

## **DIVISION 8. WATER CONSERVATION\***

**\*Cross references:** Utilities, ch. 122.

Sec. 50-311. Definitions.

For the purpose of this division, the following words shall be defined as provided in section 50-71:

Agricultural use.  
Automatic system.  
District.  
Even numbered address.  
Heating and air conditioning use.  
Landscape irrigation use.  
Local government.  
Low-volume hand watering.  
Low-volume irrigation.  
Low-volume pressure cleaning.  
Manual system.  
Mobile equipment.  
Municipality.  
Odd numbered address.  
Reclaimed water.  
Reuse.  
User.  
Water conservation.  
Water shortage.  
Water shortage plan.

(Ord. No. 88-15, 5-19-88; Ord. No. 90-7, § II(800.00), 3-22-90; Ord. No. 00-34, § 2, 10-5-00)

**Cross references:** Definitions and rules of construction generally, § 1-2.

### **Sec. 50-312. Variances.**

The county council, under this section, provides for variances to the provisions of this division.

- (1) When the county council finds that compliance with any of the requirements of this division would result in undue hardship for a specific user, a variance from any one or more such requirements may be granted by the county council provided the variance is the minimum necessary to alleviate such undue hardship for the user and to the extent such variance can be granted without impairing the intent and purpose of this division.

- (2) All users requesting a variance from the provisions of this division shall file a petition for variance but must conform to the greatest possible extent to the water use restrictions of this division until such variance is granted.
- (3) A petition for variance shall be in writing and contain the following:
  - a. The petitioner's name and address.
  - b. The specific provision from which the petitioner is requesting a variance.
  - c. A detailed statement of the facts which the petitioner believes demonstrate that the request qualifies for variance under subsection (4) of this section.
  - d. A description of the variance desired.
  - e. The period of time for which the variance is sought, including the reasons and facts in support thereof.
  - f. The damage or harm resulting or which may result to the petitioner from compliance with the provision.
  - g. The steps the petitioner is taking to meet the provisions from which the variance is sought and when compliance could be achieved.
  - h. Other relevant information the petitioner believes supports his petition for variance.
- (4) No petition for variance shall be approved unless the petitioner affirmatively demonstrates that one or more of the following circumstances exists:
  - a. The variance is essential to protect health or safety;
  - b. Compliance with the provision from which a variance is sought will require measures which, because of their extent or cost, cannot be accomplished;
  - c. Compliance with the provision from which a variance is sought will result in a substantial economic, social or health burden on the petitioner or those served by the petitioner; or
  - d. Alternative restrictions which achieve the same level of demand reduction as the provision are available and reflect the intent and purpose of this division.
- (5) No variance shall be granted from section 50-314 to allow a single irrigation zone to be irrigated more than two days per week during Daylight Savings Time, or more than one day per week during Eastern Standard Time.

(Ord. No. 88-15, 5-19-88; Ord. No. 90-7, § II (806.00), 3-22-90; Ord. No. 91-25, §§ III, VI, 8-15-91; Ord. No. 00-34, § 3, 10-5-00; Ord. No. 2009-16, § I, 5-21-09)

**Editor's note:** Ord. No. 2009-16, § I, adopted May 21, 2009, deleted § 50-312, which pertained to penalty and derived from: Ord. No. 88-15, adopted May 19, 1988; Ord. No. 90-7, § II(808.00), adopted Mar. 22, 1990; and Ord. No. 91-25, §§ III, VII, adopted Aug. 15, 1991. Furthermore Ord. No. 2009-16 renumbered sections 50-313--50-316 as 50-312--50-315. See section 50-317 for further amendatory provisions.

### **Sec. 50-313. Declaration of water shortage.**

- (a) The county acknowledges that the groundwater resource available to its citizens is a sole-source aquifer and is not connected to other groundwater resources. The county deems it necessary to be able to determine water shortages based on the data available in the county independent of data available elsewhere in the district.
- (b) In the event the district declares a water shortage and implements its water shortage plan, 40C-21, Florida Administrative Code, the water shortage plan and all elements of said plan become effective and take precedence over the provisions of this division, provided that the plan provides for a more restrictive level of water conservation than the level in effect, until the water shortage declaration expires.

(Ord. No. 88-15, 5-19-88; Ord. No. 90-7, § II(801.00), 3-22-90; Ord. No. 91-25, § I, 8-15-91; Ord. No. 97-12, § I, 5-15-97; Ord. No. 2009-16, § I, 5-21-09)

### **Sec. 50-314. Landscape irrigation schedules.**

The county, in order to provide the necessary levels of year round water conservation and provide for the most logical transition to a declared water shortage, water shortage emergency or the district water shortage plan, shall establish the following levels of water conservation and use:

- (a) When Daylight Savings Time is in effect, landscape irrigation shall occur only in accordance with the following schedule:
  - (1) Residential landscape irrigation at odd numbered addresses or no address may occur only on Wednesday and Saturday and shall not occur between 10:00 a.m. and 4:00 p.m.; and
  - (2) Residential landscape irrigation at even numbered addresses may occur only on Thursday and Sunday and shall not occur between 10:00 a.m. and 4:00 p.m.; and

- (3) Nonresidential landscape irrigation may occur only on Tuesday and Friday and shall not occur between 10:00 a.m. and 4:00 p.m.; and
  - (4) No more than  $\frac{3}{4}$  inch of water may be applied per irrigation zone on each day that irrigation occurs, and in no event shall irrigation occur for more than 1 hour per irrigation zone on each day that irrigation occurs.
- (b) When Eastern Standard Time is in effect, landscape irrigation shall occur only in accordance with the following schedule:
- (1) Residential landscape irrigation at odd numbered addresses or no address may occur only on Saturday and shall not occur between 10:00 a.m. and 4:00 p.m.; and
  - (2) Residential landscape irrigation at even numbered addresses may occur only on Sunday and shall not occur between 10:00 a.m. and 4:00 p.m.; and
  - (3) Nonresidential landscape irrigation may occur only on Tuesday and shall not occur between 10:00 a.m. and 4:00 p.m.; and
  - (4) No more than  $\frac{3}{4}$  inch of water may be applied per irrigation zone on each day that irrigation occurs, and in no event shall irrigation occur for more than 1 hour per irrigation zone on each day that irrigation occurs.
- (c) All landscape irrigation shall be limited in amount to only that necessary to meet landscape needs and in accordance with the schedules herein.
- (d) *Level II.* Level II shortage corresponds to the district's "Phase II Severe Water Shortage Plan" and all provisions therein as set forth in 40C-21.631, F.A.C which are incorporated herein by reference. Upon declaration of a severe water shortage by the district, any landscape irrigation conducted in violation of the schedule established by the district shall be punishable as set forth in this section.
- (e) *Level III.* Level III shortage corresponds to the district's "Phase III Extreme Water Shortage Plan" and all provisions therein as set forth in 40C-21.641, F.A.C which are incorporated herein by reference. Upon declaration of an extreme water shortage by the district, any landscape irrigation conducted in violation of the schedule established by the district shall be punishable as set forth in this section.
- (f) *Level IV.* Level IV shortage corresponds to the district's "Phase IV Critical Water Shortage Plan" and all provisions therein as set forth in 40C-21.651, F.A.C, which are incorporated herein by reference. Upon declaration of a critical water shortage by the district, any landscape irrigation conducted in violation of the schedule established by the district shall be punishable as set forth in this section.

(Ord. No. 88-15, 5-19-88; Ord. No. 90-7, § II(802.00), 3-22-90; Ord. No. 91-25, § II, 8-15-91; Ord. No. 00-34, § 4, 10-5-00; Ord. No. 2009-16, § I, 5-21-09)

**Sec. 50-315. General restrictions on water use.**

- (a) *Excessive or unnecessary water use.* Excessive, wasteful and unnecessary water use is hereby prohibited. Excessive, wasteful and unnecessary water use includes, but is not limited to:
  - (1) Allowing water to be dispersed without any practical purpose to the water user, regardless of the type of water use;
  - (2) Allowing water to be dispersed in a grossly inefficient manner, regardless of the type of water use; and
  - (3) Allowing water to be dispersed to accomplish a purpose for which water use is unnecessary or which can be readily accomplished through alternative methods of significantly less water use.
- (b) *Discharge of groundwater used in heating or air conditioning systems.* All groundwater utilized in water-to-air heating and air conditioning systems must be directed to landscape irrigation systems, groundwater injection or exfiltration systems. Off-site discharge from heating and air conditioning systems is prohibited.
- (c) All automatic landscape irrigation systems, regardless of date of installation, shall be equipped with rain sensor devices or soil moisture sensing devices.

(Ord. No. 88-15, 5-19-88; Ord. No. 90-7, § II(803.00), 3-22-90; Ord. No. 91-25, §§ III, IV, 8-15-91; Ord. No. 00-34, § 5, 10-5-00; Ord. No. 2009-16, § I, 5-21-09)

**Sec. 50-316. Exceptions.**

Landscape irrigation shall be subject to the following irrigation schedule exceptions:

- (a) Irrigation using a microspray, microjet, drip or bubbler irrigation system is allowed anytime.
- (b) Agricultural uses are exempt from the provisions of this division, as long as they follow the agricultural water conservation requirements of the district.
- (c) Irrigation of new landscape is allowed at any time of day, on any day for the initial 30 days and every other day for the next 30 days for a total of one, 60-day period, provided that the irrigation is limited to the minimum amount necessary for such landscape establishment.
- (d) Watering in of chemicals, including insecticides, pesticides, fertilizers, fungicides and herbicides, when required by law, the manufacturer, or best management practices, is allowed at any time of day on any day within 24 hours of application. Watering in of chemicals shall not exceed 1/4 inch of water per application except as otherwise required by law, the manufacturer, or best management practices.

- (e) Irrigation systems may be operated at any time of day, on any day for maintenance and repair purposes not to exceed 20 minutes per hour per zone.
- (f) Irrigation using a hand-held hose equipped with an automatic shutoff nozzle is allowed at any time of day on any day.
- (g) Discharge of water from a water-to-air air-conditioning unit or other water-dependent cooling system is not limited.
- (h) The use of water from a reclaimed water system is allowed anytime. For the purpose of this subsection, a reclaimed water system includes systems in which the primary source is reclaimed water, which may or may not be supplemented from another source during peak demand periods.
- (i) The use of recycled water from wet detention treatment ponds for irrigation is allowed anytime provided the ponds are not augmented from any ground or off-site surface water or public supply sources.

(Ord. No. 00-34, § 7, 10-5-00; Ord. No. 2009-16, § I, 5-21-09)

**Editor's note:** Ord. No. 2009-16, § I, adopted May 21, 2009, renamed and renumbered former § 50-317, which pertained exemptions to read as set out herein.

**Sec. 50-317. Violations; declaration.**

The county council hereby finds and declares that a violation of this division presents a serious threat to the public health, safety and welfare and is irreparable or irreversible in nature. No violator of this division shall be entitled to an opportunity to correct a violation prior to the levy of a civil penalty in accordance with any of the enforcement methods prescribed in section 1-7. The civil penalty shall be \$50.00 for each violation. However, if the person has been previously found through a code enforcement board or any other quasi-judicial or judicial process to have violated or who has admitted violating this division within five years prior to the violation, the civil penalty shall be \$100.00 for a second violation, \$250.00 for a third violation and \$500.00 for a fourth or subsequent violation, notwithstanding the violations occur at different locations.

(Ord. No. 2009-16, § I, 5-21-09)

**Editor's note:** Ord. No. 2009-16, § I, adopted May 21, 2009, deleted § 50-317, which pertained to reference to certain district rules and derived from: Ord. No. 00-34, § 6, adopted Oct. 5, 2000. Furthermore Ord. No. 2009-16 renumbered sections 50-318 and 50-319 as 50-316 and 50-317.

Secs. 50-318--50-340. Reserved.