

Horst, Rachel

From: CEER@brevardfl.gov
Sent: Wednesday, January 7, 2026 2:03 PM
To: Horst, Rachel
Subject: A new CEER Recommendation has been submitted as ID #2026014

Recommendation # 2026014

Dear CEER Administrator,

Speak Up Brevard Recommendation ID #2026014 has been submitted. Please login to the CEER Application to start the recommendation evaluation workflow.

Contact Information:

Group/Organization

Name Robert S Vail
Address 1956 SUN VALLEY ST, TITUSVILLE FL 32780
Phone (321) 212-9765
Email rvail1@cfl.rr.com
Alternate Email

Recommendation Information:

Recommendation ID 2026014
Recommendation Title Strengthen enforcement measures for privately owned retention ponds
Areas Affected
Department Affected STORMWATER UTILITY DEPARTMENT
Current problem Currently, Brevard county enforcement measures to bring privately owned storm water retention ponds into compliance are exceptionally weak. I have been dealing with a no-compliant dry retention pond since day one of my moving into my house n august, 1997. The county has tried liens and such to bring the pond into compliance with no result. The property owners have no incentive to bring the pond into compliance as they know the county will never enforce any lien placed against it. This particular pond has never been in compliance with the "72 hour" percolation rule. It is now even worse because of all of the muck that has gathered in it to the point the pond never fully drains and is overgrown with weeds and grasses.
Recommendation 1. Chapter 62, Article X, Division 6, section 7 maintenance entity is the standards and enforcement section for retention ponds. At the present time, this ordnance does not clearly lay out what enforcement options are available to residents or the county. This section should be updated to provide for this. Residents are the first line of defense in our storm water runoff issues, to include privately owned retention ponds that are not in compliance. 2. The County needs to strengthen it's enforcement options to include

criminal misdemeanor charges if remediation is not taken in a timely manner. 3. Other non criminal enforcement options should be added or strengthened so as to force owner behavior modification so that the offending retention pond is brought into compliance.

Attachments

No Documents were attached.

Please do not reply to this e-mail, as it will go to an unmonitored mailbox.



BOARD OF COUNTY COMMISSIONERS

TO: Jim Liesenfelt, County Manager
THRU: Tad Calkins, Assistant County Manager
FROM: Amanda Elmore, Deputy Director, Natural Resources Management Dept.
SUBJECT: Citizen Efficiency and Effectiveness Recommendation (CEER) #2026014

CEER #2026014, titled Strengthen enforcement measures for privately owned retention ponds, was received by the County from Robert S. Vail.

Citizen Statement:

Currently, Brevard county enforcement measures to bring privately owned storm water retention ponds into compliance are exceptionally weak. I have been dealing with a non-compliant dry retention pond since day one of my moving into my house in August, 1997. The county has tried liens and such to bring the pond into compliance with no result. The property owners have no incentive to bring the pond into compliance as they know the county will never enforce any lien placed against it. This particular pond has never been in compliance with the "72 hour" percolation rule. It is now even worse because of all of the muck that has gathered in it to the point the pond never fully drains and is overgrown with weeds and grasses.

Citizen Recommendation:

1. Chapter 62, Article X, Division 6, section 7 maintenance entity is the standards and enforcement section for retention ponds. At the present time, this ordinance does not clearly lay out what enforcement options are available to residents or the county. This section should be updated to provide for this. Residents are the first line of defense in our storm water runoff issues, to include privately owned retention ponds that are not in compliance.
2. The County needs to strengthen its enforcement options to include criminal misdemeanor charges if remediation is not taken in a timely manner.
3. Other non criminal enforcement options should be added or strengthened so as to force owner behavior modification so that the offending retention pond is brought into compliance.

Staff Analysis:

Chapter 62, Article X, Division 6 of the County Code, Stormwater Management Criteria, established enforcement provisions more than 30 years ago under Sections 62-3754 and 62-3755.

Sec. 62-3754. - Penalties.

Any person, firm, corporation, association or other group or body who shall violate any provisions of this division, or the stormwater management criteria established hereunder, shall be guilty of a misdemeanor, and, upon conviction thereof, be fined not more than \$500.00 or imprisoned in a county jail for not more than 60 days, or both, and in addition shall pay all costs and expenses involved in such cases. Each day any such violation continues to exist shall be considered a separate offense.

Sec. 62-3755. - Alternate remedies.

In addition to any other remedies, whether civil or criminal, for any violation of this division, or the stormwater management criteria established hereunder, the county may institute in a court of competent jurisdiction any appropriate action or proceeding, including injunction, to prevent or remedy any such violation. Further, the county may take such other lawful action, including code enforcement proceedings under section 2-166 et seq., as may be necessary to prevent or remedy any such violation.

Mr. Vail's home was constructed in 1990, and the surrounding neighborhood does not appear to have a permitted stormwater management system. As is common in areas developed prior to modern stormwater permitting requirements, drainage in this area may flow toward adjacent vacant properties.

In 2016, Mr. Vail reported a code enforcement complaint regarding overgrowth and high weeds on the vacant lot north of his property (Case No. 16CE-01738, Tax Account 2215207). The complaint was investigated and closed as unfounded. The area in question does not appear to be a private retention pond but rather a vacant parcel that may contain wetlands.

Similarly, in 2018 a complaint was filed regarding overgrowth and drainage concerns on lots east of the Vail property (Case No. 18CE-00127, Tax Accounts 2215216 and 2218165). The complaint, reported by Sarah Reed, was also investigated and closed as unfounded. As with the northern parcel, these lots appear to be vacant properties with potential wetland characteristics rather than designated stormwater retention areas.

Staff Recommended Action:

It is recommended that the Board of County Commissioners accept CEER #2026014 with revisions because penalties and remedies are already established in the Stormwater Management Criteria.