

PINELLAS COUNTY ORDINANCE No. _____

AN ORDINANCE OF THE COUNTY OF PINELLAS, AMENDING CHAPTER 170 OF THE PINELLAS COUNTY CODE; CREATING SECTION 170-234, PROVIDING FOR PREVENTION OF PLACING WATER WELLS WITHIN COUNTY ROAD SYSTEM RIGHTS-OF-WAY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AREAS EMBRACED; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE, AND PROVIDING FOR OTHER MODIFICATIONS WHICH MAY ARISE FROM REVIEW OF THE ORDINANCE WITH RESPONSIBLE AUTHORITIES.

WHEREAS, Pinellas County has authority pursuant to Chapter 125, Florida Statutes and Article II of the Pinellas County Charter to implement regulations for the health, safety, and general welfare of County residents and to maintain County rights-of-way; and

WHEREAS, Pinellas County has further authority pursuant to Chapters 334 and 336, Florida Statutes to regulate County road system rights-of-way; and

WHEREAS, safeguarding the health of Pinellas County residents and protecting and restoring the drinking water supply are priorities for Pinellas County; and

WHEREAS, the Florida Department of Environmental Protection (FDEP) has previously identified areas of ground water and soil pollution in County road system rights-of-way; and

WHEREAS, the County seeks to eliminate or reduce the risk of exposure for users or occupants of County road system rights-of-way to current and future ground water contaminants; and

WHEREAS, the County also seeks to eliminate or reduce the threat of migration of said contaminants; and

WHEREAS, the County desires to prevent any and all wells, with the exception of monitoring and remediation wells as defined by Chapter 62-780 of the Florida Administrative Code, from being placed within County road system rights-of-way to reduce or eliminate the risk of exposure to and migration of said contaminants; and

WHEREAS, the adoption of this ordinance is an effective institutional control that will reduce or eliminate the risk of exposure to groundwater contaminants that may exist in or migrate into County road system rights-of-way.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PINELLAS COUNTY, FLORIDA, THAT THE PINELLAS COUNTY CODE IS AMENDED AS FOLLOWS:

SECTION 1.

Section 170-234 is created to read as follows:

Sec. 170-234. Restriction of Wells within County Road System Rights-of-Way.

(a) The placement of wells within the County road system rights-of-way as defined in Chapter 334, Florida Statutes, other than monitoring and remediation wells as defined by Chapter 62-780, Florida Administrative Code, and as approved by the Florida Department of Environmental Protection, shall be prohibited.

(b) Should any wells other than monitoring wells exist within County road system rights-of-way before the adoption of this ordinance, said wells shall be allowed to remain. Existing wells, however, shall not be enhanced, expanded, or replaced, as it is the intent of the County to eventually eliminate all existing wells.

(c) The provisions of this section do not apply to and do not prohibit the installation of well points and pumping associated with properly permitted dewatering activities.

SECTION 2.

Severability. If any Section, Subsection, sentence, clause, phrase, or provision of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such holding shall not be construed to render the remaining provisions of this Ordinance invalid or unconstitutional.

SECTION 3.

Areas Embraced. The provisions of this Ordinance shall apply to all the incorporated and unincorporated areas within Pinellas County.

SECTION 4.

Inclusion in Code. It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall become and be made a part of the Pinellas County Code and that the sections of this Ordinance may be renumbered or relettered and the word "ordinance" may be changed to section, article or such other appropriate word or phrase in order to accomplish such intentions.

SECTION 5.

Filing of Ordinance; Effective Date. Pursuant to Section 125.66 Florida Statutes, a certified copy of this Ordinance shall be filed with the Department of State by the Clerk of the Board of County Commissioners within ten (10) days after enactment by the Board of County Commissioners. This Ordinance shall become effective upon filing of the ordinance with the Department of State.

APPROVED AS TO FORM

By: Michael A. Zas

Office of the County Attorney