

SARASOTA COUNTY CODE OF ORDINANCES
CHAPTER 54 ENVIRONMENT AND NATURAL RESOURCES
ARTICLE XIII. WELL DRILLING

Sec. 54-381. Findings of fact.

(a) The Board of County Commissioners is authorized by interagency agreement with the Southwest Florida Water Management District to regulate the permitting, construction and abandonment of Wells within Sarasota County.

(b) Due to hydrogeological conditions unique to certain areas of the County, it is necessary to adopt construction specifications designed to address the public health and environmental aspects of these groundwater conditions.

(c) It is in the interest of both public health and groundwater preservation to adopt the Well regulations herein stated.

(Ord. No. 97-034, § 1, 4-8-1997; Ord. No. 2003-080, § 1, 2-25-2004)

Sec. 54-382. Definitions.

The following words and phrases, when used in this article, shall have the meanings respectively ascribed to them in this section, except where the context otherwise requires:

(a) *Annular Space*: Same definition as found in Chapter 40D-3-021(2), Florida Administrative Code (F.A.C.).

(b) *Aquifer*: Same definition as found in Chapter 40D-3-021(3), F.A.C.

(c) *Area of Special Concern*: Location in which conditions exist or may exist that may potentially affect water quality and/or quantity.

(d) *Artesian Water*: Groundwater that is under pressure and confined beneath relatively impermeable deposits. The water pressure would cause it to rise above the level at which it is encountered in drilling without the use of mechanical pumps.

(e) *Board*: The Board of County Commissioners of Sarasota County, Florida.

(f) *Bioremediation*: When performed *in situ*, a process using injection Wells to place micro-organisms and their nutrients in contaminated water and/or soil in order to degrade contaminants.

(g) *Casing Drive Shoe*: A hardened steel collar, approved by the Department, installed on the bottom of the casing, usually machined to have a sharp cutting edge. Used to protect the bottom of the casing from deformation when being driven and help provide a watertight seal between the casing and the formation.

- (h) *Contaminant Source*: Any operation, substance or facility which has the potential to contaminate groundwater, including, but not limited to: septic tanks, sanitary sewer mains and connectors, underground fuel tanks, treated slabs and landfills.
- (i) *Department*: The Sarasota County Health Department (SCHD).
- (j) *Director*: The Department Director or the Director's authorized representative.
- (k) *Hydraulic Elevator Shaft*: A hole constructed beneath the earth surface to provide for the movement of hydraulic rams.
- (l) *Multifamily Water System*: One that provides piped water to three or four same-family-owned residences, one of which may be a rental.
- (m) *Person*: Any and all persons, natural or artificial, including any individual, firm, association, organization, partnership, business trust, corporation, company, the United States of America, and the State and all political subdivisions, regions, districts, municipalities and public agencies thereof. The enumeration herein is not intended to be exclusive or exhaustive.
- (n) *Private Water System*: One that provides piped water to one or two residences, one of which may be a rental.
- (o) *Redrill*: Construction of a Well for the purpose of replacing an existing well.
- (p) *Setback*: The distance required between the Well and potential sources of contamination or environmental constraints.
- (q) *Soil Boring or Foundation Hole*: Same definition as found in Chapter 40D-3.021(27), F.A.C.
- (r) *Soil Vapor Extraction*: A system implemented to remove and recover or treat the vapor phase contamination generated by air sparging Wells.
- (s) *Source Bed*: The stratum or strata from which a liquid is drawn into or returned from the Well.
- (t) *Water Management District*: As used herein, refers to the Southwest Florida Water Management District (SWFWMD).
- (u) *Water Well*: Any excavation that is drilled, cored, bored, washed, driven, dug, jetted or otherwise constructed when the intended use of such excavation is for the development or artificial recharge of groundwater.
- (1) *Abandoned Well*: A Well will be considered abandoned if:

- a. There is sufficient evidence to indicate that the Well, due to faulty construction or deterioration of materials, is a source of contamination to its own or other water supplies as determined by the Department in accordance with the SCHD Well Drilling Policy and Procedures Manual.
 - b. The water quality is such that the water is not suitable for the purpose originally intended.
 - c. The Well has not been, or will not be, used for the purpose originally intended, unless special conditions, supported by documentary evidence supplied by the property owner, warrant special consideration.
 - d. The Well is located in a building footprint, area of traffic, storm water pond, retention area, body of water or swale.
 - e. The Well is not located on the subject's property, unless written permission has been obtained from the owner of the property on which the Well is located.
 - f. The Well is not operational and cannot be made operational under the Water Management District's rules or this Ordinance.
- (2) *Air Sparge Well*: A Well used to inject air through a contaminated aquifer to agitate and volatilize contaminants dissolved in the groundwater or trapped in smear zone soils, flushing them into soils above the water table.
- (3) *Artesian Wells*: A Well in which the water rises under natural conditions above the source bed. It may or may not flow at land surface.
- (4) *Community Public Water Supply Well*: A Well that supplies a water system that serves at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents.
- (5) *Industrial Supply Well*: A nonpotable Well, the primary purpose of which is to supply water suitable for industrial or manufacturing processes.
- (6) *Injection Well*: A Well into which fluids are being or will be injected, by gravity flow or under pressure.
- (7) *Irrigation/Augmentation Wells*: Wells that are used in conjunction with a permitted body of water and/or reuse system for the purpose of irrigation.
- (8) *Irrigation Well/Heat Exchange Supply Wells*: Wells that are used to supply water for irrigation or other nonpotable, nonindustrial use.
- (9) *Limited Use Community/Commercial Public Water Supply Well*: A Well that supplies a water system as defined in Chapter 64E-8, F.A.C.

(10) *Nonartesian Well Point or Water-Table Sandpoint Well:* A Well that utilizes the surficial aquifer.

(11) *Noncommunity Public Water Supply Well:* A Well that supplies a water system as defined in Chapter 62-550.200, F.A.C.

(12) *Nontransient Noncommunity Public Water Well:* A Well that supplies a water system as defined in Chapter 62-550.200, F.A.C.

(13) *Observation/Monitor Well/Piezometer:* A Well used to obtain water data as defined in Chapter 40D-3.021, F.A.C.

(14) *Private Well:* A Well that provides piped water to a private or multifamily water system.

(15) *Recovery Well:* A Well constructed for the intended purpose of recovering air or liquid associated with contamination cleanup.

(16) *Test Holes:* Wells whose purpose is obtaining data for engineering studies, seismographic, geophysical or geological exploration or prospecting minerals, but not the production or disposal of water.

(17) *Test Well:* A Well whose purpose is obtaining exploratory or observational data pursuant to permanent production or observational purposes.

(v) *Water Well Construction Types:*

(1) *Type A:* Single-cased Well; one casing, consisting of one or more joints of approved casing pipe suitably joined together, extending from the Well head to an approved casing point in consolidated material.

(2) *Type C:* Double-cased Well, with an upper, larger-diameter casing installed as in a Type A Well and a lower, smaller-diameter inner casing. The smaller casing extends from a lower casing point to a point a minimum of ten feet above the bottom of the larger casing [a minimum ten-foot overlap].

(3) *Type D:* Double-cased Well, with an outer, larger-diameter casing installed as in a Type A Well and one or more smaller-diameter inner casings. The smaller diameter shall extend from its respective casing point to at least 12 inches above grade. The outer, larger-diameter casing shall extend from its respective casing point to at least grade or concrete well pad elevation, whichever is greater.

(w) *Water Well Contractor:* Any person licensed by the Department or a Water Management District in accordance with Chapter 62-531 [F.A.C.] and engaged in the business of construction, modification, repair or abandonment of Wells, herein referred to as Contractor.

(x) *Water Well Driller*: A licensed Contractor, or a person working for a licensed Contractor, who actually constructs the Well, herein referred to as Driller.

(y) *Well Casing*: A pipe installed in a borehole to prevent caving, provide structural strength, seal off zones of poor water quality or prevent the interchange of water between aquifers.

(z) *Well Drilling Advisory Board*: That advisory board appointed by the Board of County Commissioners of Sarasota County, Florida, to advise the Department and the Board of County Commissioners concerning the administration of this Ordinance and the regulation of the Well drilling industry and other such duties as may be set forth in this Ordinance.

(Ord. No. 76-037, § I, 1-24-1978; Ord. No. 97-034, § 2, 4-8-1997; Ord. No. 2003-080, § 2, 2-25-2004)

Sec. 54-383. Well Drilling Contractor License.

No person shall dig, drill, drive, deepen, line, extend a casing downward in or bore a water Well, exploratory Well, test or foundation hole or elevator shaft hole in Sarasota County unless they possess a valid Florida Water Well Drilling Contractor's license or are under the supervision of a licensed Contractor, with the exception of:

(a) A homeowner installing a two-inch or less diameter, 25-foot or less depth, nonpotable sandpoint Well.

(b) Temporary monitor Wells or piezometers, two-inch or less diameter, less than 20-foot depth, less than ten days in duration.

(c) Soil borings, 25 feet or less in depth.

(Ord. No. 76-037, § II, 1-24-1978; Ord. No. 97-034, § 3, 4-8-1997; Ord. No. 2003-080, § 3, 2-25-2004)

Sec. 54-384. Well Drilling Advisory Board.

(a) The Board shall appoint five (5) members to the Well Drilling Advisory Board having the following qualifications:

(1) All five (5) shall be residents of Sarasota County;

(2) Three (3) shall be licensed Well drillers having a minimum of 5 years experience in this geographical area;

(3) One (1) shall be a licensed groundwater geologist; or licensed engineer with 5 years training and experience in hydrogeology;

(4) One (1) member shall be from the public at large.

(b) Members of the Well Drilling Advisory Board shall serve at the pleasure of the Board without compensation. The Well Drilling Advisory Board, immediately upon its

appointment, and annually in January, shall organize by electing from their number a Chairperson, a Vice-Chairperson and a Secretary.

(c) Employees of water regulatory agencies may serve the Well Drilling Advisory Board only in an advisory capacity.

(d) Members of the Well Drilling Advisory Board are required to attend at least 75 percent of the advertised meetings annually or be subject to removal as outlined in the Sarasota County's Advisory Board procedures manual.

(e) Members of the Well Drilling Advisory Board shall serve three-year terms. The three-year term shall begin upon appointment by the Sarasota Board of County Commissioners. (Ord. No. 76-037, § III, 1-24-1978; Ord. No. 97-034, § 4, 4-8-1997; Ord. No. 2003-080, § 4, 2-25-2004; Ord. No. 2006-032, § 2, 5-24-2006)

Sec. 54-385. Well regulations.

(a) *Permit.*

(1) *Applicability.* A permit shall be required prior to beginning construction, modification, repair or abandonment of any Well, elevator shaft or greater than 25-foot soil boring/geo-probe sampling, except as provided herein for emergency authorization. No permit shall be required for borings/samplings 25 foot or less, certain piezometers or dewatering Wells. Soil borings shall be permitted as pluggings.

(2) *Form.* The permit shall be obtained from the Department by making written application on the statewide form. The form shall be submitted to the Department by the owner or by the Contractor/Driller on behalf of the owner and shall contain: the Well location, description, use and such other pertinent information as required by the permitting authority. The location(s) of proposed Well(s) shall be accurately indicated on the site plan attached to the application, showing distances to property lines or other permanent references and indicating setbacks from potential contamination sources, rights of way, ponds, lakes, retention areas, shorelines, wetlands and any other factors of concern.

(3) *Fees.* Any required fee shall be submitted with the application form.

(4) *Conditions for issuance.*

a. The proposed construction, modification, repair or abandonment of the water Well shall not violate applicable rules of Chapter 40D-3, F.A.C.

b. Permits may be obtained only by licensed Contractors/Drillers, with one exception: property owners may obtain permits for two-inch sandpoint irrigation Wells 25 feet or less in depth.

c. The applicant shall provide additional information that may be required by the Department to assess site-specific conditions and proposed water use, including, but not limited to: geophysical logs, geologic samples and logs, Well pumping tests,

chemical analyses, land development or landscape/irrigation plans, pump curve details, proof of ownership or legal Well access.

- d. A permit shall apply to only one Well, with the exception of:
 - 1. Monitor Wells, piezometers and recovery Wells 25 feet or less, six of which Wells may be placed on a single permit, providing all are the same type in the same section of the same site and of similar depths and the same diameter. A separate fee shall be charged for each Well.
 - 2. Sandpoint irrigation Wells, three of which in the same section of the same site may be covered by a single permit and a single fee.
 - 3. Heat exchange Wells, both of which are covered by a single permit and a single fee.
 - 4. Air sparge Wells that are part of a bioremediation system shall be grouped on a single permit in accordance with the Department fee schedule. (No more than eight wells per permit.)
- e. *Attachments.* Any related permits or documents required by or from other agencies or individuals shall be submitted with the application, including but not limited to: MIA forms, coastal shoreline or wetlands approvals, easement use or Well sharing agreements, WUP/DID documentation, DEP geothermal Well approvals, engineered drawings, monitor Well Justification Letters and special plugging material approval.
- f. *Heat exchange supply wells and injection wells.* Plans and pertinent documents for Wells proposed for heat exchange supply or injection purposes shall be submitted by a Contractor/Driller to the Department. Prior to submitting any permits, it will be necessary for the Contractor/Driller to obtain all required State and Water Management District permits for Class V Wells as defined in Chapter 40D-3.041, F.A.C.
- g. *Site inspection.* A representative of the Department may make a site inspection prior to the issuance of the permit to determine if the Well location complies with the applicable provisions of this Ordinance and may require the presence of the applicant and/or owner if deemed necessary. Such site visits shall be mandatory (1) for a domestic Well redrill on a less than one acre site or (2) if required setbacks have not been achieved by the applicant.
- h. *Stipulations.* Construction or plugging stipulations specific to the site or Area of Concern may be issued as a condition of approval.
- i. *Availability of central water facilities.*
 - 1. A replacement domestic supply Well that meets all other requirements of this Ordinance shall be permitted regardless of the availability of central water.

2. A domestic supply Well for a new building shall not be permitted in any case where approved central water supply is available and contiguous to the property.

3. When an approved water distribution line abuts the property and service will be available within 90 days from date of building plan submittal, a Well may be permitted for irrigation purposes and utilized, on a temporary basis, for domestic supply purposes provided that: the property owner provides the Department with a copy of the connection fee receipt or a copy of a binding contract with the utility serving said property, indicating intention to connect. Should there be any question about the availability of the water service connection, the utility company, upon request, shall submit a written confirmation to the Department.

(5) *Notification.* Issuance of the permit shall constitute permission to begin Well construction, modification, repair or abandonment. However, the Contractor/Driller shall notify the Department at least 24 hours prior to the time that any grouting or plugging operation is to be performed so that a representative of the Department may be present. The Contractor/Driller shall notify the Department by phone of any change in previously scheduled site inspections at least half an hour prior to commencement of the activity to be inspected for construction, groutings and pluggings.

(6) *Inspection.* The permit shall be available for inspection at the site during construction, modification, repair or abandonment of the Well.

(7) *Location changes.* Any permittee who desires to change the location of a Well before or after construction has commenced shall, prior to the permit expiration, apply to the Department for an amendment of the permit. Where a permit fee was required to obtain the original permit, no charge shall be made to amend the permit. If Well construction has been initiated, as a condition of amendment the Department may require the sealing or plugging of the uncompleted Well. The permittee must then apply for a plugging permit, for which the standard fee shall be charged.

(8) *Duration.*

a. Each permit shall be valid for a period of 90 days.

b. In the event construction, modification, repair or abandonment is not completed within 90 days, the Water Management District shall, upon written request by the applicant, grant one extension not to exceed 90 days, provided that:

1. The applicant has submitted the request to the Water Management District prior to the expiration date of the permit; and

2. The applicant shows that circumstances and conditions have not changed substantially since permit issuance in a manner that would cause an adverse impact should the extension be granted.

c. If the applicant has not satisfied the criteria in subsection b.1., 2., for obtaining an extension, the applicant shall obtain a new permit before continuing construction, modification, repair or abandonment of a Well.

d. Construction, modification, repair or abandonment of a Well shall not commence or continue after permit expiration.

(b) *Location.*

(1) No Well shall be constructed within an existing building.

(2) No permanent structure shall be placed over an existing Well.

(3) Elevator shafts are exempt from requirements of subsections (1) and (2) of this subsection (b).

(4) A water Well site shall drain away from the Well head to prevent sources of contamination from either entering the Well or the Well site.

(5) No Wells shall be constructed within retention or drainage areas, ponds or lakes, including a 12-foot easement from the top of the bank.

(6) No Wells shall be constructed within rights-of-way.

(7) Well locations near the coastal shoreline or wetlands must be approved by the appropriate agency.

(8) No domestic Wells shall be located within 500 feet of a landfill.

(9) All domestic Wells shall be located a minimum of 25 feet from a building foundation pad when the soil has been chemically treated for pests unless otherwise approved by the Department. The setback shall be a minimum of 15 feet if the casing is full grouted in accordance with Department regulations. The slab setback is not required if:

a. The building is elevated and the soil underneath will not be treated; or

b. The slab has not been nor will be treated; or

c. The area has been treated with insect growth regulators or repellents; or

d. A boric acid product has been used.

(10) All private domestic Wells shall be located a minimum of 75 feet from any other source of contamination. In the case of a domestic Well redrill the Contractor/Driller shall achieve the maximum setback possible, given the site's constraints.

(11) All other setback distances and requirements as referenced in Chapters 64E-6, 64E-8, 62-610, 62-532, 62-555 and 40D-3, F.A.C. and in the SCHD Policy and Procedures Manual is made a part of this Ordinance.

(c) *Variance.* If the required separation distance cannot be obtained, the owner may seek a variance from the Department. The Department may grant such a variance to relieve or prevent excessive hardships when it is clearly shown that the public health will not be impaired. In the case of a domestic Well redrill, no variance is required if the maximum septic system or sewer setback that can be achieved is at least 50 feet and equal to or greater than the setback of the original Well.

(d) *Construction materials.* All Well casing shall meet the requirements of F.A.C. Chapter 62-532.500 and F.S. Chapter 373.309 except as specified below:

(1) Any thermoplastic pipe used for Well construction or repair shall be ASTM Standard F 480, Schedule 40 or stronger classification pipe or casing. In addition all four-inch thermoplastic pipe shall be marked by the manufacturer as certified Well casing.

(2) Black steel may only be utilized for Well casings greater than five inches.

(e) *Construction standards.*

(1) All construction activities shall be conducted in a manner consistent with all applicable safety regulations pertaining to methodology, equipment, protective gear, utilities and hazard identification/location and setbacks. All Drillers and on-site staff shall be fully trained in safety regulations and procedures.

(2) All water Wells shall be constructed in a manner that diverts surface drainage away from the Well.

(3) The casing of a Well which penetrates the first confining layer shall be continuous and nonperforated throughout its entire length.

(4) All driven casing shall have a casing drive shoe on the bottom and shall be installed in a borehole equal to or smaller than the outside diameter of the casing. The drill bit used to construct the borehole shall be equal to or smaller than the inside diameter of the casing.

(5) Wells constructed by combination method must have the first joint of the primary casing, including the drive shoe, installed by driving in the ground before any additional hole is drilled.

(6) The use of an off-center drilling tool capable of drilling a hole larger than bit diameter is prohibited unless approved by the SCHD.

(7) For all water Wells, the casing shall extend a minimum of 12 inches above the finished grade or 100-year floodplain, whichever is higher.

(8) All Type A Wells shall have a minimum inside diameter of four inches; the single casing shall consist of one or more joints of approved casing pipe suitably joined together, extending from the Well head to an approved casing point in consolidated material; the casing shall be sealed throughout its entire length, either by driving pipe or grouting the annular space.

(9) The upper, larger-diameter casing of a Type C Well shall be installed as in a Type A Well; the lower, smaller-diameter casing shall extend from a lower casing point to a minimum of ten feet above the bottom of the upper casing [a minimum ten-foot overlap]. The inner casing shall be grout sealed throughout the annular space.

(10) All Type D Wells shall have a minimum of 20 feet of outer casing. Both outer and inner casings shall extend from their respective casing points to at least the minimum required elevation and shall be grout sealed throughout their respective annular spaces. The annular space behind the outer casing (sand casing or conductor pipe) need not be sealed if the casing is set at a depth of 30 feet or less.

(11) Grouting of a Well casing shall be with a material approved under Chapter 62-532 and 40D-3-517, F.A.C.

(12) The owner shall be responsible for having a downward-facing, unthreaded raw water sampling tap installed at least 12 inches above ground for any private domestic or public water supply Wells with the exception of a Sandpoint well 25 feet or less in depth.

(13) All irrigation Wells that will use more than 50 gallons per minute (gpm) must be cased a minimum of 300 feet unless a Florida-licensed, Water Management District Professional Geologist has specified a different depth, based upon the site-specific hydrogeology.

(14) The owner of an irrigation system utilizing an irrigation augmentation Well is required to have a reduced pressure zone (RPZ) backflow assembly or a physical air gap installed by a certified backflow technician in accordance with American Water Works Association (AWWA) Manual M14, Cross Connection Control.

(15) All industrial supply Wells must be cased to the lowest possible aquifer capable of providing acceptable water for the process intended.

(16) All potable water supply Wells shall be chlorinated upon completion of construction, modification or repair or the replacement of a Well pump in accordance with the SCHD Policy and Procedures Manual.

(17) Hydraulic Lifts: Shaft holes shall be constructed as double-cased Wells, neat cement grouted in all annular spaces. The shaft hole must be drilled a minimum of five feet below the bottom of the inner casing to insure five feet of neat cement grout below the casing before grouting of the inner casing.

(18) Water test Wells whose purpose is to obtain exploratory or observational data must meet all specifications for regular Wells. Such Wells may be converted to permanent production or observation Wells upon written request to and approval from the Department.

(19) Barrier islands and other areas of special concern:

a. Prior to applying for a permit the Contractor/Driller shall notify the property owner of potential problems associated with Wells drilled in Areas of Special Concern.

b. The property owner shall sign a statement of responsibility to plug a Well if the water quality is unsatisfactory.

c. The Driller shall adhere to construction specifications specific to each area designed to protect water quality and adjoining Wells:

1. All Wells constructed on the barrier islands, including but not limited to Longboat Key, Lido Key, St. Armand's Key, Bird Key, Siesta Key, Casey Key and Manasota Key, shall be Type D construction with a minimum diameter sand casing of five inches and a minimum diameter inner casing of three inches with a minimum of two inches of pipe size between inner and outer casing with required lengths of casing grouted to the ground surface. All such Wells shall have a minimum of 100 feet of inner casing.

2. Other isolated Areas of Special Concern will be handled on an individual basis as dictated by water quality and public health standards. These areas will be shown on maps developed and updated by the Water Management District and the Department and maintained by the Department.

(f) *Log.* Each Driller shall maintain onsite a complete, legible and accurate log for each operation, available for inspection by a Department representative. The material description shall list the type of material encountered (sand, limestone, marl, shell, etc.); the color and hardness of the material; where any and all water was encountered; and the depth below land surface at which each was encountered.

(g) *Completion report.* The Contractor shall submit a Completion Report to the permitting authority for the construction, modification, repair or abandonment of any water Well within 30 days after permit expiration even if the work has not commenced or is incomplete.

(h) *Chemical analysis.*

(1) Following completion of a new Well or downward casing extension or deepening of an existing Well, the Contractor/Driller shall obtain a raw water sample representative of the Well water quality and submit it to a laboratory approved by the Department.

(2) The Contractor/Driller shall have the sample analyzed for:

a. Total dissolved solids (TDS)

- b. Sulfates
- c. Chlorides
- d. Iron
- e. Total hardness
- f. Color
- g. pH

(3) The Contractor shall submit the sample results to the Department with the Completion Report. Where chemical results are required, no Completion Report will be accepted without the sample results.

(4) The Contractor/Driller shall resample for chemical analysis should the Department determine that results of the first sample are negatively atypical for the area. Failure to conduct a mandated resample shall be grounds for enforcement action.

(5) No chemical analysis shall be required for monitor Wells, piezometers, sandpoint Wells or recovery Wells 25 feet or less in depth.

(i) *Bacteriological analysis.* The owner shall be responsible for ensuring that the water from the system of a new, redrilled, modified or repaired potable Well is bacteriologically sampled and analyzed by an approved laboratory and, if necessary, chlorinated until satisfactory results are achieved. In the event of new building construction, no Certificate of Occupancy shall be issued until such results are achieved.

(j) *Abandonment/plugging/decommissioning.*

(1) When a Well is determined to be abandoned, the property owner shall have such Well plugged by a licensed Contractor/Driller in a manner approved by the Department, in accordance with Chapter 40D-3-041, F.A.C. and within the timeframe specified, as described in the SCHD Policy and Procedures Manual.

(2) Sandpoint Wells or monitor Wells 25 feet or less in depth may be plugged by the Contractor/Driller or, in the case of sandpoint Wells, the owner removing the casing in the presence of an inspector. If the Well does not collapse following casing removal, the Contractor/Driller or, in the case of sandpoint Wells, the owner must fill the hole with cement.

(3) Water test Wells not converted to permanent Wells and test holes for the purpose of obtaining data for engineering studies, seismographic, geophysical or geological exploration or prospecting minerals, but not for the purpose of either producing or disposing of water, shall be plugged immediately upon completion of testing.

(4) The Contractor/Driller must obtain Department approval before plugging any Well that penetrates a confining layer with any material other than solid neat cement grout from bottom to surface. The Contractor/Driller must use cement for the following:

a. Topping off a Well plugged with bentonite from the measured water level to the surface or for the top ten feet, whichever is greater.

b. Plugging a Well that:

1. Is caving in due to sand;

2. Is dry;

3. Has an unclearable obstruction;

4. Has contaminants such as chloride present;

5. Has a TDS of 10,000 parts per million (ppm) or greater.

(5) The Contractor/Driller must obtain a variance from the Water Management District for the use of gravel in a plugging.

(6) The Contractor/Driller must verify that the inner casing of a double-cased Well has been grouted all the way; if it has not, the Contractor/Driller must remove the inner casing before plugging the Well. In areas of sand such as Longboat Key, the Contractor/Driller must first plug such an incompletely grouted Well up to the bottom of the casing and then attempt to remove the casing.

(k) *Repair or replacement.* With the exception of 25-foot or less sand-point Wells, only a licensed Contractor/Driller may repair or replace Wells. Defective casings shall not be repaired, but shall be plugged or brought into compliance with Type D Well construction specifications with a minimum one-inch cement separation. Should other repair techniques seem desirable, special application must be made to the Department and the procedures as detailed or amended must be precisely followed.

(l) *Adoption of rules and regulations.*

(1) Except to the extent that they are herein strengthened or extended by the other provisions of this Ordinance, Chapters 40D-3, 62-531, 62-532, 62-550 and 62-555 of the Florida Administrative Code, as the same may be amended from time to time, are hereby adopted. Compliance with all provisions of said Chapters and any amendments thereto hereby required as if said Chapters were herein set forth in full.

(2) Except to the extent that it is herein strengthened or extended by the other provisions of this Ordinance, the SCHD Policy and Procedures Manual, as the same may be amended from time to time, is hereby adopted and compliance with all provisions of said Manual is hereby required as if said document were herein set forth in full.

(3) If more stringent laws, rules or regulations concerning standards for water Wells are or have been promulgated by the Florida Department of Environmental Protection, Southwest Florida Water Management District or other regulatory agencies, those stricter standards shall apply.

(Ord. No. 76-037, § V, 1-24-1978; Ord. No. 97-034, § 6, 4-8-1997; Ord. No. 2003-080, §§ 5, 10, 2-25-2004; Ord. No. 2006-032, § 3, 5-24-2006)

Sec. 54-386. Reserved.

Editor's note: Sections 5 and 10 of Ord. No. 2003-080, adopted Feb. 25, 2004, consolidated and amended the provisions of § 54-386, pertaining to special conditions, with the provisions § 54-385.

Sec. 54-387. Variances.

The Board may grant a variance from the terms of these regulations when such variance will not be contrary to the public interest and where, owing to special conditions, a literal enforcement of the provisions of these regulations would result in extreme hardship on the applicant. Such variance shall not be granted by the Board unless and until:

(a) A written application for a variance shall be submitted to the appropriate department in three copies together with a processing fee as required by the Board of County Commissioners (check made payable to the Sarasota County Public Health Unit) and demonstrating:

- (1) That the hardship was not the result of any intentional action by the owner/applicant.
- (2) That the variance shall not be in conflict with any other applicable ordinance or State Statutes.
- (3) That the variance will not adversely affect the environment.
- (4) That the variance will pose no threat to public health.

(b) Approval by the Board of County Commissioners: The Board shall consider the variance during a regularly scheduled meeting and said variance shall be listed as an agenda or work list item. In granting any variance, the Board may prescribe appropriate conditions and safeguards in conformity with these regulations. Violation of such conditions and safeguards, when made in part of the terms under which the variance is granted, shall be deemed a violation of these regulations.

(Ord. No. 90-005, § 1, 1-2-1990; Ord. No. 2003-080, § 6, 2-25-2004; Ord. No. 2006-032, § 4, 5-24-2006)

Sec. 54-388. Administration and Enforcement Procedure.

(a) It shall be the responsibility of the Sarasota County Health Department (SCHD) to enforce the provisions of this Ordinance within Sarasota County. The SCHD shall permit and inspect wells as specified in the Well Construction Permitting Agreement between the Southwest Florida Water Management District (SWFWMD) and Sarasota County, Florida as it may be amended from time to time. If a violation of any provisions of this Ordinance, Chapter 373, Florida Statutes or Chapter 40D-3 of the Florida Administrative Code, as they may be amended from time to time, is determined to exist, the SCHD shall give the alleged

violator a reasonable time following the receipt of written notice thereof, within which to correct such violations, if applicable. Should the violation(s) continue beyond the specified time for the correction by the official notice, the SHCD may seek civil legal or equitable relief from a court of competent jurisdiction to enforce this Ordinance in addition to the criminal sanctions provided in subsection (d) herein. In addition, the SCHD may enforce this Ordinance by any other method provided by law.

(b) If, in the opinion of the SCHD based on competent substantial evidence, conditions of a well represent a clear and present danger to the aquifer and/or the life or health of any person, the well owner shall be ordered to cease construction or operation of said well(s). The construction and/or operation of the well(s) shall not resume until, in the opinion of the SHCD, the dangerous condition has been removed or rectified and the well(s) fully complies with all the provisions of this Ordinance.

(c) Any well that has ceased operation due to unsatisfactory water quality, well construction or negative impacts on the aquifer shall remain out of operation until authorization to resume construction or operation has been obtained from the SCHD.

(d) Each day during a portion of which a violation occurs shall constitute a separate offense.

(Ord. No. 2006-032, § 5, 5-24-2006)

Sec. 54-389. Penalties.

Violations of this Ordinance may be enforced by code enforcement officials pursuant to Article VIII, Section 2-349 of the Sarasota County Code of Ordinances or by any other civil or criminal remedy provided by law. Violations of this Ordinance may be treated as a misdemeanor and any person found guilty of violating the same shall, upon conviction thereof, be punished by a fine not to exceed \$500.00 and/or by imprisonment in the County Jail not to exceed 60 days or any other remedy available under the law. Each day or fraction thereof that the violation continues shall be considered as a separate offense.

(Ord. No. 76-037, § IX, 1-24-1978; Ord. No. 97-034, § 9, 4-8-1997; Ord. No. 2003-080, § 7, 2-25-2004; Ord. No. 2006-032, § 6, 5-24-2006)

Sec. 54-390. Fees.

The Board may, from time to time, establish by Resolution a schedule of fees to include, but not be limited to, permit fee and plan review fee.

(Ord. No. 97-034, § 11, 4-8-1997; Ord. No. 2003-080, § 8, 2-25-2004)

Sec. 54-391. References to other authorities.

Where a statute, rule or ordinance is referenced herein, this shall mean the most recently adopted version of said statute, rule or ordinance. Where the SCHD Policy and Procedures Manual is referenced herein, this shall mean the most recently updated version.

(Ord. No. 97-034, § 12, 4-8-1997; Ord. No. 2003-080, § 9, 2-25-2004)

Sec. 54-392. Severability.

Should any section, sentence, clause, part, or provision of this article be declared, by a court of competent jurisdiction, to be invalid, such declaration shall not affect the validity of this article as a whole, or any part thereof other than the part declared to be invalid.
(Ord. No. 76-037, § VIII, 1-24-1978; Ord. No. 97-034, § 13, 4-8-1997)

Sec. 54-393. Sunset provision.

This article shall be automatically repealed on October 1, 2010, unless otherwise amended or ratified by the Board of County Commissioners of Sarasota County, Florida.
(Ord. No. 97-034, § 14, 4-8-1997; Ord. No. 2003-099, § 1(14), 11-18-2003)

Secs. 54-394--54-420. Reserved.