

in their natural form, are free of pollution, and which maintain a healthy ecosystem.

2. Violations. Governmental or corporate entities shall not engage in any alleged, proposed or continuing activity which violates the rights secured by this Charter.

3. Remedies. Any resident of Titusville may bring a legal action, in the name of the resident or in the name of the Waters of Titusville, in a court of appropriate jurisdiction to enjoin violations of the right to clean water. Remedies shall include injunctive relief to enjoin the violation and monetary damages to restore the waters to their pre-damaged state.

4. Definitions. (a) "Clean Water" shall mean Waters that are free from Pollution.

(b) "Pollution means the non-natural presence in the Waters of the City of Titusville of any one or more substances, contaminants, or pollutants in quantities potentially harmful or injurious to human health, native wildlife dependent on clean Waters (not to include mosquitos or other blood-feeding flies) or water quality which may unreasonably interfere with the enjoyment of life, liberty or property, including outdoor recreation, business interests and property values within the City of Titusville.

(c) "Waters" include, but are not limited to, portions of the Indian River Lagoon, tributaries, lakes, ponds, wetlands, and all other naturally occurring waters and water bodies within the political boundaries of the City of Titusville, including fresh, brackish, saline, surface or underground waters. Waters do not include constructed swimming pools or artificial wetlands which use natural processes for water retention and treatment to improve water quality. Waters may include, however, constructed water bodies that amount to being a tributary, having a physical outlet or overflow into the Waters of the City of Titusville.

5. Severability. To the extent any provision of this Section impermissibly conflicts with any superior state or federal law governing the same conduct, such provision shall be severable and all other provisions shall remain fully enforceable."