
CITRUS COUNTY, FLORIDA

STORMWATER UTILITY ORDINANCE

ADOPTED JANUARY 7, 2020

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ORDINANCE NO. 2020-____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF CITRUS COUNTY, FLORIDA, RELATING TO STORMWATER MANAGEMENT SERVICES, FACILITIES, AND PROGRAMS; CREATING A STORMWATER UTILITY; PROVIDING FOR THE CREATION OF REGIONAL STORMWATER MANAGEMENT AREAS; PROVIDING FOR THE IMPOSITION AND COLLECTION OF STORMWATER CHARGES TO FUND STORMWATER MANAGEMENT SERVICES AND STORMWATER MANAGEMENT FACILITIES WITHIN A STORMWATER MANAGEMENT AREA; PROVIDING FOR CONFLICTS, FOR LIBERAL CONSTRUCTION, FOR CODIFICATION, FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF CITRUS COUNTY, FLORIDA:

ARTICLE I

INTRODUCTION

SECTION 1.01. DEFINITIONS. As used in this Ordinance, the following words and terms shall have the following meanings, unless the context clearly otherwise requires:

“Benefited Property” means all parcels of real property located within a Stormwater Management Area that receive a benefit from the Stormwater Management Services and/or Stormwater Management Facilities.

“Board” means the Board of County Commissioners of Citrus County, Florida.

“Capital Cost” means all or any portion of the expenses that are properly attributable to the acquisition, construction, design, installation, reconstruction, renewal

or replacement (including demolition, environmental mitigation and relocation) of Stormwater Management Facilities under generally accepted accounting principles and including reimbursement to the County for any moneys advanced for Capital Cost and interest on any inter-fund or intra-fund loan for such purposes.

“Code” means the Citrus County Code of Ordinances.

“County” means Citrus County, Florida.

“County Administrator” means the chief administrative officer of the County, or such person’s designee.

“Director” means the director of the Stormwater Utility.

“Drainage Basin” means a part of the earth’s surface that contributes Stormwater runoff to a drainage system, which consists of diffuse surface waters, together with all natural or artificial tributary surface streams and/or bodies of impounded surface water.

“Fiscal Year” means that period commencing October 1st of each year and continuing through the next succeeding September 30th, or such other period as may be prescribed by law as the fiscal year for the County.

“Obligation” means a bond or series of bonds or other evidence of indebtedness including but not limited to, notes, commercial paper, capital leases or any other obligations of the County issued or incurred to finance any portion of the Capital Cost of a Stormwater Management Facility and secured, in whole or in part, by proceeds of the Stormwater Improvement Assessments.

“Ordinance” means this Stormwater Utility Ordinance.

“Person” means any individual, partnership, firm, organization, corporation, association, or any other legal entity, whether singular or plural, masculine or feminine, as the context may require.

“Project Cost” means (A) the Capital Cost of one or more Stormwater Management Facilities, (B) the Transaction Cost associated with the Obligations to finance such Stormwater Management Facilities, (C) interest accruing on such Obligations for such period of time as the County deems appropriate, (D) the debt service reserve fund or account, if any, established for the Obligations which financed the Stormwater Management Facilities, and (E) any other costs or expenses related thereto.

“Stormwater” means any surface runoff and drainage of water which occurs following a rainfall event from land surfaces, including both impervious and pervious areas.

“Stormwater Assessment” means either a Stormwater Improvement Assessment, a Stormwater Service Assessment, or both.

“Stormwater Basin Plan” means a policy document that is adopted by the Board for each regional Stormwater Management Area or hydrologic subarea thereof in which Stormwater Management Facilities are proposed and that provides for implementation of the levels of service for water quality and quantity management based upon the criteria in the comprehensive plan and applicable state and federal law, and the methods for prioritizing expenditures related to Stormwater management within a specific region of the County.

“Stormwater Charge” means the Stormwater Assessment or the Stormwater Utility Fee or both.

“Stormwater Improvement Assessment” means a special assessment imposed by the County within a Stormwater Management Area to fund the Capital Cost or the debt service and related cost of an Obligation issued to finance the Project Cost of one or more Stormwater Management Facilities.

“Stormwater Management Area” means a geographic area established by the Resolution of the Board in accordance with Article II hereof within which Stormwater Management Services and/or Stormwater Management Facilities are to be provided.

“Stormwater Management Facility” means the systems, capital facilities, lands, and water bodies utilized in collecting, conveying, storing, managing, and treating Stormwater generated within the County. The term includes but is not limited to inlets, conduits, manholes, channels, ditches, drainage easements, retention and detention basins, infiltration facilities, and other components as well as natural waterways.

“Stormwater Management Service” means (A) management and administration of the County’s Stormwater Utility and its related funding sources, including administration, planning, and permitting requirements; (B) Stormwater program engineering; (C) Drainage Basin planning, including but not limited to the preparation of studies related to the establishment and implementation of Stormwater Management Areas; (D) Stormwater planning, including development and updating the Stormwater Master Plan; (E) operating, and maintaining the County’s Stormwater Management Facilities, including extraordinary maintenance; (F) billing and collection of

Stormwater Charges, including customer information and educational services; and (G)all legal, engineering and consultant services appurtenant to the management and administration of the Stormwater Utility.

“Stormwater Master Plan” means a policy document adopted by the Board that identifies the levels of service for water quality and quantity management in the County, based upon the criteria in the comprehensive plan and applicable state and federal law, and the methods for prioritizing expenditures related to Stormwater management within the County. The Stormwater Master Plan may contain regional Stormwater Basin Plans for such proposed Stormwater Management Areas as may be identified within the Stormwater Master Plan.

“Stormwater Service Assessment” means a special assessment imposed by the County against benefitted property within a Stormwater Management Area to fund all or any portion of the Stormwater Service Cost properly attributable to the Stormwater Management Services provided by the County to such assessed property.

“Stormwater Service Charge” means a Stormwater Service Assessment or Stormwater Utility Fee or both.

“Stormwater Service Cost” means the estimated amount for any Fiscal Year of all expenditures and reasonable reserves that are properly attributable to the Stormwater Management Services provided within a Stormwater Management Area under generally accepted accounting principles, including, without limiting the generality of the foregoing, reimbursement to the County for any moneys advanced for the Stormwater Management Service, and interest on any inter-fund or intra-fund loan for such purpose.

“Stormwater Utility” means the entity established pursuant to Article II hereof to operate and administer the County’s Stormwater Management Service.

“Stormwater Utility Fee” means a fee reasonably related to service provided by the County to property to fund all or any portion of the Stormwater Service Cost or Project Cost for a Stormwater Management Facility for such property at a just, fair, reasonable, and equitable rate based upon such property’s Stormwater burden, the reasonable relationship to benefits received, and the reasonable cost of providing Stormwater Management Services and Facilities to such property.

“Stormwater Utility Fund” means an enterprise fund associated with a specific Stormwater Management Area for maintaining Stormwater Service Charges collected by the County within such Stormwater Management Area.

“Uniform Assessment Collection Act” means Sections 197.3632 and 197.3635, Florida Statutes, as amended from time-to-time, or any successor statutes authorizing the collection of non-ad valorem assessments on the same bill as ad valorem taxes, and any applicable regulations promulgated thereunder.

SECTION 1.02. INTERPRETATION. Unless the context indicates otherwise, words importing the singular number include the plural number, and vice versa; the terms “hereof,” “hereby,” “herein,” “hereto,” “hereunder” and similar terms refer to this Article; and the term “hereafter” means after, and the term “heretofore” means before, the effective date of this Article. Words of any gender include the correlative words of the other genders, unless the sense indicates otherwise.

SECTION 1.03. LEGISLATIVE FINDINGS. It is hereby ascertained, determined, and declared that:

(A) Pursuant to Article VIII, section 1, Florida Constitution, and sections 125.01 and 125.66, Florida Statutes, the Board has all powers of local self-government to perform county functions and to render county services except when prohibited by law, and such power may be exercised by the enactment of legislation in the form of County ordinances.

(B) Through the National Pollutant Discharge Elimination System Stormwater permitting program, the U. S. Environmental Protection Agency, as implemented by the Florida Department of Environmental Protection, has mandated the County to implement and fund a comprehensive stormwater management program to reduce the contamination of stormwater runoff and prohibit illicit discharges.

(C) The Florida Legislature has mandated that local governments in the State of Florida, including the County, have the responsibility for developing mutually compatible Stormwater management programs consistent with the rules and regulations of the Florida Department of Environmental Protection and the water management districts and the Stormwater management programs established and maintained by other local governments.

(D) Section 403.0893, Florida Statutes, specifically authorizes and encourages local governments, including the County, to provide Stormwater Management Services and create Stormwater programs and adopt Stormwater Charges sufficient to plan, construct, operate and maintain Stormwater management systems.

(E) Goal #9 of the Drainage Sub Element within Chapter Five of the Citrus County Comprehensive Plan provides for the County “[t]o develop a comprehensive

stormwater drainage program including design requirements, unified drainage plans, and protection of natural drainage features and functions.”

(F) The County is in the process of completing a comprehensive study of the Drainage Basins located within the County to facilitate the County’s provision of Stormwater Management Services and Stormwater Management Facilities through a network of regional stormwater management systems.

(G) As further described in the Drainage Sub Element within Chapter Five of the Citrus County Comprehensive Plan, Stormwater runoff conveys pollutants into receiving water bodies, including suspended solids, heavy metals, nitrogen, phosphorus, pesticides, herbicides, fertilizers, and organic materials, thereby degrading water quality. The addition of these pollutants to water bodies reduces dissolved oxygen content concentrations and accelerates eutrophication, thereby harming flora and fauna and cultivating conditions that are conducive to toxic algae blooms and other public health risks.

(H) Improper management of Stormwater increases erosion and sedimentation, which can decrease the capacity of water bodies to hold and transport water and interfere with navigation.

(I) The development and urbanization of property results in the creation of impervious surfaces which tend to increase the volume and rate of Stormwater runoff and decrease groundwater recharge from water percolating into the soil, thereby requiring the implementation of Stormwater management practices to offset such impacts.

(J) Improperly managed Stormwater runoff may increase the incidence and intensity of flooding, endangering persons and property within the County.

(K) Improperly managed Stormwater runoff may interfere with the water quality and quantity of the numerous springs located within the County and further disrupt biological diversity and productivity associated with such springs.

(L) The public health, safety, and welfare are adversely affected by poor water quality and flooding resulting from inadequate Stormwater management practices.

(M) The improper management of Stormwater and adverse impacts upon the quality of water resources located within the County may result in substantial economic harm to the County and its citizens.

(N) The County maintains a system of existing Stormwater Management Facilities, including but not limited to inlets, conduits, manholes, channels, ditches, drainage easements, retention and detention basins, infiltration facilities, and other components as well as natural waterways and as the County implements the Stormwater Master Plan and future Stormwater Basin Plan, the County may be installing and maintaining additional Stormwater Management Facilities and performing additional Stormwater Management Services.

(O) As further described on page 5-131 of the Drainage Sub Element within Chapter Five of the Citrus County Comprehensive Plan, “[a]reas of the County without stormwater drainage facilities or adequately designed facilities are numerous.” The County wishes to facilitate the funding, design, construction, and installation of new Stormwater Management Facilities to service presently unserved or underserved areas

of the County to alleviate the burdens of improperly managed Stormwater and to offset the impacts of new development.

(P) Those elements of the County Stormwater management system that provide for the collection, storage, treatment, and conveyance of Stormwater are of benefit and provide services to Benefitted Property within the County.

(Q) The cost of operating and maintaining the stormwater management system and the financing of existing and future repairs, replacements, improvements, and extensions thereof should, to the extent practicable, be allocated in relationship to the benefits enjoyed, services received, or burden caused by properties served thereby.

(R) The Stormwater Charges authorized herein are consistent with the authority granted in section 403.0893, Florida Statutes. That statutory provision is additional and supplemental authority to the constitutional and statutory power of self-government granted to the County.

(S) The special benefits to be provided by the County's provision of Stormwater Management Services and Facilities to all Benefitted Property located within a Stormwater Management Area include, but are not limited to: (1) the provision of Stormwater Management Services and the availability and use of Stormwater Management Facilities and improvements by the owners and occupants of Benefitted Property to properly and safely detain, retain, convey and treat Stormwater discharged from such properties; (2) stabilization of or the increase of property values; (3) increased safety and better access to property; (4) improved property appearance; (5) rendering property more adaptable to a current or reasonably foreseeable new and higher use; (6) alleviation of the burdens caused by Stormwater runoff and

accumulation attendant with the use of Benefited Property; and (7) fostering the enhancement of environmentally responsible use and enjoyment of the natural resources within the County and future Stormwater Management Areas.

(T) The purpose of this Ordinance is to: (1) protect and maintain the health, safety, and welfare of the citizens of the County by creating a Stormwater Utility to provide for the management of Stormwater within the County, in furtherance of the goals and objectives set forth in the Citrus County Comprehensive Plan and in conformance with state and federal law; (2) authorize a process for creating regional Stormwater Management Areas within which the County, through the Stormwater Utility, may provide Stormwater Management Services and Stormwater Management Facilities; and (3) authorize the adoption and collection of Stormwater Charges to ensure adequate revenues are available to fund these essential services and facilities.

ARTICLE II

CREATION OF STORMWATER UTILITY; POWERS AND FUNCTIONS

SECTION 2.01. STORMWATER UTILITY.

(A) There is hereby established a Stormwater Utility, which shall be the operational means of implementing and otherwise carrying out the functional requirements of the County's Stormwater management system to construct or acquire Stormwater Management Facilities and provide Stormwater Management Services.

(B) The Stormwater Utility shall provide administration, planning, and management services in the operation and maintenance of the County's Stormwater Management Facilities; the preparation of Stormwater studies and plans and the

implementation of the Stormwater Utility; the regulation of Drainage Basins; and the repair, replacement, improvement and extension of the County's Stormwater Management Facilities.

(C) The Stormwater Utility shall place emphasis on the achievement of maximum efficiency through identifying programs and funding sources which are complementary to other regional, state and federal programs.

(D) A Director, to be appointed by the County Administrator, shall be responsible for the operation and administration of the Stormwater Utility and development and implementation of stormwater plans.

SECTION 2.02. POWERS AND FUNCTIONS. The Stormwater Utility shall have all powers necessary for the provision of Stormwater Management Services and Facilities, including, but not limited to, the following:

(A) Preparation of plans for Stormwater Management Services and Facilities and betterments to the stormwater management system, including the Stormwater Master Plan and Stormwater Basin Plans.

(B) Administer the acquisition, design, construction, maintenance, and operation of the Stormwater Management Facilities, including capital improvements designated in the Stormwater Master Plan and Stormwater Basin Plans.

(C) Review, inspect, approve, and deny plans and permits for extensions to the Stormwater Management Facilities.

(D) Promulgation of regulations for the use of the Stormwater Utility and system, including provisions for enforcement of such regulations.

(E) Advise the Board and other County departments on matters relating to the Stormwater Management Services and Facilities, including procedures, regulations and criteria by which new development permits within the County are approved for compliance with stormwater management regulations.

(F) Development of budgets and recommendations on the establishment and adjustment of Stormwater Charges, which shall be submitted to Board for approval, to fund Stormwater Management Services and Facilities.

(G) Evaluation of water quality concerns for discharges to the stormwater management system.

(H) Performance of all normal utility functions to include construction, operation, and maintenance of the County's stormwater management system, including, but not limited to, the hiring of staff, the selection of special consultants, the entering into contracts for services and construction of facilities, and the handling of purchase, lease, sale or other rights to property for the stormwater management system; all consistent with the personnel and procurement requirements of the County.

(I) Apply for and pursue federal, state, local, and private grants or revolving funds to provide needed Stormwater Management Services and Facilities.

(J) Apply for, implement, and monitor required County permits relating to the Stormwater system, including any required water quality monitoring and water quality programs.

(K) Administer, interpret, and enforce this ordinance and all regulations and procedures adopted relating to the design, construction, maintenance, operation, and alteration of the Stormwater Management Services and Facilities.

SECTION 2.03. STORMWATER MANAGEMENT AREAS GENERALLY.

(A) The Board is hereby authorized to create Stormwater Management Areas in accordance with the procedures set forth herein, to include property located within the unincorporated areas of the County, for the purpose of funding the County's provision of Stormwater Management Services and Stormwater Management Facilities for such area, in furtherance of the Stormwater Master Plan or an adopted Stormwater Basin Plan.

(B) Stormwater Management Areas may also include property located within any municipal area if the governing body of such municipality enters into an interlocal agreement with the County and provides such other consent as required by Section 125.01(1)(q), Florida Statutes, if implicated and required.

SECTION 2.04. CREATION OF STORMWATER MANAGEMENT AREAS.

Stormwater Management Areas shall be created by subsequent resolution of the Board. This resolution shall describe the geographic area comprising the Stormwater Management Area, describe or incorporate the Stormwater Basin Plan for the area, identify appropriate Stormwater Charges, and containing such other information as the Board may deem appropriate.

ARTICLE III

STORMWATER CHARGES

SECTION 3.01. REVENUE SOURCES FOR THE STORMWATER UTILITY.

The Stormwater Utility funding sources may include the following:

- (A) Stormwater Utility Fees;
- (B) Stormwater Assessments;
- (C) Stormwater permit and inspection fees;
- (D) Other funds or income obtained from federal, state, local, and private grants or revolving funds;
- (E) Bonds issued or loans obtained using future Stormwater Charges as collateral; and
- (F) Any other revenues budgeted by the Board for Stormwater Management Services and Facilities.

SECTION 3.02. ENTERPRISE FUND.

(A) The County Administrator shall establish an enterprise fund exclusively for the deposit and withdrawal of all revenue collected or received pursuant to this Ordinance. The County Administrator shall use the enterprise fund for the independent and separate accounting of all revenues, expenditures, assets and liabilities, and earnings and obligations of the utility and including the following purposes:

- (1) The acquisition by gift, purchase, or condemnation of real and personal property and interests therein, necessary to construct, operate, and maintain Stormwater Management Services and Facilities;
- (2) All costs of administration and implementation of the Stormwater Management Services and Facilities, including the establishment of reasonable

operating and capital reserves to meet unanticipated or emergency stormwater management requirements;

(3) Engineering and design, debt service and related financing expenses, construction costs for new facilities, and enlargement or improvement of existing facilities;

(4) Operation and maintenance of the Stormwater Management Services and Facilities;

(5) Monitoring, surveillance, and inspection of stormwater facilities;

(6) Permitting, water quality monitoring and water quality programs;

(7) Retrofitting developed areas for pollution control;

(8) Inspection and enforcement activities;

(9) Billing and administrative costs; and

(10) Other activities reasonably required to carry out the stormwater management program.

(B) Within each Stormwater Management Area, the Board intends to fund all or part of the cost of providing Stormwater Management Services and Stormwater Management Facilities through Stormwater Charges. The Board has further concluded that periodic determination of revenues earned and expenses incurred in connection with the provision of Stormwater Management Services and Stormwater Management Facilities will enhance accountability and management control of the County's Stormwater Utility and will facilitate implementation of the Board's funding policy for Stormwater management. Accordingly, the County Administrator shall establish a separate Stormwater Utility Fund for each Stormwater Management Area, which shall

be maintained separate and apart from all other accounts of the County. Upon receipt, all Stormwater Charges shall be deposited into the appropriate Stormwater Utility Fund. Proceeds of the Stormwater Charges collected within each Stormwater Management Area shall be used solely for the provision of Stormwater Management Services and Stormwater Management Facilities provided therein. Interest earned on Stormwater Charges shall not accrue to the County general fund, but shall remain with the Stormwater Utility Fund.

SECTION 3.03. IMPOSITION OF STORMWATER CHARGES.

(A) The Board is hereby authorized to impose Stormwater Charges against property within all or a portion of the County included in a Stormwater Management Area by subsequent resolution(s) of the Board as further provided herein. All Stormwater Assessments imposed pursuant to this Ordinance within a Stormwater Management Area shall be imposed in accordance with the procedures set forth in Chapter 86 of the Code.

(B) The Board is hereby authorized to impose Stormwater Assessments against Benefitted Property within a Stormwater Management Area.

(1) The Stormwater Service Cost or Project Cost may be assessed against Benefitted Property located within a Stormwater Management Area at a rate of assessment based upon the special benefit accruing to such property from the Stormwater Management Service and Facilities provided by the County.

(2) Notwithstanding the foregoing, if the Board specifically determines that any portion of a Stormwater Management Area receives a distinct special benefit from any component of the Stormwater Management Service or Facilities that is

materially different in kind or degree from the special benefit received by other portions of such Stormwater Management Area, the Stormwater Service Cost or Project Cost related to such component shall be assessed against the portion of the Stormwater Management Area receiving the distinct special benefit.

(3) For any Fiscal Year in which Stormwater Assessments will be imposed within a Stormwater Management Area, the Board shall determine the Stormwater Service Cost or Project Cost, the rate of assessments, and the methodology pursuant to which these costs will be apportioned amongst Benefitted Property by separately adopted resolutions in accordance with the procedures set forth in Chapter 86 of the Code.

(C) The Board is hereby authorized to impose Stormwater Utility Fees on all Benefitted Property within a Stormwater Management Area to fund all or any portion of the Stormwater Service Cost or Project Cost at a just, fair, reasonable, and equitable rate based upon such property's Stormwater burden and the reasonable cost of providing Stormwater Management Services to such property.

(1) The rate of the Stormwater Utility Fee imposed within a Stormwater Management Area and the methodology pursuant to which the Stormwater Service Cost or Project Cost will be apportioned amongst Benefitted Property shall be established by separate resolution of the Board, and may, at the discretion of the Board, be included within a resolution imposing Stormwater Service Assessments.

(2) Notwithstanding the foregoing, if the Board specifically determines that any portion of a Stormwater Management Area receives a distinct special benefit or service from any component of the Stormwater Management Service or Facilities that

is materially different in kind or degree from the special benefit received by other portions of such Stormwater Management Area, the Stormwater Service Cost or Project Cost related to such component shall be assessed against the portion of the Stormwater Management Area receiving the distinct special benefit.

(3) Stormwater Utility Fees will be adopted by a resolution approved by the Board after a public hearing. The public hearing must be advertised at least ten days in advance in a newspaper of general circulation in the County setting forth the date, time and place of the public hearing, the current rate(s), the proposed rate(s), and the effective date of. A separate public hearing is not required to amend rates, fees, and charges pursuant to a previously adopted price index adjustment. Amended rates apply to the first billing cycle after the rate amendment effective date.

SECTION 3.04. COLLECTION OF STORMWATER CHARGES. The Stormwater Charges authorized herein may be collected by the County pursuant to any legally available method or combination of such methods, including but not limited to: (1) for Stormwater Assessments, collection on the ad valorem tax bill pursuant to Chapter 86 of the Code and the Uniform Assessment Collection Act; (2) collection on the utility bill; or (3) collection by separate bill.

ARTICLE IV

MISCELLANEOUS

SECTION 4.01. SEVERABILITY. The provisions of this Ordinance are severable; and if any section, subsection, sentence, clause or provision is held invalid

by any court of competent jurisdiction, the remaining provisions of this Ordinance shall not be affected thereby.

SECTION 4.02. CODIFICATION.

(A) It is the intention of the Board, and it is hereby ordained that the relevant provisions of this Ordinance shall become and be made a part of the Citrus County Code of Ordinances; that the sections of this Ordinance may be renumbered or relettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

(B) The provisions of this Ordinance shall be included within the Citrus County Code of Ordinances as a new Chapter 99 entitled "Stormwater."

SECTION 4.03. CONFLICTS. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 4.04. LIBERAL CONSTRUCTION. The terms and provisions of this Ordinance shall be liberally construed to affect the purpose for which it is adopted.

SECTION 4.05. EFFECTIVE DATE. The Clerk shall file a certified copy of this Ordinance with the Department of State within ten days of its adoption. This Ordinance shall take effect immediately upon its filing with the Department of State.

DONE AND ADOPTED in Regular Session this 7th day of January, 2020.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF CITRUS COUNTY, FLORIDA

ANGELA VICK, CLERK

BRIAN J. COLEMAN, CHAIRMAN

APPROVED AS TO FORM FOR THE
RELIANCE OF CITRUS COUNTY ONLY:

DENISE A. DYMOND LYN
COUNTY ATTORNEY