

ORDINANCE NO. 42

AN ORDINANCE OF THE VILLAGE OF GOLF, PALM BEACH COUNTY, FLORIDA; SUPERCEDING ORDINANCE NO. 36 TO CONFORM WITH SPECIFIC PROVISIONS OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT "WATER SHORTAGE PLAN;" PROVIDING FOR LOCAL IMPLEMENTATION OF THE WATER SHORTAGE PLAN OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT; PROVIDING DEFINITIONS; PROVIDING FOR APPLICATION OF ORDINANCE; PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR EMERGENCY ENACTMENT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, a water shortage or water shortage emergency may be declared from time to time by the South Florida Water Management District affecting the Village of Golf, and

WHEREAS, during such water shortage condition the amount of surface and groundwater supplies may become 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 South 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, the South Florida Water Management District has adopted a "Water Shortage Plan," codified as Chapter 40E-21, Florida Administrative Code, for the purpose of allocating and conserving the water resource during periods of water shortage and maintaining a uniform approach towards water use restrictions; and

WHEREAS, the South Florida Water Management District has requested the assistance of the Village of Golf in the enforcement of the provisions of the "Water Shortage Plan;" and

WHEREAS, it is the desire of the Council of the Village of Golf to provide the South 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 county/municipal governmental and law enforcement officials to assist the South Florida Water Management District in the

enforcement of Chapter 373, Florida Statutes, and any rules adopted thereunder, upon request by the South Florida Water Management District.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF GOLF, PALM BEACH COUNTY, FLORIDA:

Section 1. INTENT AND PURPOSE

1.01 It is the intent and purpose of this ordinance to protect the water resources of the Village of Golf from the harmful effects of overutilization during periods of water shortage and allocate available water supplies by assisting the South Florida Water Management District in the implementation of its Water Shortage Plan.

Section 2. DEFINITIONS

2.01 For the purpose of this Ordinance the following terms, phrases, words and their derivatives 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 South 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 water courses, 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 emergency" means that situation when the powers which can be exercised under Part II of chapter 40E-21, Florida Administrative Code, are not sufficient to protect the public health, safety, or welfare, or the health of animals, fish or aquatic life, or a public water supply, or commercial, industrial, agricultural, recreational or other reasonable uses.
- (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.

Section 3. APPLICATION OF ORDINANCE

- 3.01 The provisions of this ordinance shall apply to all persons using the water resource within the geographical areas subject to the "water shortage" or "water shortage emergency," as determined by the District, 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 4. AMENDMENTS TO WATER SHORTAGE PLAN

- 4.01 Chapter 40E-21, Florida Administrative Code, as same may be amended from time to time, is incorporated herein by reference as a part of the Village of Golf Ordinance.

Section 5. DECLARATION OF WATER SHORTAGE; WATER SHORTAGE
EMERGENCY

5.01 The declaration of a water shortage or water shortage emergency within all or any part of the Village of Golf by the Governing Council 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 applicable to Village of Golf or any portion thereof, shall be subject to enforcement action pursuant to this Ordinance. Any violation of the provisions of Chapter 40E-21, Florida Administrative Code, or any order issued pursuant thereto, shall be a violation of this Ordinance.

Section 6. ENFORCEMENT

6.01. Every security officer or sheriff having jurisdiction in the area governed by this Ordinance shall, in connection with all other duties imposed by law, diligently enforce the provisions of this Ordinance. In addition, the Village Manager may also delegate enforcement responsibility for this Ordinance to departments of Village of Golf, or users in the service areas governed by this Ordinance, in accordance with state and local law.

Section 7. PENALTIES

7.01 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 or water shortage emergency, law enforcement officials may provide violators with no more than one written warning. The Village of Golf, in addition to the criminal sanctions contained herein, may take any other appropriate legal action, including but not limited to emergency injunctive action, to enforce the provisions of this Ordinance.

Section 8. WATER USERS TO ACCEPT PROVISIONS OF ORDINANCE

8.01 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 9. ORDINANCES REPEALED

9.01 All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed. --- Ordinance No. 36 in its entirety.

Section 10. SEVERABILITY

10.01 If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by any Court or competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

Section 11. DECLARATION OF EMERGENCY

11.01 This Council does hereby declare that an emergency exists and that immediate enactment of this Ordinance is necessary, and by no less than four-fifths (4/5ths) vote of the membership of the Council does hereby waive notice of intent to consider this Ordinance.

Section 12. INCLUSION IN CODE

12.01 It is the intention of the Council of Village of Golf that the provisions of this Ordinance shall become and be made a part of the Ordinances of the Village of Golf.

Section 13. EFFECTIVE DATE

13.01 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 29th day of May, 1985.

APPROVED AND ADOPTED upon signature of all Council members in accordance with Section 17, Article III of the Village Charter this 29th day of May, 1985.

APPROVED:

Carlton Blunt
Mayor

ATTEST:

Lorraine Andrew
Village Clerk

Edward H. Huelthies
W. S. Dunning
Ronald H. Gustaf
Councilmen