**PROPOSED WATER SHORTAGE CODE LANGUAGE**

**Intent and Purpose**

It is the intent and purpose of this Code to protect the water resources of the *city/county/village/town* from the harmful effects of overutilization during periods of water shortage in support of the South Florida Water Management District (District) in the implementation of its water shortage plan, or issued water shortage orders, under Chapter 40E-21, Florida Administrative Code (F.A.C.).

**Definitions**

For the purpose of this Code, the following terms, phrases, words and their derivatives shall have the meaning listed below. 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.

1. “District” means the South Florida Water Management District, a government entity created under Chapter 373, Florida Statutes.
2. “Law Enforcement Officals” means *[city/county/town/village] should include definition of a law enforcement, code enforcement, or any local government employee who may be responsible for enforcing this ordinance.*
3. “User” means any person, individual, firm, association, organization, partnership, business trust, corporation, company, agent, employee or other legal entity whether natural or artificial, the United States of America, and the State and all political subdivisions, regions, districts, municipalities, and public agencies thereof, which directly or indirectly takes water from the water resource, including uses from private or public utility systems, uses under water use permits issued pursuant to Chapter 40E-2, F.A.C., or uses from individual wells or pumps.
4. “Water Resources” 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.
5. “Water Shortage” means when the District determines there is the possibility that insufficient water will be available to meet the present and anticipated needs of the users, or when conditions are such as to require temporary reduction in total use within a particular area to protect water resources from serious harm.
6. “Water Shortage Emergency” means when the District has determined that the provisions listed in Part II of Chapter 40E-21, F.A.C., are not sufficient to protect the public health, safety, or welfare, the health of animals, fish, or aquatic life, a public water supply, or commercial, industrial, agricultural, recreational, or other reasonable-beneficial uses.

**Applicability**

The provisions of this Code shall apply to each user using the water resource within the geographical areas subject to the water shortage condition 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 Code shall not apply to users using reclaimed water or saltwater.

**Declaration of Water Shortage or Water Shortage Emergency**

A declaration of a water shortage condition and/or water shortage emergency within all or parts of the *city/county/village/town* issued by the District’s Governing Board or Executive Director shall invoke the provisions of this Code. Upon such declaration, all water use restrictions or other measures adopted by the District applicable to the *city/county/village/town*, or any portion thereof, shall be subject to enforcement action in accordance with this Code. Any violation of the water use restrictions or other measures adopted by the District, or any order issued, shall be a violation of this Code. Water shortage or water shortage emergency measures adopted by the District and enforced by the *city/county/village/town* shall supersede mandatory year-round water irrigation measures until the more restrictive measure is rescinded by the District.

**Variances**

The *city/county/village/town* recognizes all variances issued by the District.

**Enforcement**

Every law enforcement official having jurisdiction in the area governed by this Code shall, in connection with all other duties imposed by law, diligently enforce the provisions of this Code by issuance of a citation, summons, or notice to appear in county court, or by filing an action in civil court for injunctive relief. In addition, the *city/county/village/town* *administrator/manager* may also delegate enforcement responsibility for this Code to other departments of the town government, or cities in the service areas governed by this Code, in accordance with state and local law.

**Penalties**

1. Violations of any provision of this Code may be punished pursuant to Section 162.21, Florida Statutes, as amended, as a civil infraction as set forth in the code enforcement citation ordinance of *city/county/village/town*], Ordinance No. \_\_\_\_\_\_, as may be amended from time to time.

OR

(1) Violation of any provision of this Code shall be subject to the following penalties:

1. First violations, [a written warning/fine not to exceed $\_\_\_.00.]
2. Second violations, a fine not to exceed $\_\_.00.
3. Third violations, a fine not to exceed $\_\_.00.
4. Fourth and subsequent violations, a fine not to exceed $\_\_.00.

(2) Each day a violation of this Code occurs shall be a separate offense. Law enforcement officials, and others as delegated, may provide violators with no more than 1 written warning. In addition to civil penalties the *city/county/village/town* may take any other appropriate legal action, including, but not limited to, injunctive action to enforce the provisions of this Code.