

City of Palm Coast, Florida Agenda Item

Agenda Date: October 6, 2026

Agenda Item: I.3

Department Division	CITY ATTORNEY	Amount Org/Account #
Subject:	ORDINANCE 2026-XX PROHIBITING DIRECT POTABLE REUSE	
Presenter:	Marcus Duffy, City Attorney	
Attachments:	1. Ordinance 2. Business Impact Estimate	
Background:	<u>UPDATED BACKGROUND FROM THE SEPTEMBER 15, 2026, BUSINESS MEETING:</u> City Council reviewed the item at their September 15, 2026, Business Meeting. There were no changes made to the item. <u>UPDATED BACKGROUND FROM THE SEPTEMBER 8, 2026, WORKSHOP MEETING:</u> City Council reviewed the item at their September 8, 2026, Workshop Meeting. There were no changes made to the item. <u>ORIGINAL BACKGROUND FROM THE SEPTEMBER 8, 2026, WORKSHOP MEETING:</u> City Council directed the City Attorney to draft an ordinance prohibiting direct potable reuse which is attached to this item for consideration and direction.	
Recommended Action:	ADOPT ORDINANCE 2026-XX PROHIBITING DIRECT POTABLE REUSE	

ORDINANCE 2026-__
PROHIBITING DIRECT POTABLE REUSE

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM COAST, FLORIDA, AMENDING CHAPTER 49, "UTILITIES," ARTICLE II, "REGULATION OF WATER AND SEWER UTILITIES," OF THE CODE OF ORDINANCES OF THE CITY OF PALM COAST, FLORIDA; AMENDING SECTION 49-32 (DEFINITIONS) TO ADD DEFINITION FOR DIRECT POTABLE REUSE, AMENDING SECTION 49-35 PROHIBITED ACTS TO EXPLICITLY PROHIBIT THE INTRODUCTION OF DIRECT POTABLE REUSE INTO THE PUBLIC POTABLE WATER SYSTEM; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Palm Coast ("City") owns and operates essential public utility systems that are vital to the health, safety, and welfare of its residents; and

WHEREAS, the City water utility system is dedicated to providing high-quality and reliable drinking water to its residents and utility customers; and

WHEREAS, the public trust of the citizens of Palm Coast depend upon maintaining strict quality standards, source reliability, and consumer confidence in the municipal potable water supply; and

WHEREAS, to meet water demands, the City Utility will plan to continue the utilization of reclaimed water exclusively for non-potable applications including landscape irrigation, zero liquid discharge, and in the near future brackish groundwater as alternative water supply sources; and

WHEREAS, the City Council desires to maintain focus on these current and planned water supply sources, calls for prohibiting Direct Potable Reuse within the City of Palm Coast Utility system; and

WHEREAS, words with double underlined type shall constitute additions to the original text and ~~strike-through~~ shall constitute deletions to the original text, and asterisks (* * *) indicate that text shall remain unchanged from the language existing prior to adoption of this Ordinance.

NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE CITY OF PALM COAST, FLORIDA:

SECTION 1. LEGISLATIVE AND ADMINISTRATIVE FINDINGS. The above recitals (whereas clauses) are hereby adopted as the legislative and administrative findings of the City Council.

SECTION 2. AMENDMENT TO CHAPTER 49, UTILITIES, ARTICLE II REGULATION OF WATER AND SEWER UTILITIES, SECTIONS 49-32 & 49-35 OF THE CODE OF ORDINANCES. That Chapter 49 Utilities, Article II Regulation of Water and Sewer Utilities, Section 49-32 & Section 49-35 of the *Code of Ordinances of the City of Palm Coast* are hereby amended to read as follow:

Sec. 49-32. – Definitions.

Direct Potable Reuse (DPR) shall mean the delivery of advanced treated water from an advanced treatment water facility to a drinking water treatment facility or directly into a potable water supply distribution system without an environmental buffer.

Sec. 49-35 – Prohibited Acts.

- (b) Prohibition of Direct Potable Reuse. The City Utility is strictly prohibited from constructing, operating, or funding any infrastructure, process, or facility designed for Direct Potable Reuse within municipal potable drinking water supply system.
- (c) Permitted Non-Potable Reuse. Nothing in this section shall restrict or prohibit the production, distribution, or utilization of reclaimed water treated in strict compliance with applicable Florida Department of Environmental Protection (FDEP) non-potable standards, provided such water is utilized exclusively for non-potable applications, including landscape irrigation, agricultural use, commercial cooling, or industrial processes, and provided no direct physical connection to the potable water supply network exists.

* * *

SECTION 3. SEVERABILITY. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance.

SECTION 4. CODIFICATION. It is the intention of the City Council of the City of Palm Coast, Florida, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Palm Coast, Florida; that the Sections of this Ordinance may be renumbered or re-lettered to accomplish such intention; that the word, “Ordinance” may be changed to “Section,” “Article,” or other appropriate word.

SECTION 5. CONFLICTS. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

SECTION 6. EFFECTIVE DATE. This Ordinance shall become effective immediately upon its passage and adoption.

APPROVED on first reading this 15th day of September 2026.

ADOPTED on second reading after due public notice and hearing this 6th day of October 2026.

ATTEST:

CITY OF PALM COAST

KALEY COOK, CITY CLERK

MICHAEL NORRIS, MAYOR

APPROVED AS TO FORM AND LEGALITY

MARCUS DUFFY, CITY ATTORNEY



**THE CITY OF PALM COAST
160 LAKE AVENUE
PALM COAST, FL 32164**

**BUSINESS IMPACT ESTIMATE
PURSUANT TO F.S. 166.041(4)**

**Meeting Date: 10/06/2026
Ordinance Number: 2026-XX
Posted To Webpage:**

This Business Impact Estimate is given as it relates to the proposed ordinance titled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM COAST, FLORIDA, AMENDING CHAPTER 49, "UTILITIES," ARTICLE II, "REGULATION OF WATER AND SEWER UTILITIES," OF THE CODE OF ORDINANCES OF THE CITY OF PALM COAST, FLORIDA; AMENDING SECTION 49-32 (DEFINITIONS) TO ADD DEFINITION FOR DIRECT POTABLE REUSE, AMENDING SECTION 49-35 PROHIBITED ACTS TO EXPLICITLY PROHIBIT THE INTRODUCTION OF DIRECT POTABLE REUSE INTO THE PUBLIC POTABLE WATER SYSTEM; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

The sections below are not required to be completed if the ordinance involves any one of the following types of regulations. Please check if applicable:

- ☐ 1. Ordinances required for compliance with federal or state law or regulation;
- ☐ 2. Ordinances relating to the issuance or refinancing of debt;
- ☐ 3. Ordinances relating to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- ☐ 4. Ordinances required to implement a contract or an agreement, including, but not limited to, any federal, state, local, or private grant, or other financial assistance accepted by a municipal government;
- ☐ 5. Emergency ordinances;
- ☐ 6. Ordinances relating to procurement; or
- ☐ 7. Ordinances enacted to implement the following:

___ a. Development orders, and development agreements, and development permits, as those terms are defined in S 163.3164, and development agreements, as authorized by the Florida Local Government Development Acts SS. 163.3220-163.3243;

___ b. Comprehensive Plan amendments and land development regulation amendments initiated by an application by a private party other than the county;

___ c. Sections 190.005 and 190.046;

___ d. Section 553.73, relating to the Florida Building Code; or

___ e. Section 633.202, relating to the Florida Fire Prevention Code.

Part I. Summary of the proposed ordinance and statement of public purpose:

(Address the public purpose to be served by the proposed ordinance, such as serving the public health, safety, morals, and welfare of the City of Palm Coast.) N/A

Part II. Estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the City of Palm Coast:

(fill out subsections a-c as applicable, if not applicable write "not applicable")

(a) Estimate of direct compliance costs that businesses may reasonably incur if the proposed ordinance is enacted: N/A

(b) Identification of any new charges or fee on businesses subject to the proposed ordinance, or for which businesses will be financially responsible: N/A

(c) An estimate of the City of Palm Coast's regulatory costs, including an estimate of revenues from any new charges or fees that will be imposed on businesses to cover such costs. N/A

(d) Does this proposed ordinance have a direct impact on affordable housing? If so, explain.

Part III. Good faith estimates of the number of businesses likely to be impacted by the ordinance. N/A

Part IV. Additional Information (if any): N/A