

ORDINANCE No. 2006-08-89

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA ESTABLISHING A POTABLE WATER INTERIM PROTECTION ZONE; ADOPTING AN INTERIM WELLFIELD PROTECTION ZONE MAP; INCORPORATING MIAMI-DADE COUNTY WELL PROTECTION REGULATIONS; PROVIDING FOR ENFORCEMENT; PROVIDING FOR ADOPTION OF REPRESENTATIONS; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR INCLUSION IN CODE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of North Miami Beach provides potable water to a large portion of the residential and commercial properties within the City of Miami Gardens, and

WHEREAS, the City of North Miami Beach owns or operates numerous potable water wellheads within the City of Miami Gardens, and

WHEREAS, not all of these wellheads are currently protected from the effects of adverse land development by a Wellfield Protection Zone as designated by the Board of County Commissioners of Miami-Dade County, and

WHEREAS, the City Council of the City of Miami Gardens finds that it is in the best interest of the health, safety and welfare of its residents and businesses to designate an interim protection zone for those wellheads not currently protected, to be effective until such time as the Board of County Commissioners of Miami-Dade County establish such a protection zone for those wellhead locations, and

WHEREAS, pursuant to Section 8.3 of the City of Miami Gardens Charter, the Miami-Dade County Code operates as the City Code, unless the City determines otherwise, and

WHEREAS, Chapter 24 of the Miami-Dade County Code establishes Wellfield Protection, Domestic Well Systems and Potable Water Standards, and

WHEREAS, Chapter 24 of the Miami-Dade County Code also establishes a map of influence and Wellfield Interim Protection area, and

WHEREAS, the City Council of the City of Miami Gardens would like to include a specific area located within the City in the protection area,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, as follows:

SECTION 1. ADOPTION OF REPRESENTATIONS: The foregoing Whereas Clauses are hereby ratified and confirmed as being true, and the same are hereby made a specific part of this Ordinance.

SECTION 2. SHORT TITLE; APPLICABILITY: This Ordinance shall be known as the "Interim Potable Water Supply Well Protection Ordinance." The provisions of this Ordinance shall be liberally construed to effect the purposes set forth herein.

SECTION 3. LEGISLATIVE INTENT: It is the intent and purpose of the City of Miami Gardens Interim Potable Water Supply Well Protection Ordinance to safeguard the public health, safety and welfare by providing interim protection and development standards to potable water supply wells operated by the City of North Miami Beach within the City limits of the City of Miami Gardens through the review and restriction of land uses within the designated area until such time as the City of North Miami Beach, through Miami-Dade County, establishes a formal protection zone for those well locations within the City of Miami Gardens not protected under through the current Miami-Dade County Wellfield Protection Ordinance.

SECTION 4. DESIGNATION OF ZONE OF INFLUENCE; MAP: There is hereby designated an Interim Wellfield Protection Zone designated the *Floridian Aquifer Interim Wellfield Protection Zone* for those properties located within the zone as set forth in Attachment A hereto and

incorporated by reference.

(a) The Director of the Department of Development Services or his designee shall maintain a map of the zone of influence. Any changes, additions or deletions to said map shall be approved by the City Council of the City of Miami Gardens by ordinance.

(b) All properties located within the designated zone shall be developed in accordance with the standards established in Section 5 of this Ordinance.

SECTION 5. INCORPORATION OF MIAMI-DADE WELLFIELD ORDINANCE: All provisions of the Miami-Dade County Well Protection Ordinance (Ch. 24, Miami-Dade County Code of Ordinances), as set forth in Attachment B hereto, shall apply to properties located in the Interim Protection Zone, and are hereby adopted by reference and made a part hereto.

SECTION 6. CONFLICT: All ordinances or Code provisions in conflict herewith are hereby repealed.

SECTION 7. SEVERABILITY: If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION 8. INCLUSION IN CODE: It is the intention of the City Council of the City of Miami Gardens that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Miami Gardens and that the sections of this Ordinance may be renumbered or relettered and the word "Ordinance" may be changed to "Chapter," "Section," "Article" or such other appropriate word or phrase, the use of which shall accomplish the intentions herein expressed; provided, however, that Section 1 hereof or the provisions contemplated thereby shall not be codified.

SECTION 9. EFFECTIVE DATE: This Ordinance shall become effective immediately upon its final passage.

PASSED ON FIRST READING ON THE 12<sup>TH</sup> DAY OF APRIL, 2006.

ADOPTED AND PASSED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS AT ITS REGULAR MEETING HELD ON THE 26<sup>TH</sup> DAY OF APRIL, 2006.

  
SHIRLEY GIBSON, MAYOR

ATTEST:

  
RONETTA TAYLOR, CMC, CITY CLERK

Prepared by SONJA KNIGHTON DICKENS, ESQ.  
City Attorney

SPONSORED BY: DANNY O. CREW, CITY MANAGER

MOVED BY: Councilwoman Watson  
SECONDED BY: Councilman Harvard

VOTE: 6-0

Mayor Gibson	<u>   </u> (Yes)	<u>   </u> (No)	Out of town
Vice Mayor Oscar Braynon, II	<u>  x  </u> (Yes)	<u>   </u> (No)	
Councilman Melvin L. Bratton	<u>  x  </u> (Yes)	<u>   </u> (No)	
Councilman Aaron Campbell	<u>  x  </u> (Yes)	<u>   </u> (No)	
Councilman Ulysses Harvard	<u>  x  </u> (Yes)	<u>   </u> (No)	
Councilwoman Sharon Pritchett	<u>  x  </u> (Yes)	<u>   </u> (No)	
Councilwoman Barbara Watson	<u>  x  </u> (Yes)	<u>   </u> (No)	

SKD/bfc