

SUMTER COUNTY, FLORIDA

ORDINANCE NO. _____

A ORDINANCE OF SUMTER COUNTY, FLORIDA, PROVIDING FOR THE PROTECTION OF THE FLORIDAN AQUIFER; REGULATING LAND USE AND PUBLIC HEALTH IMPACTS OF INJECTION WELLS; PROHIBITING NEW AND EXPANDED INJECTION WELL FACILITIES; PROVIDING AUTHORITY; PROVIDING DEFINITIONS; PROVIDING FOR ENFORCEMENT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Section 1. Authority and Legal Basis

This Ordinance is adopted pursuant to:

Article VIII, Section 1(f), Florida Constitution;
Chapter 125, Florida Statutes;
The County's police powers to protect public health, safety, and environmental resources;
The County's authority over land use, zoning, and development approvals.

The protection of the Floridan Aquifer is a matter of compelling local concern.

This Ordinance regulates land use and public health impacts and shall not be construed to regulate technical permitting authority assigned to state or federal agencies.

Section 2. Purpose

To protect the Floridan Aquifer, safeguard public drinking water, and prevent land use practices that enable subsurface waste injection that may pose risks to groundwater and public health.

Section 3. Legislative Findings

The County finds that:

- The Floridan Aquifer is the primary source of potable water for residents;
- Injection wells bypass natural soil filtration processes;
- Subsurface injection of waste may pose long-term risks to groundwater quality;
- Local governments have a responsibility to protect public health, safety, and welfare;
- The scale and regional nature of injection activities warrant local land use regulation.

Section 4. Definitions

- (a) Injection Well: Any excavation, borehole, or system designed to discharge fluids into subsurface geologic formations.
- (b) Floridan Aquifer: The principal artesian aquifer underlying Sumter County.
- (c) Leachate: Liquid that has percolated through solid waste and contains contaminants.
- (d) Expansion: Any increase in capacity, volume, operational scope, modification, or upgrade.
- (e) Reclassification: Any change in regulatory classification, including but not limited to conversion from Class V to Class I injection wells.
- (f) Facility: Any site, structure, or operation associated with subsurface injection.

Section 5. Applicability and Jurisdiction

This Ordinance applies:

- Within all unincorporated areas of Sumter County;
- To all development approvals and land use decisions;
- To the fullest extent permitted under Florida law.

Section 6. Prohibition

- No new injection wells shall be constructed or permitted;
- No existing injection wells shall be expanded, modified, or reclassified;
- No County approvals shall be granted for supporting activities.

Section 7. Land Use Restrictions

Injection wells are declared incompatible with all zoning classifications within Sumter County. Any development including subsurface injection is deemed inconsistent with County land use policies.

Section 8. Existing Facilities

This Ordinance shall not apply retroactively to lawfully existing and permitted injection wells. However, any expansion, modification, or reclassification of such facilities is prohibited.

Section 9. Public Health Protection

Protection of groundwater is declared a compelling public interest and essential to long-term community sustainability.

Section 10. Enforcement

- Violations are subject to fines, injunctions, and permit revocation;
- Each day constitutes a separate violation.

Section 11. Severability

If any provision is held invalid, the remainder shall remain in effect.

Section 12. Effective Date

This Ordinance shall take effect upon adoption as provided by law.