

ORDINANCE NO. 2016-11

AN ORDINANCE OF WALTON COUNTY, FLORIDA, PROHIBITING EXTREME WELL STIMULATION FOR PURPOSES OF RESOURCE EXTRACTION (“FRACKING”); PROVIDING FOR PURPOSE, LEGISLATIVE FINDINGS, AUTHORITY, SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE.

WHEREAS, clean water is fundamental to the health of Florida’s environment and economy; and

WHEREAS, extreme well stimulation, such as hydraulic fracturing, acid fracturing, and cyclic steam injection (also known as “fracking”), is the process of pumping a complex mix of fluids and chemicals, including large volumes of water, under very high pressure into or below the surface of the ground to create fractures or weakness in oil- or gas-bearing geologic formations, for the purpose of producing or recovering oil or gas or to otherwise facilitate the mobility of oil and gas for extraction; and

WHEREAS, many of the chemical constituents injected during fracturing have documented adverse effects on human health and the environment; and

WHEREAS, there have been more than one thousand (1,000) documented cases of water contamination near fracking sites in the United States; and

WHEREAS, the oil and gas industry is not required by federal or state law to publicly disclose chemical formulas of well stimulation and fracturing fluids; and

WHEREAS, the use of well stimulation fracturing mixes may expose groundwater, adjacent land, and surface waters to the risk of contamination through open pit storage, truck transport on roadways, and activities during well development; and

WHEREAS, much of Florida’s water supply comes from aquifers in highly-permeable limestone formations which are vulnerable to contamination from hydraulic rock-fracturing activities designed to extract hydrocarbons; and

WHEREAS, the necessity in the public interest for the provisions and prohibitions hereinafter contained and enacted is declared as a matter of legislative determination and public policy, and it is further declared that the provisions and prohibitions hereinafter contained and enacted are in pursuance of and for the purpose of securing and promoting the health, safety, welfare and quality of life of the people of this county.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF WALTON COUNTY, FLORIDA, THAT CHAPTER 9, ARTICLE 6, OF THE WALTON COUNTY CODE OF ORDINANCES, IS HEREBY CREATED TO READ AS FOLLOWS:

SECTION 1.

No person shall cause, suffer, permit, or allow the use of any form of extreme well stimulation, including, but not limited to, hydraulic fracturing, acid fracturing, and cyclic steam injection for oil, gas, or similar resource extraction.

SECTION 2.

A violation of this section shall constitute a criminal offense and shall be punishable as provided in *Florida Statutes* §125.69.

SECTION 3. SEVERABILITY

If any portion of this Ordinance is determined by any Court to be invalid, the invalid portion shall be stricken, and such striking shall not affect the validity of the remainder of this Ordinance. If any Court determines that this Ordinance, or any portion hereof, cannot be legally applied to any individual(s), group(s), entity(ies), property(ies), or circumstance(s), such determination shall not affect the applicability hereof to any other individual, group, entity, property, or circumstance.


SECTION 4. EFFECTIVE DATE

This Ordinance shall become effective immediately upon adoption by the Walton County Board of County Commissioners, as provided by law.

PASSED AND DULY ADOPTED in regular session, by the Board of County Commissioners of Walton County, Florida, this 22nd day of March, 2016.

Attest:

Kim Welkin
Alex Alford, Clerk of Circuit Court
and County Comptroller



BOARD OF COUNTY COMMISSIONERS
OF WALTON COUNTY, FLORIDA

Sara Comander
Sara Comander, Chair