

LEGISLATIVE #

120191D

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

**ALACHUA COUNTY
BOARD OF COUNTY COMMISSIONERS**

ORDINANCE 2012-

AN ORDINANCE OF ALACHUA COUNTY, FLORIDA; CREATING YEAR-ROUND WATER CONSERVATION MEASURES AND WATER SHORTAGE REGULATIONS; PROVIDING FOR APPLICABILITY WITHIN ALACHUA COUNTY; PROVIDING FOR RECOGNITION OF RELATED RULES OF THE SUWANNEE RIVER AND ST. JOHNS RIVER WATER MANAGEMENT DISTRICTS; PROVIDING DEFINITIONS; PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the jurisdiction of Alachua County includes lands located in the Suwannee River and St. Johns River Water Management Districts; and

WHEREAS, year-round water conservation measures are an integral component of long-term efforts to preserve and protect water supplies and water resources; and

WHEREAS, a water shortage or water shortage emergency may be declared from time to time by the Suwannee River and St. Johns River Water Management Districts; 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 water management districts have primary responsibility under Chapter 373, Florida statutes, for regulating water use and allocating available water supplies during periods of water shortage; and

1 WHEREAS, the Suwannee River and St. Johns River Water Management Districts have
2 adopted "Year-Round Water Conservation Measures," codified as Chapters 40B-21 and 40C-21,
3 Florida Administrative Code, for the purpose of increasing long-term water use efficiency
4 through regulatory means; and

5 WHEREAS, the Suwannee River and St. Johns River Water Management Districts have
6 adopted a "Water Shortage Plan," codified as Chapters 40B-21 and 40C-21, Florida
7 Administrative Code, for the purpose of allocating and conserving the water resource during
8 periods of water shortage and maintaining a uniform approach towards water use restrictions; and

9 WHEREAS, the Suwannee River and St. Johns River Water Management Districts have
10 requested the assistance of Alachua County in the enforcement of the provisions of both the
11 "Year-Round Water Conservation Measures" and the "Water Shortage Plan"; and

12 WHEREAS, pursuant to Section 376.046, Florida Statutes, the St. Johns River Water
13 Management District and the Suwannee River Water Management District are authorized to
14 enter into an interagency agreement to designate one Water Management District as the agency
15 with the authority to declare and enforce water shortage emergencies under section 373.175 and
16 373.246, Florida Statutes and Chapter 40C-21 F.A.C. within all areas of Alachua County; and

17 WHEREAS, it is the desire of the Alachua County Board of County Commissioners to
18 provide the Suwannee River and St. Johns River Water Management Districts with all
19 appropriate assistance in the enforcement of the provisions of both the "Year-Round Water
20 Conservation Measures" and the "Water Shortage Plan"; and

21

1 WHEREAS, Section 373.609, Florida Statutes, provides that it shall be the duty of
2 county/municipal governmental and law enforcement officials to assist a Water Management
3 District in the enforcement of Chapter 373, Florida Statutes, and any rules adopted there under,
4 upon request by the Water Management District; and

5 WHEREAS, the Alachua County Board of County Commissioners hereby finds and
6 declares that adoption of this ordinance is necessary, appropriate, and in the public interest of
7 citizens of this community; now therefore:

8 BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
9 ALACHUA COUNTY, FLORIDA:

10 SECTION 1. Chapter 80, Title 7, to be titled “Year-Round Water Conservation Measures
11 and Water Shortage Regulations,” is created as follows:

12 **Sec. 80.1 Purpose and intent.**

13 It is the intent and purpose of this Ordinance to protect the water resources of Alachua
14 County from inefficient use at all times and overutilization during periods of water shortage by
15 assisting the Suwannee River and St. Johns River Water Management Districts in the
16 implementation of their Year-Round Water Conservation Measures and Water Shortage Plans.

17
18 **Sec. 80.2 Definitions.**

19 For the purpose of this Ordinance the following terms, phrases, words and their derivatives shall
20 have the meaning given herein. When not inconsistent with the context, words used in the
21 present tense include the future, words in the plural include the singular, and words in the
22 singular include the plural. The word "shall" is always mandatory and not merely directory.

23
24 (a) *"District"* is the Suwannee River Water Management District or St. Johns River
25 Water Management District.

26
27 (b) *"Person"* is any person, firm, partnership, association, corporation, company, or
28 organization of any kind.

29
30 (c) *"Water resource"* means any and all water on or beneath the surface of the
31 ground, including natural or artificial water courses, lakes, ponds, or diffused surface water, and
32 water percolating, standing, or flowing beneath the surface of the ground.

33

1 (d) "Water shortage condition" is when sufficient water is not available to meet
2 present or anticipated needs of persons using the water resource, or when conditions are such as
3 to require temporary reduction in total water usage within a particular area to protect the water
4 resource from serious harm. A water shortage usually occurs due to drought.
5

6 (e) "Water shortage emergency" means that situation when the powers which can be
7 exercised under Rules 40B-21.621 through 40B-21.641, or their counterparts in Chapter 40C-21,
8 Florida Administrative Code, are not sufficient to protect the public health, safety, or welfare, or
9 the health of animals, fish or aquatic life, or a public water supply or commercial, industrial,
10 agricultural, recreational or other reasonable uses.
11

12 **Sec. 80.3 Application of ordinance.**

13 The provisions of this Ordinance shall apply to all persons in unincorporated Alachua
14 County under the jurisdiction of the Suwannee River and St. Johns River Water Management
15 Districts using the water resource for lawn irrigation, landscape irrigation, and related outdoor
16 water uses such as car washing, whether from public or privately owned water utility systems,
17 private wells, or private connections with surface water bodies. Wherever any requirement of
18 this Ordinance conflicts with the requirements of Chapter 79, Alachua County Code, Irrigation
19 Conservation Standards and Management Practices Code, the most restrictive requirement or that
20 imposing the higher standards shall govern unless otherwise specifically provided.
21

22 **Sec. 80.4 Amendments to year-round water conservation measures and water shortage
23 plan.**

24 All portions of Chapters 40B-21 and 40C-21, Florida Administrative Code, dealing with
25 lawn irrigation, landscape irrigation, and related outdoor water use, as each may be amended
26 from time to time, are incorporated herein by reference as a part of the Alachua County Code of
27 Ordinances.
28

29 **Sec. 80.5 Applicability of year-round water conservation measures.**

30 In the absence of a declaration of a water shortage or water shortage emergency within all
31 or any part of Alachua County by the Governing Board or the Executive Director of the District,
32 all lawn irrigation, landscape irrigation and related outdoor water conservation measures adopted
33 by the District applicable to Alachua County, or any portion thereof, shall be subject to
34 enforcement action pursuant to this Ordinance. Any violation of the provisions of Chapters 40B-
35 21 or 40C-21, Florida Administrative Code, or any order issued pursuant thereto, shall be a
36 violation of this Ordinance.
37

38 **Sec. 80.6 Declaration of water shortage; water shortage emergency.**

39 Upon declaration of a water shortage or water shortage emergency within Alachua
40 County by the Governing Board or the Executive Director of the District, all lawn irrigation,
41 landscape irrigation and related outdoor water shortage restrictions adopted by the District
42 applicable within Alachua County, shall be subject to enforcement action pursuant to this
43 Ordinance. Any violation of the provisions of Chapters 40B-21 or 40C-21, Florida
44 Administrative Code, or any order issued pursuant thereto, shall be a violation of this Ordinance.
45

1 **Sec. 80.7 Enforcement.**

2 The provisions of this chapter may be enforced using the code enforcement board process
3 of Chapter 162, Part I, Florida Statutes, or the civil citation process of Chapter 162, Part II,
4 Florida Statutes, and Chapter 24, Alachua County Code. In addressing residential violations
5 county staff shall provide an educational approach that emphasizes environmental awareness in
6 order to achieve compliance prior to initiating enforcement action with the use of the provisions
7 of Chapter 24.

8
9 **Sec. 80.8 Penalties.**

10 (a) Violation of any provision of this Ordinance shall be subject to penalties as
11 provided in Section 24.16, Alachua County Code.

12
13 SECTION 2. Section 24.05(a), Alachua County Code, is hereby amended to add the
14 following to the codes within the jurisdiction of the Code Enforcement Board:

15 (6) Water Conservation (Chapter 80)

16
17 SECTION 3. Section 24.16, Exhibit A, Alachua County Code, is hereby amended to add
18 the following to the schedule of penalties for codes administered by the County’s Environmental
19 Protection Department:

20
21 Environmental Protection Department

Code or Ordinance	Section	Section this Volume	Description	Class	Penalty
2012-__	1	80.5	Violation of Year-Round Conservation Measures	I	50.00
2012-__	1	80.6	Violation of Water Shortage Conservation Measures	I	50.00

22
23 SECTION 4. Repealing Clause. All ordinances or portions thereof in conflict herewith
24 are, to the extent of such conflict, hereby repealed.

25 SECTION 5. Severability. It is the declared intent of the Board of County
26 Commissioners that, if any section, subsection, sentence, clause, phrase, or provision of this
27 ordinance is held invalid or unconstitutional by a court of competent jurisdiction, such invalidity
28 or unconstitutionality shall not be so construed as to render invalid or unconstitutional the
29 remaining provisions of this ordinance.

1 SECTION 6. Inclusion in the Code. It is the intention of the Board of County
2 Commissioners of Alachua County, Florida, and it is hereby provided that the provisions of this
3 ordinance shall become and be made part of the Alachua County Code of Ordinances of Alachua
4 County, Florida; that the Code may be renumbered or relettered to accomplish this intention.

5 SECTION 7. Effective Date. A certified copy of this ordinance shall be filed with the
6 Department of State by the Clerk of the Board of County Commissioners within ten days after
7 enactment by the Board of County Commissioners, and shall take effect upon filing with the
8 Department of State.

9 DULY ADOPTED in regular session, this _____ day of _____, 2012.

10 BOARD OF COUNTY COMMISSIONERS OF
11 ALACHUA COUNTY, FLORIDA

12
13
14 ATTEST:

By: _____
Paula M. DeLaney, Chair

15
16
17 _____
18 J. K. Irby, Clerk

19 APPROVED AS TO FORM

20
21 (SEAL)

22 _____
23 Alachua County Attorney

24
25 DEPARTMENTAL APPROVAL
26 AS TO CORRECTNESS

27
28 _____
29 Chris Bird, Director
30 Environmental Protection
31

32