ARTICLE IV. WATER

Sec. 22-151. Drilling wells.

(a) In order to ensure the city and its inhabitants of receiving and having furnished to them an abundant supply of good safe drinking water, except as provided in subsection (b) below, no wells shall be drilled or dug within the incorporated limits of the city. The city, upon receipt of proper permits, may drill or establish wells to provide water for public consumption.

(b) Notwithstanding subsection (a), any parcel of real property comprising a contiguous tract of thrity-five (35) acres or more, lawfully operated as a cemetery in accordance with the requirements of this Code, and located within the municipal limits, may upon obtaining any necessary approval from the St. Johns River Water Management District install up to two (2) wells for the sole purpose of providing water for irrigation of the cemetery tract only, provided that no such well shall be utilized to provide potable water to any person or entity including on the cemetery tract, and provided further that no such well shall be used to provide water for irrigation purposes on any property other than the contiguous cemetery tract on which the well is located.
(Code 1953, § 14-3.1; Ord. No. 08-90, § I, 9-22-08)

Sec. 22-152. Abandoned wells, plugging.

(a) It shall be unlawful for any person to have upon his property within the city limits an abandoned well which is not properly plugged in accordance with this section.

(b) All abandoned wells on property within the city limits shall be filled from bottom to top with neat cement grout. Neat cement grout means a mixture consisting of water and Portland cement, American Concrete Institute Type 1 or Type 3. If an abandoned well has foreign materials inside, they shall be cleared from the well prior to grouting.

(c) The owner of property within the city limits on which there exists a well which is to be abandoned shall notify the city of his intent to abandon the well. A city representative shall inspect the well to ensure that it is plugged according to the requirements of subsection (b) of this section. The owner shall be fined twenty-five dollars ($25.00) per day for each day following the sixtieth day after abandonment of the well that the well remains improperly plugged.

(d) Abandoned water well means a well whose use has been discontinued, a well whose water is not being put to reasonable beneficial use or a well in such a state of disrepair that its continued existence may damage the water resources in the area, as determined by a representative of the city.

(e) The city may enter upon any property within the city limits to inspect for compliance with this section at any time that it receives a report of or otherwise has reasonable cause to suspect that their exists on the property an improperly plugged or hazardous well. Upon
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locating an abandoned well not in compliance with this section, the city shall advise the owner of the property of the noncompliance and give the owner sixty (60) days to remedy it. The owner shall be fined twenty-five dollars ($25.00) per day for each day following the sixtieth day after notice of noncompliance is given by the city that the well remains improperly plugged. (Code 1953, § 18-27)

Sec. 22-153. Watering lawns, etc., during water emergency; proclamation.

(a) During any period wherein a water emergency is proclaimed by the city commission, it shall be unlawful for any person to use or utilize water from the regular water mains or connections thereto within the city for the purpose of watering lawns, shrubs, flowers, trees, gardens and other plant life not located in the confines of a home or livable building during the hours prohibited by an emergency proclamation.

(b) At such time as the city manager is informed by the water department that the water distribution is nearing the point of being inadequate to supply the consumption, he shall investigate the reasons therefor and, if he finds that the conditions are such that an emergency is prevalent, then he shall report his findings to the city commission who shall thereafter in its discretion proclaim a water emergency. Such proclamation shall be published at least weekly during the period of the emergency and shall be in the form following:

"PROCLAMATION OF WATER EMERGENCY

The City Commission of the City of Leesburg, Florida, does hereby proclaim that a water emergency exists and hereby declares that it shall be unlawful for persons, firms and corporations to use the public water supply for purposes of watering lawns, shrubs, flowers, trees, gardens and the like, from ________ to ________ during any day from ________, 19____ to _________, 19____."

(Code 1953, § 18-28)

Sec. 22-154. Fire suppression cost assistance program.

(a) Policies and procedures. The City of Leesburg has created a fire suppression cost assistance program to meet building code requirements, protect historic structures and to promote new infill construction through the installation of fire suppression systems within the geographic boundaries of the program. The program has been established to provide assistance to eligible property owners and developers for the purpose of improving substandard fire protection in specified business improvement areas, and to offer incentives to encourage building restoration, upper story and infill development, and life-safety upgrades.

(b) Program boundaries. The program's geographic area of eligibility is the central business district as defined in the city's land development regulations. The current boundary of this area is shown on the attached boundary map.
(c) Program administration. The program is administered at the direction of the city manager or the city manager's designee.

(1) The following procedures shall be followed:

a. Work with the housing and economic development department to conduct credit review to pre-qualify financial capacity of applicants for the program.

b. Building division will review price proposals for the installation of the fire suppression system obtained by the applicant, and the planning division will
review to determine that the project proposed for assistance is consistent with the redevelopment planning efforts of the GLCRA and is within boundaries of the central business district (CBD).

c. Verify that funds for assistance are available.

d. Present project to the planning and zoning division to ensure it is located within the program boundaries and that it is consistent with the city's GLCRA redevelopment planning efforts.

e. Present project to water and planning divisions to ensure it is consistent with the existing city water distribution systems.

f. Submit recommendation for eligibility to city administration to prepare water agreement for fire suppression system.

g. Meet with program participants about the agreement, and explain and confirm applicant understands the agreement requirements.

h. Arrange for execution of the agreement (which has been prepared by the city) by the applicant and submit signed agreement to the city finance department.

i. Once project is complete and has met inspection and compliance requirements of the city, obtain a completion certificate along with invoices, receipts, and/or canceled checks supporting actual cost for project from applicant.

j. Confirm that documentation provided by participant supports reimbursement amount requested, and submit the reimbursement documentation along with letter of recommendation to finance department, requesting reimbursement to the property owner.

(2) The City of Leesburg will be responsible for the following:

a. Prepare water service and loan agreement for fire suppression system (agreement) between the applicant and the city after receipt of certification of project eligibility and copies of fire suppression system cost proposals. standard form for this agreement is attached.

b. Arrange for execution of agreement by the city after receipt of signed agreement from applicant.

c. Installation of such portion of the external water supply system as is set forth in the agreement.

d. Inspect installation of the fire suppression system to ensure compliance with all applicable code requirements of the city in accordance with normal inspection procedures of the city.

e. Review staff's letter of recommendation for reimbursement, the completion certificate, and reimbursement documentation submitted by applicant.

f. Issue reimbursement check to program participant.
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g. Include the amount, as defined by the agreement for the recovery of assistance, on the applicant's bi-monthly water and sewer utility bill (finance department).

(d) Program requirements and eligibility. Both the project and property owner/developer ("applicant") must meet certain eligibility requirements to participate in the program. These eligibility requirements are listed below.

(1) To be eligible for the program:

a. The program assistance for the fire suppression system cost must not exceed twenty thousand dollars ($20,000.00).

b. The applicant must complete and submit an application to the city along with required financial information as well as the project plans. An applicant for assistance shall demonstrate the capacity to repay the assistance and have a satisfactory credit record.

c. The installation of a fire suppression system in the building must be deemed advisable by the city building division or the fire marshal.

d. The program funding shall only be used for existing and infill structures that require at least five thousand dollars ($5,000.00) worth of new fire suppression installation.

e. The property owner must obtain at least two (2) competitive bid estimates for the installation of a fire suppression system that meets city code requirements and provide copies of the estimates to the staff.

f. The property owner at its sole expense shall design and arrange for installation of the fire suppression system in the structure that meets all applicable code requirements of the city.

g. The property owner must obtain the necessary permits for the installation of the fire suppression system and all other work to be performed on the structure; and

h. Once the owner has entered into the water agreement for fire suppression system with the City of Leesburg, the owner is responsible for adhering to the agreement.

i. The applicant/owner must be the entity responsible for repayment of the assistance provided under this section.

j. If the applicant will also be an occupant of the building for which assistance is granted hereunder, as well as the property owner, the applicant must pledge to make good faith efforts to conduct business continuously in the city and hire locally for the term of the financing.

(2) To be eligible for the program, the project must be in the process of, or have plans to renovate or build an infill structure in a way which is consistent with the economic redevelopment objectives of the city:

a. Be located within the program boundaries as outlined in subsection (b).
(g) **No financial involvement by city employees.** No employee of the city shall have an interest in any contract to provide labor, materials, appliances, technical assistance or other services to any person receiving a loan under this program. No employee of the city shall accept a gratuity of any kind for providing assistance to loan applicants or recipients.

(Ord. No. 04-07, § I, 3-8-03)

**Sec. 22-155. Alternative water supply program.**

(a) **Purpose.** The purpose of this section is to establish an alternative water supply program and establish regulations, procedures and fees associated with this program. This also includes providing definitions; establishing authority and enforcement; compliance; and an effective date for the implementation of the program.

(b) **Definitions.** The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

**Alternative water supply** means salt water; brackish surface and groundwater; surface water captured predominantly during wet-weather flows; sources made available through the addition of new storage capacity for surface or groundwater; water that has been reclaimed after one (1) or more public supply, municipal, industrial, commercial, or agricultural uses; the downstream augmentation of water bodies with reclaimed water; stormwater; and any other water supply source that is designated as nontraditional for a water supply planning region in the applicable regional water supply plan.

**Augmentation water** means water from an additional source, such as, stormwater retention ponds, surface water, brackish water, groundwater or from an approved wetland and blended with the final effluent of a city wastewater treatment plant.

**Backflow device** means either a dual check device composed of two (2) single independently active check valves, as described in the American Water Works Association Standard C506-78 (R83), and the American Society of Sanitary Engineering Standard 1024, and/or a reduced pressure principle device, as described in the American Water Works Association Standard C506-78 (R83), and/or the American Society of Sanitary Engineering Standard 1013.

**Billing** means the charge made for alternative water supply service. The charge shall be included on the monthly utility bill.

**Charges** means those charges set by the city commission for costs of providing service, pursuant to this section.

**Cross connection** refers to any physical connection or arrangement which would allow the movement of contaminants or fluids between any non-potable water system, such as the alternative water supply system, and a potable water system.

**Customer** means the actual user of the alternative water supply system.

**DEP** means the Florida Department of Environmental Protection, or its successor in function.
b. Involve substantial renovation of an existing structure or the construction of an appropriate in-fill structure. Substantial renovation is defined for the purposes of this section only as a renovation where the construction cost at least matches or exceeds the assistance requested under this section; or

c. Involve new infill construction where the construction cost at least matches or exceeds the assistance requested under this section.

(e) Program financing. No charges shall be made by the city for processing of applications for loans authorized by this article, but the city shall be reimbursed the cost of any title searches, recording fees, surveys or related expenses in conveying titles or security as provided in this section. The city may, however, charge a fee for servicing the financing extended under this ordinance and for reviewing plans, specifications and construction monitoring.

(1) Eligibility. In order to be eligible for financing, the following criteria must be met:

a. Cumulative project cost for the fire suppression system must not be less than five thousand dollars ($5,000.00) nor more than twenty thousand dollars ($20,000.00);

b. The applicant/owner must be the entity responsible for repayment of the assistance;

(2) Terms. The terms of financing the fire suppression improvements shall be as follows:

a. Financing will be established at a five-year fixed rate, which rate shall be equal to the prime rate which is available at that time at local banking institutions.

b. The property owner shall pay the total amount over five (5) years and interest shall be calculated on the unpaid balance.

c. The obligation shall be paid at a minimum in monthly installments.

d. The remaining balance due the city may be prepaid at any time before the end of the finance term without payment of penalty.

(f) Project reimbursement. Upon execution of the water agreement for the fire suppression system, the property owner is bound by the agreement including requirements regarding installation of the fire suppression system, connection to the water system, and maintenance of the fire suppression system from the point of connection to the water main. Once the project is complete the owner must file a completion certificate with the city (through the building division) setting forth the actual cost of installing the fire suppression system, supported with satisfactory documentation such as copies of canceled checks and invoices. Once this requirement is satisfied, the city shall reimburse the property owner in an amount as established by this program less the required down payment.

Funding of applications will come from the city's water fund and will be limited based on availability of funds appropriated for the program. Each application will be considered on a first come, first served basis.

The applicant/owner must have executed the agreement with the city agreeing to repay the fire suppression assistance obligation in the manner and under the terms provided above.