

Sec. 66-36. - Water shortages.

(a) The following words and phrases, when used in this section, shall have the meanings ascribed to them in this subsection except where the context otherwise requires:

Water resource means any and all water on or beneath the surface of the ground, including natural or artificial watercourses, lakes, ponds or diffused surface water, and water percolating, standing or flowing beneath the surface of the ground.

Water shortage condition means 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 in order to protect the water resource from serious harm. A water shortage usually occurs due to drought.

Water shortage plan means F.A.C. Ch. 40D-21, as amended from time to time, the codification of the water shortage plan adopted and published by the Southwest Florida Water Management District, or any modification or derivative of F.A.C. Ch. 40D-21, as amended from time to time, which may be current at the time a water shortage or water shortage emergency is declared.

(b) The provisions of this section shall apply to all persons using a water resource, whether from a public or privately-owned water utility system, private wells or private connections with surface water bodies in the unincorporated areas of the county. The provisions of this section shall not apply to persons using treated effluent or salt water. The board of county commissioners, upon the recommendation of the county health director, the state department of environmental protection 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 state department of environmental protection or the county health director to the board of county commissioners or county administrator shall be required to permit such reasonable use of water during a water shortage or water shortage emergency situation. The county shall also allow for variances from the irrigation schedules otherwise codified for users who have been granted variances by the Southwest Florida Water Management District in accordance with their powers under F.A.C. 40D-1.1002, as amended from time to time.

(c) The board of county commissioners finds that a water shortage condition exists when a water shortage or water shortage emergency is declared by the board of county commissioners or the executive director of the Southwest Florida Water Management District, and the declaration of a water shortage or water shortage emergency affecting all or any part of the county by the board of county commissioners or the executive director of the district shall invoke the provisions of this section. Upon such declaration, all water use restrictions or other measures imposed by the district, pursuant to F.A.C. Ch. 40D-21, as amended from time to time, applicable to the county or any portion thereof, shall be subject to enforcement action pursuant to this section. Any violation of the provisions of F.A.C. Ch. 40D-21, as amended from time to time, or any order issued pursuant thereto, shall be a violation of this section.

(d) The board of county commissioners does hereby adopt, by reference, the provisions of F.A.C. Ch. 40D-21, as amended from time to time. A copy of F.A.C. Ch. 40D-21, "Water Shortage Plan," is attached to Ordinance Number 91-03 and made a part of this section by reference.

(e) The board of county commissioners does hereby adopt as water use restrictions on lawn and landscape watering, the watering restrictions imposed by the Southwest Florida Water Management District pursuant to F.A.C. 21.031(6) (Part VI, "Specific Response Mechanisms") as amended from time to time. Whenever a water shortage or water emergency is declared by the board of county commissioners or the executive director of the Southwest Florida Water Management District, the lawn and landscape watering restrictions for Citrus County shall be those set by the Southwest Florida Water Management District at the time the water shortage or water emergency is declared.

(f) No water service shall be furnished to any person or utility unless such person or utility agrees to accept all the provisions of this section. The acceptance of water service or the withdrawal of water from a private source shall be in itself the acceptance of the provisions contained in this section.

Sec. 66-37. Duty to enforce.

It shall be the duty of the Citrus County Water Conservation Specialists, Citrus County Code Compliance Officers, the Citrus County Sheriff and his deputies, and any other employees or

agents of the county authorized by the county administrator, to strictly enforce the provisions of this article.

Sec. 66-38. Penalty.

(a) When a civil penalty is assessed, such penalty shall be paid within 30 days of issuance of the citation for a violation of this article.

(b) Any person who willfully refuses to sign and accept a citation issued by a person authorized to enforce this article shall be guilty of a misdemeanor of the second degree, punishable as provided by F.S. §§ 775.082 and 775.083, as amended from time to time.

(c) The applicable civil penalty assessable if a person elects not to contest a citation issued for violating any provision of this article shall be set forth as specified in subsection (i).

(d) A person who fails to pay the civil penalty within the time allowed, or fails to appear in County Court to contest the citation, shall be deemed to have waived the right to contest the citation and, in such case, judgment may be entered against the person for an amount up to the maximum civil penalty.

(e) The department of water resources and code compliance division may require mandatory court appearances for certain aggravated violations of this article resulting in a third or subsequent violation of this article. Persons required to appear in court do not have the option of paying the fine instead of appearing in court.

(f) If a person fails to pay the civil penalty, fails to appear in court to contest the citation, or fails to appear in court as required by subsection (e), the court may enter judgment as specified in subsection (d), or may issue an order to show cause, which order shall require such person to appear before the court to explain why action on the citation has not been taken. If any person who is issued such order fails to appear in response to the court's directive, that person may be held in contempt of court.

(g) The Clerk of Courts may seek a lien on the property when the person cited for a violation fails to pay the amount entered as a judgment.

(h) When payment for a civil infraction is received by either the department of water resources, or the code compliance division, the collecting entity shall impose and collect a surcharge of \$10.00 upon each civil penalty imposed for violation of this article. The proceeds from such surcharge shall be used to defray the costs of enforcement of this article.

(i) Except as provided below, every violation of this article is a civil infraction punishable by a civil penalty not to exceed \$500.00. Each day or fraction thereof that the violation continues shall be considered as a separate offense as follows:

- (1) First violation--\$100.00 fine.
- (2) Second violation--\$250.00 fine.
- (3) Third and all subsequent violations--\$500.00 fine.

(j) Any person who has been cited three or more times during a water shortage or who willfully refuses to sign or accept a citation issued by a person authorized to enforce this article shall, upon conviction, be punished by a fine not to exceed \$500.00 or by imprisonment in the county jail not to exceed 60 days or by both such fine and imprisonment.

Sec. 66-39. Administrative procedure regarding citations.

(a) The department of water resources and the code compliance division shall have the initial responsibility for collection of all fines, fees and costs (including: postage, certified mailings and inspections) associated with the issuance of its citations. Such fines, fees and costs shall be payable to the board of county commissioners within 30 days of issuance.

(b) The recipient of a citation may appeal its issuance by written notice to the issuing entity, the department of water resources or the code compliance division, whichever is applicable, who shall then file the citation with the Clerk of Courts within five calendar days of receipt of the notice of appeal.

(c) The Clerk of Courts shall, upon receipt of a citation from the department of water resources or the code compliance division, provide for its proper administration as established by law.

(d) Once filed with the Clerk of Courts for nonpayment or appeal, the Clerk of Courts shall assume all responsibility for the collection of fines and fees associated with the issuance of the citation and any court proceedings. There shall be imposed and collected a surcharge of \$10.00 upon each civil penalty for violation of this article. When a fine is collected, the Clerk of Courts shall disperse the \$10.00 surcharge to the Office of the County Attorney for the cost of enforcement of this article, and shall disperse such other amounts as provided by law.