



Dear Palm Bay Residential Builders,

**Please note that erosion control is required on all single-family construction sites, per Palm Bay Ordinance 174.073 Single-Family Residential Construction.**

Palm Bay Ordinance 174.073 (D) *Erosion sediment control* requires that:

- “(1) No grading, cutting or filling shall be commenced until erosion and sedimentation control structures have been installed;
- (2) Land which has been cleared for development and upon which construction has not commenced shall be protected from erosion by appropriate techniques designed to revegetate the area.
- (3) Sediment shall be retained on the site of the development;
- (4) Erosion and sedimentation facilities shall receive regular maintenance to ensure that they will continue to function properly.”

**In addition, please note the following prohibited uses within Rights-of-Way and Easements, per Palm Bay Ordinance 179.093 - Prohibited uses within Rights-of-Way and Easement.**

“In order to protect the health, safety and welfare of the citizens of the city, the city expressly reiterates and reinforces its authority to control and limit the use of the public rights-of-way and easements.

(A) Rights-of-Way. Prohibited uses on any right-of-way within the city include, but are not limited to the following: .... decorative walls, retaining walls; barriers/ obstructions of any kind; construction materials (except for those construction materials intended for permitted use within the right-of-way and that are stored for a period of time not to exceed the duration of the permit); soils and/or debris of any kind; trees and shrubs.”

Please forward this message to all construction supervisors: clear the swale (including neighboring swales), and place erosion control measures around the perimeter. Remove any barriers/obstructions (dumpsters, port-o-lets, building materials) from the right-of-way, and install temporary pipe under driveway.

Failure to install erosion control measures and the removal of any barriers/obstructions from the City’s right of way will result in notifying the building department and a hold on all future inspections, and maybe forwarded to Code Compliance for enforcement. Please let me know if you have any questions.

Thank you,

**Valentino Perez** Digitally signed by Valentino Perez  
Date: 2024.03.22 12:42:02 -04'00'

Valentino Perez  
Public Works Director



**BUILDING DEPARTMENT**

190 Malabar Road SW • Suite 105 • Palm Bay, Florida 32907

Phone: 321-953-8924 •

Email: [permitinfo@palmbayflorida.org](mailto:permitinfo@palmbayflorida.org)

Website: <https://ims.palmbayflorida.org/ims>



# Mind the Swale

The swale and Right-of-Way are important on all construction sites and must be maintained through the life of the project. Failure to do so, could result in a Stop Work Order (SWO) being placed on the project. The SWO being placed will prohibit work on the home from being conducted until corrections are made. Ignoring the SWO and continuance of work will result in a \$250 fee, which will increase to \$500 for each occurrence after the first.

*The requirements of the swale and Right-of-Way are as follows:*

- Free of obstructions, i.e. porta pottys, dumpsters, trusses, and debris.
- If dirt has been placed, a temporary culvert must be installed, one 12" pipe, or two 6" pipes.
- Culvert must not be blocked by sediment or debris, so that water may flow freely.

Below are examples of violations that will result in a SWO being placed.



*Figure 1- Swale is being blocked from a pile of dirt and porta potty, also is missing temporary culvert pipe.*



*Figure 2 - Swale is being blocked by dumpster and missing temporary culvert pipe.*



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# Mind the Swale



*Figure 3 - No temporary culvert installed, porta potty and dumpster in the swale.*

The builder is ultimately responsible for the maintenance of the swale during construction until a Certificate of Occupancy has been issued. Keeping the swale maintained will allow the project to keep moving forward, will assist in being a good neighbor to existing homeowners near the site, and will allow water to move to drainage areas during periods of heavy rain.

Tips that can help:

- Discuss with delivery services not to place items in the swale and Right-of-Way.
- Discuss with subcontractors to not place items in the swale and Right-of-Way. As well, to be mindful of vehicles and equipment going through the swale during construction.

Additionally, please ensure that silt fence is installed around the property for erosion control purposes. Any damaged or missing sections should be corrected immediately, otherwise a SWO may be placed for this as well.

The City of Palm Bay and the residents would like to thank you for your cooperation in this. Any questions concerning this information, please contact the Building Department office 321-953-8924.