

DRAFT ORDINANCE

ORDINANCE NO. 99- 71

AN ORDINANCE OF THE COUNTY OF ST. JOHNS COUNTY, FLORIDA, RELATING TO REQUIREMENTS FOR THE CONSTRUCTION OF WATER WELLS WITHIN A DESIGNATED UNINCORPORATED AREA OF ST. JOHNS COUNTY, FLORIDA; REQUIRING THAT WATER WELLS BE CONSTRUCTED TO MINIMUM STANDARDS AND THAT SUCH WELLS BE EQUIPPED WITH PUMPING EQUIPMENT ADEQUATE TO REASONABLY ENSURE THAT SUCH WELLS AND PUMPING EQUIPMENT TOGETHER WILL NOT BE RENDERED INOPERABLE DUE TO LOWERED GROUND WATER LEVELS WITHIN DESIGNATED AREAS OF THE UNINCORPORATED AREAS OF ST. JOHNS COUNTY, FLORIDA.

WHEREAS, Section 125.01 (w), Florida Statutes, authorizes and empowers St. Johns County to enact Ordinances in the common interest of the people of the County; and

WHEREAS, regulation of wells used for human consumption and related use are in the best interest of the citizens of St. Johns County, and promotes the health, safety, and welfare of the citizens.

SECTION 1. PURPOSE AND AUTHORITY

A. PURPOSE AND INTENT

1. The purpose of this Ordinance is to promote the public health, safety and welfare of the citizens of St. Johns County, Florida by requiring that Water Wells be constructed to minimum standards and that such wells be equipped with pumping equipment adequate to reasonably ensure that such wells and pumping equipment together will not be rendered inoperable due to lowered ground water levels within designated areas of the unincorporated areas of St. Johns County, Florida.

2. The intent of this Ordinance is that wells constructed within the designated unincorporated areas of St. Johns County meet minimum County well construction standards. Such wells may also be required to meet more stringent state and regional standards.

3. This Ordinance applies to all Water Wells less than six inches in diameter. The St. Johns County Health Department shall administer the program for regulation of Water Well construction standards for wells less than six inches in diameter pursuant to the Water Well Permitting Delegation Agreement ("the Agreement") of July 21, 1996, between the St. Johns River Water Management District and the St. Johns County Public Health Department. This Ordinance recognizes said agreement

and adds additional Water Well construction standards not included in said agreement.

B. AUTHORITY. Specific Authority: Chapter 125, Florida Statutes.

SECTION 2. DEFINITIONS

1. Board - the Board of County Commissioners of St. Johns County, Florida.
2. Board's Designated Representative - a person named by the Board to act on its behalf in matters concerning the permitting of Water Well construction.
3. Centrifugal Pump - a pump using a method of displacing water by the centrifugal force created by an impeller moving water through an enclosed chamber. This type pump is most efficient for large capacity pumping against low head differentials.
4. Floridan Aquifer - the sequence of layered consolidated carbonate rocks that functions as the principal artesian aquifer in Florida, described by Parker, et al., 1955. In St. Johns County the top of the Floridan aquifer is considered to be the top of the continuous limestone unit of the Hawthorn Formation where present or the top of the Ocala Limestone where the limestone unit of the Hawthorn Formation is absent.
5. Free Flowing Well - a well where the elevation of the static water level in the well is higher than the elevation of the land surface adjacent to the well, enabling water to flow freely from the well without the use of pumping equipment.
6. Ground Water - water occurring in the ground within the zone of saturation (the zone within which permeable soil and rock materials are saturated with water under hydrostatic pressure, Meinzer, 1949).
7. Inoperable - unable to produce water either temporarily or permanently.
8. Licensed Water Well Contractor - any person licensed by the Florida Department of Environmental Protection or a water management district in accordance with the provisions of Chapter 17-20, Florida Administrative Code, and engaged in the business of construction, repair, or abandonment of Water Wells.
9. Multi-stage Jet Pump - a combination of a centrifugal pump and a nozzle-venturi arrangement. Water discharges under pressure through a nozzle inserted in a pipe. Adaptable to small diameter casings in high head

differential installations (usually greater than 25 feet). This type pump is not as efficient for large capacities of water.

10. Pumping Equipment - equipment necessary to produce water from a well.
11. Static Water Level - the level of water in a well that is not being affected by withdrawal or injection.
12. Submersible Pump - a centrifugal pump in which the power source (motor) is submerged and directly connected to the pump. Water enters between the motor and the pump assembly and is discharged directly through the pumping column to land surface. This type pump is capable of displacing water over high head differentials (greater than 25 feet) with efficiencies varying directly with head differences.
13. Water Well - a well constructed for the purpose of acquiring ground water for human consumption, bathing, cooking and sanitation including but not necessarily limited to wells constructed for single family and multi-family domestic supply purposes and/or public-supply purposes.

Additional applicable definitions are contained in Chapter 40C-3, Florida Administrative Code.

SECTION 3. REGULATION OF WELLS

A. PERMITS REQUIRED

1. A Water Well construction permit must be obtained from St. Johns County Health Department prior to the construction of any Water Well less than six inches in diameter within those areas of the County designated in Section 5 of this Ordinance.
2. Issuance of a permit by St. Johns County Health Department does not constitute a release of the owner's responsibility to obtain other permits which may be required by other state and/or regional regulatory agencies.

B. EXEMPTIONS

1. All wells other than those drilled for water supply purposes as described in Section 2(13) of this Ordinance shall be exempt from this Ordinance.
2. In areas where the top of the Floridan aquifer is unusually deep or Floridan aquifer water quality does not meet primary drinking water standards, wells may be constructed above the top of the Floridan aquifer. This exemption shall apply only

where the applicable standards set forth in Section 5 of this Ordinance cannot be reasonably met.

3. All wells not utilizing the Floridan aquifer shall be exempt from the provisions of Section 5(2).

C. APPLICATION FOR PERMIT

1. The application for well construction permit shall be made on forms, and contain specified information, in accordance with the Agreement .

2. The application shall be accompanied by an application fee in an amount to be designated by the Board.

D. CONDITIONS FOR ISSUANCE OF PERMITS.

1. Applications for Water Well construction permits shall be approved if the following requirements are met:

a. The application shall be completed as per the provisions of Section 3.C.

b. The application shall be accompanied by the application fee designated by the Board as per the provisions of Section 3.C.

c. The applicant shall agree to meet the applicable minimum well construction standards and pumping equipment standards set forth in Section 5 of this Ordinance. The applicant shall agree by affixing his or her signature to the application form.

E. TERM OF PERMIT

1. A permit issued pursuant to the provisions of Section 3(d) shall be valid for a period of 90 days or, if specifically stated is the permit, shall run concurrent with valid building or septic permits.

F. COMPLETION REPORT

1. The well driller shall complete and return, within the required time frame (30 days), the well completion report form as provided by the Agreement.

2. A special notation, indicating any exemptions which apply or any anomalous geologic conditions encountered relative to the exemptions, shall be added to the

completion report for any well drilled pursuant to the exemption provisions of Section 3(b).

SECTION 4. ADMINISTRATION AND ENFORCEMENT

A. ADMINISTRATION

1. Board's Designated Representative

a. For the purpose of administering this Ordinance, the Board may designate one (1) or more of its employees or agents to represent its interest in matters concerning the permitting of Water Well construction. Employees so designated shall be referred to as the Board's Designated Representative(s).

b. Unless otherwise specified, the Board's Designated Representative(s) shall be the Director of the St. Johns County Public Health Unit.

B. INSPECTION

1. The Board or its designated representative(s) shall be authorized to inspect any well as it deems necessary to insure conformity with the requirements of this Ordinance. Duly authorized representatives of the Board may, upon proper identification and at reasonable times, enter upon and shall be given access to any non-residential dwelling premises (except for interior residential dwelling, which may require a warrant) for the purpose of such inspection.

C. EFFECTIVE DATE

1. This Ordinance shall take effect immediately upon receipt of the official acknowledgment from the Department of State of the State of Florida, that this Ordinance has been filed with said office.

D. ENFORCEMENT

1. This Ordinance may be enforced by any means permitted by State Law or County ordinance, including, but not limited to, the provisions of Part I of Chapter 162, Florida Statutes. It may also be prosecuted as a civil infraction by citation pursuant to the provisions of Part II of Chapter 162, Florida Statutes, and St. Johns County Ordinances 94-36 and 95-28 as amended from time to time. The Sheriff of St. Johns County and the Sheriff's designees are hereby designated as code enforcement officers for the purpose of enforcing the provisions of this ordinance in the manner authorized by Part II of chapter

162, Florida Statutes and St. Johns County Ordinances 94-36 and 95-28 as amended from time to time. This Ordinance may also be prosecuted in the same manner as misdemeanors are prosecuted in accordance with Section 125.69, Florida Statutes.

SECTION 5. STANDARDS

1. In the unincorporated area of St. Johns County, minimum well construction standards shall be those established pursuant to the Agreement
2. In the portion of the unincorporated area of St. Johns County; bounded on the west by the St. Johns County boundary line; bounded on the north by State Road 16 from the County boundary line east to State Road 13, State Road 13 north to County Road 210, and County Road 210 east to Interstate 95; bounded on the east by Interstate 95; and bounded on the south by the St. Johns County boundary line [see Map Delineating Well Construction Ordinance Area Section 5(2)], minimum well construction standards, in addition to the provisions of Section 5(1), shall be as follows:
 - a. Well casing shall be seated to the top of the Floridan aquifer.
 - b. When the static water level measured in the well at the time of completion of well construction is greater than five feet above land surface then the well shall be equipped with pumping equipment installed such that the pump can lift water from a depth of at least twenty (20) feet below land surface.
 - c. When the static water level measured in the well at the time of well completion is five feet or less above land surface then the well shall be equipped with a submersible or multi-stage jet pump with a minimum one horsepower motor installed such that the pump can lift water from a depth of at least forty (40) feet below the well's static water level measured at the time of completion of well construction.
3. In the case of Free-Flowing Wells, the well owner may opt not to install pumping equipment on the well at the time of well construction. However, should the static water level fall below ground surface, causing free-flow to cease, it is the owner's responsibility to install pumping equipment in accordance with Section 5(2)(b) or Section 5 (2)(c). The type of equipment required is determined by the static water level measured in the well at the time of well completion, as specified in paragraphs (b) and (c) above.
4. In the case of non-Free-Flowing Wells, the well owner may opt to install pumping equipment that does not meet the standards of Section 5(2)(c) at the time of well construction. However, should the static water level fall below the pumping level of the installed equipment, causing flow to cease, it is the owner's responsibility to install pumping equipment in accordance with Section 5(2)(c).

ORDINANCE BOOK 23 PAGE 96
24

PASSED AND ENACTED by the Board of County Commissioners of St. Johns County,
State of Florida, this 21 day of December, 1999.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: James E. Bryant
James E. Bryant, Chairman

ATTEST: CHERYL STRICKLAND, CLERK

By: Cheryl Strickland
Deputy Clerk

Effective Date: 12-23-1999



ORDINANCE BOOK 23 PAGE 97
24

Ord. 9-71

COPY OF ADVERTISEMENT

THE ST. AUGUSTINE RECORD

PUBLISHED EVERY AFTERNOON MONDAY THROUGH FRIDAY, SATURDAY AND SUNDAY MORNING
ST. AUGUSTINE AND ST. JOHNS COUNTY, FLORIDA

STATE OF FLORIDA,
COUNTY OF ST. JOHNS

Before the undersigned authority personally appeared **Linda Y. Murray**
who on oath says that she is an Accounting Clerk of the St. Augustine Record,
a daily newspaper published at St. Augustine in St. Johns County, Florida:
that the attached copy of advertisement, being a

NOTICE OF PUBLIC HEARING

in the matter of

CONSTRUCTION OF WATER WELLS

in the Court, was published in said newspaper in the issues of

December 10, 1999

Affiant further says that the St. Augustine Record is a newspaper published at St. Augustine, in said St. Johns County, Florida, and that the said newspaper heretofore been continuously published in said St. Johns County, Florida, each day and has been entered as second class mail matter at the post office in the City of St. Augustine, in said St. Johns County, for a period of one year preceding the first publication of the copy of advertisement; and affiant further says that she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing the advertisement for publication in the said newspaper.

Sworn to and subscribed before me this 10TH day of DECEMBER 1999,

by Linda Y. Murray who is personally known to me or who has produced **PERSONALLY KNOWN** as identification.

Zoe Ann Moss
(Signature of Notary Public)



Zoe Ann Moss
MY COMMISSION # CC641814 EXPIRES
August 24, 2001
BONDED THROUGH FIDELITY AND SURETY COMPANY, INC.

Zoe Ann Moss

ORDINANCE BOOK 23 PAGE 98
24

NOTICE OF A PUBLIC HEARING BY THE ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS. NOTICE IS HEREBY GIVEN that the Board of County Commissioners of St. Johns County, Florida, will hold a public hearing at a regular meeting on Tuesday, December 21, 1999 at 9:00 a.m. in the County Auditorium at the County Administration Complex, 4020 Lewis Speedway (County Road 16A) and U.S. 1 North, St. Augustine, Florida, to consider adoption of the following ordinance:

AN ORDINANCE OF THE COUNTY OF ST. JOHNS COUNTY, FLORIDA, RELATING TO REQUIREMENTS FOR THE CONSTRUCTION OF WATER WELLS WITHIN A DESIGNATED UNINCORPORATED AREA OF ST. JOHNS COUNTY, FLORIDA, REQUIRING THAT WATER WELLS BE CONSTRUCTED TO MINIMUM STANDARDS AND THAT SUCH WELLS BE EQUIPPED WITH PUMPING EQUIPMENT ADEQUATE TO REASONABLY ENSURE THAT SUCH WELLS AND PUMPING EQUIPMENT TOGETHER WILL NOT BE RENDERED INOPERABLE DUE TO LOWERED GROUND WATER LEVELS WITHIN DESIGNATED AREAS OR THE UNINCORPORATED AREAS OF ST. JOHNS COUNTY, FLORIDA.

The proposed ordinance is on file in the office of the Clerk of the Board of County Commissioners at the St. Johns County Administration Complex, 4020 Lewis Speedway (CR 16A) and U.S. 1, St. Augustine, Florida and may be examined by parties interested prior to the public hearing.

Interested parties may appear at the public hearing and be heard with respect to the proposed ordinance.

If a person decides to appeal any decision made by the Board of County Commissioners with respect to any matter considered at the public hearing, he/she will need a record of the proceedings, and for such purposes he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

NOTICE TO PERSONS NEEDING SPECIAL ACCOMMODATIONS AND TO ALL HEARING IMPAIRED PERSONS: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in the proceedings should contact ADA Coordinator at (904) 823-2501 at the County Administration Building, 4020 Lewis Speedway, St. Augustine, FL 32096. For hearing impaired individuals: Telecommunication Device for the Deaf (TDD): Florida Relay Service: 1-800-955-8770, no later than 5 days prior to the date of the hearing.

BY: CHERYL STRICKLAND, CLERK
By: Patricia DeGrande, Deputy Clerk
1527A Dec. 10, 1999