

ORDINANCE NO. 127

AN EMERGENCY ORDINANCE OF THE TOWN OF SEWALL'S POINT AMENDING ORDINANCE NO. 124 WHICH AUTHORIZES THE TOWN COMMISSION TO PROHIBIT OR CURTAIL CERTAIN NON ESSENTIAL 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 EXCEPTIONS; PROVIDING SEPARATION; PROVIDING FOR EMERGENCY ADOPTION.

WHEREAS, a water shortage or water shortage emergency was declared by the South Florida Water Management District, during recent draught conditions; and

WHEREAS, during said times of water shortage the level of water shortage and groundwater supplying the Town of Sewall's Point may become perilously low; and

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

WHEREAS, the existance 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 South 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 that full beneficial use, had declared a water shortage or water shortage emergency and had ordered the curtailment or restriction of certain uses of water.

WHEREAS, the Town Commission of the Town of Sewall's Point adopted as an Emergency Ordinance, Ordinance Number 124, and now finds that said emergency ordinance does not completely and adequately meet the requirements and needs of the Town of Sewall's Point and the South Florida Water Management District

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mandates for restriction of certain uses of water.

NOW THEREFORE, be it ordained by the Town Commission, Town of Sewall's Point, Florida, that Ordinance No. 124, of the Town of Sewall's Point, Florida, is hereby amended to read 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 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. "Town" is the Town of Sewall's Point, Florida.

B. "Water Shortage" or "Water Shortage Emergency" is the declaration of such by the Governing Board or the Executive Director of the South Florida Water Management District pursuant to Chapter 373, Florida Statutes; or, by Resolution of the Town Commission.

C. "Water" is water taken from any groundwater system, surface water system (including private pumps and wells), or public water supply.

SECTION 2 APPLICATION:

The provisions of this Ordinance shall apply to all users of water within the corporate limits of the Town of Sewall's Point, Florida.

SECTION 3 IMPLEMENTATION:

A. Authority to Implement

The Town finds that a water shortage exists when a water

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shortage or water shortage emergency is declared by the South Water Florida Management District which includes the corporate limits of the Town of Sewall's Point, Florida; or, by Town Commission Resolution., and upon the declaration of the Mayor of the Town of Sewall's Point, or in his absence the Commissioner designated as Water Commissioner, which shall be ratified by the full commission at the next regularly scheduled meeting, unless, a special meeting is called pursuant to Section 2-29 of the Code of Ordinances of the Town of Sewall's Point.

B. Restriction or Curtailment of Water Uses

Certain nonessential uses of water shall be restricted or curtailed during the existance of a water shortage or water shortage emergency. These shall include, but are not limited to the following:

1. When the Town finds that the South Florida Water Management District has restricted the use of water by ten percent (10%) curtailment, the sprinkling, watering or irrigating of shrubbery, trees, lawns, grass, ground covers, plants, vines and gardens shall be limited to the hours of 3:00 a.m. to 10:00 a.m. (local time) daily.

2. When the Town finds that the South Florida Water Management District has restricted the use of water by twenty-five percent (25%) curtailment:

a. The sprinkling, watering or irrigating of shrubbery, trees, lawns, grass, ground covers, plants, vines and gardens shall be limited to the hours of 5:00 - 7:00 a.m. (local time) on Sundays, Wednesdays and Fridays. The provisions of this part 1 shall not apply to those water uses granted water use permits by

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the South Florida Water Management District.

b. The escape of water through defective plumbing, which means to knowingly allow water to escape through a system that is in disrepair.

c. The washing of sidewalks, driveways, porches, exterior of homes, apartments or other outdoor surfaces.

d. The washing of business or industrial equipment and machinery, except as required for public health.

e. The operation of any ornamental fountain or other structure using water, with or without a recirculating system.

f. The filling of swimming pools and wading pools not using a filter and recirculating system.

g. The washing of automobiles, trucks, trailers, railroad cars, mobile homes, campers, boats or any other type of mobile equipment.

h. The use of water for dust control, except as required for public health.

3. When the Town finds that the South Florida Water Management District has restricted the use of water by fifty percent (50%) curtailment in addition to those restrictions as above stated in sub paragraph 2 hereof, there shall be no sprinkling, watering or irrigating of shrubbery, trees, lawns, grass, ground covers, plants, vines and gardens. In addition thereto, the Town Commission may by resolution direct additional curtailments deemed necessary and proper for the health, safety and welfare of its residents.

SECTION 4 ENFORCEMENT:

Every police officer of the Town shall in connection with all other duties imposed by law, diligently enforce the
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provisions of this law.

SECTION 5 PENALTIES:

Violation of any provision of this ordinance shall be subject to the following minimum penalties.

First violation, Twenty-five dollars (\$25.00)

Second violation, Fifty Dollars (\$50.00)

Third violation and

subsequent violations, not less than fifty dollars (\$50.00) each violation.

SECTION 6 EXCEPTION TO MAINTAIN SANITATION:

The town upon the recommendation of the Martin 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. A letter from the Martin County Health Department to the Town shall be required to permit such reasonable use of water during a water shortage or water shortage emergency situation.

SECTION 7 WATER USERS TO ACCEPT PROVISIONS OF ORDINANCE:

No water service shall be furnished to any person in the Town 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 8 SEPARATION.

If any section, sentence, clause, phrase or word of this Ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holding or invalidity shall not affect the remaining portions of this Ordinance, and it shall be construed to have been the intent of the Board to adopt

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this Ordinance without such unconstitutional, invalid or inoperative part therein, and the remainder of this Ordinance after the exclusion of such part or parts, shall be deemed and held to be valid as if such part or parts had not been included herein. If this Ordinance or any provision thereof shall be held to be inapplicable to any person, groups or persons, property, kind of property, circumstances or set of circumstances, such holdings shall not affect its applicability to any other person, property or circumstances.

SECTION 9 REPEAL.

Town ordinances and Town resolutions, or parts thereof, in conflict with this Ordinance are hereby abolished and repealed to the extent of such conflict.

SECTION 10 INCORPORATION IN TOWN CODE.

Provisions of this Ordinance shall be incorporated in the Town Code and the word "Ordinance" may be changed to "section", "article", or other appropriate word, and the sections of this Ordinance may be renumbered or relettered to accomplish such intention.

SECTION 11 EFFECTIVE DATE.

In order that the Ordinance set forth above shall become effective immediately in order to preserve the public welfare of the Town, this ordinance is hereby declared to be an Emergency Ordinance pursuant to the provisions of the Charter of the Town of Sewall's Point and the laws of the State of Florida. This Ordinance shall take affect immediately upon its passage and adoption.

PASSED AND ADOPTED this 10th day of June 1981.

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PASSED AND ADOPTED this 10th day of June 1981.

ATTEST:

Edward H. Gluckler
Edward H. Gluckler,
Mayor-Commissioner

Joan Beckley
Joan Beckley,
Town Clerk

E. Clinton Towl
E. Clinton Towl,
Commissioner

Approved as to form and
correctness:

William E. Barton III
William E. Barton, III,
Commissioner

James E. Knight
James E. Knight,
Town Attorney

Dana deWindt
Dana deWindt,
Commissioner

Gilbert Strubell
Gilbert Strubell,
Commissioner



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