

CITY OF SANIBEL
DRAFT ORDINANCE 26-012

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, AMENDING THE CODE OF ORDINANCES; CHAPTER 30, ENVIRONMENT, ARTICLE II, LITTER, ADDING A NEW SECTION 30-38, UNLAWFUL DRAINING OF POOLS AND SPAS, AND AMENDING SECTION 30-39, UNLAWFUL DUMPING INTO WATER STORAGE AREAS; CHAPTER 70, UTILITIES, ARTICLE III. SANITARY SEWER SYSTEM, DIVISION 1, GENERALLY, ADDING A NEW SECTION 70-86, ILLICIT DISCHARGE; DIVISION 2, RATES, FEES, CHARGES, AMENDING SECTION 70-103, DEFINITIONS, AND SECTION 70-112, UNLAWFUL CONNECTION; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERANCE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on September 28, 2022, Hurricane Ian made landfall in Southwest Florida and caused catastrophic flooding, storm surge, and widespread damage throughout the City of Sanibel; and

WHEREAS, in the aftermath of Hurricane Ian, the City experienced substantial reconstruction, redevelopment, home elevation, and repair activities that significantly increased the frequency of pool draining, site dewatering, groundwater pumping, and other discharge activities associated with construction and recovery efforts; and

WHEREAS, the City has identified recurring issues associated with the improper discharge of chlorinated pool and spa water, sediment-laden construction dewatering effluent, and other non-stormwater discharges into canals, ponds, swales, stormwater infrastructure, and adjacent properties, creating potential adverse impacts to water quality, environmental resources, public infrastructure, and neighboring properties; and

WHEREAS, in connection with the declared State of Local Emergency for Hurricane Ian and continuing uninterrupted with the declared States of Local Emergency associated with Hurricanes Helene and Milton, the Mayor has included within the Mayoral Proclamations temporary restrictions on pool and spa discharges; and

WHEREAS, the City Council finds it necessary and appropriate to permanently extend regulations governing illicit discharges, construction dewatering activities, and pool and spa drainage in order to protect the City's stormwater system, sanitary sewer system, surface waters, and environmental resources; and

WHEREAS, the City Council determines that adoption of this Ordinance is in the best interests of the public health, safety, and welfare of the residents, businesses, and visitors of the City of Sanibel.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA:

SECTION 1. The recitals above are true and correct and made a part hereof.

SECTION 2. Sanibel Code of Ordinances, Subpart B. Land Development Code, Chapter 30, is hereby amended with ~~strike through~~ language indicating deletions and underlined language indicating additions as follows:

Chapter 30 - ENVIRONMENT

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ARTICLE II. – LITTER

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Secs. 30-37, ~~30-38.~~ – Reserved.

Sec. 30-38. – Unlawful draining of pools and spas.

Except as provided in section 30-39(d)(1), discharge from swimming pools and spas shall be accomplished within the property lines of the property where the pool or spa is located and with the following conditions:

- (a) The rate of discharge must be slow enough to allow all the water to percolate through and be contained within the subject property; however, overflow to a stormwater system, including swales, is permissible if sufficient erosion and sediment control devices, including but not limited to filter bags or sediment socks, are utilized to prevent dirt, sediment, or other pollutants from entering the stormwater system;
- (b) Direct discharge onto adjacent properties is prohibited, unless there is prior written authorization from the owner of the adjacent property; and
- (c) Direct discharge into any stream, channel, pond, canal, basin, or other waterbody is prohibited.

Sec. 30-39. – Unlawful dumping into water storage areas.

It shall be unlawful and prohibited to dump, deposit, or otherwise cause any garbage, litter, junk, refuse, trash, landscape debris, or other similar material to be placed in any stream, channel, pond, canal, basin, or other waterbody which regularly or periodically carries or stores water.

(a~~4~~) *Definitions.* For the purposes of this section, the following definitions apply:

- (1) *Dewatering* means the temporary lowering of the water table by draining or pumping of ground water from activities including but not limited to excavations, building foundations, vaults, trenches and aquifer performance tests for exploratory purposes.
- (2) *Discharge* has the same meaning as defined in section 74-136.
- (3) *Illegal connection* means any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system including but not limited to any conveyances which allow any non-storm water discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency. No person may maintain, use or establish any direct or indirect connection to the separate storm sewer system that results in any

discharge in violation of this article. This prohibition includes Illegal connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

~~(4)a=~~ *Illegal discharge* means any direct or indirect non-stormwater discharge to the storm drain system, except as exempted in this section.

~~(5)b=~~ *Storm drain system* means a network of structures, channels, roadside swales, underground pipes, etc. that collect or convey stormwater to control quantity, quality, timing, and distribution of stormwater runoff that discharges to surface waters of the state.

~~(b2)~~ General prohibitions. Except as set forth under authorized exceptions, or in accordance with a valid National Pollutant Discharge Elimination System (NPDES) permit, any discharge to the storm drain system that is not composed entirely of stormwater is prohibited.

~~(c3)~~ Specific prohibitions. Any discharge containing sewage, industrial waste, or other waste materials, or containing any materials in violation of federal, state, county, city, or other laws, rules, regulations, orders, or permits, is not permitted to enter the storm drain system.

~~(d4)~~ Authorized exceptions. The commencement, conduct, or continuance of any illegal discharge to the storm drain system is prohibited except the following:

The following discharges are exempt from discharge prohibitions established by this ordinance:

~~(1)a.~~ Water line flushing or other potable water sources;

~~(2)b.~~ Landscape irrigation or lawn watering;

~~(3)c.~~ Diverted stream flows;

~~(4)d.~~ Rising groundwater;

~~(5)e.~~ Groundwater infiltration to storm drains;

~~(6)f.~~ Uncontaminated pumped ground water, foundation, or footing drains (not including active groundwater dewater systems);

~~(7)g.~~ Crawl space pumps;

~~(8)h.~~ Air conditioning condensation;

~~(9)i.~~ Springs;

~~(10)j.~~ Non-commercial washing of vehicles;

~~(11)k.~~ Natural riparian habitat or wet-land flows;

~~(12)l.~~ Swimming pools and spas, if water is clear and dechlorinated to a chlorine concentration of less than one (1) ppm and in accordance with section 30-38.
~~(if dechlorinated - typically less than one PPM chlorine);~~

~~(13)m.~~ Fire-fighting activities;

~~(14)n.~~ Any other water source not containing pollutants; and

~~(15)o.~~ Discharges specified in writing by the authorized enforcement agency as being necessary to protect public health and safety.

~~(e5)~~ The prohibition shall not apply to any non-stormwater discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Federal Environmental Protection Agency,

provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.

- (1) Dewatering or discharge from residential or commercial construction sites shall be permitted only upon issuance of the applicable Florida Department of Environmental Protection (FDEP) Generic Permit, and any other required federal, state, or local permits or approvals, prior to the commencement of any dewatering or discharge activities. Issuance of an FDEP Generic Permit shall not relieve the permittee of the obligation to obtain any other required federal, state, or local permits, approvals, or authorizations.
- (2) Dewatering directly into any stream, channel, pond, canal, basin, or other waterbody is prohibited.

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SECTION 3. Sanibel Code of Ordinances, Subpart B. Land Development Code, Chapter 70, is hereby amended with ~~striketrough~~ language indicating deletions and underlined language indicating additions as follows:

Chapter 70. – UTILITIES

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ARTICLE III. – SANITARY SEWER SYSTEMS

DIVISION I. – GENERALLY

Sec. 70-86. – Illicit discharge.

Unless expressly authorized by ordinance or resolution of the City Council, resolution of the Planning Commission, or by written approval from the Public Works Department, no person shall discharge or cause to be discharged into the sanitary sewer system, any stormwater, surface water, groundwater, roof runoff, subsurface drainage, swimming pool or spa discharge, industrial process waters, toxic or hazardous substances, or any other substance that, either directly or indirectly, may or will interfere with the operation or performance of the sewer system, cause disruption to the flow in the city sewer system or other interference with the operation thereof, injure or interfere with any wastewater treatment process or which may cause a degradation of effluent quality.

Secs. ~~70-87~~ – 70-100. Reserved.

DIVISION 2. – RATES, FEES, CHARGES

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Sec. 70-103. Definitions.

Unless specifically defined below, words or phrases used in this article shall be interpreted to give this article its most reasonable application, consistent with state and federal law and other city ordinances. The following words and phrases shall have the following meanings unless the context requires otherwise:

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Illicit discharge means any direct or indirect discharge to a sanitary sewer system that is not authorized by applicable law, permit, approval, or utility regulation, including but not limited to stormwater, groundwater, surface water, pollutants, hazardous substances, or prohibited wastes.

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Sec. 70-112. Unlawful connection.

No person shall be allowed to connect or reconnect into the system without the written consent of the city, and without having first paid all connection, turn-off reconnection fees, deposit fees, and other fees and then the connection or reconnection with such system shall only be made under the direction and supervision of the city manager or his/her designee. Reconnection shall only be permitted after payment of a \$250.00 reconnection charge. Any property owner who allows an occupant, or any occupant of the property, or any person who shall make any such connection or reconnection without such consent of the city manager or his/her designee and without first having paid all connection, reconnection and deposit fees, shall have violated the provisions of this article and shall, upon conviction, be subject to the penalties hereinafter provided. ~~The city is considering the adoption at a later date of an ordinance which sets forth specific and detailed limitations and prohibitions on what may be discharged into the city sewer system. Until such time as said ordinance is adopted, no person shall discharge or cause to be discharged any stormwater; surface water; groundwater; roof runoff; subsurface drainage; uncontaminated cooling water; swimming pool drainage; unpolluted industrial process waters; any toxic or hazardous substance; or any liquid, solid, gas or viscous substance, or any sewage that, either directly or indirectly, may or will interfere with the operation or performance of the system, cause destruction to the flow in the city sewer system or other interference with the operation thereof, injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters from the treatment facilities, which by reason or quantity are, or may be sufficient either alone or by interaction with other substances to cause fire or explosion or to be injurious in any other way to the city sewer system or the operation of such system, or which may cause a degradation of effluent quality.~~

SECTION 4. Codification. The City Manager is hereby authorized and directed to indicate these amendments in future City Code publications.

SECTION 5. Conflict. All ordinances and parts of ordinances in conflict herewith shall be and the same hereby repealed. If any part of this ordinance conflicts with any other part, it shall be severed, and the remainder shall have full force and effect and be liberally construed.

SECTION 6. Severance. If any section, subsection, sentence, clause, phrase or portion of this ordinance, or application hereof, is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion or application shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion or application hereof.

SECTION 7. Effective date. This Ordinance shall be effective immediately upon adoption.

SCHEDULE FOR SECOND READING AND PUBLIC HEARING IN OPEN AND REGULAR SESSION OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, ON THE 16TH DAY OF JUNE 2026.

Attest:

Scotty Lynn Kelly, City Clerk

Mike Miller, Mayor

Approved as to form and legality:

John D. Agnew, City Attorney

Date filed with City Clerk: _____

Vote of Council Members:

Miller	_____
Henshaw	_____
DeBruce	_____
Johnson	_____
Smith	_____

First Reading: June 2, 2026
 Publication Date: _____
 Second Reading: _____