

**Sec. 90-171. Fences in regulated floodways.**

Fences in regulated floodways that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of section 90-133 of this chapter.

(Ord. No. 19-23, § 2, 6-13-19)

**Sec. 90-172. Retaining walls, sidewalks and driveways in regulated floodways.**

Retaining walls and sidewalks and driveways that involve the placement of fill in regulated floodways shall meet the limitations of section 90-133 of this chapter.

(Ord. No. 19-23, § 2, 6-13-19)

**Sec. 90-173. Roads and watercourse crossings in regulated floodways.**

Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into regulated floodways shall meet the limitations of section 90-133 of this chapter. Alteration of a watercourse that is part of a road or watercourse crossing shall meet the requirements of section 90-62 of this chapter.

(Ord. No. 19-23, § 2, 6-13-19)



Chapters 91—93

**RESERVED**



## Chapter 94

### NATURAL RESOURCE PROTECTION\*

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\***Cross references**—Buildings and building regulations, ch. 18; environment, ch. 38; utilities, ch. 78; concurrency management system, ch. 86; floods, ch. 90; planning and development, ch. 98; stormwater management, ch. 106; subdivisions, ch. 110; vegetation, ch. 114; zoning, ch. 118.

## WINTER GARDEN CODE

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## ARTICLE I. IN GENERAL

### Sec. 94-1. Fertilizer regulations.

Chapter 15, Article XVII of the Orange County Code governing fertilizer use shall apply within the boundaries of the city. Orange County and relevant personnel and agents thereof shall have the authority to enforce and administer Chapter 15, Article XVII of the Orange County Code within the boundaries of the city. The city and relevant personnel and agents thereof shall have the authority to enforce and administer Chapter 15, Article XVII of the Orange County Code within the boundaries of the city using any enforcement mechanism available under the City Code, County Code, or by law. (Ord. No. 19-16, § 2, 3-28-19)

### Secs. 94-2—94-25. Reserved.

## ARTICLE II. POTABLE WATER WELLFIELDS

### DIVISION 1. GENERALLY

#### Sec. 94-26. Short title.

This article shall be known and may be cited as the "Potable Water Wellfield Protection Ordinance of the City of Winter Garden, Florida." (Code 1988, § 26-1)

#### Sec. 94-27. Purpose and intent.

It shall be the purpose and intent of this article to require all businesses that use, generate, or produce any material as characterized or listed on the Resource Conservation and Recovery Act's or the Environmental Protection Agency's hazardous waste lists and that are located within 500 feet of the city's potable water supply wells to register with the city and to prohibit these regulated businesses from locating within 200 feet of the city's potable water supply wells. (Code 1988, § 26-2)

#### Sec. 94-28. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings

ascribed to them in this section, except where the context clearly indicates a different meaning:

*Abandoned well* means a well which is no longer in use and which is not constructed to state standards and for which no valid St. Johns River Water Management District (SJRWMD) or South Florida Water Management District (SFWMD) permit has been issued. Any well not in use and which is in a state of disrepair or is a potential source of groundwater contamination and whose existence is detrimental to the water resources of the city shall be deemed abandoned.

*Air entrainment* means any process by which air is introduced into groundwater.

*Aquifer* means a groundwater bearing geologic formation that contain enough saturated permeable material to yield significant quantities of water.

*Best management practices* means those practices that a person can follow which minimize or negate the potential for a release of regulated substances to groundwater or soils.

*Closure* means the termination of any regulated nonresidential land use or activity covered by this article.

*Containment* means a system that is used to prevent the release of regulated substances to the environment. The system shall be constructed of an impervious material such that release of regulated substances to the environment is prevented. The size of the containment system should be sufficient to contain spills, leaks, overflows and rainfall until appropriate action can be taken.

*Contamination* means the presence of any harmful or deleterious substances in the groundwater supply, surface water, or land surface.

*Continuous transit* means the nonstop movement of a mobile vehicle except for stops required by traffic laws.

*Discharge* includes but is not limited to any spilling, leaking, seeping, pouring, misapplying, emitting, emptying, or dumping of any regulated substance which may affect the groundwater.

*EPA* means the United States Environmental Protection Agency.

*FDEP* means the state department of environmental protection.

*Geotechnical boring* means any excavation that is drilled, cored, washed, driven, or dug for the purpose of geological investigation or for obtaining a soil sample.

*Groundwater* means water beneath the surface of the ground, whether or not flowing through known and definite channels.

*Hazardous substance* means a substance that has one or more of the following characteristics: ignitability, corrosivity, reactivity, toxicity characteristic leaching procedure (TCLP), or toxicity.

*Injection/heat exchange well* means any well used specifically for the purpose of introducing under pressure any water into underground formations. Air conditioning return wells are considered injection wells for the purposes of this article.

*OCEPD* means the county environmental protection department.

*Pollution* means the presence of any substance (organic, inorganic, radiological, or biological) or physical condition in water which degrades the quality so as to constitute a hazard or impair the use of the water.

*Potable water sources* means sources of water that meet city, state, federal drinking water standards and are intended for drinking, culinary, and domestic purposes.

*Regulated business* means any operation listed in the Standard Industrial Classification that manufactures, stores, or uses regulated substances.

*Regulated substances* means any hazardous or toxic substance regulated under this article as described in division 2 of this article or any hazardous or toxic substance that may cause groundwater pollution.

*Standard Industrial Classification (SIC)* means a federally developed code that identifies a business or industrial activity with a unique four-digit number.

*Storage system* means any tank, container, drum, or storage component together with all integral piping or pumping equipment that contain regulated substances.

*Well* means any excavation that is drilled, cored, bored, washed, driven, dug, jetted, or otherwise constructed when the intended use of such excavation is to conduct groundwater to the surface.

(Code 1988, § 26-3)

**Cross reference**—Definitions generally, § 1-2.

## **Sec. 94-29. Regulated business review and location requirements.**

(a) No review and approval shall be required for existing operations under this article, provided that no occupancy change occurs, the site is registered with the aquifer/wellhead protection program, and all requirements of this article are being met.

(b) If a change in land use/property occupancy occurs at a facility that stores, uses, or manufactures regulated substances, the closure provisions of section 94-98 shall be followed.

(c) If a site has satisfied the closure requirements and a new regulated business obtains or occupies the property that will continue to store, use, or manufacture regulated substances, the following conditions shall apply.

- (1) The new business owner or property owner must register the business following the registration requirements of this article.
- (2) The new business owner or operator must obtain any other licenses or permits required by the city.
- (3) The new business owner or operator shall follow all applicable sections of this article.
- (4) The new business owner must adhere to the best management practices of this article.