

**DRAFT CHARTER AMENDMENT
(Rev 10/2/2019 J. Fauth/CBS revised)**

Text of the Amendment:

Sec. 704.1 The Right to Clean Water

A. Definitions

Except as otherwise specifically provided herein, the following terms shall have the following meanings when used in this section:

“Clean Water” shall mean water that does not exceed Florida’s Numeric Nutrient Criteria and which is of sufficient quality to protect recreation, fish consumption, and the maintenance of a healthy, well-balanced ecosystem of plants, animals and other wild life.

“Constructed Wetland” shall mean an artificial wetland that uses natural processes involving wetland vegetation, soils, and their associated microbial assemblages to treat domestic wastewater, industrial wastewater, greywater or stormwater runoff, to improve water quality.

“Domestic Wastewater” shall mean wastewater derived principally from dwellings, business buildings, and institutions.

“Ecosystem Services” shall mean the benefits to human welfare and nature provided by ecosystems. The chart below summarizes some, but not all, ecosystem services provided by aquatic ecosystems:

Type of service	Description	Examples
Provisioning services	Focused on directly supplying food and non-food products from water flows	Freshwater supply Crop and fruit production Livestock production Fish production Hydro-electric power
Regulating services	Related to regulating flows or reducing hazards	Buffering of runoff, soil water infiltration, groundwater, maintenance of base flows Flood prevention, peak flow reduction, landslide reduction Soil protection and control of erosion and sedimentation Control of surface and groundwater quality
Supporting services	Provided to support habitats and ecosystem functioning	Wildlife habitat Flow regime required to maintain downstream habitat and uses
Cultural services	Related to recreation and human inspiration	Aquatic recreation Landscape aesthetics Cultural heritage and identity

“Greywater” shall mean domestic wastewater composed of wash water from kitchen, bathroom, and laundry sinks, tubs, and washers, but not from any sources exposed to fecal contamination, including toilets and diaper washing.

“Industrial Wastewater” shall mean the process and non-process wastewater from manufacturing, commercial, mining, and silvicultural facilities or activities, and all other wastewater not otherwise defined as domestic wastewater.

“Pollutant” or “Pollutants” shall mean any substances, contaminants, noise, or manmade or human-induced source or cause of Pollution.

“Pollute” shall mean the act of causing or contributing to Pollution.

“Pollution” shall mean the presence in the outdoor atmosphere or Waters of Orange County of any substances, contaminants, noise, or manmade or human-induced impairment of air or waters or alteration of the chemical, physical, biological, or radiological integrity of air or water in quantities above historic background levels, or which unreasonably interfere with the enjoyment of life or property, including outdoor recreation.

“Restore” and “Restored” shall mean to recover a self-sustaining natural ecological system, including, to the extent practical, its historic hydrology and ecological communities.

“Stormwater Runoff” shall mean water generated from precipitation events that flow over land or impervious surfaces, such as paved streets, parking lots and building rooftops, and does not soak into the ground.

“Waters” shall include, but are not be limited to, lakes, ponds, rivers, streams, springs, wetlands, impoundments, and all other waters or bodies of water, including fresh, brackish, surface or underground waters. Underground waters include, but are not limited to, all underground waters passing through pores of rock or soils or flowing through in channels, whether manmade or natural.

B. *Rights of People and Aquatic Ecosystems*

1. The citizens of Orange County have the right to Clean Water and a healthy environment, to protect human health; support recreational, cultural and economic activities; and provide healthy habitat for plants, animals and other wild life.

2. The Wekiva River, Econlockhatchee River, and all other Waters as defined herein in Orange County have the right to exist, thrive, rehydrate, and to be Restored.

3. The rights of people and Waters secured by this section shall include the right to be free from practices or activities of governmental or non-natural persons that interfere with those rights.

4. Notwithstanding the above provisions, because wetlands built to treat municipal or Industrial Wastewater, Greywater or Stormwater Runoff are designed to remove Pollution and Pollutants, Orange County may exempt by ordinance any such Constructed Wetland from the rights secured by this section.

5. Any citizen of Orange County may maintain an action in a court of competent jurisdiction for injunctive relief against:

a. The County to compel the County to enforce this section and/or the County's laws, rules, and regulations for the protection of its Waters and the other natural resources of the County; or

b. Any corporation or other entity to enjoin such corporations or entities from violating this section and/or the County's laws, rules, and regulations for the protection of its Waters and the other natural resources of the County.

C. Enforcement and Implementation

1. Orange County shall defend and enforce the provisions of this section under its Constitutional duty to protect the health, safety and welfare of its citizens.

2. Orange County shall not issue or enter into any permit, license, contract, or any other agreement that Pollutes or contributes toward Polluting Orange County Waters, or that reduces the Ecosystem Services provided by Orange County Waters.

D. Effective Date

This amendment to the Orange County Charter shall become effective immediately upon passage and shall not require any further enabling legislation by the County.