BEFORE THE CITY COMMISSION
CITY OF STUART, FLORIDA

ORDINANCE NUMBER 1368-94

AN ORDINANCE OF THE CITY COMMISSION OF THE
CITY OF STUART, FLORIDA PROHIBITING THE
CONSTRUCTION OF PRIVATE SURFICIAL AQUIFER
WELLS IN A PORTION OF THE CITY GENERALLY
TRIANGULAR IN SHAPE AND BOUNDED BY PALM BEACH
ROAD, U.S. HIGHWAY ONE AND 10TH STREET, MORE
PARTICULARLY DESCRIBED HEREIN, WHERE THE CITY
WATER SUPPLY SYSTEM IS AVAILABLE; REPEALING
ORDINANCE NUMBER 1297-93 OF THE CITY
COMMISSION; PROVIDING A CONFLICTS CLAUSE, A
SEVERABILITY CLAUSE AND AN EFFECTIVE DATE;
AND FOR OTHER PURPOSES.

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WHEREAS, the South Florida Water Management District
has entered into a CONSENT AGREEMENT with the City whereby the
City, among other things, has agreed to "mitigate the potential for
contamination to existing private surficial aquifer wells" in that
portion of the City potentially threatened certain groundwater
contamination (the "Moratorium Area"); and

WHEREAS, the City intends to undertake a program to
terminate the use of private wells in the Moratorium Area until the
threat of contamination ceases; and

WHEREAS, it is in the best public interest that no
additional private surficial aquifer wells be constructed in the
Moratorium Area until the threat ceases and this ordinance has been repealed.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF
THE CITY OF STUART, FLORIDA that:

SECTION 1: It shall be unlawful and a violation of this
ordinance for any person to construct or cause to be constructed a
private surficial aquifer well anywhere within the following
portion of the City of Stuart, Florida, being the Moratorium Area:

Northwest on U.S. Highway 1 from the Former
Site to Contractor's Way; thence northeast on
Contractor's Way to Decker Avenue; thence
northwest on Decker Avenue to Highway A-1-A;
thence northeast on Highway A-1-A to the
Stuart 10th Street Recreational Center on 10th
Street; thence east on 10th Street to Palm
Beach Road; thence south on Palm Beach Road to
Highway A-1-A; thence west from the point of
the intersection of Palm Beach Road and
Highway A-1-A to the Former Site.

A moratorium is hereby established upon the construction of
surficial water wells in the Moratorium Area.

SECTION 2: No permits or other governmental approvals shall be
issued by the City for the construction of any private surficial
aquifer wells in the Moratorium Area.

SECTION 3: All ordinances or parts of ordinances, in conflict
herewith, specifically including Ordinance No. 1297-93 of the City,
are hereby repealed.

SECTION 4: Should any word, phrase, clause, sentence or
paragraph of this ordinance be declared by a court of competent
jurisdiction to be unlawful or unenforceable for any reason, the
remainder of this ordinance shall remain in full force and effect.
SECTION 5: This ordinance shall take effect immediately upon its adoption at second reading.

ADOPTED on first reading the 14th day of November, 1994.
ADOPTED on second reading the 28th day of November, 1994.

ATTEST:

DIANNE M. O'DONNELL
CITY CLERK

KEVIN HENDERSON
VICE-MAYOR (ACTING MAYOR)

APPROVED AS TO FORM AND CORRECTNESS:

CARL V.M. COFFIN
CITY ATTORNEY