

PROPOSED

ORDINANCE NO. 2021-

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, PERTAINING TO EXEMPTIONS FROM ENVIRONMENTAL RESOURCE LICENSING; AMENDING SECTION 27-335 OF THE BROWARD COUNTY CODE OF ORDINANCES ("CODE"); AMENDING EXEMPTIONS FROM ENVIRONMENTAL RESOURCE LICENSING FOR CERTAIN PROJECTS PERFORMED BY THE UNITED STATES ARMY CORPS OF ENGINEERS AND BROWARD COUNTY'S PORT EVERGLADES DEPARTMENT; AND PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

WHEREAS, Chapter 27 of the Broward County Code of Ordinances ("Code") requires persons performing dredging, filling, or alteration within regulated aquatic or wetland resources alteration to obtain an Environmental Resource License from the Broward County Environmental Protection and Growth Management Department ("EPGMD");

WHEREAS, the United States Army Corps of Engineers ("Army Corps") maintains that it is exempt from local authorization requirements and that proper mitigation for impacts from dredging, filling, and aquatic resource alteration projects will be assured through local government involvement and compliance with state and federal permitting requirements;

WHEREAS, Section 27-335 of the Code currently provides narrow exemptions from Environmental Resource Licensing for dredging by the Army Corps and maintenance dredging by Broward County's Port Everglades Department, but it does not exempt filling or alteration within regulated aquatic and wetland resources;

1 WHEREAS, broadening the exemptions to include filling and alteration will aid in
2 the implementation of the Port Everglades Department's adopted Master/Vision Plan; and

3 WHEREAS, such filling and alteration projects will be adequately protective of the
4 environment if all actions undertaken as part of the project are properly permitted by
5 necessary state and federal agencies, and EPGMD is provided the required advance
6 notice,

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8 BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
9 BROWARD COUNTY, FLORIDA:

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11 Section 1. Section 27-335 of the Broward County Code of Ordinances is hereby
12 amended to read as follows:

13 **Sec. 27-335. Exemptions.**

14 The following projects are exempt from license requirements:

15 . . .

- 16 (7) Projects by the United States Army Corps of Engineers ~~dredging projects~~
17 ~~for which within~~ Broward County is a local sponsor, provided that the Port
18 Everglades Department submits notice to the County Administrator of its
19 intent to proceed under this exemption, and the County Administrator,
20 through the County's participation in the planning and design of the project,
21 is able to ensure that potential impacts of the project are properly addressed
22 all other required federal and state authorizations are obtained and
23 complied with, and EPGMD is provided copies of the federal and state
24 authorizations at least thirty (30) days before commencement of the project.

Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in
underscored type are additions.

1 (8) ~~Maintenance d~~Dredging, filling, or alteration projects conducted by the Port
2 Everglades Department, if the County Administrator determines that the
3 dredging, filling, or alteration to be performed is no more than is necessary
4 ~~to restore previously dredged areas to original design specifications or~~
5 ~~configurations, previously undisturbed natural areas are not significantly~~
6 ~~impacted, all other~~ required federal and state authorizations are obtained
7 and complied with, ~~best management practices are followed,~~ and EPGMD
8 is notified at least thirty (30) days before the commencement of
9 ~~maintenance dredging~~ provided copies of the federal and state
10 authorizations at least thirty (30) days before commencement of the project.

11 . . .

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13 Section 2. Severability.

14 If any portion of this Ordinance is determined by any court to be invalid, the invalid
15 portion will be stricken, and such striking will not affect the validity of the remainder of this
16 Ordinance. If any court determines that this Ordinance, in whole or in part, cannot be
17 legally applied to any individual, group, entity, property, or circumstance, such
18 determination will not affect the applicability of this Ordinance to any other individual,
19 group, entity, property, or circumstance.

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21 Section 3. Inclusion in the Broward County Code of Ordinances.

22 It is the intention of the Board of County Commissioners that the provisions of this
23 Ordinance become part of the Broward County Code of Ordinances as of the effective
24 date. The sections of this Ordinance may be renumbered or relettered and the word

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1 "ordinance" may be changed to "section," "article," or such other appropriate word or
2 phrase to the extent necessary in order to accomplish such intention.

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Section 4. Effective Date.

This Ordinance is effective as of the date provided by law.

ENACTED

PROPOSED

FILED WITH THE DEPARTMENT OF STATE

EFFECTIVE

Approved as to form and legal sufficiency:
Andrew J. Meyers, County Attorney

By /s/ Michael C. Owens 08/11/2021
Michael C. Owens (date)
Senior Assistant County Attorney

By /s/ René D. Harrod 08/11/2021
René D. Harrod (date)
Chief Deputy County Attorney

MCO/gmb
Army Corps and Port Everglades Exemptions Ord.doc
08/11/2021
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