

ORDINANCE NO. 85-14

AN ORDINANCE OF HERNANDO COUNTY, FLORIDA, PROVIDING FOR LOCAL ENFORCEMENT OF WATER SHORTAGE ORDERS OF THE SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT; PROVIDING FOR DEFINITIONS; PROVIDING FOR APPLICATION OF ORDINANCE; PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING EMERGENCY ENACTMENT.

WHEREAS, from time to time a water shortage may arise affecting Hernando County; and

WHEREAS, during such water shortage condition the amount of surface and ground water supplies may become perilously low and insufficient to meet current or anticipated demands; and

WHEREAS, upon the existence of such conditions, it becomes imperative to the public well being that certain uses of water be restricted or curtailed, and that available water resources be allocated; and

WHEREAS, the Southwest Florida Water Management District has primary responsibility under Chapter 373, Florida Statutes, for regulating water use and allocating available water supplies during periods of water shortage; and

WHEREAS, a water shortage (emergency) has been declared by the Southwest Florida Water Management District; and

WHEREAS, the Southwest Florida Water Management District has adopted a "Water Shortage Plan" for the purpose of allocating and conserving the water resource during the present water shortage (emergency) and future periods of water shortage, and maintaining a uniform approach towards water use restrictions during such periods; and

WHEREAS, the Southwest Florida Water Management District has requested the assistance of Hernando County in the enforcement of the provisions of the "Water Shortage Plan"; and

WHEREAS, it is the desire of the Hernando County Board of County Commissioners to provide the Southwest Florida Water Management District with all possible assistance in the enforcement of the provisions of the "Water Shortage Plan" during the present water shortage (emergency) and any possible water shortage or water shortage emergency that may occur in the future; and

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WHEREAS, Section 373.609, Florida Statutes, provides that it shall be the duty of county governmental and law enforcement officials to assist the Southwest Florida Water Management District in the enforcement of Chapter 373, Florida Statutes, and any orders adopted thereunder, upon request by the Southwest Florida Water Management District.

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

SECTION 1. DEFINITIONS

1.01 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 in 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) "District" is the Southwest Florida Water Management District.

(b) "Person" is any person, firm partnership, association, corporation, company or organization of any kind.

(c) "Water Resource" means any and all water on or beneath the surface of the ground, including natural or artificial watercourses, lakes, ponds or diffused surface water, and water percolating, standing or flowing beneath the surface of the ground.

(d) "Water Shortage Condition" is when sufficient water is not available to meet present or anticipated needs of persons using the water resource, or when conditions are such as to require temporary reduction in total water usage within a particular area to protect the water resource from serious harm. A water shortage usually occurs due to drought.

(e) "Water Shortage Plan" means Chapter 40D-21, Florida Administrative Code, the codification of the Water Shortage Plan adopted and published by the Southwest Florida Water Management District July 1983.

SECTION 2. APPLICATION OF ORDINANCE

2.01 The provisions of this ordinance shall apply to all persons using the water resource, whether from public or privately owned water utility systems, private wells, or private connections with surface water bodies. This ordinance shall not apply to persons using treated effluent or saltwater.

SECTION 3. DECLARATION OF WATER SHORTAGE; WATER SHORTAGE
EMERGENCY

3.01 The declaration of a water shortage or water shortage emergency within all or any part of Hernando County by the Governing Board or the Executive Director of the District shall invoke the provisions of this Ordinance. Upon such declaration, all water use restrictions or other measures adopted by the District pursuant to Chapter 40D-21, Florida Administrative Code, applicable to Hernando County, or any portion there, shall be subject to enforcement action pursuant to Section 4.01 of this Ordinance. Any violation of the provisions of Chapter 40D-21, Florida Administrative Code, or any order issued pursuant thereto shall be a violation of this Ordinance.

SECTION 4. ENFORCEMENT

4.01 Every police officer or sheriff of the County or Cities in the service areas governed by this Ordinance shall, in connection with all other duties imposed by law, diligently enforce the provisions of this Ordinance. In addition, the County Administrator may also delegate enforcement responsibility for this Ordinance to agencies and departments of local government in the service areas governed by this Ordinance, in accordance with state and local law.

SECTION 5. PENALTIES

5.01 Violation of any provision of this Ordinance shall be subject to the following penalties:

First Violation	\$25.00
Second and Subsequent Violations	Fine not to exceed \$500 and/or imprisonment in the County jail not to exceed 60 days.

Each day in violation of this Ordinance shall constitute a separate offense. In the initial stages of a water shortage, law enforcement officials may attempt to provide violators with no more than one written warning.

SECTION 6. WATER USERS TO ACCEPT PROVISIONS OF ORDINANCE

6.01 No water service shall be furnished to any person by a public or private utility unless such person agrees to accept all the provisions of this Ordinance. The acceptance of water service shall be in itself the acceptance of the provisions thereof.

SECTION 7. ORDINANCES REPEALED

7.01 All ordinances or parts of ordinances in conflict herewith be and the same are repealed.

SECTION 8. SEVERABILITY

8.01 It is declared to be the intent of the Board of County Commissioners of Hernando County, Florida, that if any section, subsection, sentence, clause or provision of this Ordinance is held invalid, the remainder of the Ordinance shall be construed as not having contained said section, subsection, sentence, clause or provision, and shall not be affected by such holding.

SECTION 9. INCLUSION IN CODE

9.01 It is the intention of the Hernando County Board of County Commissioners that the provisions of this Ordinance shall become and be made a part of the Hernando County Code; and that the sections of this Ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section", "article", or such other phrase in order to accomplish such intentions.

SECTION 10. EFFECTIVE DATE

10.01 A certified copy of this Ordinance shall be filed in the Office of the Secretary of State by the Clerk of the Board within ten (10) days after adoption of this Ordinance, and shall take effect as provided by law.

ADOPTED in Regular Session this 9th day of July, 1985, A.D.

BOARD OF COUNTY COMMISSIONERS
HERNANDO COUNTY, FLORIDA

By  _____
LEONARD F. FRIA, JR., CHAIRMAN

Attest  _____
HAROLD WILLIAM BROWN, CLERK