



CITY OF CLERMONT
ORDINANCE NO. 2023-017

1 AN ORDINANCE OF THE CODE OF ORDINANCES OF THE CITY OF
2 CLERMONT, LAKE COUNTY, FLORIDA, AMENDING CHAPTER 66,
3 "UTILITIES" ARTICLE VII "WATER EFFICIENT IRRIGATION AND
4 LANDSCAPE" DELETING SECTION 66-207 "ENFORCEMENT" AND
5 SECTION 66-221 "FINE SCHEDULE" AND CREATING NEW DIVISION
6 4 "ENFORCEMENT", SECTION 66-240 "ENFORCEMENT" AND
7 SECTION 66-241 "PENALTIES"; PROVIDING FOR CONFLICT,
8 SEVERABILITY, CODIFICATION, ADMINISTRATIVE CORRECTION
9 OF SCRIVENERS ERROR, PUBLICATION AND EFFECTIVE DATE.

10 WHEREAS, the Legislature of the State of Florida has, in Chapter 166, Florida Statutes,
11 conferred upon local governments the authority to adopt regulations designed to promote the
12 public health, safety and general welfare of its citizens; and

13 WHEREAS, Rule 40E-24.301, Florida Administrative Code, provides that local
14 governments may adopt landscape irrigation restrictions to include enforcement procedures to
15 achieve water conservation; and

16 WHEREAS, year-round and permanent landscape irrigation restrictions and the
17 enforcement thereof, separate and independent from water shortage declarations, are necessary to
18 ensure adequate water supply and in the best interests of the general public; and

19 WHEREAS, the City Council of the City of Clermont of Lake County, Florida finds and
20 declares that the amendment of Chapter 66 as provided herein and the adoption of this Ordinance
21 is appropriate and in the public interest of the Clermont community.

22
23 NOW THEREFORE, BE IT ORDAINED and enacted by the city council of the city of
24 Clermont, Florida, as follows:

25 **SECTION 1:**

26 Chapter 66, "Utilities"; Article VII "Water Efficient Irrigation and Landscape"; Division 1
27 "Administration" is hereby amended to read as follows; (note strikethrough indicates removed
28 words and underlined indicates added):

29 **~~Sec. 66-207. Enforcement.~~**

30 ~~Enforcement of this article may be by authorized law enforcement personnel, city code~~
31 ~~enforcement personnel, water conservation coordinator or any other city official delegated that~~
32 ~~responsibility by the city manager.~~

33 **SECTION 2:**

34 Chapter 66, "Utilities"; Article VII "Water Efficient Irrigation and Landscape"; Division 2
35 "Irrigation" is hereby amended to read as follows; (note strikethrough indicates removed words
36 and underlined indicates added):



CITY OF CLERMONT
ORDINANCE NO. 2023-017

37 **Sec. 66-221. Fine schedule.**

38 ~~The fine schedule for violation of the watering restrictions shall be adopted by resolution of the~~
39 ~~city council. Each day in violation of this division shall constitute a separate offense.~~

40 **SECTION 3:**

41 Chapter 66, "Utilities"; Article VII "Water Efficient Irrigation and Landscape"; Division 4
42 "Enforcement" is hereby amended creating new Sections 66-240 "Enforcement" and 66-241
43 "Penalties" to read as follows; (note strikethrough indicates removed words and underlined
44 indicates added):

45 **Sec. 66-240. Enforcement.**

46 Every police officer having jurisdiction in the area governed by this article shall, in connection
47 with all other duties imposed by law, diligently enforce the provisions of this article. In addition,
48 the city manager may also delegate enforcement responsibility for this article to agencies and
49 departments of city government, or cities in the service areas governed by this article in accordance
50 with state and local law.

51 **Sec. 66-241. Penalties.**

52 (a) Violation of any provision of this article shall be subject to the following penalties:

| | |
|------------------------------|------------------------------------|
| <u>First violation</u> | <u>Written warning</u> |
| <u>Second violation</u> | <u>\$50.00</u> |
| <u>Subsequent violations</u> | <u>Fine not to exceed \$500.00</u> |

53 (b) Each day in violation of this article shall constitute a separate offense. Enforcement officials
54 shall provide violators with no more than one written warning. The city, in addition to the
55 civil sanctions contained herein, may take any other appropriate legal action, including but
56 not limited to injunctive action, to enforce the provisions of this article.

57 (c) Any penalty imposed hereunder shall be paid within thirty (30) days of the date of the
58 violation notice. Penalties assessed pursuant to this article and not timely paid shall be a
59 lien upon the property to which such penalty is associated from the date the penalty becomes
60 due until such fee is paid. The owner of every building, premises, lot or house shall be
61 obligated to pay the penalty, which obligation may be enforced by the city by action or law
62 or suit to enforce the lien in the same manner as the foreclosure of mortgages. In the event
63 of such action, the city shall be entitled to recover all court costs and reasonable attorney
64 fees for such collection. A change of ownership shall not affect the application of this
65 article, and the failure of any owner to learn that he purchased property against which a lien
66 hereunder exists shall not affect the new owner's responsibility for such payment.

67 (d) A violation assessing a penalty issued hereunder may be appealed by written notice submitted
68 to the City within thirty (30) days of the date of the notice of violation. All timely appeals
69 shall be heard before the Code Enforcement Board at its next available hearing. The Code
70 Enforcement Board sitting in an appellate capacity, may grant the appeal and dismiss the
71 violation or deny the appeal and provide additional time to pay the fine not to exceed thirty



CITY OF CLERMONT
ORDINANCE NO. 2023-017

72 (30) days. If the appeal is denied the Code Enforcement Board may impose administrative
73 costs upon the violator in addition to the penalty imposed. The Code Enforcement Board
74 shall not have the authority to reduce the penalty. The decision of the Code Enforcement
75 Board shall be final.

76 **SECTION 4: CONFLICT**

77 All ordinances or parts of ordinances in conflict with any of the provisions of this Ordinance are
78 hereby repealed.

79 **SECTION 5: SEVERABILITY**

80 If any portion of this Ordinance is declared invalid, the invalidated portion shall be severed from
81 the remainder of the Ordinance, and the remainder of the Ordinance shall continue in full force
82 and effect as if enacted without the invalidated portion, except in cases where such continued
83 validity of the remainder would clearly and without doubt contradict or frustrate the intent of the
84 Ordinance as a whole.

85 **SECTION 6: CODIFICATION**

86 The text of Sections 1, 2 and 3 of this Ordinance shall be codified as a part of the Clermont City
87 Code. The codifier is authorized to make editorial changes not effecting the substance of this
88 Ordinance by the substitution of "Article" for "Ordinance", "Section" for "Paragraph", or otherwise
89 to take such editorial license.

90 **SECTION 7: ADMINISTRATIVE CORRECTION**

91 Regardless of whether such inclusion in the Code as described in Section 6 is accomplished,
92 sections of the Ordinance may be re-numbered or re-lettered and the correction of typographical
93 and/or scrivener's errors which do not affect the intent may be authorized by the City Manager or
94 designee, without need of public hearing, by filing a corrected or re-codified copy of same with
95 the City Clerk.

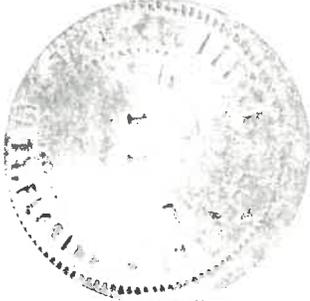
96 **SECTION 8: PUBLICATION & EFFECTIVE DATE**

97 This ordinance shall be published as provided by law and shall take effect immediately upon its
98 Second Reading and Final Passage.



**CITY OF CLERMONT
ORDINANCE NO. 2023-017**

PASSED AND ADOPTED by the City Council of the City of Clermont, Lake County, Florida
on this 13th day of June, 2023.



ATTEST:

Tracy Ackroyd Howe, MMC
City Clerk

CITY OF CLERMONT

Tim Murry, Mayor

APPROVED AS TO FORM AND LEGALITY:

Daniel F. Mantzaris, City Attorney