

MEMORANDUM

GO

Agenda Item No. 3(D)

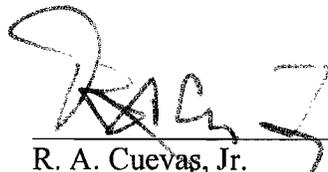
TO: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

DATE: May 12, 2009

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Ordinance relating to water
conservation measures

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Sally A. Heyman.



R. A. Cuevas, Jr.
County Attorney

RAC/bw

Memorandum

MIAMI-DADE
COUNTY

Date:

To:

Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

From:

George M. Borgas
County Manager

Subject:

Ordinance relating to water conservation measures

The ordinance imposing permanent restrictions on serving water without request in restaurants may have a fiscal impact to Miami-Dade County. As more water conservation activities are implemented, they may have a negative impact on the County's water related revenues. However, at this time it is difficult to quantify this impact.

Improving water use efficiency, though, will have a long-term positive impact to Miami-Dade County as future water demands can be met without causing harm to our water resources.



Susanne M. Torriente
Assistant County Manager

fis06208



MEMORANDUM

(Revised)

TO: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

DATE: July 17, 2008


FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Agenda Item No. 4(B)

Please note any items checked.

- "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Bid waiver requiring County Manager's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- Housekeeping item (no policy decision required)
- No committee review

Approved _____ Mayor

Agenda Item No. 4(B)

Veto _____

7-17-08

Override _____

ORDINANCE NO. _____

ORDINANCE RELATING TO WATER CONSERVATION MEASURES; AMENDING SECTION 32-8.1 OF THE CODE OF MIAMI-DADE COUNTY; IMPOSING PERMANENT RESTRICTION ON SERVING WATER WITHOUT REQUEST IN RESTAURANTS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. Section 32-8.1 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

Sec. 32-8.1. Water shortage emergency restrictions.

* * *

32-8.1 (e) *Declaration of water shortage condition; water shortage emergency.* The declaration of a water shortage condition or water shortage emergency within all or any part of Miami-Dade County by the governing Board of the District or the Executive Director of the District shall invoke the provisions of this section, During such water shortage emergency or water shortage condition, all water use restrictions or other measures adopted by the District applicable to Miami-Dade County, or any portion thereof, shall be subject to enforcement action pursuant to this section. Any violation of the provisions of Chapter 40E-21, Florida Administrative Code, or any order issued pursuant thereof, shall be a violation of this section.

¹ Words Stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

Notwithstanding any provision of this Code, the following shall be prohibited in Miami-Dade County upon declaration of a water shortage condition or water shortage emergency by the governing Board of the District or the Executive Director of the District:

- (1) Serving of water from any public or private well, water supply or distribution system to any customer of a restaurant unless specifically requested by the customer. >>This water conservation measure shall permanently remain in effect regardless of whether there is a declared water shortage condition or water shortage emergency.<<
- (2) Operation of outdoor fountains or outside aesthetic facilities whose purpose is strictly ornamental or decorative.
- (3) Pressure cleaning of impervious services, except for the preparation of surfaces for painting, sealing or waterproofing, or for safety, sanitation, health or medical purposes.

>>Except as otherwise provided above,<< these restrictions shall remain in effect for the duration of the declared water shortage condition or water shortage emergency.

* * *

Section 2. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 3. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any Sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention and the word "ordinance" may be changed to "section", "article" or other appropriate word.

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Section 4. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency.

A handwritten signature in black ink, appearing to be "S. A. Heyman", written over a horizontal line.

Prepared by:

Henry N. Gillman

Prime Sponsor: Commissioner Sally A. Heyman