

AN ORDINANCE OF THE CITY OF PORT ST. LUCIE, FLORIDA, AMENDING CH. 56 STORMWATER MANAGEMENT, ART. III, REQUIREMENTS, SECTION 56.22 ROADWAY SWALES OF THE CODE OF ORDINANCES; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Port St Lucie, Florida (“City”) desires to update Chapter 56, Stormwater Management, Article III, Requirements of the Port St Lucie Code of Ordinances (“Code”) to reimplement the City’s Swale Liner Program; and

WHEREAS, on February 22, 2024, the Port St. Lucie City Council unanimously voted to reimplement and enforce the City’s Swale Liner program.

NOW, THEREFORE, THE CITY OF PORT ST. LUCIE HEREBY ORDAINS:

Section 1. Ratification of Recitals. The foregoing recitals are hereby ratified and confirmed as true and correct and are hereby made a part of this Ordinance.

Section 2. Title V, Public Works, Chapter 56, Stormwater Management, Article III, Requirements of the Code is amended as follows: (~~striketrough-text~~ indicates deletions while underlined text indicates additions):

Sec. 56.22. Roadway swales.

(a) Roadway swales are a major component of the city's stormwater management system. The swales provide water quality treatment as well as convey the stormwater to the larger ditches, swales and canals within the city.

(b) Except as otherwise provided herein, it shall be unlawful for any person to fill or obstruct or allow the filling or obstruction or to damage or destroy or allow damage or destruction of any swale, or impede or interfere or permit interference with the drainage system within the city.

(c) The building inspector shall withhold approval of any inspection if, upon inspection of the property and adjacent or affected properties, it is determined that the swale or drainage

ORDINANCE 24-

system has been disturbed in a fashion to impede or interfere with its operation and may order the work stopped on the project until the swale and/or drainage system has been restored.

(d) In the course of construction or repairs of improvements to real property, the crossing or storage of supplies and materials and other uses of the swale area adjacent to the property under improvement or repair may occur, provided that such activities do not impede or interfere with the operation of the city's drainage system. Any such person or entity so utilizing the swale area, upon notification from the city shall immediately remove or repair any obstruction or damage to the swale and any failure to do so within 24 hours of such notification shall be deemed a violation of this section.

(e) During the course of construction or repairs involving the crossing or disturbance of a swale the builder shall be responsible for implementing siltation control as specified in Section 56.24.

(f) The restoration, stabilization and sodding of swales shall be as specified in Section 56.25.

(g) All new construction shall include the installation or reinstallation of the swale liner as required in the permit for the work and specified in the Engineering Standards for Land Development.

Section 3. Conflict. If any ordinances, or parts of ordinances, are in conflict herewith this Ordinance shall control to the extent of the conflicting provisions.

Section 4. Severability. The provisions of this Ordinance are intended to be severable. If any provision of this Ordinance is determined to be void or is declared illegal, invalid, or unconstitutional by a Court of competent jurisdiction, the remainder of this Ordinance shall remain in full force and effect.

Section 5. Codification. The provisions of this Ordinance shall be made a part of the Code of Ordinances of the City of Port St. Lucie, Florida. The sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; the word "ordinance" may be changed to "section" or other appropriate word as may be necessary.

Section 6. Effective Date. This Ordinance shall become effective immediately upon final adoption on second reading.

ORDINANCE 24-

PASSED AND ADOPTED by the City Council of the City of Port St. Lucie, Florida, this _____ day of _____, 2024.

CITY COUNCIL
CITY OF PORT ST. LUCIE

By: _____
Shannon M. Martin, Mayor

ATTEST:

Sally Walsh, City Clerk

APPROVED AS TO FORM:

James D. Stokes, City Attorney