

ORDINANCE NO. 81-5

AN ORDINANCE OF HERNANDO COUNTY AUTHORIZING THE HERNANDO COUNTY BOARD OF COUNTY COMMISSIONERS TO PROHIBIT OR CURTAIL CERTAIN NONESSENTIAL USES OF WATER 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 EX-CEPTIONS, APPEAL PROCEDURES AND SEVERABILITY CLAUSE; PROVIDING FOR EMERGENCY ADOPTION; AND FOR OTHER PURPOSES

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

WHEREAS, during said times of water shortage the level of water shortage and groundwater supplying Hernando County may become perilously low; and

WHEREAS, water shortage conditions may contribute to the impact of saline water intrusion; and

WHEREAS, the existence of said conditions make it imperative to the public well being that certain nonessential uses of water be restricted or curtailed and that available water resources be conserved; and

WHEREAS, the Southwest Florida Water Management District, a public corporation of the State of Florida, charged with the responsibility of the protection of the water resources within the District, so as to realize their full beneficial use, has declared a water shortage or water shortage emergency and has ordered the curtailment or restriction of certain uses of water.

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

SECTION 1. DEFINITIONS: For the purpose of this Ordinance all the 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 Southwest Florida Water Management District pursuant to Chapter 373, Florida Statutes.

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

SECTION 2. APPLICATION: The provisions of this Ordinance shall apply to all users of water within the unincorporated area of Hernando County, Florida.

SECTION 3. IMPLEMENTATION:

A. Authority to Implement: The Hernando County Board of County Commissioners finds that a water shortage exists when a water shortage or water shortage emergency is declared by the Southwest Florida Water Management District which includes the unincorporated areas of Hernando County, Florida.

B. Restriction or Curtailment of Water Uses: Certain nonessential uses of water shall be restricted or curtailed during the existence of a 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 limited to the hours of 8:00 P.M. and 6:00 A.M.

(a) This section does not apply to irrigation for bona fide agricultural purposes.

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 recirculating system shall be discontinued.

6. The filling of swimming pools and wading pools not using a filter and recirculating 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, except at a business enterprise established for such purpose.

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

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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 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 recognizance 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:

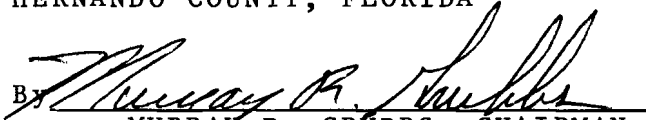
No water service shall be furnished by the County to any person in the County unless the person agrees to accept all the provisions contained in this Ordinance. The acceptance of water service shall be in itself the acceptance of the provisions herein.

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 (5-0) vote of the Hernando County Board of County Commissioners, pursuant to Section 125.66(3) of the Florida Statutes.

ADOPTED in Regular Session as an emergency Ordinance by the Hernando County Board of County Commissioners this 23rd day of June, 1981, A.D.

BOARD OF COUNTY COMMISSIONERS
HERNANDO COUNTY, FLORIDA

By 
MURRAY R. GRUBBS, CHAIRMAN

Attest 
HAROLD WILLIAM BROWN, CLERK