

ORDINANCE NO. 2019-011

AN ORDINANCE OF THE TOWN OF HOWEY-IN-THE-HILLS, FLORIDA, PERTAINING TO THE HEALTH, SAFETY AND WELFARE OF THE CITIZENS OF THE TOWN; ADOPTING A WELLFIELD PROTECTION DISTRICT TO PROTECT THE TOWN'S DRINKING WATER SUPPLY; CREATING A NEW SECTION TITLED "WELLFIELD PROTECTION" IN CHAPTER 175 OF THE TOWN'S CODE OF ORDINANCES; DELETING THE SECTIONS ENTITLED "CONSTRUCTION OF WELLS PROHIBITED" AND "USE OF EXISTING WELLS RESTRICTED" IN CHAPTER 175 OF THE TOWN'S CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

Whereas, the Town Council of the Town of Howey-in-the-Hills recognizes that residents of the Town rely on groundwater for a safe drinking water supply and that certain land uses can contaminate groundwater.

Whereas, the Town Council has determined that to protect public health and safety it is necessary to adopt a wellfield protection area to minimize contamination of aquifers of the Town.

Whereas, additionally the Town is removing regulations which prohibit the construction and use of wells within the Town because this area of the law is preempted and regulated by the St. Johns River Water Management District.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN OF HOWEY-IN-THE-HILLS, FLORIDA:

Section 1. Recitals. The recitals set forth above are true and correct and constitute the legislative findings of the Town Council.

Section 2. Amendments to the Town of Howey-in-the-Hills' Code of Ordinances. The Town Council hereby approves amendments to Chapter 175 of the Town's Code of Ordinances as indicated by the addition of the underlined language and deletion of the strikethrough language as follows:

Chapter 175 – WELLS

Sec. 175-1. - Word usage; definitions.

A. For the purposes of this chapter, the following terms, phrases, words and their derivations shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

B. As used in this chapter, the following terms shall have the meanings indicated:

Sanitary hazard: A physical condition which affects, or could affect, any part of a drinking water system or the raw water source and which creates, or could create, an imminent or potentially serious risk to the health of any person who might consume water from that system. The term includes, but is not limited to, septic tanks, drainfields and wastewater disposal systems.

Town: The Town of Howey-in-the-Hills, Lake County, Florida, a municipal corporation.

Well: Any excavation that is drilled, cored, bored, washed, driven, dug, jetted or otherwise constructed when the intended use of such excavation is to conduct groundwater from a source bed to the surface, by pumping or natural flow.

(Ord. No. 90-182, 5-14-90)

Sec. 175-2. - ~~Construction of wells prohibited.~~ Reserved

~~Wells shall not be constructed within the town. This section shall not apply to shallow irrigation wells which shall be defined as a four inch submersible pump well not exceeding 125 feet in depth used for irrigation purposes only by not more than four separate residences. No well shall be constructed hereunder unless a permit has been issued therefor by the Town Zoning Commission after the Zoning Commission has reviewed the application and verified payment of the permit fee established by resolution of the Town Council. In the event water is not reached by 125 feet, the Code Enforcement Officer shall have the authority to allow deeper drilling with such deeper drilling not to exceed the depth at which water is reached or 250 feet whichever is less. In no event shall an irrigation well tap the Floridan Aquifer. In order to qualify for the exemption provided for herein, any person installing an irrigation well shall be required to install and maintain a backflow prevention device, as specified by the Public Works Director, in the potable water supply line on the customer's side of the water meter.~~

~~(Ord. No. 90-182, 5-14-90; Ord. No. 00-286, § 1, 7-10-00; Ord. No. 01-292, § 1, 4-9-01; Ord. No. 2002-303, § 1, 10-14-02)~~

Sec. 175-3. - ~~Use of existing wells restricted.~~ Reserved

~~All wells now in existence within the town shall be allowed to continue in use for irrigation purposes only.~~

~~(Ord. No. 90-182, 5-14-90)~~

Sec. 175-4. - Connection to town water supply required.

Any user of water within the town is required to connect to the town's water supply system. All potable water used within the town shall be supplied by the town.

(Ord. No. 90-182, 5-14-90)

Sec. 175-5. - Placement of sanitary hazards.

Sanitary hazards shall not be placed within 200 feet of any well used for the purpose of supplying potable water.

(Ord. No. 90-182, 5-14-90)

Sec. 175-6. - Wellfield Protection.

(1) Areas within two hundred (200) feet of a potable water supply well (but not individual private wells) shall be designated as the zone of exclusion. Within such areas, no land development activity shall be permitted.

(2) Areas within one thousand (1000) feet of a potable water supply well (but not individual private wells) shall be subject to land use restrictions. Uses which are characterized by hazardous or toxic materials handling or storage (including, but not limited to: landfills, gasoline stations, petroleum storage, and pesticide storage and handling) shall not be permitted.

(3) When locations for new wells are established, the town council shall impose these standards prior to the actual construction of the wells.

Sec. 175-6. Sec. 175-7. - Town exempted.

The provisions of this chapter shall not apply to the town.

(Ord. No. 90-182, 5-14-90)

Section 3. Severability. The provisions of this Ordinance are declared to be separable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses or phrases of this Ordinance, but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 4. Codification. The provisions in Section 2 of this Ordinance shall become and be made a part of the Town's Code of Ordinances.

Section 5. Effective Date. This Ordinance takes effect immediately upon its enactment.

PASSED AND ORDAINED on September 23, 2019, by the Town Council of the Town of Howey-in-the-Hills, Florida.

Martha MacFarlane, Interim Mayor

ATTEST:

APPROVED AS TO FORM AND LEGALITY
for use and reliance by the Town of Howey-in-the-
Hills, Florida, only.

Dairian Burke, Town Clerk

Heather Ramos, Town Attorney

First Reading of Ordinance held August 08, 2019
Second Public Hearing and Adoption held September 23, 2019
Advertised September 13, 2019