



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.

\* \* \* \* \*

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Moratorium Area until the threat ceases and this ordinance has been repealed.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



**SFWMD / TCT  
Moratorium Area  
Ordinance Number 1368-94**

