

EMERGENCY ORDINANCE NO. 36

AN ORDINANCE OF THE VILLAGE OF GOLF, FLORIDA, AUTHORIZING THE DIRECTOR OF UTILITIES 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 ENFORCEMENT AND PENALTIES, PROVIDING FOR EXCEPTIONS, APPEAL PROCEDURE AND SEVERABILITY CLAUSE, PROVIDING FOR EMERGENCY ADOPTION AND FOR OTHER PURPOSES.

Superseded Ord 42

WHEREAS, a water shortage or water shortage emergency may be declared by the South Florida Water Management District; and

WHEREAS, from time to time a water shortage situation may arise affecting the Village of Golf; and

WHEREAS, during such water shortage conditions the level of water storage and groundwater supplying the Village may become perilously low; and

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

WHEREAS, the public water system may lack the capacity to treat the amount of water demanded; 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, that available water resources be conserved, that the extension of water service be discontinued, that water-saving devices be installed, and that water use rates be revised; and

WHEREAS, the South Florida Water Management District, a public corporation of the State of Florida, charged with responsibility for the control of water within the District, so as to realize their full beneficial use, may during a water shortage situation declare the existence of a water shortage or water shortage emergency and order the curtailment or restriction of uses of water.

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF GOLF, FLORIDA, 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 in the present tense include the future, words in the plural include the singular, and words in the singular include the plural.

- a. The word "shall" is always mandatory and not merely directory.
- b. "Person" is any person, firm, partnership, association, corporation, company, or organization of any kind.
- c. "Water" is water taken from a public water system, surface water system or any groundwater system.
- d. "Water shortage Emergency" is the declaration of such when it becomes necessary to protect the public water supply; the public health, safety and welfare; the health of animals and recreational, agricultural or other reasonable uses.
- e. "District" is the South Florida Management District.
- f. "Base period" is the time period (days) used to calculate the average daily consumption.
- g. "Average daily consumption" is the amount of water used in the base period divided by the number of days in the base period.
- h. "Available water" is water stored as surface or groundwater which can be processed through the public water system for use.
- i. "Water-saving devices" are fixtures, attachments, or inserts which require less water to accomplish the same task.

SECTION 2. APPLICATION.

The provisions of this Ordinance shall apply to all persons using water from the Village public water systems or privately-owned water systems within the Village's jurisdiction.

SECTION 3. IMPLEMENTATION.

A. Authority to Implement.

The Village Council may find that a water shortage condition exists under the following conditions:

- (1) The District determines and declares a water shortage or declares that a water shortage emergency exists affecting the Village.

- (2) The Director of Utilities of the Village of Golf determines that a reduction in consumption is required to alleviate a local water shortage condition.

B. Restriction or Curtailment of Water Uses.

Upon a declaration of a water shortage or water shortage emergency by the Village Council, the Director of Utilities may order the restriction or curtailment of the use of water to the extent necessary to alleviate the water shortage condition. These shall selectively 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, including the specification of certain days, hours or periods of time, as well as place limitations, when lawns and shrubbery may be watered.
- (2) The washing of automobiles, trucks, or any other type of mobile equipment.
- (3) The washing of sidewalks, driveways, porches, exterior of homes, office buildings or other outdoor surfaces.
- (4) The washing of equipment and machinery, except where required by public health.
- (5) The operation of any ornamental fountain or other structure using water without a recirculating system.
- (6) Swimming pools not using a filter and recirculating system.
- (7) The escape of water through defective plumbing, which means to knowingly allow water to escape through a system that is in disrepair.
- (8) Business and services shall be restricted to the minimum amount of water necessary to conduct operations and shall curtail or prohibit any use of water including but not limited to:
 - (a) The use of water to serve a customer in a restaurant unless requested by a customer.
 - (b) The use of water from hydrants for construction purposes, fire drills, or any purpose other than fire-fighting.
 - (c) The use of water by a golf course except those areas designated as tees and greens.

C. Daily Usage Allotments.

- (1) The use of water for residences shall not exceed a stipulated percent of the average daily consumption.

- (2) The use of water for parks, golf courses, and similar recreation facilities shall not exceed a stipulated percent of the average daily consumption.
- (3) The use of water for restaurants, shopping centers, filling stations and other limited commercial uses shall not exceed a stipulated percent of the average daily consumption.
- (4) Other uses of water not expressly set forth in this Ordinance, shall not exceed a stipulated percent of the average daily consumption.

D. Extension of Water Service.

No applications to begin a new use or modify an existing use, requiring water service connections, meters, service lines, pipeline extensions, mains, or other water service facilities of any kind shall be approved, while the water shortage is in effect, subject to exceptions specified in Section 7.

E. Installation of Water-saving Devices.

- (1) Water supply faucets or valves shall be provided with water-saving devices which limit flow to a maximum of three (3) gallons per minute; with the exception of emergency showers and other uses specifically exempted by the Director of Utilities.
- (2) Tank-type water closets discharging more than 3.5 gallons per flush shall be provided with volume limiting devices or methods which will limit the discharge to 3.5 gallons per flush.

F. Water Use Rates and Charges Related to a Water Shortage Condition.

The quarterly water bill is composed of a minimum service charge based on a regular rate per 1000 gallons usage with a quarterly usage allotment or average daily consumption, and a surcharge for the amount consumed in excess of the allotment. The surcharge shall be twice the regular rate for all water usage in excess of the allotment stipulated for the duration of the water shortage.

G. Extent and Severity.

The extent of reduction in water consumption includes but is not limited to the following factors:

- (1) The severity of the drought.
- (2) The percentage cutback required of the public water system by the District.
- (3) The extent that the public water system capacity is incapable of supplying the demand of the service area.

- (4) The severity of saline water intrusion.
- (5) The availability of potable water.

SECTION 4. ENFORCEMENT

Each Security Officer of the Village of Golf shall, in connection with his/her duties, diligently enforce the provisions of this Ordinance.

The Water & Sewer Superintendent, the Services Superintendent and the Director of Utilities have the duty and are hereby authorized to enforce the provisions of this Ordinance, including the power to issue written notice of violations.

SECTION 5. PENALTIES

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

| <u>Violation</u> | <u>Penalty</u> |
|---|----------------|
| First violation | \$ 50.00 |
| Second violation | \$100.00 |
| Third violation and subsequent violations | \$200.00 |

Any person violating any provision of this Ordinance or order of the Director of Utilities implementing this Ordinance, shall, upon failure to pay the penalty imposed within ten (10) calendar days, be subject to suspension of water service. Service so disconnected shall be restored only upon payment of the fixed reconnection fee.

SECTION 6. APPEALS

Any person aggrieved by the provisions and enforcement of this Ordinance shall have the right to appeal the decision to the Village Council.

SECTION 7. EXCEPTION TO MAINTAIN SANITATION

The Director of Utilities upon the recommendation of the County Health Agency, Department of Environmental Regulation or upon his 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 USERS TO ACCEPT PROVISIONS OF ORDINANCE

No water shall be furnished to any person served by the Village Water System unless the person agrees to accept all the provisions contained in this Ordinance. The acceptance of water service from the Village shall be in itself the acceptance of the provisions thereof.

SECTION 11. EFFECTIVE DATES OF ORDINANCE

This Ordinance shall take effect immediately after its reading, passage, approval and adoption as provided by law.

READ IN FULL AND PASSED BY THE VILLAGE COUNCIL of the Village of Golf, Florida, this 7th day of May, 1981.

APPROVED AND ADOPTED upon signature of all Council members in accordance with Section 17, Article III of the Village Charter this 7th day of May, 1981.

APPROVED:

Carleton Blum
Mayor

Jim Suterstock
Donald H. Chestof
Edward H. Hultines
George B. Turner
Councilmen

ATTEST:

Robert L. Jones
Village Clerk