



Office of  
**INDIAN RIVER COUNTY  
ATTORNEY**

Dylan Reingold, County Attorney  
William K. DeBral, Deputy County Attorney  
Kate Pingolt Cotner, Assistant County Attorney

**MEMORANDUM**

**TO:** Board of County Commissioners  
**FROM:** Dylan Reingold, County Attorney  
**DATE:** October 25, 2016 *[Signature]*  
**SUBJECT:** Fracking Ordinance

**BACKGROUND.**

On October 18, 2016, the Indian River County Board of County Commissioners (the "Board") authorized the County Attorney's Office to draft an ordinance prohibiting fracking, hydraulic fracturing and any other related processes in Indian River County. Pursuant to the Board's direction, and after examining various ordinances and resolutions from other local governments across the State of Florida, including Seminole, Citrus, Pinellas, Brevard, Broward and Miami-Dade Counties, the County Attorney's Office has drafted the attached proposed ordinance.

The attached proposed ordinance creates a new Chapter 317 of the Indian River County Code of Ordinances, titled Oil and Gas Well Stimulation Prohibited. The proposed ordinance defines several terms including acid fracturing, cyclic steam injection, hydraulic fracturing, matrix stimulation and well stimulation. The proposed ordinance then prohibits these various activities within Indian River County. The proposed ordinance authorizes the County Attorney, or special counsel, to pursue injunctive relief or any other remedies to cure, remove or end any such activities.

*APPROVED FOR NOVEMBER 15, 2016  
B.C.C. MEETING - PUBLIC HEARINGS*

*[Signature]*  
COUNTY ATTORNEY

Indian River Co.	Approved	Date
Admin		
Co. Atty.	<i>DC</i>	<i>10/31/16</i>
Budget		
Dept.		
Risk Mgr.	---	---

Additionally, the proposed ordinance includes a provision that whenever a violation occurs, any person who has a legal, beneficial or equitable interest in the facility or instrumentality contributing to the violation, or who has a legal, beneficial or equitable interest in real property upon which such violation occurs, that such person will be jointly and severally liable for such violation.

**FUNDING.**

The only cost associated with this matter is the cost of advertising the notice of public hearing. The cost was \$136.67. This cost was funded from General Fund/County Attorney/Legal Account No. 00110214-033110.

**RECOMMENDATION.**

The County Attorney's Office respectfully requests that the chair open the public hearing and take any comments from the public and then have the Board vote whether to approve the proposed ordinance.

**ATTACHMENTS**

Proposed Ordinance