

ORDINANCE NO. 77-7

AN ORDINANCE PROVIDING FOR THE PURPOSES OF THIS ORDINANCE; PROVIDING FOR DEFINITIONS; PROVIDING FOR THE AUTHORITY FOR THIS ORDINANCE; PROVIDING FOR THE PARTICIPATION AND MEMBERSHIP BY HERNANDO COUNTY IN THE WITHLACOOCHEE REGIONAL WATER SUPPLY AUTHORITY; PROVIDING IT SHALL BE UNLAWFUL FOR ANY PERSON TO TRANSPORT ANY SURFACE OR GROUND WATER BEYOND OR ACROSS HERNANDO COUNTY GEOGRAPHICAL BOUNDARIES; PROVIDING FOR PENALTIES FOR VIOLATION OF THIS ORDINANCE; PROVIDING FOR A SEVERANCE CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

FILED
JUL 5 12 10 PM '77
S. E. SMATHERS
SECRETARY OF STATE

WHEREAS, the Board of County Commissioners and for Hernando County have heretofore executed a Resolution in support of the establishment of a Regional Water Supply Authority and pursuant to that Resolution have heretofore entered into an Inter-Local Agreement with Marion County, Florida; Sumter County, Florida; Citrus County, Florida; and Levy County, Florida, establishing a Regional Water Supply Authority pursuant to the provisions of Chapter 163 and 373, Florida Statutes, and

WHEREAS, the heretofore mentioned Inter-Local Agreement which provided for membership of the aforesaid Counties together with providing the opportunity for membership of all municipalities located within the said five-County area who desire to join said Authority, and said Inter-Local Agreement having heretofore been filed with the Department of Natural Resources in accordance with the provisions of Chapter 373.1962, Florida Statutes, and is presently awaiting approval by the Governor and Cabinet of the State of Florida acting as head of the Department of Natural Resources, and

WHEREAS, the Board of County Commissioners in and for Hernando County deems that the establishment of the Regional Water Supply Authority for the purposes of cooperation with those other member Counties located within the Regional Water Supply Authority area are absolutely necessary in order to meet the water needs of the rapidly urbanizing areas in a manner which will supply an adequate and dependable supply

of water where needed without resulting in an adverse affect upon the area from which said water supply is withdrawn.

NOW, THEREFORE BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY, FLORIDA, as follows:

SECTION 1. PURPOSES. The purpose of this ordinance is to enable Hernando County to meet the water needs of rapidly urbanizing areas within the State of Florida in a manner which will insure adequate and dependable supplies of water where needed without resulting in adverse affect upon the areas from whence such water is withdrawn.

SECTION 2. DEFINITIONS.

As used in this Ordinance.

(a) Withlacoochee Regional Water Supply Authority shall mean that certain Regional Water Supply Authority established by that certain Inter-Local Agreement dated the 23rd day of February, 1977, by and between Citrus County, Hernando County, Levy County, Marion County and Sumter County in accordance with the provisions of Chapters 163 and 373 Florida Statutes. All said counties being political subdivisions of the State of Florida.

(b) Person shall mean individual or group of individuals, corporations, bureaus, departments, districts, agencies, municipalities, counties, states, nation or any combination of the foregoing.

(c) Surface and Ground Water shall mean any and all water above or below ground located within the geographical boundaries of Hernando County.

(d) Geographical Boundaries of Hernando County shall mean the following described boundaries, to-wit:

Beginning at a point on the Withlacoochee river where the same is intersected by the section line dividing sections twelve and thirteen, township twenty-one south, range twenty east; thence south-easterly along the thread of said river to the juncture therewith of the Little Withlacoochee river; thence southeasterly along the thread of said Little Withlacoochee river to the head of same; thence east to the range line between ranges twenty-two and twenty-three east; thence south on said range line to the line dividing sections twenty-four and thirteen, township twenty-three south, range twenty-two east; thence west on said section

line and other section lines to the line between ranges twenty and twenty-one east; thence south on said range line to line dividing townships twenty-three and twenty-four south; thence west on said township line to the Gulf of Mexico; thence northerly, including the waters of said gulf within the jurisdiction of the State of Florida, to the township line dividing townships twenty and twenty-one south; thence east, concurrent with the south boundary line of Citrus county, on said township line to where same is intersected by the section line dividing sections four and five, township twenty-one south, range nineteen east; thence south on said section line and other section lines to the southwest corner of section nine, township twenty-one south, range nineteen east; thence east on the south line of said section nine and other sections to the place of beginning.

(e) Transport shall mean to carry, convey, move or remove, divert, channel or relocate.

(f) Member shall mean a member of the Withlacoochee Regional Water Supply Authority as provided for in that certain Inter-Local Agreement dated the 23rd day of February, 1977, and heretofore executed by and between Marion County, Hernando County, Levy County, Citrus County, and Sumter County.

SECTION 3. This Ordinance is promulgated pursuant to the authority of Chapters 125, 163 and 373 Florida Statutes.

SECTION 4. ORDINANCE. Hernando County shall join and participate as a member in the Withlacoochee Regional Water Supply Authority. It is hereby unlawful for any person without the prior expressed consent and approval of the Withlacoochee Regional Supply Authority to transport any surface or ground water beyond the boundaries of Hernando County.

SECTION 5. PENALTIES FOR VIOLATION OF THIS ORDINANCE. Any violation of this Ordinance shall be a second degree misdemeanor offense punishable as provided for in Section 775.082 or Section 775.083 Florida Statutes.

SECTION 6. SEVERANCE CLAUSE. If any portion of this Ordinance is declared unconstitutional, or if the applicability of this Ordinance or any portion thereof to any personal circumstances is held invalid, the validity of the remainder of this Ordinance and the applicability of this Ordinance or of such portion thereof to other persons or

circumstances shall not be affected thereby. If any word, phrase, clause, section or portion of this Ordinance shall be held invalid or unconstitutional by a court of competent jurisdiction, such portion or words shall be deemed an independent provision and such holding shall not effect the validity of the remaining portions thereof.

SECTION 7. EFFECTIVE DATE. This Ordinance shall take effect upon its adoption by the Board of County Commissioners in and for Hernando County Florida, and its filing with the Department of State of the State of Florida, Statutes.

DULY PASSED AND ADOPTED this 28th day of June, 1977.

BOARD OF COUNTY COMMISSIONERS
HERNANDO COUNTY, FLORIDA

By *Charles R. Smith*
CHARLES R. SMITH, CHAIRMAN

Attest *Harold William Brown*
HAROLD WILLIAM BROWN, CLERK

