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**ORDINANCE 2004-05**

AN ORDINANCE OF THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE COUNTY OF VOLUSIA BY AMENDING CHAPTER 50, ARTICLE III, "MINIMUM STANDARDS FOR ENVIRONMENTAL PROTECTION;" BY AMENDING SECTION 50-71, "DEFINITIONS;" AND BY CREATING A NEW DIVISION 10, "WATER WISE LANDSCAPE IRRIGATION," SECTIONS 50-370 THROUGH 50-390; BY PROVIDING FOR PURPOSE AND INTENT; BY PROVIDING FOR AUTHORITY AND APPLICABILITY; BY PROVIDING FOR EXEMPTIONS; BY PROVIDING FOR REQUIREMENTS FOR EFFICIENT IRRIGATION; BY PROVIDING FOR IRRIGATION SYSTEM DESIGN GUIDELINES; BY PROVIDING FOR MUNICIPAL ENFORCEMENT; BY PROVIDING FOR PERMITTING AND FEES; BY PROVIDING FOR PENALTY; BY PROVIDING FOR APPEALS; BY PROVIDING FOR SEVERABILITY; BY PROVIDING FOR INCLUSION IN CODE AND SCRIVENERS ERRORS; BY PROVIDING AN EFFECTIVE DATE.

31 WHEREAS, §§125.568, 166.048, and 373.185, Florida Statutes, provide that  
32 local governments should consider the adoption of water-efficient landscape standards;  
33 and

34 WHEREAS, it is the intent and policy of the County Council to protect Volusia  
35 County's groundwater resources from contamination and misuse; and

36  
37 WHEREAS, the County Council has determined that the duties and  
38 responsibilities for certification of pump and irrigation contractors, and the regulation  
39 and inspection of wells and irrigation systems would be properly vested in the Volusia  
40 County Health Department; NOW THEREFORE

41  
42 WHEREAS, it is the intent of the County Council to deliver cost efficient and  
43 effective services to Volusia County residents; and  
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1 WHEREAS, §§125.568(3), 166.048(3), and 373.185(3) provide that a deed  
2 restriction or covenant entered after October 1, 2001, or local government ordinance  
3 may not prohibit any property owner from implementing Xeriscape or Florida-friendly  
4 landscape on his or her land; and

5  
6 WHEREAS, the Florida Watershed Restoration Act of 1999 and the National  
7 Pollutant Discharge Elimination System (NPDES) municipal stormwater permitting  
8 program require local governments to reduce pollutant loads discharged from  
9 stormwater management systems to better protect and restore surface and ground  
10 waters; and

11  
12 WHEREAS, §50-316, Code of Ordinances of the County of Volusia sets  
13 minimum standards for environmental protection that require rain sensor devices and  
14 establish general restrictions on water use for conservation purposes; and

15  
16 WHEREAS, the County of Volusia recognizes the need for further protection of  
17 water as a natural resource through water wise irrigation practices and the application of  
18 Florida Friendly landscape practices; and

19  
20 WHEREAS, water wise irrigation and Florida Friendly landscapes promote water  
21 conservation by efficient watering methods that generally result in a long-term reduction  
22 of irrigation, fertilizer, pesticide requirements, costs, energy, and maintenance; and

23  
24 WHEREAS, more than a significant amount of the public water supply in Florida  
25 is devoted to landscape irrigation, and given Florida's limited water resources, we  
26 accept the recommendations of the Committee on Landscape Irrigation and Florida-  
27 Friendly Design Standards, as set forth in Section 373.228, F.S., specifically  
28 recommended that irrigation systems use the lowest quality water feasible; and

29  
30 WHEREAS, water wise irrigation practices are designed to save significant  
31 amounts of water to preserve local water supplies.

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33 NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY COUNCIL OF THE  
34 COUNTY OF VOLUSIA, FLORIDA, as follows:

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38 **SECTION I:** Chapter 50, of the Code of Ordinances of the County of Volusia, Article III,  
39 "Minimum Standards for Environmental Protection," Section 50-71, "Definitions," is  
40 amended by adding the following definitions:

1 Address means the house number of a physical location of a specific property.  
2 This includes “Rural Route” numbers, but excludes Post Office Box numbers. If a lot  
3 number in a mobile home park or similar community is used by the U.S. Postal Service  
4 to determine a delivery location, the lot number shall be the property’s address. An  
5 “even numbered address” means an address ending in the numbers 0, 2, 4, 6, 8, or the  
6 letters A – M. An “odd numbered address” means an address ending in the numbers 1,  
7 3, 5, 7, 9, or the letters N – Z.

8 ~~Automatic System means any an irrigation method or system with a timing device~~  
9 ~~that controls the periods of operation~~ which operates using a preset program entered  
10 into an automatic controller.

11 *Best Management Practices (BMPs)* for water wise landscape irrigation means a  
12 practice or combination of practices, based on research, field-testing, and expert review,  
13 and including economic and technological considerations, determined to be the most  
14 effective, practicable, on-location means for improving water quality, conserving water  
15 supplies and protecting natural resources.

16 Certified Contractor means a person who holds a valid certificate of competency  
17 for pump and irrigation installations issued by the Department.

18 ~~As-Built Sketch~~ Completion Sketch means a legible drawing or diagram  
19 indicating the date of installation, the number of zones, location of zones, backflow  
20 preventer, valves, rain sensors, and water source. ~~of an~~ The drawing should represent  
21 the irrigation system as it exists at the time of irrigation system completion prepared by  
22 or at the direction of the person installing the system. This drawing must be in have

1 substantially the same form and contain the information as the sample sketch on file  
2 with the Volusia County Health Department.

3 Department means the Volusia County Health Department.

4 ~~Director means Director of the Environmental Management Division of the~~  
5 ~~County of Volusia, or authorized designee~~ the Administrator of the Environmental  
6 Health division of the Volusia County Health Department.

7 *Distribution Equipment* means the water emitters on irrigation systems, including  
8 but not limited to sprinklers, rotors, spray heads and microirrigation devices.

9 *Expansion of Irrigation System* means ~~any~~ the addition to an irrigation of one (1)  
10 or more zones to an existing system, ~~beyond the extent of the original, permitted~~  
11 ~~installation.~~

12 *Filter* means a device in an irrigation system that separates traps sediment or  
13 other foreign matter.

14 *Florida Friendly* means the practices, materials, or actions that ~~enhance the~~ help  
15 to preservation of Florida's natural resources and protection of the environment.

16 *Florida Friendly Landscape* means a landscape that incorporates the BMPs and  
17 philosophies promoted by programs such as Florida Yards and  
18 Neighborhoods/Environmental Landscape Management. The programs promote quality  
19 landscapes that conserve water, utilize water wise principles, protect the environment,  
20 are adaptable to local conditions, and are drought tolerant.

21 *Ground Cover* means low growing plants, other than turfgrass, used to cover the  
22 soil and form a continuous, low mass of foliage.

1            *Hardscape* means areas that do not require irrigation such as patios, decks,  
2 driveways, in-ground swimming pools, paths and sidewalks. ~~that do not require~~  
3 ~~irrigation.~~

4            *High Volume Irrigation Area* means a portion of landscaped area of any property  
5 that utilizes rotors, pop-up sprays, or sprinkler heads that irrigate more than five gallons  
6 per minute (per outlet).

7            *Irrigation Contractor* means a ~~licensed Volusia County Health Department~~  
8 Certified Pump and Irrigation Contractor, a licensed Florida Water Well Contractor, a  
9 Florida State Registered Plumbing Contractor, or a Florida State Certified Plumbing  
10 Contractor.

11           *Irrigation System* means a device or combination of devices having a hose, pipe,  
12 or other conduit connected directly to any source of ~~ground or surface water~~, through  
13 ~~which~~ water, or a mixture of water and chemicals, is drawn and applied for residential,  
14 commercial or agricultural purposes.

15           *Irrigation System Completion* means the termination of all irrigation installation  
16 activities.

17           *Irrigation Zone* means a grouping of rotors, sprinkler heads, pop-up sprays,  
18 microirrigation emitters, or other irrigation equipment operated simultaneously by the  
19 control of one valve.

20           *Landscape* means any combination of living plants (such as turfgrass, ground  
21 cover, shrubs, vines, hedges, or trees) and non-living landscape material (such as  
22 rocks, pebbles, sand, mulch, walls, fences, or decorative paving materials).

1           *Landscaped Area* means any parcel, excluding the building footprint, driveways,  
2 sidewalks, hardscapes such as decks and patios, and non-porous areas. Water  
3 features are included in the calculation of the landscaped area. This area includes  
4 Xeriscape as defined in § 373.185(1)(b) F.S.

5           *Low Volume Irrigation Area* means a portion of landscaped area of any property  
6 that uses exclusively microirrigation.

7           *Medium Volume Irrigation Area* means a portion of landscaped area of any  
8 property that utilizes pop-up sprays or sprinkler heads that irrigate at a rate of one-half  
9 to five gallons per minute (per outlet).

10          *Microirrigation* means the application of small quantities of water directly on or  
11 below the soil surface, usually as discrete drops or tiny streams through emitters placed  
12 along the water delivery pipes (laterals.) Microirrigation encompasses a number of  
13 methods or concepts including drip, subsurface, micro-bubbler, micro-spray irrigation,  
14 trickle irrigation, low volume, or low flow irrigation, ~~all of which~~ These emitters shall not  
15 exceed more less than 20 gallons of water per hour (gph) (per outlet).

16          *Mulch* means non-living, organic or synthetic materials customarily used in  
17 landscape design to retard erosion and retain moisture.

18          *Native Vegetation Area* means an area which contains fifty percent (50%) or  
19 more plant species with a geographic distribution indigenous to all, or part, of the State  
20 of Florida, as identified in Wunderlin, R. P. 1998. *Guide to the Vascular Plants of*  
21 *Florida*. University Press of Florida, Gainesville. For the purposes herein, native  
22 vegetation area does not include areas converted for agricultural use. Native vegetation

1 area excludes exotic plants identified as Category I or II by the Florida Pest Plant  
2 Council or “Avoid These Plants” brochure distributed by local agencies.

3 *New Irrigation System Installation* means an irrigation system permitted after the  
4 effective date of this ordinance.

5 *Owner/Contractor* means a person who installs an irrigation system on his or her  
6 own primary residence.

7 *Permitting Authority* means the Volusia County Health Department (VCHD) or the  
8 municipal designee.

9 *Person* means any natural person, individual, owner, operator, firm, association,  
10 organization, partnership, joint venture, business, trust, public or private corporation,  
11 company, political subdivision, public officer, or any other entity whatsoever, or  
12 combination thereof, of whatever kind.

13 *Pop-up Sprays* means spray heads, usually hidden in the landscape, that pop-up  
14 due to water pressure when activated and provide a continuous spray pattern  
15 throughout a given arc of operation.

16 *Portable Sprinklers* means any type of water sprinkler attached to the end of a  
17 hose including, but not limited to impact sprinklers, oscillating-arm sprinklers, and  
18 stationary fan sprinklers.

19 *Precipitation rate* means the rate at which water is applied in gallons per minute  
20 or gallons per hour.

21 *Pressure Regulating Head* means a device that maintains a constant flow and  
22 pressure for increased efficiency of irrigation systems. This device shall have a

1 pressure regulating device built into the stem or body that is identifiable from the top of  
2 the head.

3 *Rain Sensor Device* means an operational, electrical or mechanical component  
4 placed in the circuitry of an irrigation system that is designed to override a sprinkler  
5 controller when precipitation has reached a pre-set quantity.

6 *Runoff* means water from rainfall, irrigation, or other sources that is not  
7 absorbed by the soil or landscape and flows from the area, often contaminated with  
8 pesticides, fertilizers, and other pollutants.

9 ~~*Substantial Irrigation System Modification* means any modification to existing~~  
10 ~~irrigation systems such that fifty percent (50%) or more of the irrigation system is~~  
11 ~~impacted, replaced or altered.~~

12 *Turfgrass* means a mat layer of monocotyledonous plants such as Bahia,  
13 Bermuda, Centipede, Paspalum, St. Augustine and Zoysia.

14 *Valve* means a device used to control the flow of water in an irrigation system.

15 *Water Wise Irrigation* means irrigation design, installation, and maintenance that  
16 incorporates water efficient strategies and components, such as pressure regulating  
17 heads, rain sensor devices, and BMPs.

18 *Water Wise Principles* means appropriate planning and design, proper choice of  
19 plants, soil analysis that may include the use of solid waste compost, efficient irrigation,  
20 practical use of turf, appropriate use of mulches, and proper maintenance as set forth in  
21 §373.185 F. S.

22

1 **SECTION II:** Chapter 50, of the Code of Ordinances of the County of Volusia, Article III,  
2 “Minimum Standards for Environmental Protection,” is amended by adding a new  
3 Division 10, “Water Wise Landscape Irrigation,” which contains new Sections 50-370  
4 through 50-390 as set forth herein.

5  
6 **Sec. 50-370. Purpose and Intent.**

- 7 (a) The purpose and intent of this division is to promote water wise practices by  
8 establishing standards for the development, installation, and maintenance of  
9 landscape irrigation systems without inhibiting creative landscape design,  
10 construction and management. These landscape and irrigation standards are  
11 consistent with § 373.228, F.S., and the Committee on Landscaping Irrigation  
12 and Florida-Friendly Design Standards.
- 13 (b) The water wise irrigation standards set forth herein are designed to conserve  
14 local water supplies and minimize adverse effects on Florida’s natural systems.
- 15 (c) The quality of Florida’s surface and ground water is adversely affected by  
16 irrigation runoff and leachate. Improper landscape irrigation design, construction,  
17 and management contributes to nonpoint source pollution that affects ground and  
18 surface water quality.
- 19 (d) This division establishes water wise landscape irrigation standards and  
20 encourages the use of Florida Friendly landscaping practices. Water wise  
21 landscape irrigation standards promote efficient water use, minimize polluted  
22 runoff, and utilize water conservation components and equipment. The Florida  
23 Friendly landscape concept is based on the principles of the *Florida Yards and*

1 *Neighborhoods* (FYN) and *Environmental Landscape Management* (ELM)  
2 programs operated by the University of Florida Cooperative Extension Service,  
3 the Xeriscape programs of the State's Water Management Districts, and  
4 practices identified in the *Green Industries Best Management Practices for*  
5 *Protection of Water Resources in Florida* (2002) as amended.

6  
7 **Sec. 50-371. Authority and applicability.**

8 (a) This division is adopted by the County of Volusia under its police power and  
9 charter authority to adopt minimum standards for environmental protection.

10 (b) These provisions shall be the minimum standards for irrigation systems  
11 applicable to landscape irrigation systems within the unincorporated and  
12 incorporated areas of the county.

13 (c) These provisions apply to new irrigation system installations on individual parcels  
14 and within entire subdivisions, and ~~head replacement on existing irrigation~~  
15 ~~systems~~, expansion of existing irrigation systems, ~~and substantial irrigation~~  
16 ~~system modification.~~ All irrigation system expansions must conform to the  
17 requirements of Section 50-373 items (a), (1) – (19). No future expansion or  
18 modification will be allowed on a Water Wise system that would make the system  
19 non-compliant with this ordinance.

20  
21 **Sec. 50-372. Exemptions.**

22 The following are exempted from the provisions of this division:

23 (1) Hand watering and portable sprinklers;

- 1 (2) Bonafide agricultural use;
- 2 (3) Golf course play areas and specialized athletic fields, provided however, the  
3 remainder of any such property shall comply with the requirements of this  
4 division.

5

6 **Sec. 50-373. Requirements for efficient irrigation.**

7 (a) *System Design.*

8 Irrigation systems shall be designed, constructed, and permitted to include:

- 9 (1) Automatic irrigation controllers systems, when utilized, shall contain a  
10 functional rain sensor device moisture sensing device. The controller shall  
11 be , capable of being set to one minute run times, and battery backup  
12 capability to retain programming in the event of a power failure; The  
13 controller shall operate all zones of different precipitation rates  
14 independently;
- 15 (2) A rain sensor, if installed in lieu of a soil moisture sensing device, shall be  
16 placed on a stationary structure, free and clear of any overhead  
17 obstructions and above the height of the sprinkler coverage;
- 18 (3) Equipment with check valves used in low-lying areas to prevent low head  
19 drainage, which shall hold a minimum of five (5) foot of head;
- 20 (4) Backflow prevention methods and other provisions as prescribed in  
21 section 74-42;
- 22 (5) Irrigation design with the appropriate uniformity for the type of plant being  
23 grown and for the type of soil;

- 1 (6) Irrigation system equipment ~~installed as designed~~ shall be installed in  
2 accordance to manufacturer's specifications;
- 3 (7) Irrigation zones divided according to: available flow rate, vegetated  
4 groupings (i.e. turf, shrubs, native plants, etc.), sprinkler types (i.e.  
5 sprinklers with matching precipitation rates), and soil characteristics;
- 6 (8) Spray heads and rotors not mixed in same zone;
- 7 (9) Distribution equipment in a given zone having matched precipitation rates;
- 8 (10) Application rates that avoid runoff and permit uniform water infiltration into  
9 the soil, considering land slope, soil hydraulic properties, vegetative  
10 ground cover, and prevailing winds;
- 11 (11) A minimum separation of four (4) inches between distribution equipment  
12 and pavement;
- 13 (12) A minimum separation of twelve (12) inches between distribution  
14 equipment and buildings and other vertical structures;
- 15 (13) No direct spray onto walkways, buildings, roadways, and drives;
- 16 (14) Lawn spray patterns providing head to head coverage;
- 17 (15) Water conveyance systems with a flow velocity of five (5) feet per second  
18 or less;
- 19 (16) Pipelines designed to provide the system with the appropriate pressure  
20 required for maximum irrigation uniformity. There shall be no dry lines;
- 21 (17) Pressure regulating heads identifiable from the top of the head; and
- 22 (18) A maintenance checklist provided to the property owner by the irrigation  
23 contractor accompanied by a recommended maintenance schedule,

1 proper irrigation system settings according to season, recommendations  
2 for checking any rain sensor device or soil moisture sensing device, with  
3 filter cleaning recommendations and information on the current water  
4 restrictions:

5 (19) Upon completion of the irrigation system, a tag or sticker shall be affixed  
6 to the timer box, if it is an automatic system. If it is a manual system, a  
7 sticker or tag shall be affixed to the outside main electrical breaker box, on  
8 the inside of the door. That tag or sticker shall include the permit number,  
9 date installed, number of zones, and the installer's name.

10 (b) *System Layout and Native Vegetation Retention.*

11 Irrigation systems shall comply with the following requirements:

12 (1) A high volume irrigation area shall not exceed fifty percent (50%) of the  
13 landscaped area. Low or medium volume irrigation areas may be utilized  
14 in lieu of any high volume irrigation area.

15 (2) A medium volume irrigation area shall not exceed twenty-five percent  
16 (25%) of the landscaped area. However, the landscaped area may  
17 contain up to seventy-five percent (75%) medium volume irrigation area, if  
18 no high volume irrigation area is utilized on site.

19 (3) A low volume irrigation area may be utilized for an entire landscaped area  
20 with the exception of native vegetation areas regulated by section 50-373

21 (b)(4). Zones in this area shall have a pressure regulator and a filter with  
22 a mesh smaller than the emitter openings.

1 (4) In the alternative to section 50-373 (b)(1)), (2), and (3) above, if twenty-  
2 five percent (25%) of the pre-existing native vegetation is retained on site,  
3 the remaining seventy-five percent (75%) of the landscaped area may be  
4 a high volume irrigation area. For all pre-existing native vegetation  
5 retained on a parcel:

- 6 a. No supplemental water shall be applied to the native vegetation  
7 area;
- 8 b. Only hand pruning of native vegetation is allowed;
- 9 c. Mechanical mowing or clearing is prohibited.

10 ~~(e)~~ ~~*System Operation Flows.*~~

11 ~~Systems shall dispense no more than:~~

12 ~~(1) One inch of water per week for high volume irrigation areas;~~

13 ~~(2) One half inch of water per week for medium volume irrigation areas;~~

14 ~~(3) One quarter inch of water per week for low volume irrigation areas.~~

15 ~~(c)~~ ~~(d)~~ *Irrigation System Operation and Maintenance.*

16 (1) Irrigation systems shall be operated properly and in compliance with  
17 section 50-315 and this section.

18 (2) All automatic controllers shall be programmed to the appropriate level of  
19 water conservation set forth in section 50-315.

20 (3) Irrigation systems shall be maintained to meet the requirements of this  
21 section.

22 (4) Reducing or eliminating the required 25% low flow area by any person is  
23 prohibited.

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**Sec. 50-374. Irrigation system design guidelines.**

The Director shall create educational and design guidelines including best management practices, Florida Friendly Landscape techniques and water wise principles. in collaboration with the University of Florida Extension, Volusia County Environmental Management, the Water Authority of Volusia, and the water conservation programs of water providers.-

**Sec. 50-375. Municipal enforcement.**

- (a) ~~The Volusia County Health Department shall administer the provisions of this division countywide, unless a municipality has entered into an interlocal agreement with the county transferring administration to the municipality.~~
- (b) Nothing herein prevents a municipality from enacting and enforcing additional regulations that are not inconsistent with this division.

**Sec. 50-376. Permitting and fees.**

- (a) *Permitting Process.*
  - (1) *Permit required.* Prior to the installation, or expansion, ~~or substantial modification~~ of an irrigation system, an owner/contractor or irrigation contractor shall obtain a valid permit from the ~~permitting authority~~ Department. ~~A licensed contractor may obtain the permit if it is part of a building permit.~~ The Department shall develop the application packet, to include the application form, site plan template form, contractor's credit

1 card authorization form (if contractor), and other Department generated  
2 forms as provided.

3 (2) *Permit approval.*

4 a. Action shall be taken on any complete permit application within 30  
5 days of complete submittal.

6 b. Any permit issued may specify terms and conditions of approval.

7 c. A valid permit must be ~~properly displayed at the job site prior to~~  
8 ~~commencement of work~~ displayed or available onsite during  
9 installation.

10 d. A permit is valid for a period of ~~six~~ twelve months from date of its  
11 issuance. ~~The permitting authority may at its discretion extend this~~  
12 ~~time limit for any reasonable period of time not to exceed an~~  
13 ~~additional six months.~~

14 (3) *Permit denial.* The permitting authority shall notify an applicant of permit  
15 denial. Notice shall state the grounds for rejection.

16 (4) *Suspension or revocation of permit.* A permit may be suspended or  
17 revoked by the permitting authority if any irrigation system installation is  
18 found in violation of the permit, Florida law, Florida Administrative Code,  
19 this division, any applicable municipal ordinance or any of the following:

20 a. Material misstatement or misrepresentation in the application for a  
21 permit;

22 b. Failure to comply with the conditions set forth in the permit;

- 1 c. Disregard or violation of this article or any rule or regulation
- 2 promulgated by the council;
- 3 d. Aiding and abetting another person in the violation of this article or
- 4 any rule or regulation promulgated by the council pursuant hereto;
- 5 e. Failure to pay the required permit fee; and/or
- 6 f. Construction or installation of an irrigation system that would have
- 7 deleterious effects on the quality of ground or surface waters
- 8 supplies in the county.

9 (5) *Self-Certification.*

- 10 a. Contractors shall be accountable for proper installation and
- 11 compliance through self-certification. The ~~permitting authority~~
- 12 Department shall conduct an adequate number of random
- 13 inspections to ensure compliance of each contractor.
- 14 b. An irrigation contractor or owner/contractor must submit a
- 15 completed and endorsed self certification checklist on a form
- 16 provided by the ~~permitting authority~~ Department, accompanied by
- 17 an ~~as-built~~ completion sketch of the irrigation system, to the
- 18 ~~permitting authority~~ Department and the property owner within thirty
- 19 (30) days of irrigation system completion, ~~permit expiration~~, or with
- 20 any request for final inspection.
- 21 c. Irrigation contractor certificates may be refused, suspended or
- 22 revoked for any material misrepresentation of information in the as-
- 23 built sketch. The drawing should represent the irrigation system as

1 it exists at the time of irrigation system completion prepared by or at  
2 the direction of the person installing the system. This drawing must  
3 have substantially the same form and contain the same information  
4 as the proposed sketch submitted with the permit application.

5 (6) *Identifying vehicles, equipment and advertising.*

6 a. Vehicles and equipment. All vehicles and equipment (Trucks or  
7 Trailers) used by well or certified pump and irrigation contractors  
8 during well, pump and/or irrigation system installations shall be  
9 marked with the Department's Certificate of Competency number or  
10 the State of Florida Water Well Contractor's license number for the  
11 contractor responsible for installation or Plumber's Contractor's  
12 license number (At least one vehicle or trailer on site shall be  
13 marked). The identification number shall be displayed on both  
14 sides of each vehicle, in numerals of not less than two (2) inches in  
15 height and one (1) inch in width, and in colors contrasting with the  
16 vehicle.

17 b. Advertising. The Department's Certificate of Competency number  
18 or the Florida Water Well Contractor's license number or the  
19 Licensed Plumbing Contractor's number shall appear on all  
20 advertising, including print and electronic advertising. No  
21 contractor shall place any advertisement without the required  
22 number. No publication or newspaper shall publish any  
23 advertisement without the required number. In addition to the civil

1 sanctions contained herein, the Volusia County Council or  
2 Department (or their delegated authority) may take any other  
3 appropriate legal action, including, but not limited to, injunctive  
4 action to enforce the provisions of this Section.

5 c. Fine. Failure to display the certificate or license numbers in  
6 advertising shall result in a fine of \$250.00 for each occurrence.

7 d. Violations of this section may be punishable as provided in Chapter  
8 1, Section 1-7 of the Code of Ordinances of the County of Volusia.

9 (6) *Certificate of Occupancy.* No certificate of occupancy shall be issued  
10 until:

11 a. A complete, self-certification checklist and ~~as-built~~ completion  
12 sketch have been submitted and accepted by the ~~permitting~~  
13 authority Department; and

14 b. The ~~permitting authority~~ Department has conducted any required  
15 final inspection.

16 (b) *Fees.* A fee schedule may be adopted to fund this program.

17 (c) *Late permit fees or charges.* If a permit fee is not paid within thirty (30) days after  
18 notification, future permits will not be issued until all fees are paid.

19  
20 **Sec. 50-377. Penalty.**

21 Violations of this division may result in:

22 (1) Suspension or revocation of irrigation system permits pursuant to Section 74-  
23 39(i);

- 1 (2) Refusal, suspension or revocation of irrigation contractor certificates of  
2 competency pursuant to section 74-36(j);
- 3 (3) Refusal, suspension or revocation of irrigation contractor certificates of  
4 competency for a material misrepresentation of information on an ~~as-built~~  
5 completion sketch; and
- 6 (4) Imposition of penalties pursuant to Chapter 1, sSection 1-7. :
- 7 (5) Referral of a Licensed Plumbing Contractor and/or Licensed Water Well  
8 Contractor to the appropriate licensure board.

9  
10 **Sec. 50- 378. Appeals.**

11 Denial, suspension, or revocation of irrigation system permits by the Volusia  
12 County Health Department may be appealed to the ~~Development Review Committee~~  
13 ~~(DRC) pursuant to Appendix A, Section 101.02(d) of the Volusia County Land~~  
14 ~~Development Code.~~ DRC Volusia County Contractor Licensing and Construction  
15 Appeals Board. That Board's decision is final administrative action.

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18 **Sec. 50-379. Certification of pump and irrigation contractors.**

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20 (a) Certification required. No person shall install or repair a pump and/or irrigation  
21 system; or shall offer to perform the installation or repair of said system, unless  
22 the person holds a valid certificate of competency from the ~~Department~~ as a  
23 pump and irrigation contractor. Such certificate of competency shall only be  
24 issued to a natural person or a person representing a business corporation,  
25 association, partnership, company or trust.

1 (b) Exemptions:  
2

3 (1) Licensed Florida Water Well contractors and Florida State Certified  
4 Plumbing Contractors are exempt from the requirement of obtaining a  
5 certificate of competency from the ~~d~~Department for the installation or  
6 repair of pumps or pumping equipment, and the installation or repair of  
7 irrigation systems.

8 (2) Florida State Registered Plumbing Contractors are exempt from the  
9 requirement of obtaining a certificate of competency from the ~~d~~Department  
10 for the installation or repair of pumps or pumping equipment, and the  
11 installation or repair of irrigation systems, if said contractor holds a valid,  
12 certificate of competency in Volusia County, for plumbing contracting.

13 (3) A property owner who personally performs construction, maintenance, or  
14 repairs on a pump or irrigation system which serves his or her owner-  
15 occupied, single-family residence, is exempt from the certification  
16 requirements, but is still subject to the permit requirements as set forth in  
17 this article.

18 (c) Certificate of competency:  
19

20 (1) Application Forms: A complete application for certificate of competency  
21 shall be submitted to the ~~Volusia County Health~~ Department on the  
22 ~~d~~Department's approved form.

23 (2) Application Fees: The application must be accompanied by the required  
24 fee(s) as established by resolution of the ~~e~~County ~~e~~Council. Application  
25 fees are non-refundable and non-transferable.

1       (3) General Liability and Property Damage Insurance and Worker's  
2       Compensation: Proof of valid general liability and property damage  
3       insurance, and worker's compensation or exemption, must be submitted to  
4       the d-Department prior to issuance of the certificate of competency, and  
5       prior to each renewal. A minimum of one hundred thousand dollars  
6       (\$100,000.00) property damage coverage and twenty five thousand  
7       dollars (\$25,000.00) general liability insurance coverage must be  
8       demonstrated.

9       (4) The applicant must demonstrate a minimum of two (2) years of experience  
10       in the installation and repair of pumps and irrigation systems gained  
11       through working with a licensed pump and irrigation contractor, well driller,  
12       or plumbing contractor.

13       (5) The applicant shall submit to a written examination which shall be  
14       prepared, graded and proctored by Experior, Gainesville, Florida, or any  
15       other testing agency recognized by the d-Department, to test the  
16       qualifications of the applicant to perform the installation and repair of  
17       pumps, pumping equipment and irrigation systems in the e-County.

18       (6) In order to be eligible for certification, the applicant shall obtain a passing  
19       grade of 75 percent % or higher on the required examination and a  
20       passing grade of 75 percent % or higher on the two hour Business and  
21       Law examination.

22       (d) Duration of certificates. All certificates of competency issued as provided herein,  
23       are biennial certificates and will expire on September 30 of odd-numbered years.

1 Certificates may be renewed for the ensuing year without written examination  
2 through the month of September of an odd numbered year, upon proper and  
3 timely application to the ~~d~~Department.

4 (e) *Inactive Status.* Upon payment of an inactive status fee, a contractor may work  
5 while in an inactive status, under the supervision of an active status contractor, in  
6 accordance with the requirements of F.S. Chapter 489, as amended. The return  
7 to active status from inactive status without testing, requires proof of maintained  
8 continuing education units in accordance with Chapter 74, Section 74.36(8)(h) of  
9 this article.

10 (f) *Reciprocity.* An initial certificate of competency as a pump and irrigation  
11 contractor shall be issued without further written examination to any person,

12 (1) ~~W~~who successfully completed a written examination for pump and  
13 irrigation contractors prepared, proctored and graded by a testing agency  
14 approved by the Department and;

15 (2) ~~W~~who holds a current certificate of competency from a city or county  
16 which has an irrigation ordinance with jurisdiction and control over  
17 installation, ~~extending~~ expansion, and maintaining irrigation systems, and  
18 all appurtenances thereto, similar to that of Volusia County certificates of  
19 competency. To secure such a certificate, the applicant shall submit to the  
20 ~~d~~Department;: a photostatic copy of a current competency certificate, a  
21 copy of the specific application used to secure testing, and a certificate  
22 from the chief administrator's office of the city or county issuing said  
23 certificate.

- 1 (g) *Certificate of competency number.* The certificate of competency number of each  
2 pump and irrigation contractor shall remain the same, from year to year.
- 3 (h) Continuing education units. Twelve (12) continuing education ~~credits~~ units must  
4 be completed biennially to maintain the validity of a certificate of competency.  
5 Continuing education courses must be approved by the ~~d~~-Department to be  
6 eligible for credit. Continuing education units cannot be carried over from one  
7 licensing period to the next. New licensees who have achieved licensure by  
8 examination shall be exempt from obtaining continuing education units to obtain  
9 a first renewal.
- 10 (i) Grounds for refusal, suspension or revocation of certificate of competency. The ~~d~~  
11 Department may refuse to issue or renew, or may suspend or revoke, a  
12 certificate of competency for any one or more of the following:
- 13 (1) Material misstatement in the application for certificate of competency.  
14  
15 (2) Failure to have or maintain the qualifications required by this ~~article~~  
16 division.  
17  
18 (3) Willful disregard or violation of this ~~article~~ division, or any rule or regulation  
19 promulgated by the ~~e~~-Council pursuant to this ~~article~~ division.  
20  
21 (4) Willful aiding or abetting another person in the violation of this ~~article~~  
22 division, or any rule or regulation promulgated by the ~~e~~-Council pursuant to  
23 this ~~article~~ division.  
24 (5) Gross incompetency in the performance of work required of a pump and  
25 irrigation contractor.

1 (6) Allowing the use of a certificate of competency for the purpose of violating  
2 this article division.

3 (7) Failure to pay the required certification and/or permit fees.

4  
5 (8) Failure to complete the required continuing education units on a biennial  
6 basis.

7 (9) Failure to submit proof of general liability and property damage insurance,  
8 or workman's compensation coverage or exemption.

9 (10) Failure to abide by permit conditions.

10  
11 (j) Refusal, suspension or revocation of certificate of competency for irrigation  
12 contractors:

13 (1) In case of refusal, suspension or revocation of a certificate of competency,  
14 the person concerned shall be notified of said action by the d-Department  
15 by:

16 a. p-Personal notice, or by certified mail, return receipt requested;

17 b. n-Notice by the s-Sheriffs office, or;

18 c. p-Publishing notice on two (2) days in a newspaper of general  
19 circulation in the e-County.

20  
21  
22 (2) In case of the above-described action, the person concerned may file  
23 written notice of appeal to the b-Board, through the d-Department, within  
24 thirty (30) days from receipt of notification. The d-Department shall, upon  
25 receipt of said notice, schedule a hearing during the next regularly  
26 scheduled meeting of the b-Board. The b-Board may sustain, reject or  
27 modify the refusal, suspension or revocation.

1 (k) Fines. Any person who installs or repairs a pump and/or irrigation system;  
2 or offers to perform said work without a valid e-Certificate of e-Competency from  
3 the d-Department shall be fined \$250.00 for the first offense, and \$500.00 for  
4 each subsequent offense. Fines will be deposited in the Volusia County Health  
5 Department Trust Fund.

6  
7 **Sec. 50-380. Irrigation system installation.**

8 (a) Except as such otherwise provided in subsection (b) below, backflow into any  
9 water source shall be prevented as provided in Rule Chapter 62-555, Florida  
10 Administrative Code, as amended, which is adopted and incorporated into this  
11 article division by reference.

12 (b) Any irrigation system which is used for the application of chemicals shall be  
13 equipped with an antisiphon device constructed in accordance with the most  
14 current version of F.S. §§ 487.021 and 487.064, and Rule 5E-2.028, Florida  
15 Administrative Code, as amended.

16 (c) All irrigation system underground piping shall have minimum soil cover of six  
17 inches.

18 (d) Irrigation system piping and fittings shall be approved by National Sanitation  
19 Foundation for potable water use when upstream of the backflow device.

20 (e) All low voltage wiring used for system controls shall be installed in accordance  
21 with the most recent edition of the National Electric Code.

22 (f) Irrigation system components shall be installed in accordance with  
23 manufacturer's specifications. Reuse irrigation and application facilities located

1 on private properties, including residential properties, shall be color coded using  
2 Pantone Purple 522C and in accordance with Rule 62-610.469, Florida  
3 Administrative Code, as amended. Routine repairs covering less than twelve  
4 inches on residential systems may use any color pipe.

5 (g) Except for the backflow prevention requirements in s-Section 74-42 (a) and (b),  
6 irrigation systems installed for agricultural use are exempt from the provisions of  
7 this article division.

8 (h) A rain sensor device or soil sensing device, which will override the irrigation cycle  
9 of the sprinkler system when adequate rainfall has occurred, shall be installed on  
10 automatic sprinkler systems in compliance with F.S. § 373.62, as amended.

11 (i) Any backflow prevention device that is testable, shall be tested by a certified  
12 backflow technician upon installation, whenever the device is repaired and  
13 annually, when connected to municipal or investor-owned drinking water  
14 systems. Backflow prevention devices are required on irrigation systems  
15 connected to private wells when also used as a private drinking water source.

16  
17  
18 **Sec. 50-381. Enforcement of Watering Hours.**

19 The Department is authorized to enforce Ordinance Number 2000-34, Section  
20 50-311 through 319 of the Code of Ordinances of the County of Volusia.

21 (a) Enforcement of established irrigation times shall be administered by the  
22 Department or other agency as stated in section (b) below.

1 (b) Nothing herein prevents the County of Volusia or governmental agency  
2 from enforcing the provisions of Section 50-311 through 319 countywide.

3 (c) Violation of any provision of this Ordinance section shall be subject to the  
4 following penalties:

5 (1) First violation: written warning;

6 (2) Second violation: \$50.00;

7 (3) Subsequent violations: fine not to exceed \$500.00.

8 Each day in violation of this Ordinance shall constitute a separate offense.

9 Enforcement officials shall provide violators with no more than one written

10 warning. In addition to the civil sanctions contained herein, the Volusia

11 County Council or Department (or their delegated authority) may take any

12 other appropriate legal action, including, but not limited to, injunctive

13 action to enforce the provisions of this Section.

14 (d) Violations of this section may also be punishable as provided in Chapter 1,  
15 s. 1-7 of the Code of Ordinances of the County of Volusia.

16  
17 **Secs. 50-382-- 50-390. Reserved.**

18  
19 **SECTION III: SEVERABILITY** - This ordinance and the various parts, sections,  
20 subsections and clauses thereof, are hereby declared to be severable. If any part,  
21 sentence, paragraph, subsection, section or clause is adjudged unconstitutional or  
22 invalid, it is hereby provided that the remainder of the ordinance shall not be affected  
23 thereby. If any part, sentence, paragraph, subsection, section or clause be adjudged

1 unconstitutional or invalid as applied to a particular property, building, or other structure,  
2 it is hereby provided that the application of such portion of the ordinance to other  
3 property, buildings, or structures shall not be affected thereby.

4 **SECTION IV: INCLUSION IN THE CODE AND SCRIVENERS ERRORS** - The  
5 provision of this ordinance shall be included and incorporated into the Code of  
6 Ordinances of the County of Volusia, as additions or amendments thereto, and shall be  
7 appropriately renumbered or relettered to conform to the uniform numbering system of  
8 the Code. Sections of this ordinance may require the correction of typographical errors,  
9 which do not affect the intent. Such corrections may be authorized without need of a  
10 Public Hearing, by filing a corrected or recodified copy of same with the clerk of the  
11 County of Volusia.

12  
13 **SECTION V: EFFECTIVE DATE** - A certified copy of this Ordinance shall be filed with  
14 the Department of State by the County Manager within ten (10) days after enactment by  
15 the County Council and this Ordinance shall take effect ~~July 1, 2004~~ \_\_\_\_\_  
16 2008.

17  
18  
19 ADOPTED BY THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, IN  
20 OPEN MEETING DULY ASSEMBLED IN THE COUNTY COUNCIL CHAMBERS AT  
21 THE THOMAS C. KELLY ADMINISTRATION CENTER, 123 WEST INDIANA AVENUE,  
22 DELAND, FLORIDA, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D., 2004 2008.

23  
24  
25  
26  
27 COUNTY COUNCIL  
28 ATTEST:

COUNTY OF VOLUSIA, FLORIDA

1  
2  
3  
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6

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~~Cynthia A. Coto, County Manager~~  
James Dinneen

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~~Dwight D. Lewis~~ Frank Bruno, Chair