

FILED
JUL 10 1985

CLERK OF DISTRICT COURT
MANATEE COUNTY, FLORIDA

ORDINANCE NO. 85-18

CLERK OF DISTRICT COURT
MANATEE COUNTY, FLORIDA

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AN ORDINANCE OF MANATEE COUNTY, FLORIDA; PROVIDING FOR LOCAL ENFORCEMENT OF WATER SHORTAGE OR WATER SHORTAGE EMERGENCY ORDERS OF THE SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT; PROVIDING FOR PURPOSE; PROVIDING FOR DEFINITIONS; PROVIDING FOR SCOPE AND APPLICATION TO PERSONS; PROVIDING FOR EXEMPTIONS; PROVIDING ENFORCEMENT AND PENALTIES; PROVIDING FOR WATER USERS TO ACCEPT PROVISIONS OF ORDINANCE; PROVIDING FOR REPEAL OF INCONSISTENT ORDINANCES AND RESOLUTIONS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, from time to time a water shortage may arise affecting some or all of Manatee County, Florida's primary water sources; 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 and/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, in an effort to facilitate the situation anytime when a water shortage or 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 resources during a water shortage, or water shortage emergency, and for future periods of water shortage, or water shortage emergency; and

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"W" Water Shortage Emergency

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WHEREAS, the Southwest Florida Water Management District desires to maintain a uniform approach towards water use restrictions during such above-described periods; and

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

WHEREAS, it is the desire of the Board of County Commissioners of Manatee County, Florida, to provide the Southwest Florida Water Management District with all possible assistance in the enforcement of the provisions of the "Water Shortage Plan" during a water shortage or water shortage emergency; and

WHEREAS, Section 373.609, Florida Statutes, provides that it shall be the duty of the 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 Manatee County, Florida, that:

Section 1. Purpose. It is the purpose and intent of the Board to establish a mechanism whereby the water shortage orders, and water shortage emergency orders of the Southwest Florida Water Management District are locally enforced. It is further the belief and intent of the Board that by enforcing such orders of the Southwest Florida Water Management District, the health, safety, and welfare of the citizens and inhabitants of Manatee County, Florida will be preserved and protected.

Section 2. Definitions. In this Ordinance, unless the context otherwise requires:

a) "Board" means Board of County Commissioners, Manatee County, Florida.

b) "County" means Manatee County, Florida.

c) "County Administrator" means County Administrator of Manatee County, Florida.

d) "District" means the Southwest Florida Water Management District.

e) "Executive Director" means executive director of Southwest Florida Water Management District.

f) "Governing Board" means governing Board of Southwest Florida Water Management District.

g) "Person" means any individual, corporation, business trust, estate, trust, partnership, association of two or more persons having a joint common interest, governmental entity, or any other legal entity.

h) "Shall" means mandatory and is not directory or discretionary.

i) "Sheriff" means Sheriff of Manatee County, Florida.

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

k) "Water Shortage Condition" means a condition 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.

1) "Water Shortage Emergency" means a situation when the powers that can be exercised by the District under a declaration of water shortage are still not sufficient to protect the public health, safety, or welfare; the health of animals, fish or aquatic life; a public water supply; or commercial, industrial, agricultural, recreational or other reasonable uses.

m) "Water Shortage Plan" means Chapter 40-D-21, Florida Administrative Code, the codification of the Water Shortage Plan adopted and published by the Southwest Florida Water Management District in July 1983. It also means any subsequent modifications or revisions to the plan that are properly adopted and published by the Southwest Florida Water Management District.

Section 3. Scope and Applications to Persons. This Ordinance shall be effective in the unincorporated portions of the County and applies and includes all persons (except those exempted) who use the water resource whether or not the person(s) is/are located within or without the geographical boundaries of the County, and applies and includes those persons served under the provisions of any contract to supply water whether wholesale, retail or otherwise.

Section 4. Exemptions. This Ordinance shall not apply to persons using treated effluent or saltwater.

Section 5. Declaration of Water Shortage; Water Shortage Emergency. The declaration of a water shortage or water shortage emergency within all or any part of the unincorporated area of the 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 40-D-21, Florida Administrative Code, which are applicable to the

County, or any portion thereof, shall be subject to the enforcement provisions pursuant to Section 6 of this Ordinance. Any violation of the provisions of Chapter 40-D-21, Florida Administrative Code, or any order issued pursuant thereto, shall be a violation of this Ordinance.

Section 6. Enforcement. The Sheriff, duly appointed deputies, and other law enforcement officials of the County shall, unless other provisions are made, in connection with all other duties imposed by law, diligently enforce the provisions of this Ordinance. In addition, the County Administrator may, with the approval of the Board and coordination with the Sheriff, delegate enforcement responsibility for this Ordinance to agencies and departments of the County.

Section 7. Penalties.

a) Any person violating or failing to comply with any provisions of this Ordinance shall be guilty and punished as provided by general law. Each act in violation shall constitute a separate offense.

b) In situations where Chapter 373, Florida Statutes is specifically applicable, any person violating or failing to comply with those provisions, shall be guilty and punished as provided by Section 373.613, Florida Statutes. Each act in violation shall constitute a separate offense.

Section 8. Water Users to Accept Provisions of Ordinance. 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 9. Conflicting Ordinances and Resolutions Repealed. All ordinances or parts of ordinances, or Resolutions or parts of Resolutions in conflict with this Ordinance shall be, and are hereby, repealed.

Section 10. Severability. If any part, Section, subsection, or other portion of this Ordinance or any application thereof to any person or circumstance is declared void, unconstitutional, or invalid for any reason, such part, section, subsection, or other portion, or the prescribed application thereof, shall be severable, and the remaining provisions of this Ordinance, and all applications thereof not having been declared void, unconstitutional, or invalid, shall remain in full force and effect. The Board declares that no invalid or prescribed provision or application was an inducement to the enactment of this Ordinance, and that it would have enacted this Ordinance regardless of the invalid or prescribed provision or application.

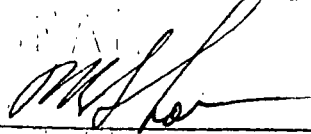
Section 11. Effective Date. This Ordinance shall become effective immediately upon receipt of the special acknowledgment from the Office of the Secretary of State in Tallahassee, Florida, that this Ordinance has been filed with that office.

PASSED AND DULY ADOPTED this 2nd day of July, 1985.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

BY: Edward W. Chance
CHAIRMAN

ATTEST: R.B. SHORE, III
CLERK OF CIRCUIT COURT



STATE OF FLORIDA

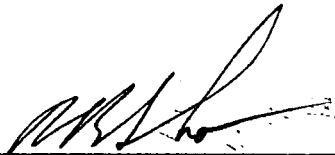
COUNTY OF MANATEE

I, R. B. Shore, Clerk of Circuit Court, in and for the County of Manatee, State of Florida, do hereby certify that the foregoing is a true copy of an ORDINANCE adopted by the Board of County Commissioners of said County in session on the 2nd day of July, 1985.

SUBJECT: ORDINANCE NO. 85-18

AN ORDINANCE OF MANATEE COUNTY, FLORIDA; PROVIDING FOR LOCAL ENFORCEMENT OF WATER SHORTAGE OR WATER SHORTAGE EMERGENCY ORDERS OF THE SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT; . . . PROVIDING FOR AN EFFECTIVE DATE.

WITNESS My Hand and Official Seal this the 3rd day of July, 1985, in Bradenton, Florida.



R. B. Shore, Clerk of Circuit Court
Manatee County, Florida



FLORIDA DEPARTMENT OF STATE
George Firestone
Secretary of State

CLERK OF CIRCUIT COURT
MANATEE COUNTY, FLORIDA

FILED FOR RECORD
JUL 15 1985

July 10, 1985

Honorable R. B. Shore
Clerk of Circuit Court
Manatee County Courthouse
Post Office Box 1000
Bradenton, Florida 33506

Attention: Deputy Clerk

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge:

1. Receipt of your letter/s of July 3, 1985
and certified copy/ies of Manatee County
Ord. No. 85-18
2. Receipt of _____ County Ordinance/s
relative to:
(a) _____
which we have numbered _____
(b) _____
which we have numbered _____
3. We have filed this/~~these~~ Ordinance(s) in this office
on July 10, 1985.
4. The original/duplicate copy/ies showing the filing date
is/~~are~~ ^{one} being returned for your records.

Cordially,

(Mrs.) Liz Cloud, Chief
Bureau of Administrative Code

LC/mb

Enclosure (1)