

ORDINANCE NO. 7764-07

AN ORDINANCE OF THE CITY OF CLEARWATER, FLORIDA, RELATING TO POTABLE WATER AND RECLAIMED WATER; AMENDING CODE OF ORDINANCES, ADDING DIVISION 4, WELL MITIGATION AS FOLLOWS: SECTION 32.171, ADDING WELL MITIGATION PURPOSE; SECTION 32.172, ADDING DEFINITIONS; SECTION 32.173, ADDING PROVISION ON PRIVATE WELLS; SECTION 32.174, ADDING PROVISION ON MITIGATION OF CLAIMS; AMENDING SECTION 32.352, ADDING, ENHANCING AND RENUMBERING DEFINITIONS; AMENDING SECTION 32.354, ENHANCING TITLE; AMENDING SECTION 32.355, TO PROVIDE FOR EXTRATERRITORIAL SERVICE FOR NONRESIDENTIAL LARGE VOLUME USERS AND MINOR CONTENT UPDATE; AMENDING SECTION 32.373, MINOR CONTENT UPDATE; AMENDING SECTION 32.374, UPDATING REQUIREMENTS; AMENDING SECTION 32.378, MINOR CONTENT UPDATE; AMENDING SECTION 32.380, MINOR CONTENT UPDATE; PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLEARWATER, FLORIDA.

Section 1. Chapter 32, Division IV, Code of Ordinances, is amended to add Division 4, to read as follows:

Division 4. Well Mitigation

Sec. 32.171 Purpose

The purpose of this section is to protect the public health, safety and welfare of the citizens of the City of Clearwater using private wells from increased levels of chlorides resulting from the city's production of water pursuant to the city's water use permit by assuring that the city can provide water of sufficient quantity and quality in an environmentally acceptable manner, and to ensure that everyone whose well may be influenced, is provided access to potable water for consumptive usage, and to potable or reclaimed water for irrigation usage.

Sec. 32.172 Definitions

For the purposes of this section, certain abbreviations, terms, phrases, words and their derivatives shall have the following meanings:

- (1) *Aquifer* means a geologic formation, group of formations, or a part of a formation capable of yielding a significant amount of groundwater to wells, springs or surface water.
- (2) *Domestic well* shall mean those wells that are intended to supply water for human consumption. Wells shall be connected to a building utilized as a residence, commercial operation or industry.
- (3) *Irrigation well* shall mean those wells that supply water solely for irrigation purposes.
- (4) *Mitigation* means the remedy offered to affected well owners for unavoidable impacts to their well or wells.
- (5) *Non-permitted well* shall mean any well that has been constructed without a water use permit or a well construction permit issued by a regulatory agency.
- (6) *Permitted well* shall mean a well that has been issued a water use permit or a well construction permit from a regulatory agency. This includes, but is not limited to, those permits issued by the Southwest Florida Water Management District, the Department of Environmental Protection and the City.
- (7) *Potable water* means water suitable for drinking that has been treated and/or disinfected by a system that is regulated by the Safe Drinking Water Act.
- (8) *Private well* shall mean a well that is owned by a person or entity other than governmental agency and supplies water for any use. These uses may include, but are not limited to, household, business, industrial or irrigation.
- (9) *Safe Drinking Water Act* means the federal regulations, including the regulations and parameters as they may be amended from time to time, which set the quality standards for potable water.
- (10) *Service area* shall mean the area that is served potable water by the City of Clearwater public utilities department. This area encompasses those customers within the City of Clearwater city limits as well as customers in certain unincorporated areas of Pinellas

County. This area may be amended from time to time by amendment to the city and county interlocal service agreement.

Sec. 32.173 Private wells

Owners of private wells, which have observed an increase in chloride concentrations exceeding a total of 250 mg/L, as a result of pumping well water with higher chloride concentrations at city-owned production wells, shall be offered connection to the city water system that includes connection fees and costs paid by the utilities department.

Sec. 32.174 Mitigation of Claims

The public utilities department shall establish procedures to monitor and investigate claims asserting an impact to a private well owner. If it is determined that a well owner's claim is valid and the city has impacted the well owner's well water quality, the city would mitigate with the impacted owner. Mitigation would include the following depending on the type of well owner.

Mitigation for existing Domestic Well Owners

When it can be shown and verified through investigation of monitoring data by the city that a domestic well, with or without a water use permit, exceeds a chloride concentration of 250 mg/L as a result of pumping well water with higher chloride concentrations at city-owned production wells, the well-owner will be offered a connection to the city's potable water system, at no cost to the owner, within 15 business days of receiving the complaint. As part of mitigation, the city would also require access to properly plug and abandon the domestic well from further use. No new private well or wells may be constructed on the property.

Mitigation for existing Irrigation Well Owners

When it can be shown and verified through investigation of monitoring data by the city that an irrigation well, with or without a water use permit, exceeds a chloride concentration of 400 mg/L as a result of pumping well water with higher chloride concentrations at city-owned production wells, the well-owner will be offered a connection to either the city's reclaimed or potable water systems, at no cost to the owner, within 15 business days of receiving the complaint. As part of mitigation, the city would also require access to properly plug and abandon the irrigation well from further use. No new private well or wells may be constructed on the property.

Section 2. Sec. 32.352. Code of Ordinances, City of Clearwater, is amended to read as follows.

Sec. 32.352. Definitions.

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(2) ~~*Bulk Rate User*~~ shall mean the actual non-residential user of reclaimed water inside or outside the city limits that has an agreement for a specified reclaimed water rate.

(3) ~~(2)~~—*Cross connection* shall mean any physical connection or arrangement which could allow the movement of fluids between the potable water system and any other piping system, such as reclaimed water.

(4) ~~(3)~~—*Customer* shall mean the actual user of reclaimed water.

(5) ~~(4)~~—*Department* shall mean the public works department of the city.

(6) ~~(5)~~—*Director* shall mean the ~~public works administrator~~ public utilities director or his/her designee.

(7) ~~(6)~~—*Distribution main* shall mean a conduit used to supply reclaimed water to a service line from a transmission line.

(8) ~~(7)~~—*Duplex* means a two family dwelling as defined in section 35.11.

(9) ~~(8)~~—*Dwelling unit* means a building or portion thereof providing independent living facilities for one family including provisions for living, sleeping and complete kitchen facilities.

(10) ~~(9)~~—*FAC* shall mean the Florida Administrative Code.

(11) ~~(10)~~—*Hose bibb* means a special connection installed and provided by the city at certain points of delivery of reclaimed water that will enable the customer to attach a hose with a customized adaptor to use reclaimed water for non-potable purposes.

(12) ~~(11)~~—*Industrial/commercial reclaimed water use* means reclaimed water that is used by the customer for non-potable purposes other than irrigation and other residential type applications. The director shall determine industrial/commercial reclaimed water use applications, which shall be metered.

(13) Interruptible Service means reclaimed water can be periodically stopped due to operational and/or seasonal fluctuations in supplies needed to meet demands.

(14)(12)—*Master control valve* shall mean the city-installed and maintained manually operated valve which controls the total reclaimed water flow to the customer's property.

(15)(13)—*Meter* shall mean a flow measuring device to monitor the total reclaimed water flow to the customer's property.

(16)(14)—*Multi-family* means a detached building designed for four or more dwelling units.

(17)(15)—*Non-potable water* shall mean water that is not intended for drinking or culinary purposes.

(18)(16)—*Pervious area* means the total property area of a customer, in acres, less the impervious area as computed for stormwater management utility billing purposes, rounded to the nearest tenth of an acre.

(19)(17)—*Point of delivery or service connection* means the terminal end of a service line from the public reclaimed water system at the downstream end of the meter set, hose bib ~~bib~~ bibb or other device installed and maintained by the city.

(20)(18)—*Potable water* means water that does not contain objectionable pollution, contamination, minerals or infection and that is considered satisfactory for domestic consumption; in short, suitable for drinking purposes.

(21)(19)—*Property owner* shall mean the owner of property receiving reclaimed water service.

(22)(20)—*PVC pipe* shall mean polyvinyl chloride pipe.

(23)(21)—*Reclaimed water* shall mean water that has received advanced waste treatment with high level disinfection pursuant to Chapter 17-610, FAC.

(24)(22)—*Service line* shall mean that conduit to convey reclaimed water from the distribution main to the customer's property line.

(25)(23)—*Shutoff valve* means a required, manually operated valve provided, installed and maintained by the customer

downstream from the point of delivery that controls the reclaimed water flow to the customer's own system using reclaimed water.

~~(26)(24)~~—*Single-family* means a detached building or portion thereof designed for one dwelling unit.

~~(27)(25)~~—*Transmission main* shall mean a conduit that conveys reclaimed water from the treatment plant to a booster pumping station or a trunk main.

~~(28)(26)~~—*Triplex* means a three-family dwelling as defined in section 35.11.

(Ord. No. 5324-93, § 1, 2-18-93; Ord. No. 5325-93, § 2, 3-17-94; Ord. No. 5940-95, § 4, 12-7-95; Ord. No. 6220-98, § 1, 1-15-98; Ord. No. 7321-04, § 1, 12-16-04)

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Section 3. Sec. 32.354. Code of Ordinances, City of Clearwater, is amended to read as follows.

Sec. 32.354. Residential ~~S~~service inside city.

Reclaimed water service shall be available for properties located within the boundaries of the city which comply with the provisions for such service as set forth in this article. Reclaimed water shall be available to properties within the city as the distribution system is extended and reclaimed water becomes available.

(Ord. No. 5324-93, § 1, 2-18-93)

Section 4. Sec. 32.355. Code of Ordinances, City of Clearwater, is amended to read as follows.

Sec. 32.355. Service outside city; annexation required.

Except as provided below for nonresidential large volume users, reclaimed Reclaimed water service may be provided to property located outside of the city which is subject to an agreement to annex whenever annexation is permitted by law, which agreement shall be recorded in the public records and which shall constitute an application to annex the property. However, properties inside the city shall have the first priority. All applications for service outside the city shall be reviewed by the director, who shall approve such service only if an adequate supply of ~~treated wastewater~~ reclaimed water is available to meet the needs in

the city. The director shall review and technically approve all service line sizes and all other necessary design components.

Service outside City, bulk rate user.

Reclaimed water may be provided to non-residential, large volume customers outside the city, without annexation, through a connection, which is charged either the metered rate or a negotiated bulk rate fee. The customer is responsible to make the connection to the valve provided by the city. The valve location will be mutually agreed upon between the customer and the city. All connections will require a meter. The customer is to pay for the meter and installation by the city. All applications for service outside the city shall be reviewed by the director, who shall approve such service only if an adequate supply of reclaimed water is available to meet the needs in the city. The director shall review and technically approve all service line sizes and all other necessary design components. The customer is responsible for coordinating with the potable water provider to obtain the appropriate backflow prevention on the potable water system serving the property. The city may interrupt or terminate service as deemed appropriate for the safety and welfare of the public and/or to meet operational and seasonal demands.

(Ord. No. 5324-93, § 1, 2-18-93)

Section 5. Sec. 32.373. Code of Ordinances, City of Clearwater, is amended to read as follows.

Sec. 32.373. Customer responsibility.

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- (4) All customers connecting to the reclaimed system for air conditioning system coolant water shall be required to have a potable water system backup in place, including proper backflow protection. Additionally, all customers proposing to use reclaimed water in industrial applications, including cooling towers, must provide certification by an engineer that this usage is in compliance with Florida Department of Environmental ~~Regulation~~ Protection Rules, Chapter 62-610, Reuse of Reclaimed Water and Land Application.

(Ord. No. 5324-93, § 1, 2-18-93; Ord. No. 5940-95, § 9, 12-7-95; Ord. No. 6220-98, § 14, 1-15-98; Ord. No. 6692-01, § 2, 3-1-01)

Section 6. Sec. 32.374. Code of Ordinances, City of Clearwater, is amended to read as follows.

Sec. 32.374. Meter requirements.

(1) The city will ~~normally~~ require reclaimed water meters for all customers using reclaimed water. ~~residential reclaimed water customers and open space recreational facilities.~~

(2) Appropriately sized meters shall be required for all commercial, industrial, bulk and multi-family dwelling unit uses as determined by the director.

(3) Reclaimed water meters are ~~not normally~~ required for golf courses with existing agreements with the city for the supply of reclaimed water. These agreements are subject to renegotiation for cost increases for reclaimed water. ~~and golf courses may be required to meter.~~

(4) Bulk rate users are required to pay for meter and installation costs.

(Ord. No. 5324-93, § 1, 2-18-93; Ord. No. 6220-98, § 15, 1-15-98; Ord. No. 6587-00, § 3, 10-19-00; Ord. No. 6692-01, § 1, 3-1-01; Ord. No. 7321-04, § 2, 12-16-04)

Section 7. Sec. 32.378. Code of Ordinances, City of Clearwater, is amended to read as follows.

Sec. 32.378. Shallow potable wells.

(1) The city shall not provide reclaimed water service where shallow wells, the existence of which is known by the city, are a source of potable water and where buffer zone requirements of the Florida Department of Environmental ~~Regulation~~ Protection cannot be maintained.

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Section 8. Sec. 32.380. Code of Ordinances, City of Clearwater, is amended to read as follows.

Sec. 32.380. Availability charge.

The utility account of any improved property adjacent to a sufficiently sized reclaimed water distribution main shall include a monthly availability charge to alleviate the capital outlay of extending accessibility to the reclaimed water system. See appendix A for availability rates. ~~Upon application for and connection to the reclaimed water system, the availability charge shall cease.~~ Properties with existing irrigation wells shall not be charged for availability as long as the irrigation well remains active. The burden of proof is on the property owner to verify that an irrigation well is active and the director shall make the final determination.

(Ord. No. 5940-95, § 11, 12-7-95; Ord. No. 6382-99, § 1, 3-4-99)

Section 9. This ordinance shall take effect immediately upon adoption.

PASSED ON FIRST READING

PASSED ON SECOND AND FINAL
READING AND ADOPTED

Frank V. Hibbard
Mayor

Approved as to form:

Attest:

Leslie K. Dougall-Sides
Assistant City Attorney

Cynthia E. Goudeau
City Clerk