

ORDINANCE 2002-303

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HOWEY-IN-THE-HILLS, FLORIDA; AMENDING CHAPTER 175, SECTION 175-2 OF THE CODE OF ORDINANCES OF THE TOWN OF HOWEY-IN-THE-HILLS RELATING TO ISSUANCE OF PERMITS FOR THE CONSTRUCTION OF WELLS; PROVIDING FOR REVIEW OF APPLICATIONS AND ISSUANCE OF PERMITS BY THE ZONING COMMISSION FOR THE TOWN OF HOWEY-IN-THE-HILLS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

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

Section 1. Chapter 175, Section 175-2 of the Code of Ordinances of the Town of Howey-in-the-Hills, Florida is hereby amended to read as follows:

Sec. 175-2. Construction of wells prohibited.

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.

Section 2. All ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 3. The provisions of this ordinance are intended to be incorporated into the Code of Ordinances of the Town of Howey-in-the-Hills, Florida and the sections of this ordinance may be renumbered, relettered, and the word "ordinance" may be changed to "section," "article," or such other word or phrase in order to accomplish such intention.

Section 4. If any section, sentence, clause, or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portion of this ordinance.

Section 5. This ordinance shall be effective upon passage.

PASSED AND ORDAINED this 14th day of October, 2002 by the Town Council of the Town of Howey-in-the-Hills, Florida.

Scott D. Kearney
SCOTT D. KEARNEY, MAYOR

ATTEST:

Janise Bennett
JANISE BENNETT, TOWN CLERK

Passed First Reading 9-12-02

Passed Second Reading 10-14-02

Approved as to form and legality:

Jason E. Merritt
Jason E. Merritt, Town Attorney

