

ORDINANCE 1260

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF POLK CITY AMENDING CHAPTER 74 UTILITIES, SECTION 204. DRILLING AND DIGGING OF WELLS PROHIBITED; EXCEPTIONS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council did on March 10, 2009 pass Ordinance 1246 after a duly noticed public hearing, and

WHEREAS, said ordinance was transmitted to the Southwest Florida Water Management District, and

WHEREAS, the Southwest Florida Water Management District requested a revision in the language of said ordinance, and

WHEREAS, The City Council of the City of Polk City finds that the revision:

1. does not change the purpose or intent of the ordinance;
2. does not change the prohibitions or exceptions of the ordinance; and
3. complies with the City of Polk City Comprehensive Plan Intergovernmental Cooperation.

NOW, THEREFORE BE IT ORDAINED THAT:

SECTION 1 – That Chapter 74 Utilities, Section 204 be amended as follows:

In order to ~~provide for proper and efficient management and use of the city's municipal water system, ensure the city and its inhabitants of receiving and having furnished to them an abundant supply of safe, good quality water, and to prevent the diminishment of the water supply to the city and city residents from the aquifer and underground streams,~~ the drilling or digging of wells is prohibited within the city utility service area limits, subject to the following exceptions:

- (1) By residential users, if the city water lines do not extend to the property in question. In the event said water line becomes available, the property owner shall connect to the city's water system in accordance with this chapter within 90 days' notice from the city to do so. This exception shall not apply to owners or developers of commercial properties, planned unit developments or subdivisions approved after the effective date of this section as said extension of lines shall be paid by the developer/owner as a condition of their approval.
- (2) For bona fide agricultural purposes involving sales of agricultural products to third parties and subject to notice, application and affirmative vote by the city commission.
- (3) The drilling of wells by governmental agencies for parks and recreation and as necessary for the best interests of the citizens of the city.

- (4) The drilling of monitoring wells for the purpose of testing ground or aquifer contamination.
- (5) The drilling of a water well for use in conjunction with a water source heat pump, provided the water is returned to the same source in the aquifer by an injection well.

Section 2. Effective Date. This Ordinance shall take effect immediately upon its passage.

INTRODUCED AND PASSED on first reading this the ____ day
of _____ 2009.

City Council of the City of Polk City

Donald L. Penton, Mayor

ATTEST

Patricia Jackson, City Clerk

PASSED AND CERTIFIED AS TO PASSAGE on the second reading this the
____ day of _____ 2009.

City Council of the City of Polk City

Donald L. Penton, Mayor

ATTEST

Patricia Jackson, City Clerk

APPROVED AS TO CONTENT AND FORM

Jeffrey Sullivan, City Attorney