

ORDINANCE NO. 83-4

AN ORDINANCE OF HERNANDO COUNTY AUTHORIZING THE HERNANDO COUNTY BOARD OF COUNTY COMMISSIONERS TO PROHIBIT OR CURTAIL CERTAIN NON-ESSENTIAL USES OF WATER WITHIN THE WATER AND SEWER SYSTEMS OWNED BY HERNANDO COUNTY THROUGH THE HERNANDO COUNTY WATER AND SEWER DISTRICT, AND TO CONSERVE AVAILABLE WATER RESOURCES DURING A DECLARED WATER SHORTAGE AND WATER SHORTAGE EMERGENCY; DEFINING THE TERMS PERTAINING THERETO; PROVIDING FOR APPLICATION OF ORDINANCE; PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING FOR EXCEPTIONS, APPEAL PROCEDURES AND SEVERABILITY CLAUSE; PROVIDING FOR EMERGENCY ADOPTION; AND FOR THE PURPOSES

HAY 25 PM '03  
FILED

WHEREAS, Hernando County, through the Hernando County Water and Sewer District, of which the Hernando County Board of County Commissioners is the governing body, owns, operates and maintains water and sewer systems throughout Hernando County; and

WHEREAS, the water systems of the County from time to time suffer from water shortage conditions as a result of either natural drought conditions or equipment failures; and

WHEREAS, during times of such a water shortage, either the water supply may become perilously low or the ability to provide fresh potable water may be greatly jeopardized; and

WHEREAS, the existence of such emergency conditions make it imperative to the public well-being that certain non-essential uses of water be restricted or curtailed and that available water resources be conserved; and

WHEREAS, the Hernando County Board of County Commissioners is charged with the responsibility of properly managing the County-owned water and sewer systems and otherwise protecting the water resources within the County.

NOW, THEREFORE, BE IT ORDAINED BY HERNANDO COUNTY BOARD OF COUNTY COMMISSIONERS AS FOLLOWS:

SECTION 1. DEFINITIONS: For the purpose of this Ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used to the present tense include the future, words in the plural include the singular, and words in the singular include the plural.

The word "shall" is always mandatory and not merely directory.

(a) "County" is Hernando County, Florida.

(b) "Water Shortage" or "Water Shortage Emergency" is the declaration of such by the Governing Board of the Hernando County Board of County Commissioners by duly adopted Resolution.

(c) "Water" is water taken from any groundwater system, surface water system or public water supply owned by Hernando County.

SECTION 2. APPLICATION: The provisions of this Ordinance shall apply to the users of water of any water system owned by Hernando County, through the Hernando County Water and Sewer District, of which the Hernando County Board of County Commissioners is the Governing Body, when the Hernando County Board of County Commissioners, acting as the Hernando County Water and Sewer District has, by resolution, declared a water shortage as existing in any such water system, or portion thereof.

SECTION 3. IMPLEMENTATION:

A. Authority to Implement. This ordinance shall apply when the Board of County Commissioners finds by resolution that a water shortage exists.

B. Restriction or Curtailment of Water Uses: Upon the adoption of such a resolution, certain non-essential uses of water shall be restricted or curtailed during the existence of such water shortage or water shortage emergency. These shall include, but are not limited to the following:

1. The sprinkling, watering or irrigating of shrubbery, trees, lawns, grass, ground covers, plants, vines, and gardens shall be prohibited or curtailed to certain hours as established by said resolutions finding the existence of a water shortage emergency.

2. The escape of water through defective plumbing, which means to knowingly allow water to escape through a system that is in disrepair shall be stopped.

3. The washing of sidewalks, driveways, porches, exterior of homes, apartments or other outdoor surfaces shall be limited to use of water from pails, buckets or other containers.

4. The washing of business or industrial equipment and machinery, except as required for public health or to avoid direct damage to such equipment or machinery.

5. The operation of any outdoor ornamental fountain or other structure using water with or without a re-circulating system shall be discontinued.

6. The filling of swimming pools and wading pools not using a filter and re-circulating system is prohibited.

7. There shall be no washing of automobiles, trucks, trailers, railroad cars, mobile homes, campers, boats or any other type of mobile equipment.

8. Water shall not be used for dust control, except as required for public health.

SECTION 4. ENFORCEMENT: Every law enforcement officer of Hernando County shall in connection with all other duties imposed by law, diligently enforce the provisions of this law. Additionally, the Hernando County Department of Development shall be and is hereby given the authority to enforce the provisions of this Ordinance by the issuance of warnings and summons to those violating the terms of this ordinance.

SECTION 5. PENALTIES: Violation of any provision of this ordinance when made applicable by Resolution shall be subject to the following penalties:

First Violation .....	warning
Second Violation .....	\$25.00
Third Violation .....	\$50.00

Fourth violation and subsequent violations shall constitute a misdemeanor and shall be punished as a violation of a County Ordinance under Section 125.69 of Florida Statutes.

SECTION 6. APPEALS: Any person aggrieved by the provisions and enforcement of this Ordinance as to a second or third violation shall have the right to appeal the decision to the Hernando County Board of County Commissioners. All misdemeanor violations shall be handled in the judiciary records and will be available and furnished upon request, to determine water usage restricted by this Ordinance.

SECTION 7. EXCEPTION TO MAINTAIN SANITATION: The County Commission upon the recommendation of the Hernando County Health Department or Department of Environmental Regulation or upon its own recognition shall have the authority to permit a reasonable use of water in any case necessary to maintain adequate health and sanitation standards.

SECTION 8. ORDINANCES REPEALED: All Ordinances or parts of Ordinances in conflict herewith be and the same are hereby repealed.

SECTION 9. SEVERABILITY: In the event that any section or provision of this Ordinance or any portion thereof, any paragraph, sentence, or word be declared by a court of competent jurisdiction to be invalid, such a decision shall not affect the validity of the remainder hereof as a whole or part thereof other than the part declared to be invalid.

SECTION 10. WATER USES TO ACCEPT PROVISIONS OF ORDINANCE:

No water service shall be furnished by the County to any person in the County unless the person agrees to accept all the provisions contained in this Ordinance. The acceptance of water service shall be in itself the acceptance of the provisions herein.

SECTION 11. EFFECTIVE DATES OF ORDINANCE: This emergency Ordinance shall take effect immediately after its adoption by the Hernando County Commission.

SECTION 12. COMPLIANCE: This Ordinance was adopted as an emergency Ordinance by a unanimous (4-0) vote of the Hernando County Board of County Commissioners, Commissioner Len Tria being absent, pursuant to Section 125.66 (3) of the Florida Statutes.

ADOPTED in Special Session as an emergency Ordinance by the Hernando County Board of County Commissioners this 23rd day of May, 1983.

BOARD OF COUNTY COMMISSIONERS  
HERNANDO COUNTY, FLORIDA

By

  
HENRY D. LEDBETTER  
Chairman

Attest

  
HAROLD WILLIAM BROWN, CLERK

RESOLUTION NO. 83-55

BE IT RESOLVED BY THE HERNANDO COUNTY BOARD OF COUNTY COMMISSIONERS AS FOLLOWS:

SECTION 1. Pursuant to Hernando County Ordinance No. 83-4, a water shortage emergency is hereby found to exist in the Brookridge Water and Sewer System owned by the Hernando County Water and Sewer District, of which the Hernando County Board of County Commissioners is the governing body. The water shortage emergency exists in all units of Brookridge Subdivision as per plats thereof recorded in the plat books contained in the public records of Hernando County, Florida.

SECTION 2. The provisions of Ordinance No. 83-4 are hereby implemented for the above-described area commencing on May 24, 1983, at 2:00 P.M. and continuing until this Resolution is repealed.

SECTION 3. The restrictions authorized in Section 3 of Ordinance No. 83-4 are hereby implemented in their entirety, and the sprinkling ban authorized in Section 3 (A) (1) of said Ordinance shall be in effect at all hours of the day and night, and sprinkling, watering or irrigating of shrubbery, trees, lawns, grass, ground covers, plants, vines and gardens, during the effective period of this resolution, is prohibited.

ADOPTED in Special Session of the Hernando County Board of County Commissioners this 23rd day of May, 1983, A.D.

BOARD OF COUNTY COMMISSIONERS  
HERNANDO COUNTY, FLORIDA

By Henry D. Ledbetter  
HENRY D. LEDBETTER, CHAIRMAN

Attest: Harold William Brown  
HAROLD WILLIAM BROWN, CLERK