

Second Draft
August 10, 1983

ORDINANCE NO. 143

AN ORDINANCE OF THE TOWN OF SEWALL'S POINT PROVIDING FOR LOCAL ENFORCEMENT 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 INCLUSION IN THE TOWN CODE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, from time to time a water shortage may arise affecting the Town of Sewall's Point; 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 condition 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, a water shortage emergency may be declared by the South Florida Water Management District; and

WHEREAS, the South Florida Water Management District has adopted a water shortage plan for the purpose of allocating and conserving the water resource during the times of water shortages and maintaining a uniform approach towards water use restrictions during such periods; and

WHEREAS, the South Florida Water Management District has requested the assistance of the Town of Sewall's Point in the enforcement of the provisions of the water shortage plan; and

WHEREAS, it is the desire of the Town Commission of the Town of Sewall's Point to provide the South Florida Water Management District with all possible assistance in the enforcement of the provisions of the water shortage plan during the existence of water shortages; and

WHEREAS, it is in the best interest of the Town of Sewall's Point to render such assistance to the South Florida Water

Management District and to assist in whatever way possible in preserving the water resource available to the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF SEWALL'S POINT, FLORIDA, that the Code of Ordinances, Town of Sewall's Point, Florida, is hereby amended by adding a new Article to be numbered III, to Chapter 7, Health and Sanitation, which Article shall read as follows:

ARTICLE III. WATER SHORTAGE PLAN

Sec. 7-31. Definitions.

For purposes of this Ordinance the following terms, phrases, words and the 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. The word "shall" is always mandatory and not merely directory.

(a) "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.

(b) "Water Shortage Condition" exists 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 condition usually occurs due to drought.

Sec. 7-32. Application of Ordinance.

The provisions of this Ordinance shall apply to all persons or entities using the water resource, 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.

Sec. 7-33. Declaration of Water Shortage; Water Shortage Emergency.

The declaration of a water shortage or water shortage emergency within all or any part of the Town of Sewall's Point 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 40E-21, Florida Administrative Code, applicable to the Town of Sewall's Point, or any portion thereof, shall be subject to enforcement action pursuant to Section 7-34 of 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.

Sec. 7-34. Enforcement.

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

Sec. 7-35. Penalties.

Violation of any provisions of this Ordinance shall subject the violator to the following penalties:

First Violation	\$25.00 fine
Second and subsequent violations	Fine not to exceed \$500.00 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 states of a water shortage emergency, law enforcement officials shall attempt to provide violators with no more than one written warning.

Sec. 7-36. Water Users to Accept Provisions of Ordinance.

No water service shall be furnished to any person by a public or private utility until 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.

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 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 of persons, property, kind of property, circumstances or set of circumstances, such holdings shall not affect its applicability to any other person, property or circumstances.

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.

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.

EFFECTIVE DATE.

This Ordinance shall become effective immediately upon the date of its passage according to law.

Passed first reading at the regular meeting of the Town Commission held on the 10th day of August, 1983.

Passed second reading at the regular meeting of the Town Commission held on the 14th day of September, 1983.

ATTEST:

Joan Barrow
JOAN BARROW, Town Clerk

Approved as to form and correctness:
M. Lanning Fox
M. LANNING FOX,
Town Attorney

Gilbert C. Strubell
GILBERT C. STRUBELL,
Mayor-Commissioner

Helena B. Towl
HELENA B. TOWL, Vice-Mayor -
Commissioner

Clifford B. Drake
CLIFFORD B. DRAKE, Commissioner

Edward H. Gluckler
EDWARD H. GLUCKLER, Commissioner

John C. Guenther
JOHN C. GUENTHER, Commissioner

