



## City of North Port

### ORDINANCE NO. 2017-04

AN ORDINANCE OF THE CITY OF NORTH PORT, FLORIDA, AMENDING THE CODE OF THE CITY OF NORTH PORT, CHAPTER 38 – NATURAL RESOURCES TO ADD NEW ARTICLE III. EFFICIENT USE OF RECLAIMED WATER, SECTIONS 38-27 – 38-30; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING A PENALTY; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, the City Commission of the City of North Port recognizes all water resources should be utilized in an efficient manner; and

**WHEREAS**, the City Commission of the City of North Port finds through proper design and use, reclaimed water can be relied on to be a safe, sustainable alternative water supply to meet future and existing needs by offsetting demands for ground water and surface water for irrigation, landscapes, golf courses, etc.; and

**WHEREAS**, the City Commission of the City of North Port finds that this ordinance promotes the general health, welfare, and safety of the citizens.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF NORTH PORT, FLORIDA, AS FOLLOWS:

#### **SECTION 1 – FINDINGS:**

The City Commission hereby makes the following findings:

1.01 The recitals outlined above are incorporated by reference as findings of fact as if expressly set forth herein.

1.02. The Commission has reviewed the proposed amendments provided herein and has found that the amendments are consistent with the City of North Port Comprehensive Plan.

## **SECTION 2 – ADOPTION:**

2.01 The City Commission of the City of North Port hereby approves and adopts the following amendments to the Code of the City of North Port:

### **“Article III. EFFICIENT USE OF RECLAIMED WATER**

#### **Sec. 38-27. – Intent.**

- (a) The city commission hereby declares its intent and purpose in adopting this article to assist the Southwest Florida Water Management District in the enforcement of all rules, regulations and orders promulgated by said district pursuant to provisions of F.S. Chapters 403 and 373, as such rules, regulations and/or orders related to the conservation or restricted use of all water resources specifically featuring potable water use offset and including voluntarily conserving reclaimed water to promote the reasonable-beneficial, efficient and effective use of reclaimed water.
- (b) The city commission gives full recognition to the promotion of efficient use of reclaimed water as being necessary for the protection of this natural resource, the health, safety and general welfare of the citizens of this municipality and of the citizens within the Southwest Florida Water Management District.
- (c) The city commission may adopt by resolution more restrictive irrigation hours for lawn and landscaping than those listed in the F.A.C. 40D-21 and F.A.C. 40D-22.

#### **Sec. 38-28. – Definitions and word usage.**

For the purposes of this article, the following terms, phrases, words, and their derivations shall have the meanings given herein:

*District.* The Southwest Florida Water Management District.

*F.A.C.* The Florida Administrative Code.

*Person.* Any individual, firm, partnership, association, corporation, company or organization of any kind.

*Reasonable-beneficial use.* The use of water in such quantity as is necessary for economic and efficient utilization for a purpose and in a manner which is both reasonable and consistent with the public interest.

*Reclaimed Water.* Water that has received advanced waste treatment with high level disinfection pursuant to Chapter 17-610, F.A.C.

*Reclaimed Water Customer.* The actual user of reclaimed water.

*Water resource.* 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. However, it does not refer to saltwater.

#### **Sec. 38-29. – Applicability.**

The provisions of this article shall apply to all persons using reclaimed water.

**Sec. 38-30. – Reclaimed water use restrictions.**

To conserve the reclaimed water resource, the City will encourage and educate reclaimed water customers and all citizens regarding the benefits of not using reclaimed water between the hours of 10:00 a.m. and 4:00 p.m. on each day of the week. When applied, reclaimed water should be used only to the extent necessary for irrigation needs of lawns, gardens and individual plants.”

**SECTION 3 – CONFLICTS:**

3.01 In the event of any conflict between the provisions of this Ordinance and any other Ordinance or portions thereof, the provisions of this Ordinance shall prevail to the extent of such conflict.

**SECTION 4 – SEVERABILITY:**

4.01 If any section, subsection, sentence, clause, phase, or provision of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

**SECTION 5 – PENALTY:**

5.01 Any person, firm or corporation convicted for violating any of the provisions or terms of this Ordinance shall be subject to the penalties provided for in Section 1-7 of the Code of the City of North Port Code, and each and every day such violation shall continue shall be deemed to constitute a separate offense.

**SECTION 6 – SAVINGS CLAUSE:**

6.01 The Code of the City of North Port, as amended shall remain in full force and effect, save and except as amended by this Ordinance.

**SECTION 7 – EFFECTIVE DATE:**

7.01 This Ordinance shall take effect immediately after adoption by the City Commission of the City of North Port. No development order or development permits dependent on this Ordinance may be issued nor may development commence before it has become effective.

READ BY TITLE ONLY at first reading by the City Commission of the City of North Port, Florida in public session this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

PASSED and DULY ADOPTED by the City Commission of the City of North Port, on the second and final reading in public session this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

CITY OF NORTH PORT, FLORIDA

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LINDA M. YATES, MAYOR

ATTEST

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PATSY C. ADKINS, MMC  
CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS:

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MARK MORIARTY  
CITY ATTORNEY