

1 ALACHUA COUNTY
2 BOARD OF COUNTY COMMISSIONERS

3
4 **ORDINANCE 09-08**

5
6 AN ORDINANCE OF BOARD OF COUNTY COMMISSIONERS
7 OF ALACHUA COUNTY, FLORIDA, CREATING THE
8 ALACHUA COUNTY IRRIGATION STANDARDS AND
9 MANAGEMENT PRACTICES CODE; PROVIDING FOR LOCAL
10 IMPLEMENTATION OF THE WATER CONSERVATION RULE
11 FOR LANDSCAPE IRRIGATION OF THE ST. JOHNS RIVER
12 WATER MANAGEMENT DISTRICT AND THE SUWANNEE
13 RIVER WATER MANAGEMENT DISTRICT; PROVIDING
14 DEFINITIONS, LANDSCAPE IRRIGATION SCHEDULES AND
15 EXCEPTIONS; PROVIDING FOR VARIANCES FROM THE
16 SPECIFIC DAY OF THE WEEK LIMITATIONS; PROVIDING
17 FOR APPLICABILITY AND ENFORCEMENT OF THE
18 ORDINANCE; PROVIDING A SCHEDULE OF PENALTIES;
19 PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES;
20 PROVIDING FOR SEVERABILITY; PROVIDING FOR
21 INCLUSION IN THE CODE; PROVIDING AN EFFECTIVE
22 DATE.

23
24 WHEREAS, Article VII, Section 1(g), Florida Constitution, provides that charter counties
25 have power of local self-government not inconsistent with general law; and,

26 WHEREAS, the St. Johns River Water Management District and the Suwannee River
27 Water Management District (“the Districts”) have the responsibility and exclusive authority
28 under Chapter 373, Florida Statutes (F.S.), for regulating the consumptive use of water within
29 their respective jurisdictional boundaries; and

30 WHEREAS, Alachua County is located in both the Suwannee River Water Management
31 District and St. Johns Water Management District jurisdictions; and

32 WHEREAS, the Districts have adopted rules regulating landscape irrigation, that apply
33 regardless of whether the water comes from ground or surface water, from a private well or pump, or
34 from a public or private utility; and

1 WHEREAS, the Districts have granted a general permit by rule to each person located within
2 their respective jurisdictions to use, withdraw or divert water for small landscape irrigation uses that
3 fall below other consumptive use permit thresholds, provided that irrigation occurs in accordance with
4 the requirements of Sections 79.04 and 79.07, below, subject to the exceptions set forth in Section
5 79.05, below; and

6 WHEREAS, Rule 40C-2.042(2)(b)1., Florida Administrative Code, encourages local
7 governments to enforce paragraph 40C-2.042(2)(a), F.A.C., within their jurisdictions by adopting
8 a landscape irrigation ordinance that incorporates each of the provisions set forth in paragraph
9 40C-2.042(2)(a), F.A.C.; and

10 WHEREAS, the Districts strongly encourage local governments to adopt ordinances within
11 their jurisdictions to enforce the landscape irrigation restrictions of the Districts; and

12 WHEREAS, pursuant to Section 373.609, F.S., it is the duty of every appropriate county
13 official upon request to assist the water management districts in the enforcement of the Chapter
14 373, F.S., and the rules and regulations adopted thereunder; and

15 WHEREAS, it is the desire of the Alachua County Board of County Commissioners to adopt a
16 landscape irrigation ordinance in accordance with the Districts' rules that applies uniformly
17 throughout the unincorporated area of the county; and

18 WHEREAS, the Alachua County Board of County Commissioners hereby finds and declares
19 that the adoption of this ordinance is in the public interest of the citizens of this county.

20 BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
21 ALACHUA COUNTY, FLORIDA:

22 SECTION 1. Chapter 79, Title 7, to be titled "Irrigation Conservation Standards and
23 Management Practices" is created as follows:

1 **Sec. 79.01 Intent and purpose.**

2 It is the intent and purpose of this Ordinance to promote water conservation in landscape
3 irrigation.

4
5 **Sec. 79.02 Definitions.**

6 For the purpose of this Chapter, the following terms, phrases, words and their derivatives
7 shall have the meaning given herein. When not inconsistent with the context, words used in the
8 present tense include the future, words in the plural include the singular, and words in the singular
9 include the plural.

10
11 “*Address*” means the house number of a physical location of a specific property. This
12 includes “rural route” numbers but excludes post office box numbers. If a lot number in a mobile
13 home park or similar community is used by the U.S. Postal Service to determine a delivery
14 location, the lot number shall be the property’s address. An “even numbered address” means an
15 address ending in the numbers 0, 2, 4, 6, 8 or the letters A-M. An “odd numbered address” means
16 an address ending in the numbers 1, 3, 5, 7, 9 or the letters N-Z.

17
18 “*Daylight Savings Time*” means the time during which clocks are set one hour ahead of
19 Eastern Standard Time.

20
21 “*Eastern Standard Time*” means the standard time in the eastern U.S.; not Daylight
22 Savings Time.

23
24 “*Landscape irrigation*” means the outside watering of plants in a landscape such as
25 shrubbery, trees, lawns, grass, ground covers, plants, vines, gardens and other such flora that are
26 situated in such diverse locations as residential areas, public, commercial, and industrial
27 establishments, and public medians and rights-of-way. “Landscape irrigation” does not include
28 agricultural crops, nursery plants, cemeteries, golf course greens, tees, fairways, primary roughs,
29 and vegetation associated with recreational areas such as playgrounds, football, baseball and
30 soccer fields.

31
32 “*Micro-irrigation*” means the frequent application of small quantities of water directly
33 on or below the soil surface, usually as discrete drops, tiny streams, misters, or miniature sprays
34 through emitters placed along the water delivery pipes (laterals). Micro-irrigation encompasses a
35 number of methods or concepts including drip, subsurface, micro-bubbler, and micro-spray
36 irrigation, previously referred to as trickle irrigation, low volume, or low flow irrigation.

37
38 “*Person*” means any person, firm, partnership, association, corporation, company, or
39 organization of any kind.

40
41 “*Residential landscape irrigation*” means the irrigation of landscape associated with any
42 housing unit having sanitary and kitchen facilities designed to accommodate one or more
43 residents, including multiple housing units and mobile homes.

1 “*Non-residential landscape irrigation*” means the irrigation of landscape not included
2 within the definition of “residential landscape irrigation,” such as that associated with public,
3 commercial and industrial property, including commercial or transient housing units, hotel and
4 motel units, and public medians and rights-of-way.
5

6 **Sec. 79.03. Applicability.**

7 The provisions of this Chapter shall apply to each person located within the
8 unincorporated portions of Alachua County.
9

10 **Sec. 79.04. Landscape irrigation schedules.**

11 (a) When Daylight Savings Time is in effect, landscape irrigation shall occur only in
12 accordance with the following irrigation schedule:
13

14 (1) Residential landscape irrigation at odd numbered addresses or no address
15 may occur only on Wednesday and Saturday and shall not occur between 10:00 a.m. and 4:00 p.m.;
16 and
17

18 (2) Residential landscape irrigation at even numbered addresses may occur only
19 on Thursday and Sunday and shall not occur between 10:00 a.m. and 4:00 p.m.; and
20

21 (3) Non-residential landscape irrigation may occur only on Tuesday and Friday
22 and shall not occur between 10:00 a.m. and 4:00 p.m.; and
23

24 (4) No more than $\frac{3}{4}$ inch of water may be applied per irrigation zone on each
25 day that irrigation occurs, and in no event shall irrigation occur for more than 1 hour per irrigation
26 zone on each day that irrigation occurs.
27

28 (b) When Eastern Standard Time is in effect, landscape irrigation shall occur only in
29 accordance with the following irrigation schedule:
30

31 (1) Residential landscape irrigation at odd numbered addresses or no address
32 may occur only on Saturday and shall not occur between 10:00 a.m. and 4:00 p.m.; and
33

34 (2) Residential landscape irrigation at even numbered addresses may occur only
35 on Sunday and shall not occur between 10:00 a.m. and 4:00 p.m.; and
36

37 (3) Non-residential landscape irrigation may occur only on Tuesday and shall
38 not occur between 10:00 a.m. and 4:00 p.m.; and
39

40 (4) No more than $\frac{3}{4}$ inch of water may be applied per irrigation zone on each
41 day that irrigation occurs, and in no event shall irrigation occur for more than 1 hour per irrigation
42 zone on each day that irrigation occurs.
43

44 (c) All landscape irrigation shall be limited in amount to only that necessary to meet
45 landscape needs.

1 **Sec. 79.05. Exceptions to the landscape irrigation schedules.**

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

3
4 (a) Micro-irrigation is allowed anytime.

5
6 (b) Irrigation of new landscape is allowed at any time of day on any day for the initial
7 30 days and every other day for the next 30 days for a total of one 60-day period, provided that
8 the irrigation is limited to the minimum amount necessary for such landscape establishment.

9
10 (c) Watering in of chemicals, including insecticides, pesticides, fertilizers, fungicides,
11 and herbicides, when required by law, the manufacturer, or best management practices, is allowed
12 at any time of day on any day within 24 hours of application. Watering in of chemicals shall not
13 exceed ¼ inch of water per application except as otherwise required by law, the manufacturer, or
14 best management practices.

15
16 (d) Irrigation systems may be operated at any time of day on any day for maintenance
17 and repair purposes not to exceed 20 minutes per hour per zone.

18
19 (e) Irrigation using a hand-held hose equipped with an automatic shut-off nozzle is
20 allowed at any time of day on any day.

21
22 (f) Discharge of water from a water-to-air air-conditioning unit or other water-
23 dependent cooling system is not limited.

24
25 (g) The use of water from a reclaimed water system is allowed anytime. For the
26 purpose of this paragraph, a reclaimed water system includes systems in which the primary source
27 is reclaimed water, which may or may not be supplemented from another source during peak
28 demand periods.

29
30 (h) The use of recycled water from wet detention treatment ponds for irrigation is
31 allowed anytime provided the ponds are not augmented from any ground or off-site surface water,
32 or public supply sources.

33
34 **Sec. 79.06. Variance from specific day of the week limitations.**

35 (a) A variance from day or days-of-the-week watering restrictions set forth in
36 Section 79.04 may be granted by the Director of the Alachua County Environmental Protection
37 Department if strict application of the scheduled day or days would lead to unreasonable or
38 unfair results in particular instances, provided that the applicant demonstrates with particularity
39 that compliance with the scheduled day or days will result in a substantial economic, health or
40 other hardship on the applicant or those served by the applicant. Where a contiguous property
41 is divided into different zones, a variance may be granted hereunder so that each zone may be
42 irrigated on a different day or days than the other zones of the property. However, in no event
43 shall a variance allow a single zone to be irrigated more than two days per week during
44 Daylight Savings Time or more than one day per week during Eastern Standard Time. Appeals

1 of the variance decision by the Director shall be filed with the Development Review Committee
2 within twenty-one (21) days of the Director's decision.

3
4 (b) The appropriate Water Management District may grant a variance from the
5 specific days of the week restrictions contained herein to persons conducting irrigation
6 activities subject to this ordinance who install a soil moisture sensor control system in
7 accordance with Section 373.62, Florida Statutes.

8
9 **Sec. 79.07. Automatic Lawn Sprinkler Systems.**

10 Any person who purchases and installs an automatic landscape irrigation system must
11 properly install, maintain, and operate technology that inhibits or interrupts operation of the
12 system during periods of sufficient moisture.

13
14 **Sec. 79.08. Enforcement.**

15 The provisions of this ordinance may be enforced using the code enforcement board
16 process of Chapter 162, Part I, Florida Statutes, or the civil citation process of Chapter 162, Part
17 II, Florida Statutes, and Chapter 24, Alachua County Code. In addressing residential violations
18 county staff shall provide an educational approach that emphasizes environmental awareness in
19 order to achieve compliance prior to initiating enforcement action with the use of the provisions
20 of Chapter 24.

21
22 **Sec. 79.09. Penalties.**

23 Violation of any provision of this Ordinance shall be subject to penalties as provided in
24 Section 24.16, Alachua County Code.

25
26 SECTION 2. Section 24.05(a), Alachua County Code, is hereby amended to add the
27 following to the codes within the jurisdiction of the Code Enforcement Board:

28
29 (5) Landscape irrigation (Chapter 79)

30
31 SECTION 3. Section 24.16, Exhibit A, Alachua County Code, is hereby amended to add
32 the following to the schedule of penalties for codes administered by the County's Environmental
33 Protection Department:

34
35 *Environmental Protection Department*

Code or Ordinance	Section	Section this Volume	Description	Class	Penalty
<u>09-08</u>		<u>79.04</u>	<u>Failure to comply with landscape irrigation schedules</u>	<u>I</u>	<u>50.00</u>
<u>09-08</u>		<u>79.07</u>	<u>Failure to comply with automatic lawn sprinkler system requirement</u>	<u>II</u>	<u>75.00</u>

1 SECTION 4. Repealing Clause. All ordinances or portions thereof in conflict herewith
2 are, to the extent of such conflict, hereby repealed.

3 SECTION 5. Severability. It is the declared intent of the Board of County
4 Commissioners that, if any section, subsection, sentence, clause, phrase, or provision of this
5 ordinance is held invalid or unconstitutional by a court of competent jurisdiction, such invalidity
6 or unconstitutionality shall not be so construed as to render invalid or unconstitutional the
7 remaining provisions of this ordinance.

8 SECTION 6. Inclusion in the Code. It is the intention of the Board of County
9 Commissioners of Alachua County, Florida, and it is hereby provided that the provisions of this
10 ordinance shall become and be made part of the Alachua County Code of Ordinances of Alachua
11 County, Florida; that the Code may be renumbered or relettered to accomplish this intention.

12 SECTION 7. Effective Date. A certified copy of this ordinance shall be filed with the
13 Department of State by the Clerk of the Board of County Commissioners within ten days after
14 enactment by the Board of County Commissioners, and shall take effect upon filing with the
15 Department of State.

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(signatures on next page)

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DULY ADOPTED in regular session, this 13th day of October, 2009.

BOARD OF COUNTY COMMISSIONERS OF
ALACHUA COUNTY, FLORIDA

ATTEST:

By: _____
Mike Byerly, Chair

J. K. "Buddy" Irby, Clerk

APPROVED AS TO FORM

(SEAL)

Alachua County Attorney

DEPARTMENTAL APPROVAL
AS TO CORRECTNESS

Chris Bird, Director
Environmental Protection