

# Town of Indian Shores



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## **TOWN COUNCIL AGENDA**

**December 14, 2010**

### **PLEDGE OF ALLEGIANCE TO THE FLAG**

#### **1.0 REGULAR COUNCIL MEETING**

**Begins at 7:00 P.M.**

**1.1 Consideration of approving Council Agenda for December 14, 2010.**

**1.2 Consideration of approving "CONSENT AGENDA", as follows:**

**A. MINUTES: Council 11/9/2010**

**(Minutes packet distributed separately.)**

**B. RE-OCCURRING EXPENSES: (Resolution 7-2008):**

**From 11/2/2010 thru 11/30/2010. (Ref.: Pg. 1)**

**1.3 APPROVAL of Committee expenditures: NONE**

**1.4 CORRESPONDENCE: NONE**

**1.5 Town Attorney's Report.**

**PLEASE DISABLE ALL CELL PHONES DURING MEETING.**

James J. Lawrence  
Mayor

Joan G. Herndon  
Vice Mayor

Carole Irelan  
Councilor

Steve Sutch  
Councilor

William F. Smith  
Councilor

E.D. Williams  
Town Administrator  
Chief of Police

Mary Karayianes  
Director of Finance  
and Personnel

Marcia Grantham  
Town Clerk

James Yacavone  
Town Attorney

Lawrence G. Nayman  
Building Code  
Administrator

- 1.6 **PUBLIC HEARING:** *Second Reading of proposed Ordinance 2010-9, amending Article V, entitled "Conservation", of Chapter 90 of the Code of Ordinances, dealing with planning and development by amending Section 90-102, entitled "Maintenance of Recreational Water Quality" to prohibit new discharges into the intracoastal waterway and to allow the Town to enter into Interlocal Agreements to prevent pollutant discharges; creating Section 90-103 to be entitled "Town of Indian Shores Stormwater Pollution Control Ordinance" to provide rules, regulations, prohibitions, penalties and enforcement to control the discharge of pollutants to the Town's storm sewer system, to the Gulf Boulevard drainage system onto private property, and to surface waters and surrounding coastal waters. (Ref.: Pgs. 2 – 15)*
- 1.7 **PUBLIC HEARING:** *RESOLUTION 15-2010, supporting the "LET'S MOVE!" Campaign. (Ref.: Pg. 16)*
- 1.8 *Consideration of awarding Bid for police vehicle.*
- 1.9 **PROCLAMATION** *proclaiming the week of December 26, 2010 through January 2, 2011 as "Childhood Cancer Awareness Week". (Ref.: Pg. 17)*
- 1.10 *Consideration of the Town accepting donation of a Roto-tiller from Vicki and Bruce Lawrie.*
- 1.11 *Consideration of approving Financial Statement covering November 30, 2010. (Ref.: Pg. 18)*
- 1.12 *Consideration of approving Police Activity Report covering the month of November 2010. (Ref.: Pgs. 19 – 26)*
- 1.13 *Update Report on status of proposed construction of a new Municipal Center.*
- 1.14 *Town Administrator's Report.*

*1.15 Citizens' Comments on any subject.  
(Please limit time to 3 minutes for your comments.)*

*1.16 Mayor's and Council Members comments on any subject.*

*Marcia Grantham*  
**MARCIA GRANTHAM, CMC**  
*Town Clerk*

*Any person who decides to appeal any decision of the Town Council with respect to any matter considered at any such meeting will need a record of the proceedings, and for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes that testimony and evidence upon which the appeal is to be based.*



ORDINANCE NO. 2010-9

AN ORDINANCE OF THE TOWN OF INDIAN SHORES, FLORIDA, AMENDING ARTICLE V, ENTITLED "CONSERVATION", OF CHAPTER 90 OF THE CODE OF ORDINANCES DEALING WITH PLANNING AND DEVELOPMENT BY AMENDING SECTION 90-102, ENTITLED "MAINTENANCE OF RECREATIONAL WATER QUALITY" TO PROHIBIT NEW DISCHARGES INTO THE INTRACOASTAL WATERWAY AND TO ALLOW THE TOWN TO ENTER INTO INTERLOCAL AGREEMENTS TO PREVENT POLLUTANT DISCHARGES; CREATING SECTION 90-103 TO BE ENTITLED "TOWN OF INDIAN SHORES STORMWATER POLLUTION CONTROL ORDINANCE" TO PROVIDE RULES, REGULATIONS, PROHIBITIONS, PENALTIES AND ENFORCEMENT TO CONTROL THE DISCHARGE OF POLLUTANTS TO THE TOWN'S STORM SEWER SYSTEM, TO THE GULF BOULEVARD DRAINAGE SYSTEM, ONTO PRIVATE PROPERTY, AND TO SURFACE WATERS AND SURROUNDING COASTAL WATERS; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR THE UNIFORM NUMBERING SYSTEM OF THE INDIAN SHORES CODE

NOW, THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF INDIAN SHORES:

Section 1: Chapter 90, Planning and Development is amended as follows:

**Chapter 90 PLANNING AND DEVELOPMENT\***

\*Cross references: Planning, zoning and building committee, § 2-106 et seq.; impact fees, § 2-136; sea turtle protection provisions, § 14-56 et seq.; requirements for development permits, § 18-60; numbering of buildings, § 18-301 et seq.; environment, ch. 34; noise, § 34-81 et seq.; recreation and park site planning, § 54-2; recreational vehicles and travel trailer parks, ch. 58; signs, ch. 94.

Article I. In General

Secs. 90-1–90-35. Reserved.

Article II. Planning Agency

Sec. 90-36. Declaration of intent to exercise planning authority.

Secs. 90-37--90-55. Reserved.

Article III. Coastal Planning

Sec. 90-56. Intergovernmental coastal planning.

Secs. 90-57--90-75. Reserved.

Article IV. Interlocal Coordination

Sec. 90-76. Purpose.

Sec. 90-77. County planning council.

Sec. 90-78. Multijurisdictional problems.

Sec. 90-79. Coordination of level of service standards.

Secs. 90-80--90-100. Reserved.

#### Article V. Conservation

Sec. 90-101. Water and environmental conservation.

Sec. 90-102. Maintenance of recreational water quality.

Secs. 90-103--90-125. Reserved.

#### Article VI. Capital Improvements

Sec. 90-126. Definitions.

Sec. 90-127. Establishment of capital improvement plan.

Sec. 90-128. Debt management.

Sec. 90-129. Maintenance of level of service standards.

Sec. 90-130. Coastal high-hazard area.

Sec. 90-131. Implementation.

### ARTICLE I. IN GENERAL

Secs. 90-1--90-35. Reserved.

### ARTICLE II. PLANNING AGENCY\*

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\*Cross references: Boards, committees, commissions, § 2-86 et seq.

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#### **Sec. 90-36. Declaration of intent to exercise planning authority.**

In accordance with F.S. § 163.3171, the town declares its intent to fully exercise, for the total area within the corporate limits of the town, all authority, power and responsibility for the following:

- (a) Planning for future development and growth of the town.
- (b) Adopting and amending comprehensive plans or elements or portions thereof to guide the town's future development and growth.
- (c) Implementing adopted or amended comprehensive plans by the adoption of appropriate land development regulations or elements thereof.
- (d) Establishing, supporting and maintaining administrative instruments and procedures to carry out the provisions and purposes of F.S. ch. 163.

### ARTICLE III. COASTAL PLANNING

Sec. 90-56. Intergovernmental coastal planning.

- (a) The town, in cooperation with the county and those communities located on Sand Key and appropriate federal and state agencies, shall participate in the preparation and implementation of an overall coastal management plan for Sand Key.
- (b) The levels of service for coastal area development are those designated in objective 1.1 of the traffic element, objective 2.3 and policies 1.1.1, 2.1.1 and 2.2.1 of the infrastructure element and policy 1.1.1 of the recreation and open space element of the comprehensive plan 1989 and shall be consistent with all development orders and permits for future development and redevelopment activities which shall be

issued only if public facilities necessary to meet the level of service standards are available concurrent with the impacts of the development.

- (c) The town shall, through the cooperative efforts of the county and those communities located on Sand Key, participate in formulating and adopting a Sand Key master drainage plan to be implemented by the county and all Sand Key governments by 1994. This plan shall meet the requirements of the 25-year, 24-hour-duration storm event, and post-development runoff not exceeding predevelopment drainage rate. The Sand Key master drainage plan shall, as a minimum, address the following:
  - (1) An inventory and evaluation of those areas which currently have flooding problems.
  - (2) A hydrological survey of Sand Key showing the natural and manmade systems.
  - (3) The analysis of stormwater outfalls for filtering stability.
  - (4) A water quality analysis of stormwater runoff and its impact on receiving waterbodies as groundwater.
  - (5) A list of recommended corrective measures and the projected implementation cost. Such costs should be proportionally shared by the local governments located on Sand Key and in the county.
  - (6) The correcting of existing drainage facility deficiencies.
  - (7) The coordination of the extension of or increase in capacity of drainage facilities.
  - (8) The maximizing of the use of existing drainage facilities.
  - (9) Implementation activities for establishing priorities for replacement, correcting existing drainage facility deficiencies and providing for future drainage facility needs.
- (d) When completed and adopted, the Sand Key master drainage plan shall maintain the standards established by the state department of environmental regulation for outstanding Florida waters and aquatic preserve designations of Clearwater Harbor and the Southwest Florida Water Management District's Tampa Bay S.W.I.M. plan 1988 and chapters 17-25, 40D-4, and 40D-40, F.A.C.
- (e) When adopted, the requirements of the Sand Key master drainage plan shall be incorporated into the infrastructure and capital improvements elements of the comprehensive plan and shall be required for all new construction in the town.
- (f) Working in concert with the county planning council and the Sand Key local governments, the town shall:
  - (1) Encourage the affected governments to enter into an agreement to establish a drainage improvement fund to assist in implementation of the master drainage plan.
  - (2) Develop local programs for retrofitting existing drainage system deficiencies to conform to the master drainage plan.
  - (3) Encourage all local governments to implement those portions of the master drainage plan over which they have jurisdiction by 1994.
- (g) All development activity in the town shall continue to be regulated by the 25-year storm event and section 86-128 until the Sand Key master drainage plan has been adopted and implemented.

**Secs. 90-57--90-75. Reserved.**

#### **ARTICLE IV. INTERLOCAL COORDINATION**

**Sec. 90-76. Purpose.**

The purpose of this article is the improvement of interlocal coordination to successfully implement local government comprehensive plans and to resolve conflicts resulting from differences in these plans.

**Sec. 90-77. County planning council.**

- (a) The town shall, through its representative, actively participate in the county planning council (PPC) which is the forum designated in the county Charter to review and make recommendations to the board of county commissioners regarding proposed annexations and the ability of a municipality to provide services and compatibility between the town's plan and the county's plan.
- (b) The town shall use the PPC as a forum to identify and discuss issues related to plan implementation, development and funding which affect one or more of these jurisdictions in such areas as land use, transportation, coastal management, drainage, conservation and open space planning.
- (c) The PPC shall be in the forum to discuss annexation plans, and that will address consistency of land uses, provision of services and the process established by the PPC for conflict resolution, which will be utilized to resolve disputes.

**Sec. 90-78. Multijurisdictional problems.**

- (a) If the resolution of issues requiring intergovernmental concurrence has not been achieved, the town shall initiate informal mediation by filing with the Tampa Bay regional planning council a written request for mediation assistance, pursuant to Laws of Fla. ch. 29H-11, and F.S. ch. 186.
- (b) The town shall continue to communicate with the county planning council, county school board, Tampa Bay regional planning council, West Coast Regional Water Supply Authority, Southwest Florida Water Management District and other state agencies, such as the department of community affairs, department of environmental regulation, department of natural resources, department of transportation and department of health and rehabilitative services, and federal agencies on projects which fall within their jurisdictions or are multijurisdictional in nature.
- (c) (Code 1979, § 11.5-3)
- (d) Sec. 90-79. Coordination of level of service standards.
- (e) The town shall, through the county metropolitan planning organization, work with the state department of transportation and the county area transportation study/metropolitan planning organization as necessary to attain and ensure an acceptable continued operational level of service for the town's main street, Gulf Boulevard.
- (f) The town shall, through the county planning council, coordinate with the county to ensure that each jurisdiction's future needs are considered in the acquisition and design of public service facilities, such as wastewater treatment and potable water.

- (g) The town shall participate in the Barrier Island government committee (BIG C), an organization of beach communities, to coordinate the levels of service and preserve and protect the interests of the barrier island inhabitants. The BIG C shall serve as liaison between the beach communities and the county.

Secs. 90-80--90-100. Reserved.

## **ARTICLE V. CONSERVATION**

### **Sec. 90-101. Water and environmental conservation.**

To protect the quality and quantity of surface water and groundwater, the town shall:

- (a) Work with the county water department towards the inclusion of educational material concerning water conservation and discouraging waste in all billing to town residential and commercial customers.
- (b) Coordinate, implement and enforce provisions of county Ordinance No. 73-5, as amended, and published by the Southwest Florida Water Management District water shortage plan, chapter 40D-21 F.A.C., or technical series 88-1 and 88-3, for the purpose of restricting the unnecessary consumption of potable water.
- (c) Adopt by reference the required standards of the county aquatic preserve management plan to protect and preserve water quality.
- (d) Work with those other communities lying within the Tampa Bay S.W.I.M. plan 1988 area to implement the surface water improvement management program for the Tampa Bay area.
- (e) Report any accidents involving hazardous waste or any discovery of illegal disposal of suspected hazardous waste to the county hazardous materials disposal team and to other appropriate state, regional or county agencies as expeditiously as possible.
- (f) Initiate an educational program using mailings and public meetings, in conjunction with the Tampa Bay regional planning council, the county and neighboring communities, to:
  - (1) Inform the town's residents and business owners about safe and effective methods for storage and disposal of hazardous materials.
  - (2) Regulate small generators of hazardous wastes to protect natural resources and public health.
  - (3) Promote the recycling of waste products such as oils, solvents and paints by the distribution of public information.
  - (4) Promote the use of amnesty days and other methods of facilitating the collection and disposal of hazardous wastes from individuals and small businesses.

**Sec. 90-102. Maintenance of recreational water quality.**

- (a) No new point sources shall be permitted to discharge from the town into the Intercoastal waterway, Boca Ciega Bay and Clearwater Harbor or into ditches or canals that flow into these waterbodies.
- (b) The town, acting in conjunction with the county planning department and neighboring communities, shall adopt a stormwater management plan following the regulations set forth in F.A.C. chapter 4762-25, Florida Administrative Code.
- (c) Dumping or discharging of waste or debris of any kind (e.g., brush, yard clippings and trimmings, trash, garbage or other pollutants) into ditches, canals or stormwater control structures shall be prohibited pursuant to Section 90-103.
- (d) Through the county planning council, the town shall coordinate with neighboring municipalities and the county to protect estuaries which are within the jurisdiction of more than one local government, including methods for coordinating with other local governments to ensure adequate sites for water dependent uses, preventing estuarine pollution, controlling surface water runoff, protecting living marine resources, reducing exposure to natural hazards and ensuring public access.
- (e) The town shall pursue and enter into interlocal agreements with the Florida Department of Transportation as may be needed to ensure mutual cooperation in preventing or correcting contributions of pollutants from their separate storm sewer systems to that of the other.

Section 2: Chapter 90 of the Code of Ordinances is amended by enacting Section 90-103 to be entitled "Town of Indian Shores Stormwater Pollution Control Ordinance", to read as follows:

**Sec. 90-103 Town of Indian Shores Stormwater Pollution Control Ordinance.**

This part shall be known as the "Town of Indian Shores Stormwater Pollution Control Ordinance" and may be so cited.

(a) Application.

- (1) The provisions of this part shall apply to all incorporated areas within the legal boundaries of the town as well as all water bodies receiving stormwater runoff in or adjacent to the town.

(b) Definitions.

Act means the Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

Authorized official means any employee or agent of the town authorized by the town to administer or enforce the provisions of this part.

Best management practices (BMP) means any structural device, activities, prohibition of practices, maintenance procedures, and other management practices intended to prevent or reduce the pollution of surface waters or the town's MS4. BMPs include but are not limited to: treatment facilities to remove pollutants from stormwater; operating and maintenance procedures; facility management practices to control runoff, spillage or leaks of non-stormwater, waste disposal, and drainage from raw materials storage; erosion and sediment control practices; and the prohibition of specific activities, practices, and procedures; and such provisions as the town determines appropriate and necessary for the control of pollutants.

Discharge means any direct or indirect introduction of any solid, liquid or gaseous matter into the town's municipal separate storm sewer system, Gulf Blvd. and its drainage system, discharges on private property, and all surface waters within or adjacent to the town. This includes discharges from non-point sources, diffuse runoff, leaching and atmospheric deposition.

FDEP means the Florida Department of Environmental Protection.

Illicit discharge means any discharge to any MS4 system, Gulf Blvd. and the FDOT drainage system, on private property, or to the coastal waters adjacent to the town, whether intentional or accidental, that is not composed entirely of stormwater except discharges identified as authorized exceptions pursuant to subsection 90-103.(d).

Municipal separate storm sewer system (MS4), as defined in Florida Administrative Code 62-624.200(8) means the separate storm sewer system owned or operated by the town, or by any other town or county government, or by the Florida Department of Transportation for collecting, storing, and transporting stormwater. Such conveyances may include but are not limited to roads with stormwater systems, storm drains, catch basins, curbs, gutters, ditches, constructed channels, or ponds, and all other structure and devices appurtenant thereto. As used herein, unless otherwise specified, it shall mean that MS4 owned by the town.

National pollutant discharge elimination system (NPDES). Authorized by the Clean Water Act, and by the provisions of F.S. § 403.0885, and applicable rules of the Florida Administrative Code pursuant to the state's federally-approved NPDES program.

NPDES permit means general, group, and individual discharge permits issued by the U.S. Environmental Protection Agency pursuant to Sections 307, 402, 318, or 405 of the Clean Water Act, or by the state pursuant to the state's federally-approved NPDES regulatory program and applicable rules of the Florida Administrative Code. As used herein, unless otherwise specified, it shall mean the Town of Indian Shores Phase II Municipal Separate Storm Sewer System Permit # FLR04E133.

Non-point source (NPS) means diffuse runoff without a single point of origin that flows over the surface of the ground by stormwater and is then introduced to surface or groundwaters. NPSs include, but are not limited to, atmospheric deposition and runoff, or leaching from agricultural lands, urban areas, unvegetated land, onsite sewage treatment and disposal systems, and construction sites.

Person means individuals and shall extend and be applied to associations, clubs, societies, firms, partnerships and bodies politic and corporate as well.

Stormwater means any surface runoff and drainage from land surfaces, including the surfaces of buildings and other hardened surfaces on the land, consisting entirely of water from rainfall events.

Surface water means all water existing or flowing upon the land surface, whether natural or manmade, including, but not limited to ponds, lakes, streams, canals, ditches, swales, wetlands, bays, the intercoastal waterway, or the Gulf of Mexico.

Threatened Discharge means any condition creating a substantial probability of an illicit discharge, when the probability and potential extent of such discharge make it reasonably necessary to take action to prevent, reduce or mitigate damages to any MS4, private property, or to the coastal waters adjacent to the Town.

Water body means any natural or artificial pond, lake, reservoir or other area which ordinarily or intermittently contains water and which has a discernible shoreline, except that it shall not include any ponds created for the purpose of detaining, retaining, or treating stormwater.

(a) Prohibitions.

- (1) General prohibitions. Except as set forth under subsection (d) or in accordance with a valid NPDES permit, any discharge to the town's MS4, Gulf Blvd. and its drainage system, onto private property or other surface waters, that is not composed entirely of stormwater is prohibited.
- (2) Specific prohibitions. In addition to the general prohibitions set forth in subsection (a), any discharge to the town's MS4, Gulf Blvd. and its drainage system, onto private property or other surface waters containing any chemicals, petroleum products, automotive fluids of any kind, sewage, industrial waste, sediment, construction or building materials, yard waste, trash or other waste materials, or containing any materials in violation of federal, state, county, municipal, or other laws, rules, regulations, orders or permits, or which causes or contributes to a violation of state water quality standards contained in Chapter 62, Florida Administrative Code, in the waters of the United States, is prohibited.
- (3) It shall be prohibited to blow, wash, or otherwise introduce lawn clippings or other landscaping materials onto any roadways, or to any other part of any MS4 (including Gulf Blvd.) or surrounding coastal waters. Such action shall constitute an illicit discharge.
- (4) Authorized exceptions. The following discharges are exempt from the general prohibition, provided they meet state water quality standards as provided in Rule 62-302, Florida Administrative Code:
  - a. Discharges permitted under a valid NPDES permit;
  - b. Flows from firefighting;
  - c. Landscape and lawn irrigation water from well, potable or reclaimed water sources;
  - d. Agricultural irrigation water from well, potable or reclaimed sources;
  - e. Uncontaminated pumped groundwater;
  - f. Water line flushing and other contributions from potable water sources;
  - g. Foundation and footing drains;
  - h. Water from crawl space pumps;
  - i. Uncontaminated air-conditioning condensation;
  - j. Dechlorinated and uncontaminated swimming pool discharges;
  - k. Springs;
  - l. Rising groundwater;
  - m. Direct infiltration of groundwater;
  - n. Diverted stream flows;
  - o. Flows from riparian habitats and wetlands.

(5) Notwithstanding the presence or absence of requirements pursuant to subsection (a), any responsible party engaged in activities or operations, or owning facilities, premises or property which will or may result in pollutants entering storm water or the town municipal separate storm sewer system, Gulf Blvd. and its drainage system, private property, or coastal waters, shall implement precautionary measures, as necessary to prevent and reduce such pollutant discharges.

(6) Spills and dumping; notification

Any person who is responsible for any discharge to the town's MS4, the FDOT road and its stormwater system, private property, the Intercoastal waterway, or Gulf of Mexico in violation of this part shall immediately notify the town. Such person shall also take immediate action to ensure the containment and cleanup of such discharge and shall confirm such telephone notification in writing to the town within three calendar days.

(7) Illicit connections.

No person may maintain, use or establish any direct or indirect connection to the town's MS4, the Gulf Blvd. drainage system, private drainage system, or any surface waters that results in, or has previously resulted in, or may be reasonably expected to result in any discharge in violation of this part. This prohibition applies to connections made in the past, regardless of whether made under a permit or other authorization, or whether permissible under laws or practices applicable or prevailing at the time the connection was made. The existence of any unauthorized connection to the town municipal separate storm sewer system, Gulf Blvd. stormwater system, or private drainage system shall be considered reasonable expectation of a discharge in violation of this part.

(8) Threatened discharges

- a. It shall be unlawful to cause materials to be deposited or stored on any property in the town in such a manner or location as to constitute a threatened discharge into the Town MS4 system, FDOT road or drainage system, adjacent private property, the Intercoastal waterway, or the Gulf of Mexico.

- b. In addition to other requirements of this ordinance, materials such as but not limited to stockpiles of soil used in construction or landscaping activities shall be stored in such a way as to prevent their potential discharge.
- c. Materials that are stored in such a manner that they may be discharged in an ordinary rain event shall be considered to be threatened discharges unless they are actively being cleaned up.
  
- d. The owner of any paved parking lot, or private street or drive shall clean the pavement as necessary to prevent the buildup and potential discharge of pollutants. The visible buildup on a paved service of oil or other mechanical fluids, waste materials, sediment or debris shall be considered a threatened discharge. Paved surfaces shall be cleaned by dry sweeping, wet vacuum sweeping, collection and treatment of wash water, absorbent materials, or other appropriate methods.
- e. Whenever the town has cause to believe that there exists, or potentially exists, in or upon any premises any condition which constitutes a violation of this subsection, the town's authorized official shall have the right to enter the premises at any reasonable time to determine if an illicit discharge has occurred, or may occur. If the authorized official finds that materials or wastes are being stored in such a way as to constitute a threatened discharge, the town shall issue written notice to the owner of said premises, ordering the removal of such materials, or other preventative measures as deemed appropriate by the town.

(9) NPDES permits.

Any person who by state statutes holds an NPDES permit which authorizes discharge to the town's MS4, or other surface waters in or adjacent to the town, shall provide a copy of such permit to the town prior to the discharge taking place, but no later than 60 calendar days after the effective date of this part or 60 calendar days after issuance of the permit.

(10) Enforcement.

Penalty for violation of part. Failure to comply with the requirements of this part or any permit or approval granted or authorized under this part shall be punished as provided in section 1-16, except as provided below.

(11) Civil remedies.

- a. Abatement. In addition to the penalties provided in section 1-16, the town council is hereby authorized to institute any appropriate action or proceeding, including suit for injunctive relief, in order to prevent, clean up, or abate violations of this part.

- b. Additional penalties. The town council is also authorized to impose and recover a civil penalty for each violation of this part in an amount not more than \$10,000.00 for each offense. If a violation of this part is continued, each day of such violation shall constitute a separate offense.

(12) Administrative order.

The town may issue an order to any person to immediately eliminate any illicit connection or cease any illicit discharge to the town's MS4, Gulf Blvd. and its drainage system, private property, or surface waters determined by the town or authorized official to be in violation of any provision of this part, or in violation of any regulation or authorization issued under this part.

(13) Inspections and monitoring.

- a. Authority for inspections. Whenever necessary to make an inspection to enforce any provisions of this part, or regulation or permit issued under this part, or whenever an authorized official has reasonable cause to believe there exists any condition constituting a violation of any of the provisions of this part, or regulation or permit issued under this part, any authorized official may enter any property, building or facility at any reasonable time to inspect the same or to perform any duty related to enforcement of the provisions of this part or any regulations or permits issued under this part; provided, that:

- 1) If such property, building or facility is occupied, such authorized official shall first present proper credentials and request permission to enter; and
- 2) If such property, building or facility is unoccupied, such authorized official shall make a reasonable effort to locate the owner or other person having charge or control of the property, building or facility, and shall request permission to enter.
- 3) Any request for permission to enter made under this section shall state that the owner or person in control has the right to refuse entry, and that in such event that entry is refused, the authorized official may enter to make inspection only upon issuance of an inspection warrant by a court of competent jurisdiction. If the owner or person in control refuses permission to enter after such request has been made, the authorized official is hereby authorized to seek assistance from any court of competent jurisdiction in obtaining entry. Routine or area-wide inspections shall be based upon such reasonable selection processes as may be necessary to carry out the purposes of this part, including but not limited to random sampling and sampling in areas with evidence of stormwater contamination, non-stormwater discharges, or similar factors.

- 4) Refusal of permission to enter, or unreasonable delays in allowing entry shall constitute a separate violation of this section.
- i. Authority for monitoring and sampling. Any authorized official may install and maintain such devices as are necessary to conduct sampling or monitoring of discharges to the town separate storm sewer system, any property within the town corporate limits, or surrounding coastal waters. During any inspections made to enforce the provisions of this part, or regulations or permits issued under this part, any authorized official may take any samples deemed necessary. Vandalism of sampling or monitoring devices, or other interference with the installation, maintenance or operation of such devices shall be a violation of this part.
- b. Requirements for monitoring. The town may require any person engaging in any activity or owning any property, building or facility, including but not limited to a site of industrial activity, to undertake reasonable monitoring of any discharge to the town separate storm sewer system or any other drainage system or private property within the town corporate limits and to furnish periodic reports.
- c. State inspections. As part of the NPDES program, FDEP officials may also at any given time, request permission to inspect any site or facility for NPDES compliance.
- (14) Liability for violation of part. Whenever a violation of this part occurs or exists, or has occurred or existed, any person, individually or otherwise, who has a legal, beneficial or equitable interest in the facility or instrumentality causing or contributing to the violation, or who has a legal, beneficial or equitable interest in real property upon which such violation occurs or exists, or has occurred or existed, or who had such an interest at any time during which such violation existed or occurred, shall be jointly and severally liable for such violation.

Footnotes:

1 *Municipal Separate Storm Sewer System (MS4)*. This term is used by the U.S. EPA and Florida DEP to define municipal storm sewer systems that are not combined with sanitary sewers. In some cities with older systems, stormwater and sanitary waste are transported in the same pipes. Such systems are now prohibited in federal law, but some old systems still exist.

Section 3: All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 4: If any provisions of this ordinance be declared invalid, all other provisions hereof shall remain valid and enforceable.

Section 5: This ordinance shall become effective immediately upon adoption.

Section 6: The provisions of this ordinance shall be included and incorporated into the Code of Ordinances of the Town of Indian Shores, Florida, as an addition or amendment thereto, and shall be renumbered to conform to the uniform numbering system thereof.

PASSED ON FIRST READING: November 9, 2010

PASSED ON SECOND READING: \_\_\_\_\_

ENACTED BY THE TOWN COUNCIL OF THE TOWN OF INDIAN SHORES,  
FLORIDA, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2010.

ATTEST:

JAMES J. LAWRENCE  
Mayor

MARCIA GRANTHAM, CMC  
Town Clerk

RESOLUTION 15 - 2010

A RESOLUTION OF THE TOWN OF INDIAN SHORES, FLORIDA SUPPORTING  
THE "LET'S MOVE!" CAMPAIGN.

- WHEREAS,** the Town of Indian Shores supports policies that focus on health and wellness, continuing education, and healthier lifestyles in all communities; and
- WHEREAS,** many cities, counties, and schools have adopted policies, programs, and ordinances that promote healthy lifestyles by making their communities walkable, promoting youth and senior activities, eliminating the sale of junk food in city, county, or school facilities, providing incentives for stores that sell fresh produce to locate in depressed neighborhoods, and providing exercise opportunities for their residents; and
- WHEREAS,** town officials believe there are important, long-term community benefits to be gained by encouraging healthy lifestyles, including a decrease in the rate of childhood obesity and its negative health-related impacts; and
- WHEREAS,** cities and other community partners can work together to understand the relationship between obesity, land-use policies, redevelopment, and community planning; and
- WHEREAS,** cities and other community partners can work together to ensure that there are safe places for their residents to be active such as in parks, ball fields, pools, gyms, and recreation centers; and
- WHEREAS,** access to healthy foods has a direct impact on the overall health of our community and planning for fresh food, open space, sidewalks, and parks should be a priority; and
- WHEREAS,** the Florida League of Mayors has partnered with the Healthy Eating Active Living (HEAL) Cities Campaign to provide training and technical assistance to help city officials adopt policies that improve their communities' physical activity and retain food environments; and
- WHEREAS,** the Florida League of Mayors support the *Let's Move!* Campaign headed by the First Lady of the United States, the President's Task Force on Childhood Obesity and Secretary of Health and Human Services' in an effort to solve the challenge of childhood obesity within a generation.

**NOW, THEREFORE, BE IT RESOLVED** by the Town Council of Indian Shores, Florida that:

**SECTION 1:** The Town of Indian Shores supports preventative measures to fight obesity as set forth by the First Lady of the United States of America in the *Let's Move!* Campaign;

**SECTION 2:** That the Town of Indian Shores supports efforts to (1) help parents make healthy family choices, (2) create healthy schools, (3) provide access to healthy and affordable foods, and (4) promote physical activity.

This above and foregoing Resolution, upon Motion by \_\_\_\_\_ and seconded by \_\_\_\_\_ was duly approved and adopted at a regular Council meeting held on the \_\_\_\_\_ day of \_\_\_\_\_ 2010.

Voting in favor of the Resolution:

Voting in opposition to the Resolution:

Absent:

Abstaining:

ATTEST:

\_\_\_\_\_  
JAMES J. LAWRENCE  
Mayor

\_\_\_\_\_  
MARCIA GRANTHAM, CMC  
Town Clerk

# PROCLAMATION

WHEREAS, the American Cancer Fund for Children and Kids Cancer Connection report cancer is the leading cause of death by disease among children in the United States and this tragic disease is detected in more than 20,000 of our nation's young people each and every year; and

WHEREAS, founded nearly twenty years ago by Steven A. F. Firestein, a descendent of cosmetics magnate Max Factor, the American Cancer Fund for Children, Inc. and sister organization, Kids Cancer Connection, Inc. are dedicated to helping these children and their families; and

WHEREAS, the American Cancer Fund for Children and Kids Cancer Connection provide a variety of vital patient psychosocial services to children undergoing cancer treatment at All Children's Hospital; Department of Pediatrics; Division of Hematology/Oncology in St. Petersburg, as well as participating hospitals throughout the country, thereby enhancing the quality of life for these children and their families; and

WHEREAS, through its uniquely sensitive and comforting Magical Caps for Kids program, the American Cancer Fund for Children and Kids Cancer Connection distributes thousands of beautifully handmade caps and decorated baseball caps to children who want to protect their heads following the trauma of chemotherapy, surgery and/or radiation treatments; and

WHEREAS, the American Cancer Fund for Children and Kids Cancer Connection also sponsor nationwide "Courageous Kid" recognition award ceremonies and hospital celebrations in honor of a child's determination and bravery to fight the battle against childhood cancer.

NOW, THEREFORE, I, JAMES J. LAWRENCE, Mayor of the Town of Indian Shores, Florida, do hereby proclaim the week of December 26, 2010 through January 2, 2011 as **Childhood Cancer Awareness Week** in Indian Shores.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the Town of Indian Shores, Florida, to be affixed this \_\_\_\_\_ day of \_\_\_\_\_ 2010.

ATTEST:

\_\_\_\_\_  
JAMES J. LAWRENCE

Mayor

\_\_\_\_\_  
MARCIA GRANTHAM, CMC

Town Clerk





**INDIAN SHORES POLICE DEPARTMENT**

SERVING  
INDIAN SHORES & REDINGTON SHORES

**E.D. WILLIAMS**  
CHIEF OF POLICE

19305 Gulf Boulevard  
Indian Shores, Florida 33785  
Tel: (727) 595-5414 • 596-8775  
FAX (727) 595-4785

Date: 06 December, 2010  
 To: Members of Town Council / Commission  
 From: E. D. Williams, Chief of Police *(Signature)*  
 Subject: **MONTHLY ACTIVITY REPORT FOR NOVEMBER, 2010**

Following are the monthly Police activity statistics for the month of November, 2010 compared to the same month last year:

	<u>INDIAN SHORES</u>			<u>REDINGTON SHORES</u>		
	<u>09</u>	<u>10</u>	<u>VAR</u>	<u>09</u>	<u>10</u>	<u>VAR</u>
• Criminal Reports	17	19	+02	24	14	-10
• Physical Arrests	02	05	+03	09	03	-06
• Traffic Accidents	02	03*	+01	06	01**	-05
• Traffic Citations	60	42	-18	30	47	-17
• Parking Tickets	27	07	-20	23	15	-08
• Traffic Warnings	101	148	+47	74	73	-01
• Ordinance Violations	00	01	+ 01	03	00	00
• Miscellaneous Reports	03	04	+02	05	08	+06
• Other Calls for Service	115	177	+62	146	212	+66

\*1 Injuries

\*\*0 Injuries

NOVEMBER, 2010 MONTHLY ACTIVITY REPORT – PAGE 2

- 1) Criminal Reports were UP in Indian Shores, DOWN in Redington Shores. There was an INCREASE in Miscellaneous Reports and Calls for Service in both Towns.
  
- 2) Traffic Citations and Parking Tickets were DOWN in both Towns. Traffic Warnings were UP in Indian Shores and DOWN slightly in Redington Shores. Of the 4 accidents in both Towns, one was reported with injuries in Indian Shores.
  
- 3) Physical arrests were:
  - UP 60% in Indian Shores
  - DOWN 71% in Redington Shores

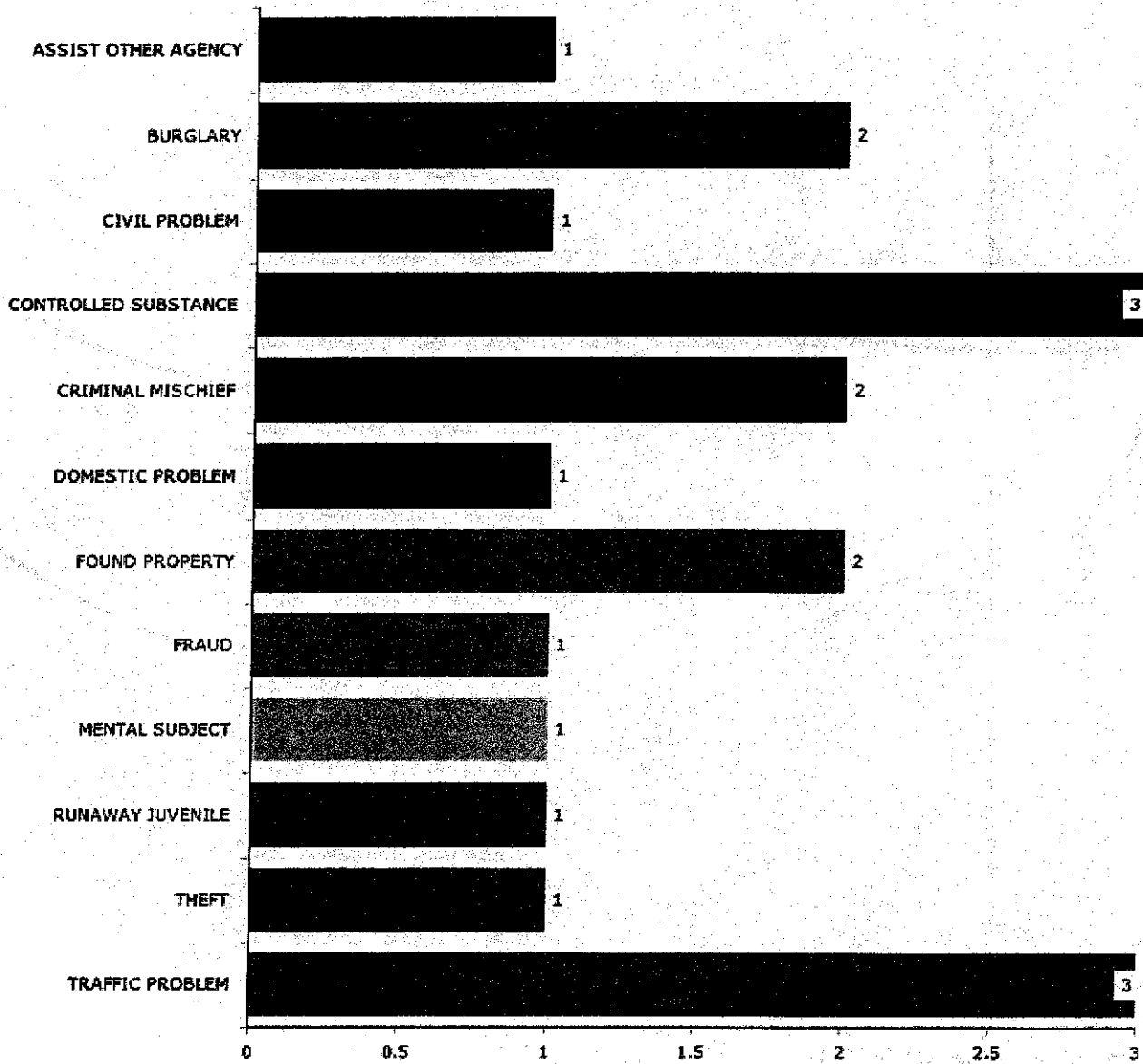
The Department investigated 9 cases in Indian Shores and 12 cases in Redington Shores. A detailed summary of those cases are attached for closer review.

EDW/th

Attachments

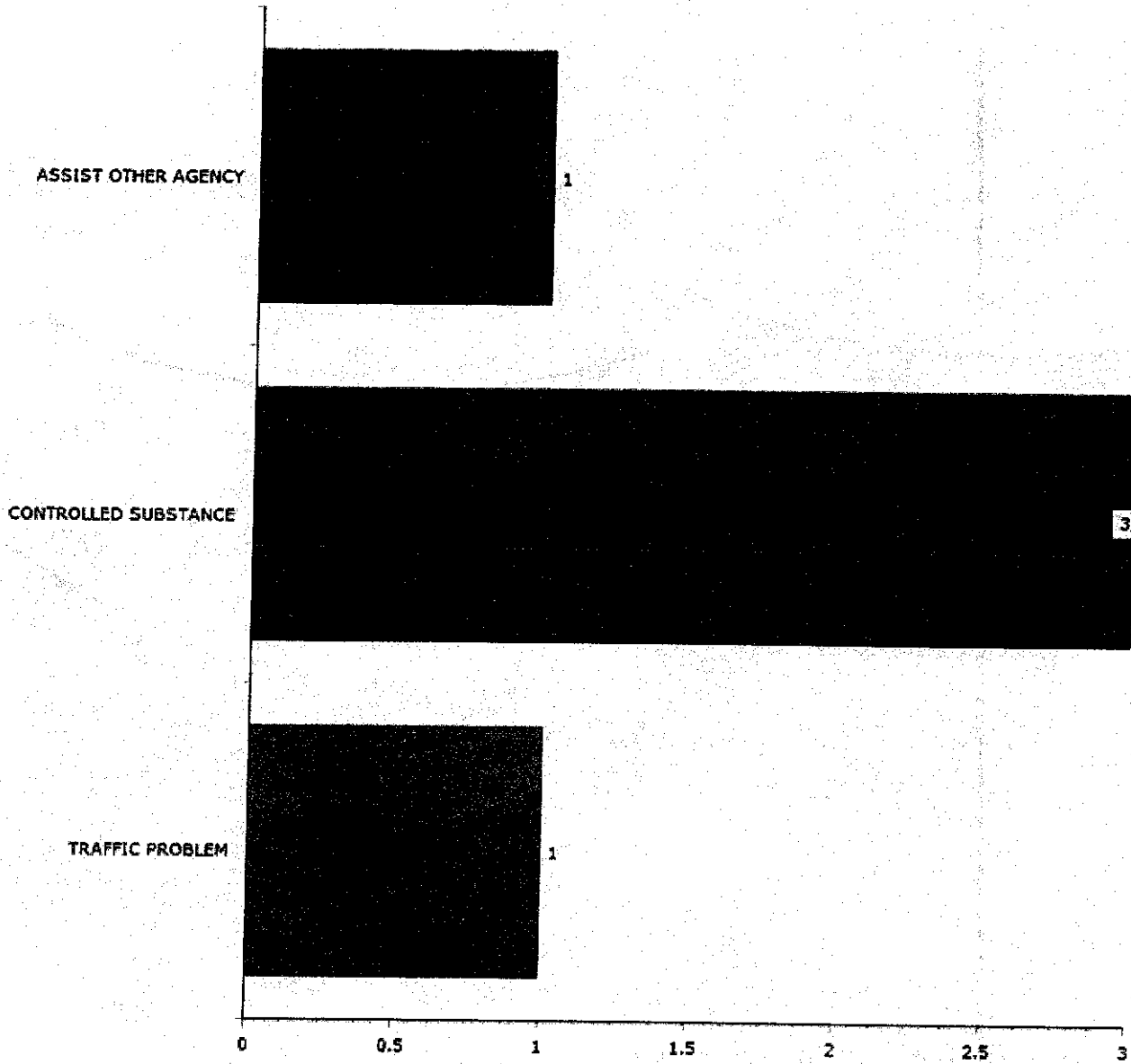
cc: Redington Shores Town Hall  
File  
Officer Ferro

### NOVEMBER,2010 INDIAN SHORES REPORTS



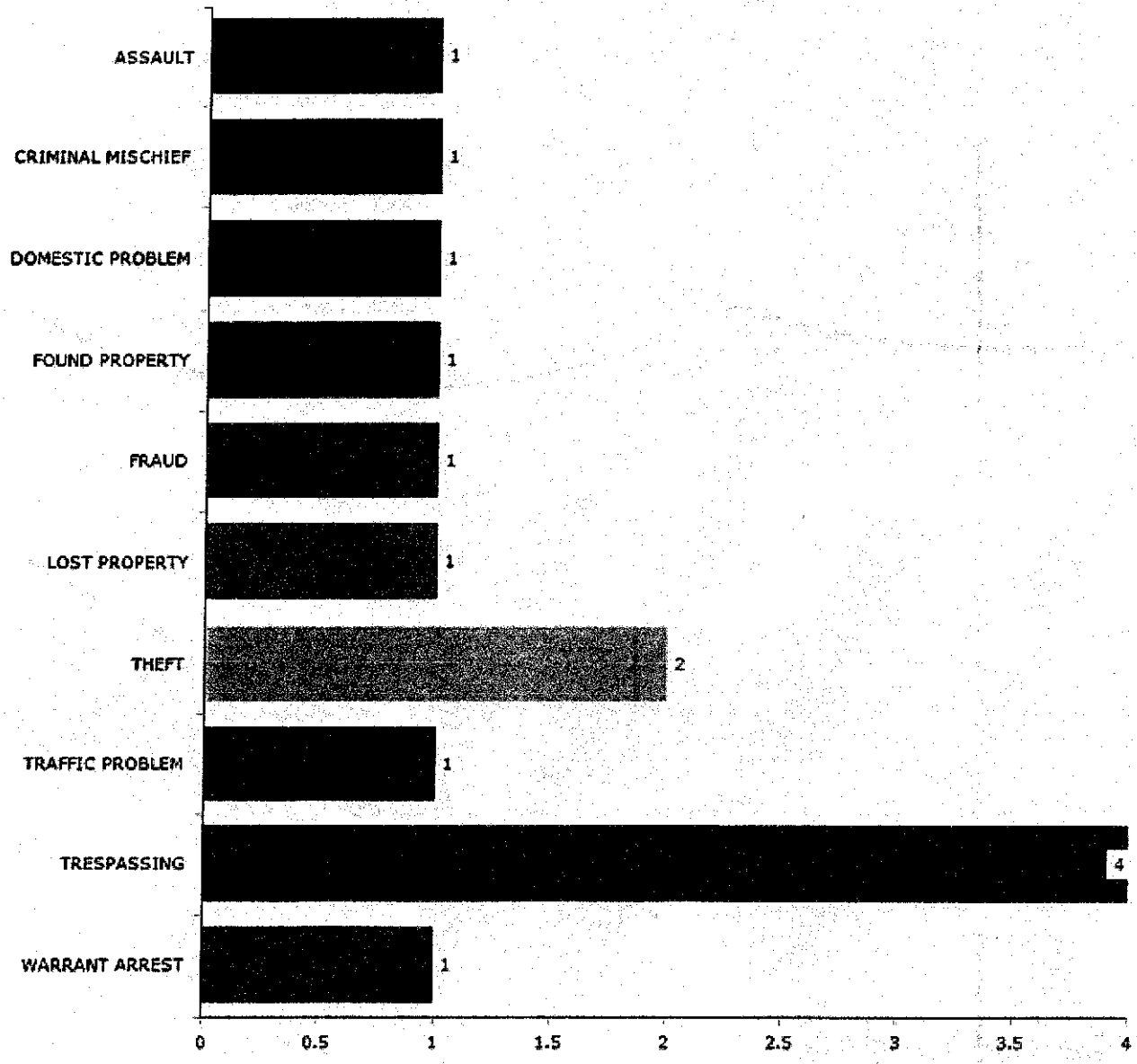
Graph created with eFORCE software

# NOVEMBER, 2010 INDIAN SHORES ARRESTS



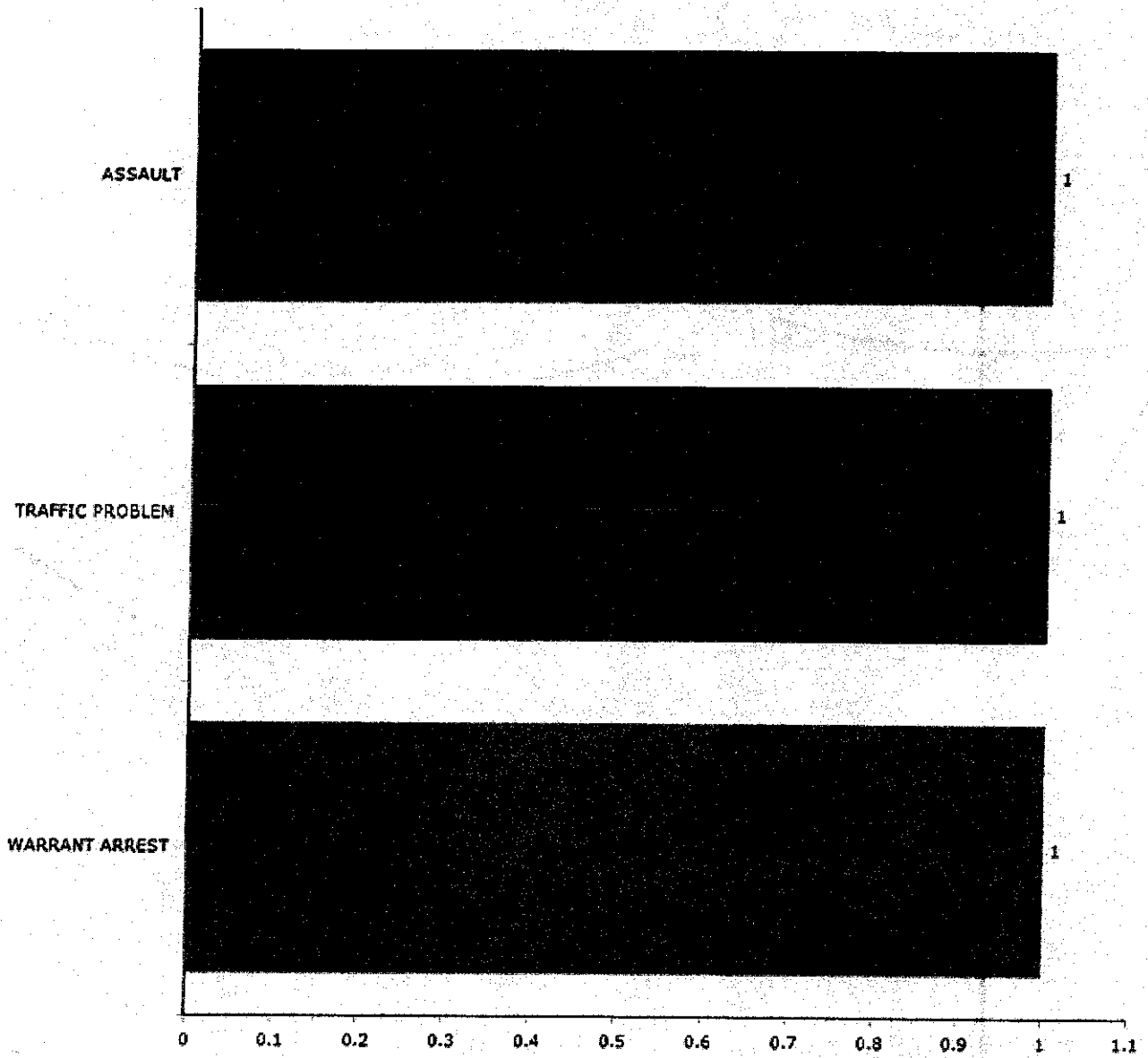
Graph created with eFORCEe Software

### NOVEMBER,2010 REDINGTON SHORES REPORTS



Graph created with eORCLE Software

### NOVEMBER 2010, REDINGTON SHORES ARRESTS



Graph created with eORCC® Software

# CRIMINAL INVESTIGATION DIVISION MONTHLY STAT REPORT

TO: CHIEF E.D. WILLIAMS; MAJ. T.E. HUGHES  
FROM: DET. J. K. RAWSON, C.I.D.  
SUBJECT: C.I.D. MONTHLY REPORT FOR NOVEMBER 2010  
DATE: DECEMBER 1, 2010

REPORT #	OFFENSE	DISPOSITION
<b>INDIAN SHORES</b>		
10-4770	THEFT	ACTIVE
10-4914	GRAND THEFT	ACTIVE
10-5021	UNATTENDED DEATH	CLOSED EXCEPTIONALLY
10-5382	THEFT/FRAUD	ACTIVE
10-5818	INFORMATION	CLOSED EXCEPTIONALLY
10-5831	INFORMATION (FIREARMS VIOL.)	CLOSED EXCEPTIONALLY
10-5844	ELDERLY ABUSE	ACTIVE
10-6021	CRIMINAL MISCHIEF	INACTIVE
10-6055	BURGLARY/GRAND THEFT	ACTIVE

## REDINGTON SHORES

10-5225	GRAND THEFT	ACTIVE
10-5613	COUNTERFIET CURRENCY	CLOSED EXCEPTIONALLY
10-5754	FELONY BATTERY	CLOSED W/ARREST
10-5793	RUNAWAY JUVENILE (RETURNED)	CLOSED EXCEPTIONALLY

(Continued)

REDINGTON SHORES

10-5795	THEFT	CLOSED EXCEPTIONALLY
10-5865	BATTERY	CLOSED EXCEPTIONALLY
10-5907	SUSPICIOUS INCIDENT	CLOSED EXCEPTIONALLY
10-5933	GRAND THEFT (FIREARMS)	ACTIVE
10-6118	FRAUD (OTHER JURISDICTION)	CLOSED EXCEPTIONALLY
10-6163	THEFT	CLOSED EXCEPTIONALLY
10-6230	SUSPICIOUS INCIDENT	CLOSED ADMINISTRATIVELY
10-6240	THEFT (OTHER JURISDICTION)	CLOSED EXCEPTIONALLY