shall be prepared and signed by a Professional Engineer or Professional Geologist registered or licensed in the State of Florida. However, a non-residential activity in Zone 4 is not required to retain an engineer or geologist to prepare the operating permit if the revocation for spill provisions of this Chapter do not apply. Within 30 days of receipt of said notice, the owner or operator shall file with ERM proof of retention of said engineer or geologist. If application is made for an operating permit, such a permit shall be issued or denied within 60 days of the filing of the completed application. If the application for an operating permit is denied, then the activity shall cease within 180 days of the denial. All Regulated Substances and contaminated containers shall be disposed in a lawful and environmentally sound manner in accordance with applicable State and Federal laws, and the activity and environs shall be cleaned up so as to preclude leaching of residual Regulated Substances into the environment.

[Ord. 2013-001]

D. Other Requirements and Liabilities

A notice to cease, or a permit or exemption issued under this Chapter shall not relieve the owner or operator of the obligation to comply with any other applicable Federal, State, Regional, or Local regulation, rule, ordinance, or requirement. Nor shall said notice, permit, or exemption relieve any owner or operator of any liability for violation of such regulations, rules, ordinances, or requirements.

E. Domestic Wastewater and Stormwater Treatment

1. Sanitary Sewer Mains

All new or replacement installations of sanitary sewer mains in Zone 1 or Zone 2 of a public drinking water wellfield shall be constructed using pressure pipe. Standards for installation are shown in [Appendix 4, Minimum Standards for Sewer Pipe and Fittings](#), and shall be enforced by PBCHD through the permit process. For new wells placed in areas of existing sanitary sewers, the sewers in Zones 1 and 2 must be pressure tested at each joint, grouted, and sealed with proof of testing provided to the PBCHD prior to release of the well for service. **[Ord. 2013-001]**

2. Exfiltration Systems

No new exfiltration system shall be constructed in Zone 1 or Zone 2 of a public drinking water wellfield.

3. Retention/Detention Ponds

New retention or detention ponds located within wellfield zones shall comply with the criteria described in the SFWMD Management and Storage of Surface Waters Permit Information Manual IV. These criteria are enforced through the SFWMD permitting process.

4. Percolation Ponds

New percolation ponds for domestic wastewater treatment located within wellfield zones shall comply with the requirements for separation from public drinking water wells set forth in [Chapter 62-555, F.A.C.](#), and [Chapter 62-610, F.A.C.](#), and enforced by Florida Department of Environmental Protection and the PBCHD.

5. Land Application of Domestic Wastewater Effluent

Land application of domestic effluent or sludge within wellfield zones shall comply with the requirements for separation from public drinking water wells as set forth in [Chapter 62-555, F.A.C.](#), [Chapter 62-610, F.A.C.](#), and [Chapter 62-640, F.A.C.](#), and enforced by Florida Department of Environmental Protection and the PBCHD.

6. Onsite Sewage Disposal Systems

New onsite sewage disposal systems (septic tanks) located within wellfield zones shall comply with the requirements for maximum sewage loading and separation from public drinking water wells as set forth in Environmental Control Rule (ECR) I and enforced by the PBCHD.

F. Spill Assessment and Remediation

Upon discovery of a spill in a wellfield zone, a determination shall be made as to jurisdiction. ERM shall provide notification to the Florida Department of Environmental Protection and PBCHD including all available information pertinent to the spill. Florida Department of Environmental Protection will be responsible for determination if the spill occurrence constitutes a Resource Conservation and Recovery Act (RCRA) regulated material as defined in [Chapter 62-730, F.A.C.](#) and [40 CFR 261](#). If determination is made that the spill occurrence involves a RCRA-regulated material, Florida Department of Environmental Protection will assume the role as lead regulatory agency in assessment and remediation. ERM will assume the role as lead agency if determination reveals a non-RCRA Regulated Substance. Upon issuance of an order by ERM, corrective action shall immediately be initiated by the responsible person. Failure to initiate corrective action shall be a violation of this Chapter. Corrective action shall include any or all of the following:

1. Cessation of the discharge and initial control, containment, and recovery of free-flowing, floating, or standing pollutants;
2. Removal and disposal of contaminated soils, sediments, vegetation, containers, recovery, and other contaminated materials in accordance with applicable Federal, State, and Local regulations;
3. Assessment of the horizontal and vertical extent of soil, sediment, surface water, and groundwater contamination, as well as rate and direction of migration of the contaminants; and,
4. Remediation of contaminated soils, sediments, surface water, and groundwater to preclude further migration of unacceptable levels of residual Regulated Substances into or through the surface water or groundwater environment. ERM shall determine necessary, reasonable measures and timeframes for corrective action. The corrective action shall be completed to the satisfaction of ERM. Where State or Federal regulations establish procedures or clean-up levels for corrective action for particular discharges, the corrective action shall at a minimum comply with those procedures and clean-up levels. Completion of corrective action as specified by ERM shall not relieve the responsible person or persons of liability under any other applicable Federal, State, or Local regulation, rule, ordinance, or requirement; nor shall it relieve the responsible person or persons of liability for corrective actions for

conditions which were previously unknown to ERM, or which resulted from implementation of corrective action as required.

G. Closure Activity

When an activity in any zone ceases operation, all Regulated Substances and contaminated containers shall be disposed of in a lawful and environmentally sound manner in accordance with applicable State and Federal laws, and the activity and environs shall be cleaned up so as to preclude leaching of residual Regulated Substances into the environment. When an activity in Zone 1 ceases operation, a closure permit shall be obtained. **[Ord. 2013-001]**

Section 7 Wellfield Protection (Operating and Closure Permits)

The following provisions provide the requirements and procedures for the issuance of operating and closure permits required by this Chapter.

A. General

1. An application which satisfies the requirements of the applicable Zones of Influence, [Art. 14.B.7.B, Applications](#), for operating permits and, if applicable, [Art. 14.B.5.A, General Exemptions](#), for general exemptions, and [Art. 14.B.8, Appeals](#), shall be approved and a permit issued. In addition to the failure to satisfy these requirements, ERM may deny a permit based on repeated violations of this Chapter.
2. An operating permit shall remain valid provided the permittee is in compliance with the terms and conditions of the permit.
3. Permittees shall be required to pay annual permit renewal fees beginning October 1, 1990. Beginning October 1, 1990, all current and future permittees are subject to an annual permit renewal fee as established by the approved Fee Schedule. Notification to ERM under [Art. 14.B.6.C.2.b.9\), Alterations and Expansions](#), is due with the renewal fee.
4. ERM shall have the right to make inspections of facilities at reasonable times to determine compliance with this Chapter.
5. All of the facilities owned and/or operated by one person when these structures and activities are located on contiguous parcels of property even where there are intervening public or private roads, may be covered under one permit.

B. Applications

1. Operating Permit

All applications for operating permits shall, at the minimum, provide the following information:

- a. A list of all Regulated Substances and substances on the Generic Substance List which are to be stored, handled, used, or produced in the non-residential activity being permitted including their quantities.
- b. A detailed description of the non-residential activities that involve the storage, handling, use, or production of the Regulated Substances indicating the unit quantities in which the substances are contained or manipulated including layout plans or drawings of the facility in which the activities will take place.
- c. A description of the containment, the emergency collection devices, containers, and emergency plan that will be employed to comply with the restrictions required for Zones 2 and 3 as set forth above. For Zone 4 this particular documentation will only be required if a permit revision is required pursuant to [Art. 14.B.6.C.4.b.3\), Revocation or Revision for Spill](#).
- d. A description of the daily monitoring activities that have been or will be instituted to comply with the restrictions for Zones 2, 3, and 4 as set forth above in [Art. 14.B.6.C.2, Zone 2](#).
- e. A description of the maintenance that will be provided for the containment facility, monitoring system, and emergency equipment required to comply with the restrictions of Zones 2 and 3 as set forth above. For Zone 4 this particular documentation will be required if a permit revision is required pursuant to [Art. 14.B.6.C.4.b.3\), Revocation or Revision for Spill](#).
- f. A description of the groundwater monitoring wells that have been or will be installed, other pertinent well construction information, and the arrangements which have been made or which will be made for certified analyses for specified Regulated Substances. For Zones 3 and 4 this particular documentation will only be required for a revised operating permit as required under [Art. 14.B.6.C.3.b.6\), Revocation or Revision for Spill](#), [Art. 14.B.6.C.4.b.3\), Revocation or Revision for Spill](#), and [Art. 14.B.13.C, Spills](#).
- g. Evidence of arrangements made with the appropriate designated public utility for sampling analysis of the raw water from the potable water well. For Zones 3 and 4 this particular documentation will only be required for a revised operating permit as required under [Art. 14.B.6.C.3.b.6\), Revocation](#)

[or Revision for Spill, Art. 14.B.6.C.4.b.3\), Revocation or Revision for Spill](#), and [Art. 14.B.13.C, Spills](#).

- h. An agreement to indemnify and hold PBC harmless from any and all claims, liabilities, causes of action, or damages arising out of the issuance of the permit. PBC shall provide reasonable notice to the permittee of any such claims.
- i. The application for the operating permit shall be filed with ERM within 90 days of receipt of written notification from ERM.

2. Closure Permit

Closure permit applications shall be required in Zone 1 and contain the following information: **[Ord. 2013-001]**

- a. A schedule of events to complete the closure of an activity that does or did store, handle, use, or produce Regulated Substances. As a minimum, the following actions shall be addressed:
 - 1) Disposition of all Regulated Substances and contaminated containers;
 - 2) Clean-up of the activity and environs to preclude leaching of unacceptable levels of residual Regulated Substances into the aquifer;
 - 3) Certification by a Professional Engineer or Professional Geologist registered or licensed in the State of Florida that disposal and clean-up have been completed in a technically acceptable manner. The requirement for certification by a Professional Engineer or Geologist may be waived if the Applicant provides evidence to ERM that all of the following items are applicable:
 - a) The entire operation is maintained inside the building(s) of the facility;
 - b) The standard method of removing operating waste is not by septic tank, sewer mains, or floor drains;
 - c) There is no evidence of spills permeating floors or environs;
 - d) There are no outstanding or past notices of violation from any regulatory agency concerned with hazardous, industrial, or special waste;
 - e) There is no evidence of past contamination in the public drinking water well(s) associated with the facility in Zone 1; and,
 - f) The Applicant shall provide a sworn statement that disposal and clean-up have been completed in a technically acceptable manner.
 - 4) An appointment for an inspection by ERM; and,
 - 5) An agreement to indemnify and hold PBC harmless from any and all claims, liabilities, causes of action, or damages arising out of the issuance of the permit. PBC shall provide reasonable notice to the permittee of any such claims.
- b. The issue of well reconfiguration shall be evaluated by ERM and the affected public utility as an alternative to a closure permit during the permit application process. Should a utility notify ERM in writing that it intends to reconfigure a wellfield and said configuration no longer subjects a facility to Zone 1 and Zone 2 requirements, ERM may issue an operating permit providing conditions under which said facility may continue to operate.
- c. The Florida Department of Environmental Protection and the PBCHD shall be advised in writing of each closure permit application.

3. Permit Conditions

The permit conditions shall ensure compliance with all the prohibitions, restrictions, and requirements as set forth in this Chapter. Such conditions may include, but not be limited to, monitoring wells, periodic groundwater analysis reports, and compliance schedules. Said conditions may also include requirements in a closure permit to reduce the risk in the interim of contamination of the groundwaters, taking into account cost, likely effectiveness, and degree of risk to the groundwater.

4. Bond Required

Except as provided in [Art. 14.B.7.B.4.e](#), below, no permit herein required shall be issued unless there is filed at the time of application, except in the case of an application by a political subdivision or agency of the State of Florida, a cash bond, permit bond with a corporate surety, or letter of credit in the amount specified in [Appendix 2, Operating and Closure Permit Bonds](#), attached hereto and incorporated herein.

- a. The permittee will operate its non-residential activities and/or closure of such non-residential activities, as applicable, in accordance with the conditions and requirements of this Chapter and permits issued hereunder.
- b. The permittee shall reimburse PBC in accordance with [Art. 14.B.7.B.1, Operating Permit](#), for any and all expenses and costs that PBC incurs as a result of the permittee failing to comply with the conditions and requirements of this Chapter.
- c. Before a bond or letter of credit is accepted by ERM as being in compliance with this Chapter, the bond or letter of credit shall be reviewed and approved by the County Attorney's Office and Contract

Development and Control. A corporate bond shall be executed by a corporation authorized to do business in the State of Florida as a surety. A cash bond shall be deposited with ERM, who shall give receipt therefore.

- d. The bond or letter of credit required by this Chapter shall be kept in full force and effect for the term of the permit and for one year after voluntary cessation of activities permitted hereunder, expiration, or revocation of the permit.
- e. No bond or letter of credit is required for issuance of a permit for the following:
 - 1) Closure of a facility, provided that the conditions listed in [Art. 14.B.7.B.2.a.3](#)), above for waiver of certification by an engineer or geologist are applicable. **[Ord. 2005-002]**
 - 2) A facility in Zone 4, unless ERM has determined that a revision of the permit is appropriate under conditions described in [Art. 14.B.6.C.4.b.3](#)), [Revocation or Revision for Spill](#) or [Art. 14.B.13.C, Spills](#).
 - 3) Retail/wholesale activities which meet the conditions for this exemption set forth in [Art. 14.B.5.A.4.f, Retail/Wholesale Sales Activities](#).
 - 4) Activities subject to regulation due to the accumulations of waste Regulated Substances, provided that they comply with the conditions for this exemption set forth in [Art. 14.B.5.A.4.i, Activities Subject to Regulation Due to Accumulation](#).

5. Clean-Up and Reimbursement

Any person subject to regulation under this Chapter shall be liable with respect to Regulated Substances emanating on or from the person's property for all costs of removal or remedial action incurred by PBC and damages for injury to, destruction of, or loss of natural resources, including the reasonable cost of assessing such injury, destruction, or loss resulting from the release or threatened release of a Regulated Substances as defined in this Chapter. Such removal or remedial action by PBC may include, but is not limited to, the prevention of further contamination of groundwater, monitoring, containment, and clean-up or disposal of Regulated Substances resulting from the spilling, leaking, pumping, pouring, emitting, or dumping of any Regulated Substance or material which creates an emergency hazardous situation or is expected to create an emergency hazardous situation.

Section 8 Appeals

A. General

Any affected party may appeal ERM decisions set forth below, pursuant to procedures in [Art. 14.C.11, Appeals](#).

B. Matters for Review and Time for Filing

Any person may appeal to a Hearing Officer as established in [Art. 2.G.3.G, Hearing Officers](#) for the following reasons:

1. To appeal ERM's permit conditions, denial of a permit, general exemption, or nondisclosure of a trade secret;
2. To appeal an intent to revoke or revise an operating permit and a general or special exemption; and,
3. To request a special exemption.

Section 9 Petition for Compensation

The purpose of this Section is to provide a means of petitioning PBC for reasonable compensation in the event a person operating a facility in existence prior to the establishment of a new Wellfield Zone 1 or a reconfigured Wellfield Zone 1 is required to move or cease operations as a direct result of a change in the Wellfield Protection Maps. This Section shall apply only in the event an application for a general or special exemption, as set forth in [Art. 14.B.5](#), and all subsequent appeals, are denied. ERM may impose a reasonable fee for each petition in order to defray the costs to PBC in administering this Section. **[Ord. 2013-001]**

A. Filing

A petition for compensation shall be filed with ERM no later than 90 days after an application for a general or special exemption, as set forth in [Art. 14.B.5](#), and all subsequent appeals, are denied. The petition shall be heard by a Hearing Officer as established in [Art. 2.G.3.G, Hearing Officers](#). **[Ord. 2013-001]**

B. Contents of Petition

A petition for compensation shall contain, as applicable, the following:

1. An analysis of the need to move, or cease operations including a summary of alternatives investigated and estimated costs of those alternatives; **[Ord. 2013-001]**

2. A list of all previously issued EPA notices of violation by ERM, Florida Department of Environmental Protection, or the EPA regarding use of Regulated Substances including a description of any corrective action taken or pending;
3. Detailed specification of the amount for which compensation is being requested. Petitions shall include documentation to verify all costs for which compensation is sought. **[Ord. 2013-001]**

C. Administrative Review

ERM shall review all petitions for compensation for completeness within 30 working days of receipt of the petition. If ERM determines the petition is not complete, written notice shall be mailed to the Petitioner specifying the deficiencies. No further action shall be taken on the petition until the deficiencies are remedied. If the deficiencies are not remedied within 30 working days of receipt of written notice, the petition shall be deemed abandoned and any rights that may be conferred under this Section shall be waived. Upon a finding of sufficiency, ERM shall review the petition and make recommendations to the Hearing Officer regarding the reasonableness of any amounts requested by the Petitioner, whether the requested compensation consists of amounts greater than the cost of any reasonable facility/operation modifications. Based upon such recommendations, the Hearing Officer may deny such petition. **[Ord. 2013-001]**

D. Hearing on Petition

As soon as practicable after submission of a petition for compensation, but no later than 90 days, by an owner or operator of an activity, the Hearing Officer shall hold a hearing to determine the eligibility of the activity for compensation pursuant to this Chapter. The Hearing Officer may extend the 90-day period for good cause based on the request of the Petitioner, PBC, or on its own initiative. The Petitioner shall be given written notice by certified mail or hand delivery of such hearing at least 30 days prior to the hearing. At least ten days prior to the hearing, the Petitioner and PBC shall exchange names and addresses of witnesses and copies of all documentary evidence intended to be used at the hearing. Formal rules of evidence shall not apply to such hearing, but fundamental due process shall be observed and shall govern the proceedings. The Petitioner and PBC shall have the right to: **[Ord. 2013-001]**

1. Call and examine witnesses;
2. Introduce exhibits;
3. Cross examine witnesses on any relevant matter;
4. Rebut the evidence; and,
5. Be represented by counsel.

E. Review and Evaluation Criteria

1. Cessation or Move

In determining whether the Petitioner is eligible for compensation for cessation or moving, the Hearing Officer shall consider:

- a. Whether a reasonable, cost-effective alternative to cessation or moving of operations exists for complying with this Chapter, including reconfiguring of the wellfield. The Petitioner, with the cooperation of ERM and the affected public utility, shall address the issue of reconfiguration; **[Ord. 2013-001]**
- b. Whether the requirements of this Chapter were the sole reason for cessation or moving of the operation; **[Ord. 2013-001]**
- c. Past environmental record; and,
- d. Efforts to mitigate financial impact of this Chapter and these corresponding regulations.

F. Classes of Impact for Which Compensation May Be Granted

1. Actual Reasonable Relocation Expenses

a. Costs

The owner or operator of an affected activity may be paid the actual reasonable cost of relocation within PBC, such amount to include the cost of: **[Ord. 2013-001]**

- 1) Dismantling operation;
- 2) Actual moving;
- 3) Reassembling equipment;
- 4) Installation of equipment;
- 5) Internal connection of utilities to equipment;
- 6) Minor modification of site to accommodate operation, specifically excluding structural changes to the building or paving and drainage requirements at the site;
- 7) Any losses caused by the necessity of terminating a lease, such compensation not to exceed three months' rent. **[Ord. 2013-001]**

b. Documentation of Costs

The eligible costs for actual reasonable relocation expenses shall be supported by two itemized and sealed bids and a detailed listing of the claimed items. The amount to be paid shall not exceed

the lower of the two bids. In order to verify such information, ERM shall have the right to enter the activity's premises at reasonable times. Such bids and detailed listing of the cost shall be verified by ERM.

c. Self-Moves

In the case of a self-move the owner of a relocated activity may be paid the lower of two sealed and itemized bids from licensed moving companies based on a detailed listing of the cost.

2. Actual Direct Losses of Tangible Personal Property

Actual direct losses of tangible personal property are allowed when a person closes or relocates an activity. Payment may only be made after a diligent effort is made by the owner to sell the item(s) involved.

- a. If the activity is to be reestablished and an item of property to be used therewith is not moved but promptly replaced with a comparable item at the new site, reimbursement shall be either:
 - 1) Replacement cost, taking into account depreciation, less the proceeds of the sale. Present value based on accepted standards in the related business community may be substituted for net proceeds of a sale where applicable; or
 - 2) Estimated cost of moving the item to the replacement site within the geographic boundaries of PBC.
- b. If a sale is not affected because no offer is received and the item is abandoned, payment for the loss may be its fair market value for continued use at its existing location plus the costs of the attempted sale, less the equipment's salvage value.

3. In Lieu of Actual Moving Expenses

In lieu of the payments described in [Art. 14.B.9.F.1, Actual Reasonable Relocation Expenses](#) and [Art. 14.B.9.F.2, Actual Direct Losses of Tangible Personal Property](#), an owner of a discontinued activity may be eligible to receive a payment equal to 75 percent of the estimated reasonable cost of moving the activity within PBC, except that such payment shall not be more than the lower of two sealed and itemized bids, provided the following requirements are met:

- a. For the owner of an affected activity to be entitled to this payment, the Hearing Officer must determine that the business cannot be relocated without a substantial loss of its existing patronage. Such determination shall be made by the Hearing Officer only after consideration of all pertinent circumstances, including, but not limited to, the following factors:
 - 1) The type of business conducted by the displaced activity;
 - 2) The nature of the clientele of the displaced activity;
 - 3) The relative importance of the present location to the displaced activity; and,
 - 4) The additional costs which would have to be incurred to move the activity due to changed circumstances or applicable laws, ordinances, or regulations.
- b. For the owner or operator of an affected activity to be entitled to his or her payment, information must be provided to support the estimated moving costs. Such proof shall consist of two sealed bids from licensed moving companies based on a detailed inventory of the items which would be moved.

4. Exclusions on Moving Expenses and Losses

The following expenses are considered ineligible for payment as "actual" moving expenses:

- a. Additional expenses incurred because of moving to and living in a new location including search cost for finding a new dwelling;
- b. Cost of moving structures, improvements, or other real property in which the displaced activity reserved ownership;
- c. Significant changes in building structure but not including minor electrical, plumbing, or carpentry work;
- d. Cost of improvement to activity made after such activity was on notice that it is affected by this Chapter and would have to cease or alter an operation in Zone 1;
- e. Interest on loans to cover moving expenses;
- f. Loss of goodwill;
- g. Loss of business or profits or both;
- h. Loss of trained employees; and,
- i. Cost of preparing the petition for compensation.

5. Payment and Release of Obligation

PBC shall disperse 85 percent of the compensation to be paid as determined by the Hearing Officer in advance of any move or change of operation. PBC shall retain 15 percent of the monies authorized as compensation for economic impact of this Chapter until such time as the affected activity has carried out the procedures outlined in its petition for compensation and provides evidence of such

expenditures. Upon receipt of payment of compensation as provided in this Chapter, the recipient shall execute a release in favor of PBC from any further obligation to the recipient with regard to the economic impact of this Chapter on the recipient or activity.

6. Appeal

PBC or the Petitioner seeking compensation under this Section may appeal the final decision of the Hearing Officer by filing a Petition for Writ of Certiorari in the Fifteenth Judicial Circuit Court in and for PBC. [Ord. 2013-001]

Section 10 Transfers and Changes in Ownership

In the event, there is a change of ownership, a new lease, or an assignment of a lease, a sublease, or any other change in regard to the person conducting the operation regulated, ERM shall be notified and upon payment of the appropriate fee and completion of processing of an application by ERM, the wellfield protection operating permit shall be transferred.

Section 11 Trade Secrets

ERM shall not disclose any trade secrets of the Applicant or permittee that are exempted from such disclosure by Federal or State law; provided, however, the burden shall be on the Applicant or permittee to demonstrate entitlement to such nondisclosure. Decisions by ERM as to such entitlement shall be subject to challenge by the Applicant or permittee by filing a petition with the Hearing Officer pursuant to [Art. 14.C.11, Appeals](#).

Section 12 Fees

A. Filing Fee

All Applicants for a wellfield protection operating or closure permit shall pay a non-refundable filing fee as established by the approved Fee Schedule. The fee shall be provided at the time of acceptance of the permit application.

B. Wellfield Protection Operating Permit Fee

The fee for a wellfield protection operating permit including any permit obtained pursuant to the general exemptions set forth in [Art. 14.B.5.A, General Exemptions](#), of this Chapter as established by the approved Fee Schedule. The operating fee shall be used to defray the cost of administering this Chapter.

C. Closure Permit Fee

The fee for a closure permit under this regulation shall be one-half of the fee for the wellfield protection operating permit as established by the approved Fee Schedule.

D. Permit Transfer Fee

The fee for transfer of an operating permit or closure permit shall be as established by the approved Fee Schedule to defray the cost of processing the transfer. Application for Transfer of Permit is to be made within 60 days of transfer of ownership of the activity.

E. Special Exemption Fee

A fee shall be required for any person seeking a special exemption as established by the approved Fee Schedule.

F. General Exemption Fee

A fee shall be required for any person seeking a general exemption as established by the approved Fee Schedule.

G. Annual Permit Renewal Fee

The fee for annually renewing the permit established by the approved Fee Schedule, shall be used to defray the cost of administering this Chapter. Beginning October 2, 1990, all permittees shall pay an annual permit renewal fee for each permitted facility.

H. Late Fee

A late fee as established by the approved Fee Schedule, shall be paid to ERM if the application for permit or renewal is late.

Section 13 Revocation and Revision of Permits and Exemptions

A. Revocation

Any permit issued under the provisions of this Chapter shall not become vested in the permittee. ERM may revoke any permit issued by it by first issuing a written notice of intent to revoke (certified mail return receipt requested, or hand delivery) if it finds that the permit holder:

1. Has failed or refused to comply with any of the provisions of this Chapter, including but not limited to permit conditions and bond requirements of [Art. 14.B.7.B.4, Bond Required](#), herein;
2. Has submitted false or inaccurate information in this application;
3. Has failed to submit operational reports or other information required by this Chapter;
4. Has refused lawful inspection under [Art. 14.B.7.A.4](#), General; or, **[Ord. 2005-002]**
5. Is subject to revocation under [Art. 14.B.6.C.2.b.11\), Revocation or Revision for Spill](#), [Art. 14.B.6.C.3.b.6\), Revocation or Revision for Spill](#), or [Art. 14.B.6.C.4.b.3\), Revocation or Revision for Spill](#), of [Art. 14.B.13.C, Spills](#).

B. Revision

ERM may revise any permit pursuant to [Art. 14.B.6.C.2.b.11\), Revocation or Revision for Spill](#), [Art. 14.B.6.C.3.b.6\), Revocation or Revision for Spill](#), and [Art. 14.B.6.C.4.b.3\), Revocation or Revision for Spill](#), first issuing a written notice of intent to revise (certified mail return receipt requested, or hand delivery).

C. Spills

In addition to the provisions of [Art. 14.B.6.C.2.b.11\), Revocation or Revision for Spill](#), [Art. 14.B.6.C.3.b.6\), Revocation or Revision for Spill](#), and [Art. 14.B.6.C.4.b.3\), Revocation or Revision for Spill](#), within 30 days of acquiring knowledge of any spill of a Regulated Substance in a wellfield zone, ERM shall consider revocation or revision of the permit. Upon such consideration, ERM may issue a notice of intent to revoke or revise, which shall be subject to the appeal provisions of this Chapter, or elect not to issue such notice. In consideration of whether to revoke or revise the permit, ERM may consider the intentional nature or degree of negligence, if any, associated with this spill, and the extent to which containment or clean-up is possible, the nature, number, and frequency of previous spills by the permittee, and the potential degree of harm to the groundwater and surrounding wells due to such spill.

D. Revocations of Exemptions

For any revocation or revision by ERM of a special exemption or general exemption that requires an operating permit as provided under the terms of this Chapter, ERM shall issue a notice of intent to revoke or revise which shall contain the intent to revoke or revise both the applicable exemption and the accompanying operating permit.

E. Notice

The written notice of intent to revoke or revise shall contain the following information:

1. The name and address of the permittee, if any, and Property Owner, if different;
2. A description of the facility which is the subject of the proposed revocation or revision;
3. Location of the spill, if any;
4. Concise explanation and specific reasons for the proposed revocation or revision; and,
5. A statement that "Failure to appeal a notice of intent to revoke or revise, within 20 days after the date upon which permittee receives written notice pursuant to Article 14.C.11, Appeals, shall render the proposed revocation or revision final and in full force and effect."

F. Appeals

Failure of permittee to file a petition in accordance with the appeal provisions of this Chapter shall render the proposed revocation or revision final and in full force and effect.

G. Other Remedies

Nothing in this Chapter shall preclude or be deemed a condition precedent to ERM seeking a temporary or permanent injunction.

Section 14 Violations, Enforcement, and Penalties

Failure to comply with the requirements of this Chapter or any permit, exemption, or approval granted or authorized hereunder shall constitute a violation of this Chapter.

Section 15 Groundwater and Natural Resources Protection Board (GNRPB)

The GNRPB shall hear violations of this Chapter pursuant to [Art. 10.C, Groundwater and Natural Resources Protection Board](#). Violations of this Chapter may be referred by ERM to the GNRPB for corrective actions and civil penalties.

Section 16 Additional Enforcement Measures

In addition to the enforcement procedures set forth above, violations of the provisions of this Chapter may be enforced pursuant to [F.S. § 125.69](#). Such violations may be deemed a separate offense for each day during any portion of which any violation is committed or continued. In addition to the sanctions contained herein, PBC may take any other appropriate legal action, including but not limited to, administrative action and requests for temporary and permanent injunctions, to enforce the provisions of this Chapter. It is the purpose of this Chapter to provide additional cumulative remedies.

Section 17 PBC Pollution Recovery Trust Fund

Funds collected pursuant to administrative penalties levied by the GNRPB for violations of this Chapter shall be deposited in the PBC Pollution Recovery Trust Fund.

CHAPTER C VEGETATION PRESERVATION AND PROTECTION

Section 1 General

A. Goals

The goals of this Chapter are:

1. To avoid the unnecessary destruction of native vegetation;
2. To pursue eradication of invasive non-native vegetation;
3. To minimize adverse impacts to native vegetation during parcel improvement;
4. To mitigate the removal of native vegetation when the vegetation cannot be preserved in place or relocated under the proposed Site Plan; and,
5. To relocate any movable native vegetation that cannot be incorporated into the Site Plan to a PBC-approved parcel.

Section 2 Definitions

See [Art. 1.H, Definitions and Acronyms](#).

Section 3 Purpose

A. This Chapter shall:

1. Establish a program to preserve and protect native vegetation; and **[Ord. 2008-040]**
2. Prohibit the unnecessary destruction of native vegetation and require the eradication of invasive non-native vegetation. **[Ord. 2008-040]**

Section 4 Applicability

- A. This Chapter shall apply within the unincorporated areas of PBC, Florida.
- B. PBC shall have regulatory authority over the alteration or removal of non-native and native upland vegetation, and the establishment and maintenance of upland preserve areas.
- C. Terms specific to this Chapter are defined in [Art. 1.H, Definitions and Acronyms](#). Terms not defined in this Chapter shall be defined pursuant to [Chapter 62, F.A.C.](#), the document entitled, "Basis of Review" (BOR), as amended, for applications within the South Florida Water Management District, dated November 1996, and [Art. 1.H, Definitions and Acronyms](#), of this Code, as may be amended from time to time. In the event that a term is defined in [Chapter 62, F.A.C.](#), or the BOR, the BOR shall prevail. **[Ord. 2008-040]**
- D. Vegetation subject to the authority of this Article is defined as native plant species that are located on the site through natural recruitment, specimen native trees, or naturalized vegetation. Trees planted as a result of the requirements of [Art. 7, Landscaping](#) are not subject to this Article. **[Ord. 2021-023]**

Section 5 Authority

This Chapter is adopted under the authority of [F.S. ch. 125](#), as amended, and the Plan, as amended. **[Ord. 2008-040]**

Section 6 Approval Required Unless Exempt

No person may alter or cause to be altered any vegetation unless such alteration is exempted by, or expressly approved by this Chapter.

Section 7 Protection of Native Vegetation Approval – Application, Process, and General Standards

A. General

The application process and procedure set herein apply to the requirements for a Protection of Native Vegetation (PNV) approval. The applications shall be submitted to ERM and in a manner and forms established by ERM, unless otherwise stated herein. ERM shall review all applications that require preservation of existing vegetation. [Ord. 2021-023]

B. Single Family Dwellings

All newly constructed Single Family Dwellings (SFDs) in a residential subdivision shall automatically receive a Building Division Residential 1 & 2 Family Checklist with standard native and non-native vegetation removal conditions as part of the Building Permit process. For the purposes of this Chapter, a Single Family (SF) residential parcel includes: SFD; Zero Lot Line; and, Townhouse or Multifamily two-unit (duplex) residences and associated accessory structures, and shall comply with the following standards: [Ord. 2008-040] [Ord. 2012-027] [Ord. 2018-018] [Ord. 2021-023]

1. Removal of native vegetation shall be limited to the minimum necessary to accomplish the purpose of the Site Plan. The Building Division Checklist shall include requirements that ensure the intent of this provision is implemented. [Ord. 2008-040] [Ord. 2018-018]
2. Removal or eradication of prohibited invasive non-native vegetation, as identified in [Appendix 5, Prohibited Invasive Non-Native Vegetation](#), and [Appendix 6, Invasive Non-Native Vegetation](#), shall be completed for the entire parcel or parcels of the Development Order prior to receipt of the CO. Planting or installation of vegetation identified in [Appendix 5, Prohibited Invasive Non-Native Vegetation](#), and [Appendix 6, Invasive Non-Native Vegetation](#), is prohibited. The parcel owner shall maintain the parcel free of prohibited vegetation. No additional permit for such maintenance of vegetation shall be required. [Ord. 2005-002] [Ord. 2006-004] [Ord. 2021-023]

Notwithstanding anything in this Chapter to the contrary, all vegetation removal permits for SF residential parcels in existence as of the date of the adoption of this Chapter are void and of no effect, and all pending enforcement actions related thereto are dismissed. SF residential parcel owners are encouraged to maintain preserved native vegetation after site development is completed and to minimize the removal of native vegetation damaged by an extreme weather event such as a storm, hurricane, or other natural disaster. [Ord. 2008-040] [Ord. 2014-001] [Ord. 2021-023]

C. Development of Other Uses and Improvements

1. Applicability

The following uses and construction shall comply with this Subsection, unless exempted by State Law for Building Permits: [Ord. 2021-023]

- a. MF residential over two units; [Ord. 2021-023]
- b. Commercial or industrial projects; [Ord. 2021-023]
- c. Construction of utilities, road right-of-way, and canals; [Ord. 2021-023]
- d. Schools; [Ord. 2021-023]
- e. Government projects; [Ord. 2021-023]
- f. Agricultural uses ten acres in size or greater; and, [Ord. 2021-023]
- g. Other construction, unless exempted by [Art. 14.C.8, Exemptions](#). [Ord. 2021-023]

2. Pre-Application Appointment

a. PZB Development Permit

The Applicant shall meet with ERM and Zoning Staff, pursuant to the requirements of [Art. 7.E.2.A, Pre-Application Appointment \(PAA\)](#). Staff will determine whether ERM or Zoning is the appropriate regulatory authority for the existing native vegetation on the subject parcel. The regulatory authority for the trees shall be established prior to the sufficiency determination on the Tree Disposition approved by ERM and the Zoning Division. [Ord. 2021-023]

b. Any Other Application Requiring ERM Review of Vegetation

These applications shall follow the requirements and standards of the provisions below: [Ord. 2021-023]

3. Requirements and Process

- a. The Applicant shall submit an application to ERM for a PNV approval if native vegetation will be impacted by site development, concurrently with a Final Site Plan or Administrative Review application. The Applicant shall meet with ERM Staff prior to the submittal of the PNV application pursuant to the requirements of this Chapter. Projects that are not subject to the Final Site Plan or Administrative Review application processes, must submit an application for approval to remove

- native vegetation to ERM concurrently with an application for an initial Building Permit for the project. **[Ord. 2008-040] [Ord. 2009-040] [Ord. 2014-001] [Ord. 2021-023]**
- b. An application shall not be deemed complete until the application fee and all information necessary to fully understand the extent, nature, and potential impacts of a proposed project are received by ERM and approved by ERM prior to approval of a Zoning application or Building Permit application. Any additional information for an application deemed insufficient at DRO meeting will not be approved until the next scheduled DRO meeting. Such information may include, but is not limited to: **[Ord. 2008-040] [Ord. 2021-023]**
- 1) A completed application form with the notarized signature of the parcel owner or authorized agent of the parcel owner; **[Ord. 2008-040]**
 - 2) A written explanation of the need and intent of the project and a description of construction or alteration methodologies; **[Ord. 2008-040]**
 - 3) A certified Site Plan or survey, where applicable, showing all easements. Both plan view and cross sectional view sketches may be required; **[Ord. 2008-040]**
 - 4) Parcel information including a location map, a recent aerial photograph with the parcel clearly delineated, and representative color photographs; **[Ord. 2008-040]**
 - 5) Identification of the type and location of native vegetation in the vicinity of, and likely to be affected by the project; **[Ord. 2008-040]**
 - 6) An Incorporated Vegetation Plan which graphically depicts the location and field tag number for each native vegetation to remain undisturbed on the parcel during construction and the natural life of the vegetation. The Incorporated Vegetation Plan may also be required to be incorporated as a feature of the Site Plan; **[Ord. 2008-040] [Ord. 2021-023]**
 - 7) A Vegetation Disposition Chart of all native trees/palms surveyed, indicating the type of tree/palm, the DBH or height of clear trunk if palm, and whether the parcel owner proposes to keep the tree/palm in place, relocate it, offer it for surplus, remove it, or mitigate for its removal. The Vegetation Disposition Chart shall list all native Canopy trees with the DBH equal to or greater than six inches, with the exception of Dahoon Holly (*Ilex cassine*) that shall be measured at DBH equal to or greater than four inches, and native palms with trunk heights equal to or greater than eight feet; **[Ord. 2008-040] [Ord. 2021-023]**
 - 8) A recent certified survey overlaid with existing easements, the proposed improvements, and the native vegetation, which has been identified and certified by an Environmental Professional; **[Ord. 2021-023]**
 - 9) A completed Vegetation Surplus Form which identifies surplus native vegetation which the parcel owner determines cannot otherwise be used on the parcel and is providing for the use of the Surplus Vegetation Program; and, **[Ord. 2008-040]**
 - 10) Methods of stormwater pollution prevention if construction of the project may result in an area of exposed soil greater than one acre subject to Federal National Pollution Discharge Elimination System (NPDES) stormwater regulations, a copy of the on-site Stormwater Pollution Prevention Plan shall be submitted as part of the application for approval. **[Ord. 2008-037]**
- c. Any application received that is substantially the same as a previous application that has been denied by ERM subsequent to the effective date of this Chapter shall be denied with a written response provided to the Applicant stating the reason for denial. **[Ord. 2008-040]**
- d. Any parcel where a violation of any Chapter administered by ERM has occurred, shall not be eligible for approval under this Chapter until such violation has been resolved. **[Ord. 2008-040]**
- e. Any application containing false information, or any approval issued based upon false information, may be denied or revoked and may subject the Applicant to enforcement proceedings pursuant to [Art. 10, Enforcement](#), of this Code. **[Ord. 2008-040]**
- f. ERM shall have the right to make inspections of construction areas at reasonable times to determine compliance with this Chapter. **[Ord. 2008-037]**
- g. A pre-clearing meeting between ERM, the general contractor, and land clearing subcontractor to review the conditions within the PNV and Best Management Practices shall be required at least two business days prior to the commencement of land clearing activities unless ERM has waived the requirement in writing. **[Ord. 2021-023]**

4. Standards of Approval

No approval shall be issued unless the application demonstrates that the project: **[Ord. 2008-040]**

- a. Will not result in a net loss of wetland functions and values; **[Ord. 2008-040]**
- b. Complies with water quality rules and standards set forth in [Chapter 62-302, F.A.C.](#); **[Ord. 2008-040]**
- c. Will not adversely affect the conservation of fish or wildlife or their habitats, or adversely affect recreational fisheries or their habitats; **[Ord. 2008-040]**
- d. Will not adversely impact endangered or threatened species, and species of special concern, or their habitat; **[Ord. 2008-040]**
- e. Incorporates into the design alternatives and modifications to avoid or minimize impacts to native vegetation. Existing native vegetation shall be incorporated into the Site Plan and protected during construction. Parcel improvement features shall be configured to minimize removal of existing native vegetation and maximize the use of areas dominated by prohibited and invasive non-native vegetation. Existing native vegetation that cannot be preserved in place shall be relocated to appropriate buffer and open space areas on the parcel. Relocatable native vegetation that cannot be incorporated into the parcel may be considered surplus. There is no requirement to provide vegetation for surplus. Non-relocatable native vegetation with trunk diameters equal to or greater than six inches that cannot be maintained on the parcel shall be mitigated in accordance with [Table 14.C.7.B, Native Vegetation Mitigation](#) or through planting equivalent native vegetation, accepted by ERM prior to the receipt of the Certificate of Occupancy for Single Family projects or 75 percent completion of construction of Multifamily projects, based on either total square footage or number of units to be constructed. Native palms with gray wood equal to or greater than eight feet that cannot be relocated must be replaced with native palms of like size. A planting plan that clearly delineates proposed mitigation plantings from any required landscape plantings must be approved by ERM prior to the issuance of the first Building Permit for the project. **[Ord. 2008-037] [Ord. 2008-040] [Ord. 2009-040] [Ord. 2018-018] [Ord. 2021-023]**
- f. ERM shall also consider: **[Ord. 2005-002] [Ord. 2008-003]**
 - 1) Alternative designs to limit the removal of native vegetation to the minimum necessary while still allowing the Applicant to accomplish the purpose of the Site Plan; **[Ord. 2008-040]**
 - 2) Preserving listed species in place or relocating to buffers, open space, or unimproved portions of the parcel; **[Ord. 2008-040]**
 - 3) The likelihood of success for relocated native vegetation; **[Ord. 2008-040]**
 - 4) Mitigation or compensation for the loss of native vegetation; **[Ord. 2008-040]**
 - 5) Creation of a tree preservation area; **[Ord. 2008-040]**
 - 6) In lieu of replacement planting, when on-site mitigation has been exhausted or is unavailable, a donation may be made to PBC for the Natural Areas Fund unless an alternative plan that meets the purpose and intent of this Chapter has been approved by the Director of ERM. The donation amount shall be based on the cost schedule provided in ERM PPM #EV-O-308; **[Ord. 2006-036] [Ord. 2008-037] [Ord. 2012-027] [Ord. 2021-023]**
 - 7) Sabal palms may be allowed as replacement plantings for Canopy trees if approved by ERM and planted at three-to-one (palms-to-required replacement trees) based on [Table 14.C.7.B, Native Vegetation Mitigation](#), on ten-foot centers, plus or minus one foot, and grouped as shown on a planting plan table approved by ERM. **[Ord. 2006-036] [Ord. 2008-040] [Ord. 2021-023]**
- g. Complies with any applicable Federal, State, or Local designated preserve, conservation, or mitigation area; **[Ord. 2008-040]**
- h. Removes or eradicates prohibited invasive non-native vegetation, as identified in [Appendix 5, Prohibited Invasive Non-Native Vegetation](#), and [Appendix 6, Invasive Non-Native Vegetation](#), shall be completed for the entire parcel or parcels of the Development Order prior to receipt of the CO. Planting or installation of vegetation identified in [Appendix 5, Prohibited Invasive Non-Native Vegetation](#), and [Appendix 6, Invasive Non-Native Vegetation](#), is prohibited. The parcel owner shall maintain the parcel free of prohibited vegetation. No additional permit for such maintenance of vegetation shall be required. **[Ord. 2005-002] [Ord. 2006-004] [Ord. 2008-040]**

i. Specimen Tree Removal

Removal of any specimen tree (defined in [Art. 1.H.2, Definitions](#)) from non-exempt parcels identified in [Appendix 7, Specimen Tree List](#), is prohibited, unless the following criteria are met: **[Ord. 2021-023]**

- 1) The Applicant shall depict on the Site or Subdivision Plan any specimen tree in its original location to the greatest extent possible; **[Ord. 2021-023]**
 - a) If there is no reasonable alternative that allows incorporation of the tree into the parcel design, a specimen tree shall be relocated in a manner to ensure survivability. The Applicant shall provide appropriate documentation (e.g., an Arborist Report), prepared by an Arborist, certified by the International Society of Arboriculture, to ERM for review. **[Ord. 2021-023]**
 - b) If a specimen tree cannot be relocated, the parcel owner shall install mitigation plantings consisting of native vegetation pursuant to [Table 14.C.7.B, Native Vegetation Mitigation](#). This requirement is in addition to the requirements outlined in [Art. 7, Landscaping](#), and any other Conditions of Approval. **[Ord. 2021-023]**
- 2) Dahoon Holly (*Ilex cassine*) trees shall be replaced like size for like size for mitigation. **[Ord. 2021-023]**

5. Establishing Native Upland Preserves

All approvals for parcels equal to or greater than four acres shall be evaluated by ERM for the establishment of a native upland preserve. Parcels that have significant or unique areas of native upland vegetation, regardless of parcel size shall be required to designate a native upland preserve equivalent to at least 25 percent of the total native upland vegetation on site or otherwise comply with this Chapter. ERM encourages upland preserve areas greater than one-half acre in size. New public park facilities constructed on parcels 20 acres in size or less shall be exempt from the preserve requirements of this Chapter.

The Applicant shall provide an environmental assessment prepared by an environmental professional for parcels with significant or unique areas of native vegetation at time of initial application to determine the native upland preserve location, size, and configuration for evaluation by ERM. The Applicant is encouraged to meet with ERM to determine the extent of the assessment. The assessment shall include the following with photo documentation, at a minimum: Florida Land Use and Cover Classification System (FLUCCS) map, a list of native species, quality of the native ecosystem, overall identification and quality of the native species, presence of listed species, ecosystem type, uniqueness of wildlife habitat, quality and quantity of native vegetation (canopy, understory, and ground cover), compactness of the preserve, and the proximity to other natural preserve areas and corridors. **[Ord. 2019-034]**

- a. The preserve boundaries shall be designated in a certified survey submitted to ERM for approval. No easements may be located within the boundaries of the preserve. Prior to and during parcel alteration, the preserve boundaries shall be clearly marked and appropriately barricaded. Permanent preserve boundary markers shall be installed and proper documentation submitted to ERM prior to issuance of Technical Compliance or monitoring release, if applicable, and shall be maintained by the parcel owner in compliance with the approved Preserve Management Plan. The County may release the preserve if the Applicant offers to relocate the preserve to an area that meets the criteria in [Art. 14.C.7.B.6, Surplus Native Vegetation](#). **[Ord. 2008-040] [Ord. 2019-034]**
- b. The parcel owner shall develop a Preserve Management Plan to provide long-term protection and maintenance of the values and functions of the preserve. Activities that cause degradation of the preserve are prohibited. The Preserve Management Plan shall be accepted by ERM prior to a DRO certification. ERM may provide Preserve Management Plan Guidelines. The parcel owner shall maintain the preserve in accordance with the Preserve Management Plan. The Preserve Management Plan will include the requirement to maintain annual reports detailing species presences, control practices for prohibited and invasive non-native species, activity corrections to maintain compliance with the Plan, and photographs demonstrating the state of the preserve. Said annual reports shall be delivered to ERM within 90 days upon written request, unless extended by ERM in writing. Modifications to the Preserve Management Plan are prohibited without prior written approval by ERM. **[Ord. 2008-040] [Ord. 2019-034]**
- c. Preserve areas shall be identified graphically and legally described in the applicable deed restriction plat, restrictive covenant, conservation easement, or by a separate instrument to be recorded pursuant to [F.S. § 704.06](#), as amended. Said preserve shall be specifically and separately reserved to the owner, or if applicable, to the Property Owners' Association as its perpetual maintenance responsibility, without recourse to PBC or other governmental entity or agency. Prior

- to Technical Compliance, the plat or instrument shall be submitted to and approved by ERM, recorded in the Public Records of PBC, and proof of recordation shall be provided to ERM. Parcel owners are encouraged to dedicate voluntary preserves to PBC for preservation in perpetuity. PBC may enter into agreements with parcel owners to enhance private preserves. **[Ord. 2008-040]**
- d. All vegetation listed in [Appendix 5, Prohibited Invasive Non-Native Vegetation](#), and [Appendix 6, Invasive Non-Native Vegetation](#), shall be removed from the parcel and proper documentation submitted to ERM prior to issuance of the Certificate of Occupancy for single-unit projects or 75 percent completion of construction of multi-unit projects, based on either total square footage or number of buildings to be constructed, unless a Phasing Plan has been approved in writing by ERM. In addition to the removal requirement above, the vegetation identified in [Appendix 8, Invasive Non-Native Vegetation within Preserves](#), shall be removed from the preserve area. The parcel owner shall thereafter maintain the parcel free of this vegetation. **[Ord. 2008-040] [Ord. 2009-040]**
 - e. A parcel owner may mitigate for the loss of vegetation during parcel improvement by preserving additional native upland habitat or vegetation or by developing and implementing a restoration and enhancement plan for a native upland preserve. Alternative mitigation proposals that meet the purpose and intent of this Chapter may also be submitted. **[Ord. 2008-040]**
 - f. Preserves may be dedicated off site in lieu of on-site dedication with ERM's approval. The size of the off-site preserve shall be based on the quality of the habitat or vegetation on both the parcel being improved and the parcel of the proposed preserve. The final appraised values of the parcel being improved and the parcel for the proposed preserve may also be considered. The location of the off-site preserve shall be determined prior to DRO. Prior to issuance of approval, the instrument used to dedicate an off-site preserve shall be submitted to and approved by ERM. **[Ord. 2008-040]**
 - g. A preserve may be purchased in accordance with the following: **[Ord. 2008-040]**
 - 1) Parcels with existing and approved preserve areas or that support endangered, threatened, rare, and species of special concern will not be considered for a cash payment in lieu of dedicating a preserve set aside. A parcel owner may submit a cash payment in lieu of setting aside a native upland preserve provided the following criteria are met: **[Ord. 2008-040] [Ord. 2019-034]**
 - a) A written request shall be submitted to ERM prior to DRO, certification for public hearing, Site Plan certification, or issuance of a building construction permit, whichever occurs first; **[Ord. 2008-040]**
 - b) The cash payment shall be equivalent to the per acre value of the parcel, at the time of permit application, multiplied by the number of acres required to be preserved. PBC may request a second appraisal on which to base this cash payment; and, **[Ord. 2008-040] [Ord. 2010-022] [Ord. 2019-034]**
 - c) The cash payment shall be made payable to the PBC Natural Areas Fund and shall be submitted prior to issuance of the permit or Site Plan certification, whichever occurs first. **[Ord. 2008-040] [Ord. 2019-034]**
 - 2) For Bona Fide Agriculture, this cash payment option may allow commencement of parcel improvement prior to submittal of the cash payment provided: **[Ord. 2008-040]**
 - a) The parcel owner records a restricted covenant on a PBC-approved form limiting the use of the parcel to Bona Fide Agriculture, and requiring the parcel owner to make the cash payment to PBC at the time the parcel is converted to a non-agricultural land use or is sold; **[Ord. 2008-040]**
 - b) The cash payment amount shall be calculated based on the appraised conversion value or actual cost, if sold, whichever is greater, of the parcel after conversion to a non-agricultural use; **[Ord. 2008-040]**
 - c) Upon any conversion of a parcel to non-agricultural use where a deed restriction option is used, the parcel owner shall comply with PBC requirements for an enhanced landscape buffer; **[Ord. 2008-040]**
 - d) The parcel owner considers increasing the upland set aside to offset any mitigation on the parcel for trees as determined by ERM; and, **[Ord. 2008-040]**
 - e) The parcel owner may consider replanting the preserve, with appropriate vegetation, as determined by ERM in lieu of cash payment. The constructed preserve shall comply with preserve standards as required under [Art. 14.C.7.B.3., Establishing Native Upland Preserves](#). Monies collected in lieu of establishing a preserve shall be paid to PBC for the Natural Areas Fund for the management of native ecosystems. **[Ord. 2008-040]**

h. Tree Preservation Areas

Parcels less than four acres or parcels greater than four acres with significant upland vegetation that may not otherwise qualify for a 25 percent set-aside, may be required to provide tree preservation area(s). Factors that will determine if a parcel has significant areas of native vegetation include, but are not limited to the quality of the ecosystem, overall quality of biological diversity, the presence of listed or uncommon species, wildlife habitat value, value grouping of assemblages of native vegetation, compactness of the area, and degree of limited impact by prohibited and invasive non-native vegetation. **[Ord. 2008-040]**

- i. Preserves shall be maintained in compliance with standards set forth in this Chapter and the Preserve Management Plan. Non-native vegetation shall not be introduced into the preserve. Invasive vegetation that can alter the existing native vegetation communities by displacing native vegetation shall be removed if non-native or reduced, if native, to a level of non-interference with the growth of native vegetation. **[Ord. 2008-040]**

6. Preserves under Dedication

- a. An Applicant may propose to relocate a preserve under dedication to an alternate on-site or off-site parcel provided the proposed parcel relocation does not create multiple preserves that are smaller in size than the original preserve unless ERM determines the proposed smaller preserve(s) meets or exceeds the quality and meets or exceeds the quantity of the habitat or vegetation of the existing preserve parcel at the time the dedication was approved by ERM and relocation does not create fragmentation with any other natural system. The Applicant shall demonstrate compliance with the approved Preserve Management Plan for the preserve under dedication and provide an environmental assessment per [Art. 14.C.7.B.3, Establishing Native Upland Preserves](#) for the proposed parcel for evaluation by ERM. If the original preserve is contiguous to another natural system then the request will not be considered unless a more favorable habitat is offered. **[Ord. 2019-034]**
- b. A preserve under dedication that has endangered, threatened, rare, and species of special concern, other than gopher tortoises or any other species being relocated under a Florida Fish and Wildlife Conservation Commission permit, shall not be considered for relocation. **[Ord. 2019-034]**
- c. A preserve under dedication resulting from a violation or enforcement action shall not be considered for relocation unless [Art. 14.C.7.B.4.a](#) and [Art. 14.C.7.B.4.b](#) are satisfied. **[Ord. 2019-034]**

7. Transferring of a Preserve under Dedication

A municipality may request that a preserve under dedication be transferred to their jurisdiction provided: annexation has occurred, the County-approved Site Plan development has not occurred, and the preserve under dedication is not a result of an enforcement action or violation. **[Ord. 2019-034]**

8. Surplus Native Vegetation

Native upland vegetation that cannot be preserved or relocated on the parcel shall be considered surplus. An Applicant for an approval shall complete and attach to the application a Vegetation Surplus Form provided by ERM, and a list of the available vegetation including the species names and approximate quantity and sizes of each species to be surplus. The Applicant shall prevent inadvertent destruction by physically marking available vegetation on the parcel to afford easy identification. ERM shall maintain a list of persons interested in relocating surplus native vegetation, and shall assist in finding suitable locations for this surplus vegetation. Should a parcel owner elect to participate in the Vegetation Surplus program, the vegetation shall remain available for removal, sale, or donation for at least 20 working days unless a shorter timeframe is approved in writing by ERM, and the parcel owner shall cooperate with relocating surplus vegetation off site. Should a parcel owner elect not to participate in the benefits of the Vegetation Surplus program, this fact shall be stated on the application. **[Ord. 2008-040]**

9. Performance Guarantee Required for Tree Mitigation or Restoration

a. Process

A performance guarantee in an amount equal to 125 percent of the replacement value of the trees listed on the approved Vegetation Disposition Chart pursuant to ERM PPM #EV-O-308. **[Ord. 2021-023]**

b. Purpose and Intent

The purpose of the performance guarantee is to ensure that the obligations under the PNV are satisfied. **[Ord. 2021-023]**

c. Execution

The performance guarantee shall be executed by a person with a legal interest in the parcel. **[Ord. 2021-023]**

d. Form of Performance Guarantee

The performance guarantee shall be: **[Ord. 2021-023]**

- 1) A cash deposit or certificate of deposit assigned to PBC; or **[Ord. 2021-023]**
- 2) A performance bond issued by a State of Florida-registered guarantee company which shall be listed on the U.S. Department of Treasury Fiscal Services, Bureau of Government Financial Operations in accordance with the performance bond PPM; or **[Ord. 2021-023]**
- 3) A clean, irrevocable letter of credit in accordance with the letter of credit PPM. **[Ord. 2021-023]**

e. Term of the Performance Guarantee Duration

- 1) The performance guarantee shall be kept in full force until all obligations thereunder are satisfied. **[Ord. 2021-023]**
- 2) The performance guarantee shall remain in effect until: **[Ord. 2021-023]**
 - a) such time that all conditions listed in the PNV are satisfied; or **[Ord. 2021-023]**
 - b) a replacement performance guarantee for transfer of ownership of the project in conjunction with the transfer of the PNV approval issued for the project to another owner is reviewed and approved on forms provided by ERM. **[Ord. 2021-023]**

f. Use of Performance Guarantee

In the event the PNV expires in advance of the completion of the conditions specified in the PNV approval, and no written request is approved by ERM for reinstatement within 30-calendar days of expiration, the Property Owner of the parcel shall be found in violation of this Chapter, and a claim against the guarantee shall be initiated consistent with the requirements outlined in ERM PPM #EV-O-308. **[Ord. 2021-023]**

g. Exemptions

- 1) PBC projects are exempt from the performance guarantee for tree mitigation or restoration. **[Ord. 2021-023]**
- 2) Projects whose total performance guarantee value would be less than 1,000 dollars, are exempt from the performance guarantee for tree mitigation and restoration. **[Ord. 2021-023]**

10. Mitigation or Restoration

- a. For replacement vegetation which dies other than through a natural occurrence, the replacement value shall be that in [Table 14.C.7.B, Native Vegetation Mitigation](#). Should replacement values not be found in the Table, the vegetation shall be replaced like size for like size. When native trees are removed or damaged contrary to written approval by ERM or when trees that were to be preserved in place or relocated are damaged or destroyed during activities conducted with ERM approval, they shall be mitigated at double the rate shown in the [Table 14.C.7.B, Native Vegetation Mitigation](#). The Vegetation Survey, Vegetation Disposition Chart, and Final Landscape or Final ALP shall clearly identify which vegetation is being preserved to satisfy the requirements of this Article. ERM may approve the planting of native vegetation equivalents other than the replacement values specified in [Table 14.C.7.B, Native Vegetation Mitigation](#). **[Ord. 2008-040] [Ord. 2009-040] [Ord. 2012-027] [Ord. 2021-023]**

Table 14.C.7.B – Native Vegetation Mitigation

Tree or Pine Diameter at 4.5' Above Grade (1)(2)(3)	=	Quantity for Mitigation (4)
< 6"	=	0
6-8"	=	2
9-11"	=	3
12-14"	=	4
15-17"	=	5
18-20"	=	6
21-23"	=	7
24-26"	=	8
≥ 27"	=	9
[Ord. 2021-023]		
Notes:		
1.	Fractional measurements shall be rounded in accordance with Art. 1.C.1.A.2, Interpretation and Application . [Ord. 2021-023]	
2.	Dahoon Holly (<i>Ilex cassine</i>) trees shall be replaced like size for like size for mitigation as pursuant to Art. 14.C.7.B.4.i, Specimen Tree Removal . [Ord. 2021-023]	
3.	Palms mitigation shall be one for one and equivalent trunk height and subject to Art. 14.C.7.C.3.b.7) and Art. 14.C.7.C.4.e . [Ord. 2021-023]	
4.	Replacement of vegetation for sites found in violation with irreparable or irreversible harm shall be pursuant to Art. 14.C.12, Violations . [Ord. 2021-023]	

- b. Alternative mitigation that meets the purpose and intent of this Chapter may be proposed for public projects on a publicly-owned parcel. Alternative mitigation proposals shall be reviewed and a determination made by the County Administrator in consultation with the Director of ERM. **[Ord. 2008-040]**
- c. All vegetation planted to meet mitigation requirements shall be installed using best industry standards and provided with mulch, irrigation, and required maintenance to ensure survival. **[Ord. 2009-040] [Ord. 2019-034]**
- d. All mitigation shall occur and proper documentation, in the form of a final planting plan, shall be submitted to ERM prior to the Certificate of Occupancy for single-unit projects or 75 percent completion of construction of multi-unit projects, based on either total square footage or number of units to be constructed. **[Ord. 2008-040] [Ord. 2009-040]**
- e. Any mitigation plantings found to have died within 360 days of plantings shall be replaced. **[Ord. 2009-040]**
- f. A letter of certification of planting completion, that supports compliance with [Art. 14.C.7.B.7.c](#) and [Art. 14.C.7.B.2.h](#), submitted to ERM by the registered Landscape Architect for the project prior to the issuance of the Certificate of Occupancy shall substitute for any required final inspection. **[Ord. 2009-040]**
- g. Any clearing activity after 1986 which cannot provide evidence of approval will be required to restore nine trees per 1,500 square feet of cleared native vegetation. The restoration may be accomplished through on-site planting of native trees or equivalent native vegetation approved by ERM, a contribution to the Palm Beach County Natural Areas Fund that is equivalent to nine trees per 1,500 square feet of removed native vegetation, or the dedication of equivalent upland quality land area. **[Ord. 2008-040] [Ord. 2009-040] [Ord. 2012-027]**
- h. Projects within the one-year monitoring period may remove vegetation damaged by an extreme weather event such as a storm, hurricane, or other natural disaster under an approval from ERM. Any mitigation vegetation removed must be replanted within 365 days of the removal date. **[Ord. 2014-001]**

D. Standards of Issuance

No approval shall be issued unless the application demonstrates that the project: **[Ord. 2014-001]**

- 1. Will not result in a net loss of wetland functions and values;
- 2. Complies with water quality rules and standards set forth in [Chapter 62-302, F.A.C.](#);
- 3. Will not adversely affect the conservation of fish or wildlife or their habitats, or adversely affect recreational fisheries or their habitats;
- 4. Will not adversely impact endangered or threatened species, and species of special concern, or their habitat;
- 5. Incorporates into the design alternatives and modifications to avoid or minimize impacts to native vegetation; and,
- 6. Complies with any applicable Federal, State, or Local designated preserve, conservation, or mitigation area.

Section 8 Exemptions

The following activities do not require an approval under this Chapter: **[Ord. 2008-040]**

A. Botanical Gardens, Botanical Research Centers, Licensed Commercial Nurseries, or Agricultural Operations

After an initial clearing performed in accordance with this Chapter, the following are exempt if part of the ongoing activities of an existing operation: vegetation alteration associated with subsequent harvesting activities and harvesting or alteration of vegetation previously planted and cultivated for production as part of a botanical garden, botanical research center, nursery, or agricultural operation. This exemption does not allow for the removal of vegetation within preserve areas or vegetated buffers. **[Ord. 2012-027] [Ord. 2014-001]**

B. Fencing

The minimal removal of trees or understory necessary to install a fence, provided that no tree three inches or greater DBH is removed, the path cleared for the fence does not exceed five feet in width, and native vegetation is removed solely by hand.

C. Forest Management Activities

Selective tree removal for forest management activities as defined in the current Forest Management Plan as approved by the State of Florida Division of Forestry.

D. Improved Parcels

Removal of prohibited and invasive non-native vegetation. The removal of dead and dying vegetation and vegetation not subject to this Chapter is also exempt; provided, however, the removal complies with [Art. 7, Landscaping](#), as amended. [Ord. 2019-034]

E. Landscape Plant Removal

Removal or alteration, from an improved parcel, of native and non-native vegetation installed as landscape, provided the activity complies with the requirements of [Art. 7, Landscaping](#), as amended, and no removal or alteration occurs from native upland vegetation buffers, preserves, or jurisdictional wetlands. [Ord. 2021-023]

F. Lot Clearing Provisions

Removal of prohibited and invasive non-native vegetation required pursuant to the Lot Clearing provision in [Art. 7, Landscaping](#), as amended, or at the direction of a public law enforcement agency pursuant to necessary law enforcement activity.

G. Mitigation or Enhancement Projects

Activities conducted pursuant to a permit from SFWMD, Florida Department of Environmental Protection, or ERM under [F.S. ch. 403](#) and [F.S. ch. 373](#), as amended, and [Chapter 62-312, F.A.C.](#) as amended, including activities approved under an adopted Surface Water Improvement and Management Plan.

H. Natural Emergencies

The provisions of this Chapter may be suspended or waived by the Director of ERM during a period of officially declared emergency, such as a hurricane, windstorm, tropical storm, flood, or similar disaster.

I. Parks and Recreation

Alterations of vegetation pursuant to an adopted management plan for government maintained parks, recreation areas, wildlife management areas, conservation areas, and preserves, excluding new construction or parcel improvement.

J. Preserve Management Activities

Preserve management activities provided that:

1. The preserve area is designated by deed restriction, plat, restrictive covenant, or conservation easement and is dedicated to a public entity or approved private conservation group for preservation in perpetuity;
2. The activity furthers the natural values and functions of the ecological communities present, such as clearing firebreaks for prescribed burns or construction of fences; and,
3. The preserve area has a Preserve Management Plan approved by ERM.

K. Pruning

Pruning of native vegetation in non-preserve areas in accordance with the American National Standards Institute (ANSI), A300, pursuant to [Art. 7.F, Installation and Maintenance](#) as revised, to allow for healthy growth, to promote safety, and to remove dead or dying vegetation, provided there is no cutting back of limbs to a point between branch collars or buds larger than one inch in diameter within the tree's crown.

L. Utilities, Water Control, Water Management Districts, and Road R-O-W

Alteration of vegetation is permitted within drainage easements associated with repairs to or maintenance of existing canal structures at the direction of water control districts, or water management districts within drainage easements, where the vegetation is interfering with drainage or services provided by the water control districts or water management districts. Alteration of vegetation is permitted within a utility easement, where the vegetation is interfering with services provided by a utility. Alteration of vegetation is permitted within a road R-O-W for normal maintenance activities. Alteration associated with new construction is not an exempt activity.

M. Survey or Other Test Required

The necessary removal of vegetation by, or at the direction of, a State of Florida-licensed Professional Surveyor and Mapper, Professional Geologist, or Professional Engineer to conduct a survey or other required test, provided that no tree three inches or greater DBH is removed, the path cleared does not exceed five feet in width, and native vegetation is removed solely by hand. If necessary, soil sampling with a vehicle equipped with a boring apparatus may clear a path not to exceed the minimum width required to gain ingress and egress into the test sampling area. [Ord. 2009-040]

N. Minor Vegetation Removal

Removal of native vegetation with a replacement value of four trees or less, as defined in [Table 7.E.3.C, Vegetation Credit and Replacement](#). [Ord. 2012-027]

O. Minor Vegetation Relocation

Relocation of up to ten native palm trees, provided that the trees are relocated using best industry standards and provided with mulch, irrigation, and required maintenance to ensure survival. The planting location must be depicted on a Site Plan, survey, or other document format acceptable to ERM. [Ord. 2012-027]

P. Initial Clearing for an Agricultural Operation Less Than Ten Acres

Initial clearing for an agricultural operation less than ten acres is exempt, provided that the level of clearing does not exceed the area for crop production. [Ord. 2014-001]

- Q. Removal of native vegetation on a Single Family residential parcel or a single two-unit duplex residential parcel without a recorded conservation easement. [Ord. 2018-018]**

Section 9 Removal of Prohibited Invasive Non-Native Vegetation

Improved parcels approved or constructed on or after April 28, 1986, shall be maintained free of prohibited vegetation listed in [Appendix 5, Prohibited Invasive Non-Native Vegetation](#). [Ord. 2008-040]

Section 10 Fees

Fees shall be required as established by Resolution of the BCC. Fees shall be non-refundable and non-transferable. An administrative fee may be required where projects require specific detailed Site Plan assistance by PBC or where Site Plans change after initial review. Application fees paid by check shall be payable to the BCC. [Ord. 2008-040]

Section 11 Appeals

A. Hearing Officer

An Applicant for any approval may appeal a final determination made by the Director of ERM to a Hearing Officer as established in [Art. 2.G.3.G, Hearing Officers](#), of this Code pursuant to this Chapter. The Applicant shall comply with the following appeal procedures. [Ord. 2008-040]

1. Submittal

A written appeal must be made within 20 days of the Applicant's receipt of the decision by the Director of ERM. The appeal must state with specificity the reasons for the appeal and shall contain such data and documentation upon which the Applicant seeks to rely. Failure to file within such timeframe shall constitute a waiver of a person's right of review by the Hearing Officer.

2. Hearing

The appeal shall be reviewed at a hearing by the Hearing Officer within 60 working days of ERM's receipt of a request and a 50-dollar filing fee. The Applicant will receive notice of the hearing no less than 15 working days in advance of the hearing. At the hearing, the Hearing Officer shall provide the Applicant and the Director of ERM, or their respective legal representatives, an opportunity to present testimony and evidence, provided such information was part of the review before the Director of ERM. All testimony shall be under oath and shall be recorded. The formal rules of evidence shall not apply but fundamental due process shall be observed and shall govern the proceedings. The Hearing Officer in his or her discretion, may exclude irrelevant, immaterial, or unduly repetitious evidence, but all conduct of their affairs shall be admissible, whether or not such evidence would be admissible in a trial in the courts of the State of Florida. Any part of the evidence may be received in written form. The Hearing Officer shall reverse the decision of the Director of ERM only if there is substantial competent evidence in the record that the Director of ERM erred in applying the standards of this Chapter. The Hearing Officer shall enter a decision by written order not less than ten days following conclusion of the hearing. The order shall include findings of fact and conclusions of law and shall be deemed final administrative action. An Applicant or ERM may appeal a final decision of the appeals board within 30 days of the rendition of the decision. Such appeal shall not be a hearing *de novo*, but shall be a Petition for Writ of Certiorari in the Circuit Court of the Fifteenth Judicial Circuit in and for PBC. The Court shall be limited to appellate review of the record created before the Hearing Officer and may assess a reasonable fee for the preparation of the record to be paid by the Petitioner in accordance with [F.S. § 119.07](#), as amended from time to time.

3. Judicial Relief

An Applicant or ERM may appeal a final written order to the Circuit Court of the Fifteenth Judicial Circuit in and for PBC. Such appeal shall not be a hearing *de novo*, but shall be a Petition for Writ of Certiorari and the Court shall be limited to appellate review of the record created before the Hearing Officer. PBC may assess a reasonable fee for the preparation of the record to be paid by the Petitioner in accordance with [F.S. § 119.07](#), as amended from time to time.

Section 12 Violations

A. Violations

A violation shall be:

1. The alteration or removal of one specimen tree, or the alteration or removal of up to 1,500 square feet of native vegetation without an approval from ERM, unless expressly exempt under this Chapter. Alteration or removal of each additional specimen tree and alteration of each additional 1,500 square feet of native vegetation or portion thereof in violation of this Chapter shall constitute a separate and additional violation. **[Ord. 2008-040] [Ord. 2009-040] [Ord. 2021-023]**
2. Failure to comply with a Condition of an Approval issued by ERM pursuant to this Chapter or a requirement of a Preserve Management Plan approved by ERM. Each condition or requirement violated and each occurrence of a violation shall constitute as a separate violation. **[Ord. 2008-040]**
3. Failure to comply with the requirements of this Chapter or any approval granted or activity authorized hereunder.
4. Failure to comply with an ERM Wetlands Alteration Permit issued prior to the effective date of March 1, 1998.
5. Planting prohibited invasive non-native vegetation.
6. Planting non-native vegetation within a preserve.
7. Conversion of a parcel cleared for Bona Fide Agriculture to another use prior to use as agriculture.
8. Introduction of structures, grade changes, debris, or utilities into a preserve without approval by ERM. **[Ord. 2006-036]**

B. Enforcement

To enforce compliance with this Chapter, the County may issue a cease and desist order or require that a Building Permit or CO be withheld. A violation of this Chapter shall be punishable by one or more of the following: **[Ord. 2008-040]**

1. Violations involving activities conducted without a valid PNV approval that may otherwise have been permitted will require the submittal of a PNV application, the appropriate application fee, and be subject to the remedies outlined in [Art. 10, Enforcement](#) of the Code or other remedies pursuant to this Article; **[Ord. 2021-023]**
2. Activities conducted with a valid PNV approval that are inconsistent with the stated approval conditions and result in a need to modify the existing approval will require an application to modify the PNV, the appropriate application fee, and be subject to the remedies outlined in [Art. 10, Enforcement](#) of the Code or other remedies pursuant to this Article; **[Ord. 2021-023]**
3. Remedies outlined in [Art. 10, Enforcement](#), of the Code; **[Ord. 2008-003] [Ord. 2008-040]**
4. Any applicable remedies under [F.S. ch. 125](#) and [F.S. ch. 162](#), as amended; **[Ord. 2008-003]**
5. PBC may take any other appropriate legal action, including but not limited to, administrative action, and requests for temporary and permanent injunctions to enforce the provisions of this Chapter; and, **[Ord. 2008-003] [Ord. 2008-040]**
6. ERM Wetlands Alteration Permits issued prior to, and with obligations beyond the effective date of this Chapter, shall remain in full force and effect. Accordingly, the enforcement provisions herein shall apply to any violation of an ERM Wetlands Alteration Permit issued prior to, and with obligations beyond, the effective date of this Chapter, except that violations of Single Family dock permits issued pursuant to the agreement between PBC and the USACOE (adopted as Resolution No. R-89-120 and dated January 24, 1989), shall be referred to the USACOE, and ERM Mangrove Trimming Permit violations shall be referred to the DEP. In the event the DEP directs ERM to enforce a violation of a permit issued under the mangrove delegation agreement between PBC and the DEP, dated January 21, 1997, the enforcement provisions herein, in addition to any State-mandated enforcement provisions, shall apply.

C. Pollution Recovery Trust Fund

All monies collected as civil penalties for violations of this Chapter shall be paid to PBC for the Pollution Recovery Trust Fund.

D. Restoration

1. Properties cleared after 1986 without an approval will be required to restore nine trees per violation. The restoration may be accomplished through on-site planting of native trees or equivalent native vegetation approved by ERM, a contribution to the Palm Beach County Natural Areas Fund that is equivalent to nine trees per violation, or the dedication of equivalent upland quality land cleared. **[Ord. 2008-040] [Ord. 2012-027] [Ord. 2019-034]**
2. If a preserve under dedication has degraded due to neglect or lack of compliance with the approved Preserve Management Plan, the Property Owner shall provide a restoration plan to ERM per [Art. 14.C.12.D.a](#). Restoration of the preserve may occur in phases as approved by ERM. **[Ord. 2019-034]**

Section 13 Natural Areas and Preserve Areas

A. Natural Areas

Planned developments shall be designed to mitigate the negative impacts of development intensity and density upon natural areas as defined in PBC [Ordinance No. 94-13](#), and parcels designated as preserve areas according to this Chapter. Proposed development shall not negatively impact the native ecosystem of any adjacent natural areas and shall comply with the criteria established in this Article, for natural areas and other applicable environmental Ordinances. The Applicant shall work in cooperation with the PZB and ERM to establish mutually acceptable alternatives to protect the natural area, including but not limited to:

1. The prohibition of certain land uses; and
2. A reduction in the building intensity near natural areas and preserve areas by the creation of a minimum 50-foot buffer zone.

B. Special Preservation Protection Standards

1. Lake Worth Lagoon and Loxahatchee River Buffers

A 50-foot native vegetation buffer shall be preserved along the Lake Worth Lagoon, and that portion of the Loxahatchee River which lies outside the Jonathan Dickinson State Park Greenline Overlay, depicted on Map LU 3.1, Special Planning Areas, of the Plan. The purpose of the native vegetation buffer is to preserve native vegetation along the two waterways and to decrease the impact of stormwater activities on the two waterways. Restrictions may be imposed on development by ERM to conserve native vegetation within the buffer and reduce hydrological impacts to the two waterways.

[Ord. 2005-002]

- a. If native vegetation exists within the 50-foot conservation buffer, then restrictions may be imposed by ERM within the buffer to address the following issues: **[Ord. 2005-002]**
 - 1) Visual encroachment;
 - 2) Edge effects;
 - 3) Exotic pest plant invasions;
 - 4) Interference with prescribed burns in natural areas; **[Ord. 2005-002]**
- b. If native vegetation does not exist within the 50-foot buffer, then restrictions may be imposed by ERM within the buffer to address the following issues: **[Ord. 2005-002]**
 - 1) Hydrological impacts; **[Ord. 2005-002]**
 - 2) Any other specific site development regulations required by this Code.
- c. In addition to any of the restrictions listed above, ERM may also require: **[Ord. 2005-002]**
 - 1) development to be clustered away from natural or preserve areas; or **[Ord. 2005-002]**
 - 2) buffer or preserve areas to be added adjacent to existing natural and preserve areas; or **[Ord. 2005-002]**
 - 3) a combination of these alternatives. **[Ord. 2005-002]**

ERM shall strive to minimize parcel alterations near natural and preserve areas. **[Ord. 2005-002]**

- d. The addition of a buffer or preserve areas adjacent to existing natural areas and preserve areas. Additionally, all effort shall be made to minimize parcel alterations near natural areas and preserve areas.

CHAPTER D PROHIBITED INVASIVE NON-NATIVE VEGETATION REMOVAL ORDINANCE

Section 1 Purpose and Intent

- A. It is the intent of this Chapter to require removal and control of prohibited invasive non-native vegetation.
- B. It is the intent of this Chapter to protect natural areas from unwanted seed sources from outside the natural areas.

Section 2 Definitions

See [Art. 1.H, Definitions and Acronyms](#).

Section 3 Applicability

- A. All provisions of this Chapter shall be effective within the unincorporated and incorporated areas of PBC, except to the extent of conflict with a municipal ordinance, in which case the municipal ordinance will prevail over this Chapter in accordance with [Sec. 1-3, the PBC Charter](#).

Section 4 Authority

This Chapter is adopted under the authority of [F.S. ch. 125](#), and the Plan, as amended. ERM shall administer the requirements of this Chapter. **[Ord. 2008-040]**

Section 5 Protection of Natural Areas

- A. The County will establish by geographical information system reference, a 500-foot buffer area around all natural areas listed in [Appendix 9, Natural Areas](#). Maps of the natural areas including buffers shall be on file and maintained by ERM and made available to the public. **[Ord. 2008-040]**
- B. Natural areas acquired by the BCC using the Conservation Lands Bond Fund shall be added to [Appendix 9, Natural Areas](#) pursuant to a duly noticed public hearing. **[Ord. 2008-040]**
- C. Any individual, organization, or governmental entity owning or controlling a natural area may request an addition to [Appendix 9, Natural Areas](#), by petitioning ERM. The petition shall include a description and map of the proposed addition, written justification for listing, a copy of the management plan, if available, and proof of notice to parcel owners within the proposed buffer of the natural area. ERM-recommended additions to [Appendix 9, Natural Areas](#), or changes to the size of the buffer area may be approved by the BCC following a duly noticed public hearing.
 - 1. For publicly-owned natural areas, there is no minimum size for listing.
 - 2. For privately-owned natural areas, there must be a minimum of ten acres of natural area unless determined by ERM to be a highly significant natural area including scrub, wetlands, or mangrove communities and maintained under a management plan approved or accepted by ERM.

Section 6 Removal of Prohibited Invasive Non-Native Vegetation

- A. By January 1, of the applicable year provided on [Appendix 10, Prohibited Vegetation Removal Schedule](#), a parcel owner of a property located within the 500-foot buffer area around each natural area listed in [Appendix 9, Natural Areas](#) shall remove or caused to be removed or eradicated, the prohibited invasive non-native vegetation as listed in [Appendix 10, Prohibited Vegetation Removal Schedule](#), unless an exemption is provided under [Art. 14.D.7, Exemptions](#), of this Chapter. **[Ord. 2008-040]**
- B. For parcels located outside the 500-foot buffer area around each natural area listed in [Appendix 9, Natural Areas](#), a parcel owner shall remove or cause to be removed old world climbing fern and air potato as listed in [Appendix 10, Prohibited Vegetation Removal Schedule](#), unless an exemption is provided under [Art. 14.D.7, Exemptions](#), of this Chapter. **[Ord. 2008-040]**
- C. Upon removal of prohibited invasive non-native vegetation under this Chapter or any other Ordinance requiring removal of this nuisance vegetation, the parcel owner shall maintain the parcel free of prohibited invasive non-native vegetation.
- D. In accordance with [Art. 14.C.9, Removal of Prohibited Invasive Non-Native Vegetation](#), improved parcels located in unincorporated Palm Beach County, approved or constructed on or after April 28, 1986, shall be maintained free of prohibited vegetation listed in [Appendix 5, Prohibited Invasive Non-Native Vegetation](#). The applicable year as described in [Art. 14.D.6.A](#) and provided in [Appendix 10, Prohibited Vegetation Removal Schedule](#), does not apply to these parcels, instead parcel owners of these improved parcels shall

immediately and perpetually maintain them free of all prohibited invasive non-native vegetation. [Ord. 2008-040] [Ord. 2009-040]

- E. Planting or installation of this vegetation is prohibited. [Ord. 2008-040]

Section 7 Exemptions

- A. For parcels impacted by greater than 30 percent coverage of prohibited invasive non-native vegetation or parcels containing 100 acres or greater in size, a management plan may be approved by ERM to space the eradication rate over an extended period. To be eligible for this approval, the management plan must be provided to, and approved by ERM, and eradication begun prior to the required date for removal or eradication of the prohibited invasive non-native vegetation addressed in the plan.
- B. For parcels or portions of parcels that necessitate phased removal or eradication of prohibited invasive non-native vegetation in response to a documented need for maintenance of existing wildlife values, a management plan may be approved by ERM to extend the time for removal.

Section 8 Enforcement

- A. Violations of this Chapter shall be:
 - 1. Failure of a parcel owner to remove or eradicate vegetation in accordance with [Art. 14.D.6.A](#) and [Art. 14.D.6.D](#), Removal of Prohibited Invasive Non-Native Vegetation. [Ord. 2008-040] [Ord. 2009-040]
 - 2. Failure of a parcel owner to maintain non-exempt parcels free of prohibited invasive non-native vegetation in accordance with [Art. 14.D.6.B](#), of this Chapter.
 - 3. Failure of a parcel owner to comply with a noncompliance or notice of violation timeframe as described in [Art. 14.D.8.B.3](#), and [Art. 14.D.8.B.4](#). [Ord. 2008-040]
- B. The following are procedures which are to be followed for compliance and enforcement with this Chapter:
 - 1. Inspection of a parcel to determine the possible location of prohibited invasive non-native vegetation.
 - 2. Preparation and provision of an information notice informing the parcel owner of prohibited invasive non-native vegetation on the parcel and instructions for the removal or eradication of the vegetation and a timeframe provided for compliance. A follow-up inspection is conducted.
 - 3. Preparation and provision of a noncompliance notice to the parcel owner concerning the possible violation of this Chapter, including a stated timeframe of 30 days for compliance. [Ord. 2008-040]
 - 4. Preparation and provision of a notice of violation to the parcel owner concerning the possible violation of this Chapter and failure to comply with the noncompliance notice, including a stated timeframe of 30 days for compliance. [Ord. 2008-040]
 - 5. Preparation and provision of a Notice of Hearing to the parcel owner concerning the possible violation of this Chapter, failure to comply with a notice of violation, and an order to appear before the Groundwater and Natural Resources Protection Board (GNRPB).
 - 6. The decision of the GNRPB, which may include corrective actions and civil penalties in the maximum amount of 1,000 dollars per day, per violation, shall be the final administrative action on behalf of ERM and PBC. Any person who is a party to the proceeding before the GNRPB may appeal to the Circuit Court of PBC in accordance with applicable Florida Appellate Rules.
- C. Additional remedies for enforcement include any applicable remedies under [F.S. ch. 125](#) and [F.S. ch. 162](#), as amended, and other legal action, including but not limited to, administrative action and requests for temporary and permanent injunctions to enforce the provisions of this Chapter. [Ord. 2008-040]
- D. In order to provide an expeditious settlement that would be beneficial to the enforcement of this Chapter and be in the best interest of the citizens of PBC, the Director of ERM is authorized to enter into voluntary consent (settlement) agreements with alleged violators. Any such agreement shall be a formal written consent agreement between ERM on behalf of PBC, by and through its Director, and any such alleged violators, and shall be approved as to form and legal sufficiency by the County Attorney's Office. The agreement can be entered into at any time prior to the hearing before the GNRPB.
 - 1. **Conditions**

Such consent agreements may be conditioned upon a promise by the alleged violator to:

 - a. Remove or eradicate prohibited invasive non-native vegetation and maintain the parcel free of this vegetation, and
 - b. Remit payment of a monetary settlement not to exceed the maximum amount allowed per violation, as set forth in this Chapter, and
 - c. Remit payment for costs and expenses of PBC for investigation and enforcement, and
 - d. Any other remedies and corrective action deemed necessary and appropriate by the Director of ERM to ensure compliance with this Chapter.

2. The consent agreement shall not serve as evidence of a violation of this Chapter and shall expressly state that the alleged violator neither admits nor denies culpability for the alleged violations by entering into such agreement. In addition, prior to entering into any such consent agreement, each alleged violator shall be apprised of the right to have the matter heard by the GNRPB in accordance with the provisions of this Chapter, and that execution of the agreement is not required.
 3. The consent agreement shall be valid and enforceable in a court of competent jurisdiction in PBC and shall abate any enforcement proceedings available to ERM for so long as the terms and conditions of such agreement are complied with. In the event the alleged violator fails to comply with the terms and conditions set forth in the executed agreement, the Director of ERM may either:
 - a. Consider the consent agreement void and pursue any remedies available for enforcement of the applicable provisions of this Chapter; or
 - b. Initiate legal proceedings for specific performance of the consent agreement.
- E. All monies collected pursuant to violations of this Chapter whether from consent agreement or the GNRPB shall be deposited in the PBC Pollution Recovery Trust Fund.

APPENDIX 1 GENERIC SUBSTANCE LIST

Acid and basic cleaning solutions	Laboratory chemicals
Antifreeze and coolants	Liquid storage batteries
Arsenic and arsenic compounds	Medical, pharmaceutical, dental, veterinary, and hospital solutions
Bleaches and peroxides	Mercury and mercury compounds
Brake and transmission fluids	Metal finishing solutions
Brine solution	Oils
Casting and foundry chemicals	Paints, primers, thinners, dyes, stains, wood preservatives, varnishing, and cleaning compounds
Caulking agents and sealants	Painting solvents
Cleaning solvents	PCBs
Corrosion and rust prevention solutions	Pesticides and herbicides
Cutting fluids	Plastic resins, plasticizer, and catalysts
Degreasing and parts cleaning solvents	Photo development chemicals
Disinfectants	Poisons
Electroplating solutions	Polishes
Explosives	Pool chemicals
Fertilizers	Processed dust and particulates
Fire extinguishing chemicals	Radioactive sources
Food processing wastes	Reagents and standards
Formaldehyde	Refrigerants
Fuels and additives	Roofing chemicals and sealers
Glues, adhesives, and resins	Sanitizers, disinfectants, bactericides, and algacides
Greases	Soaps, detergents, and surfactants
Hazardous waste	Solders and fluxes
Hydraulic fluid	Stripping compounds
Indicators	Tanning industry chemicals
Industrial and commercial janitorial supplies	Transformer and capacitor oils/fluids
Industrial process chemicals	Waste oils and antifreeze
Industrial sludges and still bottoms	Water and wastewater treatment chemicals
Inks, printing, and photocopying chemicals	
Notes:	
Substances in this Table may be adjusted by ERM.	

APPENDIX 2 OPERATING AND CLOSURE PERMIT BONDS

	Zone 1	Zone 2	Zone 3
Cash Bond	\$20,000	\$10,000	\$5,000
Permit Bond with Corporate Surety	\$20,000	\$10,000	\$5,000
Letter of Credit	\$20,000	\$10,000	\$5,000
Notes:			
Amounts reflected in this Table are for each operating and closure permit issued and may be adjusted by ERM.			

APPENDIX 3 BEST MANAGEMENT PRACTICES FOR THE CONSTRUCTION INDUSTRY

- A. The general contractor, or if none, the Property Owner, shall be responsible for assuring that each contractor or subcontractor evaluates each site before construction is initiated to determine if any site conditions may pose particular problems for the handling of any Regulated Substances. For instance, handling Regulated Substances in the proximity of water bodies or wetlands may be improper.
- B. If any Regulated Substances are stored on the construction site during the construction process, they shall be stored in a location and manner which will minimize any possible risk of release to the environment. Any storage container of 55 gallons, or 440 pounds, or more containing Regulated Substances shall have constructed below it an impervious containment system constructed of materials of sufficient thickness, density, and composition that will prevent the discharge to the land, groundwaters, or surface waters, of any pollutant which may emanate from said storage container or containers. Each containment system shall be able to contain 150 percent of the contents of all storage containers above the containment system.
- C. Each contractor shall familiarize him/herself with the manufacturer's safety data sheet supplied with each material containing a Regulated Substance and shall be familiar with procedures required to contain and clean up any releases of the Regulated Substance. Any tools or equipment necessary to accomplish same shall be available in case of a release.

- D. Upon completion of construction, all unused and waste Regulated Substances and containment systems shall be removed from the construction site by the responsible contractor and shall be disposed of in a proper manner as prescribed by law.

APPENDIX 4 MINIMUM STANDARDS FOR SEWER PIPE AND FITTINGS

A. Ductile Iron Pipe and Fittings for Gravity Sewer and Force Main Application

1. Ductile iron pipe shall conform to the requirements of ANSI/AWWA C151/A21.51 unless otherwise noted on the plans. The pipe shall be Class 350 for sizes four inches through 24 inches and Class 250 for sizes from 30 inches to 36 inches. Glands for mechanical joints shall be of ductile iron. **[Ord. 2013-001]**
2. Fittings shall have mechanical joints or flanged ends unless an approved flexible joint restraint system is used. The fittings shall conform to the requirements of AWWA C110 or AWWA C153. **[Ord. 2013-001]**
3. Flanged ductile iron pipe shall be "special thickness Class 53." Flanged ductile iron pipe and fittings shall have threaded flanges, unless otherwise noted on the drawings, and shall conform to ANSI/AWWA C115/A21.15. All flanges shall be Class 1560, ANSI B16.5. All above-grade flanges shall be flat faced unless they are mating up to existing, or otherwise, specified, raised flanges. All gaskets shall be full-faced one-eighth inch red rubber. **[Ord. 2013-001]**
4. Joints shall conform to the requirements of ANSI/AWWA C111/A21.11. **[Ord. 2013-001]**
5. All ductile iron pipe and fittings shall have an epoxy lining and a bituminous coating on the exterior per AWWA specification C210. The coating and lining shall be applied in accordance with the manufacturer's recommendations. **[Ord. 2013-001]**

B. Polyvinyl Chloride Pipe (PVC) (Gasketed Joint) and Fittings for Gravity Wastewater and Sewer Force Main Applications

1. Pipe four inches or larger in diameter shall conform to the requirements as set forth in AWWA C900/C905 with minimum dimension ratio DR 18. Provisions must be made for contraction and expansion at each joint, or with a rubber ring and an integral bell as part of each joint, or by a rubber ring-sealed coupling. Clean, reworked material generated from the manufacturer's own pipe production may be used. Fittings shall be cast or ductile iron. Pipe shall have cast iron pipe-equivalent outside dimensions. **[Ord. 2013-001]**
2. Pipe smaller than four inches in diameter shall conform to Commercial Standard CS 256 and ASTM D22141. Provisions shall be made for contraction and expansion at each joint with a rubber ring, and an integral bell as part of each joint, or by a rubber ring-sealed coupling. Pipe shall be made from SDR 21, 200 psi clean, virgin NSF-approved Type I, Grade 1 PVC conforming to ASTM D1784. Clean, reworked material generated from the manufacturer's own pipe production may be used. Fittings for pipe smaller than four inches in diameter shall be PVC. **[Ord. 2013-001]**

C. High-Density Polyethylene Pipe for Force Mains

HDPE pipe for force mains shall be AWWA C906, minimum 40 feet standard lengths, DR 11 minimum, DIPS size. **[Ord. 2013-001]**

D. Leakage Tests

The test shall be of two-hour duration. During the test, the pipe being tested shall be maintained at a pressure of not less than 150 psi. Leakage is defined as the quantity of water added to the pipe being tested during the test period. No pipe installation will be accepted if the leakage exceeds the quantities specified in AWWA C600, Sec. 5.2. No more than 500 feet of gravity sewer main or 1,000 feet of force main shall be tested at one time. Pressure tested gravity wastewater mains and laterals located in Wellfield Zones 1 and 2 shall be PVC C900 SDR 18 minimum. The tested portion of the laterals shall end at the "upper" bend using a temporary mechanical joint restrained cap. **[Ord. 2013-001]**

E. Manholes

Manholes shall be precast and coated with an approved corrosion barrier system. Exterior manhole joint seal application is required. Manhole inlets and outlets shall be tightly sealed around the sewer pipe and coated to prevent leakage. **[Ord. 2013-001]**

APPENDIX 5 PROHIBITED INVASIVE NON-NATIVE VEGETATION

Common Name	Scientific Name	Type
Melaleuca, Punk Tree, or Paper Tree	<i>Melaleuca quinquenervia</i>	Tree
Brazilian Pepper	<i>Schinus teribinthifolius</i>	Tree
Australian Pine	<i>Casuarina</i> spp.	Tree
Earleaf Acacia	<i>Acacia auriculiformis</i>	Tree
Kudzu	<i>Pueraria montana (P. lobata)</i>	Vine
Climbing Fern	<i>Lygodium</i> spp.	Vine
Air Potato Vine	<i>Dioscorea bulbifera</i>	Vine
Carrotwood	<i>Cupaniopsis anacardioides</i>	Tree
Schefflera	<i>Schefflera actinophylla</i>	Tree

APPENDIX 6 INVASIVE NON-NATIVE VEGETATION

Common Name	Scientific Name	Type
Banyan	<i>Ficus bengalensis</i>	Tree
Bishop-Wood	<i>Bischofia javanica</i>	Tree
Cat's Claw	<i>Mimosa pigra</i>	Shrub
Chinese Tallow Tree	<i>Sapium sebiferum</i>	Vine
Portia Tree or Seaside Mahoe	<i>Thespesia populnea</i>	Tree
Downy Rose Myrtle	<i>Rhodomyrtus tomentosus</i>	Shrub
Jasmine	<i>Jasminum dichotomum</i>	Shrub
Java Plum	<i>Syzygium cumini</i>	Tree
Lather Leaf	<i>Colubrina asiatica</i>	Vine
Lofty Fig	<i>Ficus altissima</i>	Tree
Mahoe	<i>Hibiscus tiliaceus</i>	Tree
Shoebuttan Ardisia	<i>Ardisia solanaceae</i>	Shrub
Woman's Tongue	<i>Albizia lebeck</i>	Tree

APPENDIX 7 SPECIMEN TREE LIST

Common Name	Scientific Name	Trunk Size (Inches)	
		DBH	Circumference
Bald Cypress	<i>Taxodium distichum</i>	13	42
Dahoon Holly	<i>Ilex cassine</i>	4	13
FL. Strangler Fig	<i>Ficus aurea</i>	25	78
Green Buttonwood	<i>Conocarpus erecta</i>	13	42
Gumbo Limbo	<i>Bursera simaruba</i>	13	41
Laurel Oak	<i>Quercus laurifolia</i>	18	56
Live Oak	<i>Quercus virginiana</i>	23	72
Mahogany	<i>Swietenia mahogani</i>	14	43
Pond Cypress	<i>Taxodium ascendens</i>	13	42
Red Bay	<i>Persea borbonia</i>	14	43
Red Maple	<i>Acer rubrum</i>	13	40
Red Mulberry	<i>Morus rubra</i>	14	43
Sand Pine	<i>Pinus clausa</i>	9	27
Seagrape	<i>Coccoloba uvifera</i>	10	32
Slash Pine	<i>Pinus elliotii var. densa</i>	14	45
Southern Red Cedar	<i>Juniperus silicicola</i>	20	64
Swamp Bay	<i>Persea palustris</i>	14	43
Sweet Bay	<i>Magnolia virginiana</i>	12	38

APPENDIX 8 INVASIVE NON-NATIVE VEGETATION WITHIN PRESERVES

Common Name	Scientific Name	Type
Arrowhead Vine	<i>Syngonium podophyllum</i>	Vine
Asparagus Fern	<i>Asparagus densiflorus</i>	Ground cover
Banyan	<i>Ficus bengalensis</i>	Tree
Beach Naupaka	<i>Scaevola sericea</i>	Shrub
Bishop-Wood	<i>Bischofia javanica</i>	Tree
Caesar Weed	<i>Urena lobata</i>	Shrub
Cat's Claw	<i>Mimosa pigra</i>	Shrub
Cat's Claw Vine	<i>Macfadyena unguis-cati</i>	Vine
Castor Bean	<i>Ricinus communis</i>	Herb
Chinese Privet	<i>Ligustrum sinense</i>	Shrub
Chinese Tallow Tree	<i>Sapium sebiferum</i>	Vine
Cogon Grass	<i>Imperata cylindrica</i>	Grass
Coral Ardisia	<i>Ardisia crenata</i>	Shrub
Dodder Vine	<i>Cuscuta exaltata</i>	Vine
Downy Rose Myrtle	<i>Rhodomyrtus tomentosus</i>	Shrub
Gold Coast Jasmine	<i>Jasminum dichotomum</i>	Shrub
Guava	<i>Psidium guajava</i>	Tree
Guinea Grass	<i>Panicum maximum</i>	Grass
Japanese Climbing Fern	<i>Lygodium japonicum</i>	Vine
Java Plum	<i>Syzygium cumini</i>	Tree
Lantana	<i>Lantana camara</i>	Shrub
Lather Leaf	<i>Colubrina asiatica</i>	Vine
Laurel Fig	<i>Ficus microcarpa</i>	Tree
Lead Tree	<i>Leucaena leucocephala</i>	Tree
Lofty Fig	<i>Ficus altissima</i>	Tree
Mahoe	<i>Hibiscus tiliaceus</i>	Tree
Mother-in-Law Tongue	<i>Sansevieria hyacinthoides</i>	Ground cover
Natal Grass	<i>Melinis repens</i>	Grass
Oyster Plant	<i>Tradescantia spathacea</i>	Shrub
Pothos	<i>Epipremnum pinnatum</i>	Vine
Portia Tree or Seaside Mahoe	<i>Thespesia populnea</i>	Tree
Rosary Pea	<i>Abrus precatorius</i>	Vine
Sewer Vine	<i>Paederia cruddasiana</i>	Vine
Shoebutton Ardisia	<i>Ardisia solanaceae</i>	Shrub
Skunk Vine	<i>Paederia foetida</i>	Vine
St. Augustine	<i>Stenotaphrum secundatum</i>	Grass
Strawberry Guava	<i>Psidium cattleianum</i>	Tree
Stinking Passion Vine	<i>Passiflora foetida</i>	Vine
Surinam Cherry	<i>Eugenia uniflora</i>	Shrub
Torpedo Grass	<i>Panicum repens</i>	Grass
Tuberous Sword Fern	<i>Nephrolepis cordifolia</i>	Ground cover
Turkey Berry	<i>Solanum torvum</i>	Shrub
Two-Leaf Nightshade	<i>Solanum diphyllum</i>	Shrub
Wedelia	<i>Wedelia trilobata</i>	Vine
Wild Balsam Apple	<i>Momordica charantia</i>	Vine
Woman's Tongue	<i>Albizia lebeck</i>	Tree
Winged Yam	<i>Dioscorea alata</i>	Vine

[Ord. 2005-002] [Ord. 2019-034]

APPENDIX 9 NATURAL AREAS

The following are ultimate boundaries of natural areas acquired under the 1991 Sensitive Lands or 1999 Conservation Lands bond issues as listed in Resolution No. R-99-1073 as well as natural areas acquired by other governmental entities in PBC. Maps of each area are designated by Range, Township, and Section with its associated 500-foot buffer and are on file at ERM for inspection. **[Ord. 2016-042]**

Incorporated Palm Beach County

Boca Raton	Blazing Star Preserve (R42 T47 S25) [Ord. 2006-036]
	Cypress Knee Slough Preserve (R42 T47 S23/24)
	Florida Atlantic University Ecological Site (R42 T47 S12/13; R43 T47 S07/18)
	Gopher Tortoise Preserve (R43 T46 S32)
	Gumbo Limbo Environmental Complex & Red Reef Park Dune (R43 T47 S16/21)
	Pondhawk Natural Area (R42 T47 S12)
	Rosemary Ridge Preserve (R43 T46 S32)
	Serenoa Glade Preserve (R42 T47 S24)
	South Beach Park Dune (R43 T47 S21)
	Yamato Scrub Natural Area (R43 T46 S31; R43 T47 S06)
Boynton Beach	Rosemary Scrub Natural Area (R43 T45 S09/16)
	Seacrest Scrub Natural Area (R43 T46 S04)
Delray Beach	Delray Oaks Natural Area (R43 T46 S30)
	Leon Weeks Preserve (R43 T46 S29)
Highland Beach	Highland Beach Mangrove Preserve (R43 T46 S33)
Hypoluxo	Hypoluxo Scrub Natural Area (R43 T45 S10)
Juno Beach	Juno Dunes Natural Area (R43 T41 S20/21/28/29)
Jupiter	Delaware Scrub Natural Area (R42 T41 S02) [Ord. 2006-036]
	Jupiter Ridge Natural Area (R43 T41 S07/08/17/18)
	Limestone Creek Natural Area (R42 T41 S03)
	North Jupiter Flatwoods Natural Area (R42 T40 S33)
	Riverbend Park (R42 T40 S32/33; R42 T41 S05-08/17)
Lake Park	Lake Park Scrub Natural Area (R43 T42 S20)
Lantana	Lantana Scrub Natural Area (R43 T44 S32)
North Palm Beach	John D. MacArthur Beach State Park (R43 T42 S10/15)
Ocean Ridge	N. Ocean Ridge Mangroves (R43 T45 S22)
	Ocean Ridge Natural Area (R43 T45 S27) [Ord. 2008-040]
Palm Beach	Palm Beach Island Sanctuaries (R43 T43 S34; R43 T44 S03/10/15)
Palm Beach Gardens	Frenchman's Forest Natural Area (R43 T41 S32; R43 T42 S05)
	Hungryland Slough Natural Area (R41 T41 S28/29/32/33)
	Loxahatchee Slough Natural Area – Includes Sandhill Crane (R41 T41 S23-28/34-36; R41 T42 S01/02/11-13; R42 T41 S19-21/28-32; R42 T42 S05-09/16/17)
Royal Palm Beach	Royal Palm Beach Pines Natural Area (R41 T43 S15/16)
West Palm Beach	Winding Waters Natural Area (R42 T42 S35; R42 T43 S02)
	Grassy Waters Preserve (R42 T42 S07/08/16-21/28-33; R42 T43 S03-10/15-18)

Unincorporated Palm Beach County

Acreage Pines Natural Area (R41 T42 S32)
Arthur R. Marshall Loxahatchee NWR (R39 T44 S12/13/23-27/34-36; R39 T45 S01-03/10-15/22-27/34-36/L1-3; R39 T46 S01-03/10-14/23-25; R40 T43 S32/L5; R40 T44 S04-09/15-36; R40 T45 S01-42; R40 T46 S01-36; R40 T47 S01-06/08-14; R41 T44 S30-32/40-42; R41 T45 S04-10/14-23/26-35; R41 T46 S02-11/14-23/26-35; R41 T47 S03-10/15-19)
C-18 Triangle Natural Area (R42 T41 S08)
Cypress Creek Natural Area (R41 T40 S36; R42 T40 S31/32; R42 T41 S06)
Daggerwing Nature Center Preserve (R41 T47 S11/14)
Donald Ross Road at the ICW (R43 T41 S29)
DuPuis Management Area (R38 T40 S31-36; R38 T41 S01-06/08-16/22-26/36; R39 T41 S19/30-31)
East Conservation Area (R41 T45 S14) [Ord. 2006-036]
High Ridge Scrub Natural Area (R43 T45 S09)
Hungryland Slough Natural Area (R41 T41 S19/20/29-32)
Jackson Riverfront Pines (R42 T40 S25)
Jupiter Inlet (R43 T40 S31)
J.W. Corbett/Lox Refuge Connector (R40 T43 S05/06/08)

J.W. Corbett Wildlife Management Area (R39 T40 S31-36; R39 T41 S01-36; R39 T42 S01-06/08-16; R40 T40 S31/32; R40 T41 S05-08/18-36; R40 T42 S01-18/21/22; R41 T41 S31; R41 T42 S06/07/18)
Lake Okeechobee Connector (R37 T40 S35/36)
Loxahatchee Mitigation Bank (R41 T46 S14/23/25/26/35; R41 T47 S02)
Sweetbay Natural Area (R41 T41 S34; R41 T42 S01-03) [Ord. 2006-036]
Okeehetee Nature Center Preserve (R42 T44 S04/05)
Pine Glades Natural Area (R40 T40 S31-33; R40 T41 S01-04/10-13; R41 T41 S01/05-09) [Ord. 2006-036]
Paw-Paw Preserve Natural Area (R43 T42 S04)
Pine Jog Environmental Education Center (R42 T44 S03)
Pond Cypress Natural Area (R41 T43 S01/12/13/24)
Riverbend Park (Reese Property) – See Riverbend Park under Jupiter municipality
Royal Palm Beach Pines Natural Area (R41 T43 S16)
Strazzulla Tract (R41 T44 S34/39-40; R41 T45 S03/04/10/11/14/15)

APPENDIX 10 PROHIBITED VEGETATION REMOVAL SCHEDULE

Common Name	Scientific Name	Year
Climbing Fern (Non-Native)	<i>Lygodium ssp.</i>	2004
Air Potato Vine	<i>Dioscorea bulbifera</i>	2006
Melaleuca, Punk Tree, or Paper Tree	<i>Melaleuca quinquenervia</i>	2008
Brazilian Pepper	<i>Schinus terebinthifolius</i>	2010
Carrotwood	<i>Cupaniopsis anacardioides</i>	2012
Earleaf Acacia	<i>Acacia auriculiformis</i>	
Schefflera	<i>Schefflera actinophylla</i>	
Australian Pine	<i>Casuarina spp.</i>	
Kudzu	<i>Pueraria montana var. lobata</i>	

Amendment History:

[Ord. 2003-067; January 1, 2004] [Ord. 2005-002; February 2, 2005] [Ord. 2006-004; March 1, 2006] [Ord. 2006-010; May 24, 2006] [Ord. 2006-036; August 29, 2006] [Ord. 2007-013; September 4, 2007] [Ord. 2008-003; January 30, 2008] [Ord. 2008-037; September 4, 2008] [Ord. 2008-040; September 29, 2008] [Ord. 2009-040; October 28, 2009] [Ord. 2010-022; September 1, 2010] [Ord. 2011-001; February 4, 2011] [Ord. 2012-027; August 31, 2012] [Ord. 2013-001; January 31, 2013] [Ord. 2014-001; February 3, 2014] [Ord. 2016-042; September 27, 2016] [Ord. 2018-018; August 29, 2018] [Ord. 2019-034; August 27, 2019] [Ord. 2021-022; September 3, 2021] [Ord. 2021-023; September 3, 2021]