

1 **WHEREAS**, Rule 40C-2.042(2)(b), F.A.C., permits a local government to adopt an
2 ordinance to enforce Rule 40C-2.042(2)(a), F.A.C., within its jurisdiction by adopting a landscape
3 irrigation ordinance that incorporates each of the provisions set forth in Rule 40C-2.042(2)(a),
4 F.A.C.; and

5
6 **WHEREAS**, it is the desire of the Board of County Commissioners of Lake County to
7 adopt such an ordinance in accordance with 40C-2.042(2)(a) and (b), F.A.C.; and

8
9 **WHEREAS**, the Board of County Commissioners of Lake County hereby finds and
10 declares that the adoption of this ordinance is appropriate, and in the public interest of the
11 citizens of this community.

12
13 **NOW, THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of Lake
14 County, Florida that:

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16 **SECTION ONE. Recitals.** The foregoing recitals are true and correct and incorporated herein by
17 reference.

18
19 **SECTION TWO. Creation.** Sections 21 - 167 through 21 – 175 of Chapter 21, Article VII, of the
20 Lake County Code are hereby created to read as follows:

21
22 **ARTICLE VII. WATER CONSERVATION THROUGH EFFICIENT LANDSCAPE IRRIGATION**

23
24 **Section 21 - 167. Intent and Purpose.** It is the intent and purpose of this Article to implement
25 procedures that promote water conservation through more efficient landscape irrigation.

26
27 **Section 21 – 168. Definitions.**

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29 For the purpose of this Article, the following terms, phrases, words and their derivatives shall
30 have the meaning given herein. When not inconsistent with the context, words used in the
31 present tense include the future, words in the plural include the singular, and words in the
32 singular include the plural.

- 33
34 (a) "Address" means the house number of a physical location of a specific property. This
35 includes "rural route" numbers but excludes post office box numbers. If a lot number in
36 a mobile home park or similar community is used by the U.S. Postal Service to
37 determine a delivery location, the lot number shall be the property's address. An "even
38 numbered address" means an address ending in the numbers 0, 2, 4, 6, 8 or the letters
39 A-M. An "odd numbered address" means an address ending in the numbers 1, 3, 5, 7, 9
40 or the letters N-Z.
41 (b) "District" means the St. Johns River Water Management District.
42 (c) "Person" means any person, firm partnership, association, corporation, company, or
43 organization of any kind.

- 1 (d) "Landscape irrigation" means the outside watering of plants in a landscape such as
2 shrubbery, trees, lawns, grass, ground covers, plants, vines, gardens and other such flora
3 that are situated in such diverse locations as residential areas, public, commercial, and
4 industrial establishments, and public medians and rights-of-way . "Landscape irrigation"
5 does not include agricultural crops, nursery plants, cemeteries, golf course greens, tees,
6 fairways, primary roughs, and vegetation associated with recreational areas such as
7 playgrounds, football, baseball and soccer fields.
- 8 (e) "Residential landscape irrigation" means the irrigation of landscape associated with any
9 housing unit having sanitary and kitchen facilities designed to accommodate one or
10 more residents, including multiple housing units and mobile homes.
- 11 (f) "Non-residential landscape irrigation" means the irrigation of landscape not included
12 within the definition of "residential landscape irrigation," such as that associated with
13 public, commercial and industrial property, including commercial or transient housing
14 units, hotel and motel units, and public medians and rights-of-way.
15

16 **Section 21 - 169. Landscape Irrigation Schedules**
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- 18 1. When Daylight Savings Time is in effect, landscape irrigation shall occur only in accordance
19 with the following irrigation schedule:
20
- 21 a. Residential landscape irrigation at odd numbered addresses or no address may occur
22 only on Wednesday and Saturday and shall not occur between 10:00 a.m. and 4:00 p.m.;
 - 23 and
 - 24 b. Residential landscape irrigation at even numbered addresses may occur only on
25 Thursday and Sunday and shall not occur between 10:00 a.m. and 4:00 p.m.; and
 - 26 c. Non-residential landscape irrigation may occur only on Tuesday and Friday and shall not
27 occur between 10:00 a.m. and 4:00 p.m.; and
 - 28 d. No more than 3/4 inch of water may be applied per irrigation zone on each day that
29 irrigation occurs, and in no event shall irrigation occur for more than 1 hour per
30 irrigation zone on each day that irrigation occurs.
31
- 32 2. When Eastern Standard Time is in effect, landscape irrigation shall occur only in accordance
33 with the following irrigation schedule:
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- 35 a. Residential landscape irrigation at odd numbered addresses or no address may occur
36 only on Saturday and shall not occur between 10:00 a.m. and 4:00 p.m.; and
 - 37 b. Residential landscape irrigation at even numbered addresses may occur only on Sunday
38 and shall not occur between 10:00 a.m. and 4:00 p.m.; and
 - 39 c. Non-residential landscape irrigation may occur only on Tuesday and shall not occur
40 between 10:00 a.m. and 4:00 p.m.; and
 - 41 d. No more than 3/4 inch of water may be applied per irrigation zone on each day that
42 irrigation occurs, and in no event shall irrigation occur for more than 1 hour per
43 irrigation zone on each day that irrigation occurs.
44

- 1 3. All landscape irrigation shall be limited in amount to only that necessary to meet landscape
2 needs.

3
4 **Section 21 – 170. Exceptions to Landscape Irrigation Schedules**

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6 Landscape irrigation shall be subject to the following irrigation schedule exceptions:
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- 8 1. Irrigation using a micro-spray, micro-jet, drip or bubbler irrigation system is allowed
9 anytime.
- 10 2. Irrigation of new landscape is allowed at any time of day on any day for the initial 30 days
11 and every other day for the next 30 days for a total of one 60-day period, provided that the
12 irrigation is limited to the minimum amount necessary for such landscape establishment.
- 13 3. Watering in of chemicals, including insecticides, pesticides, fertilizers, fungicides, and
14 herbicides, when required by law, the manufacturer, or best management practices, is
15 allowed at any time of day on any day within 24 hours of application. Watering in of
16 chemicals shall not exceed ¼ inch of water per application except as otherwise required by
17 law or best management practices, or as stated on the product label.
- 18 4. Irrigation systems may be operated at any time of day on any day for maintenance and
19 repair purposes not to exceed 20 minutes per hour per irrigation zone.
- 20 5. Irrigation using a hand-held hose equipped with an automatic shut-off nozzle is allowed at
21 any time of day on any day.
- 22 6. Discharge of water from a water-to-air air-conditioning unit or other water-dependent
23 cooling system is not limited.
- 24 7. The use of water from a reclaimed water system is allowed anytime. For the purpose of this
25 paragraph, a reclaimed water system includes systems in which the primary source is
26 reclaimed water, which may or may not be supplemented from another source during peak
27 demand periods.
- 28 8. The use of recycled water from wet detention treatment ponds for irrigation is allowed
29 anytime provided the ponds are not augmented from any ground or off-site surface water,
30 or public supply sources.

31
32 **Section 21 – 171. Additional Requirement**

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34 Any person who irrigates landscape with an automatic lawn sprinkler system installed after
35 May 1, 1991, shall install, maintain and operate a rain sensor device or switch that overrides
36 the irrigation system when adequate rainfall has occurred.

37
38 **Section 21 – 172. Variance from Specific Day of the Week Limitations**

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40 A variance from the specific landscape irrigation days or day set forth in Section 3 may be
41 granted if strict application of the scheduled days or day would lead to unreasonable or unfair
42 results in particular instances, provided that the applicant demonstrates with particularity that
43 compliance with the scheduled days or day will result in a substantial economic, health or other
44 hardship on the applicant requesting the variance or those served by the applicant. Where a

1 contiguous property is divided into different zones, a variance may be granted hereunder so
2 that each zone may be irrigated on different days or day than other zones of the property.
3 However, in no event shall a variance allow a single zone to be irrigated more than two days per
4 week during Daylight Savings Time or more than one day per week during Eastern Standard
5 Time.

6
7 **Section 21 – 173. Application of Article**

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9 The provisions of this Article shall apply to each person located within the unincorporated areas
10 of Lake County within the boundaries of the St. Johns River Water Management District.

11
12 **Section 21 - 174. Enforcement Officials**

13
14 This Article shall be enforced by the Lake County Code Enforcement Division utilizing the
15 authority granted to it by Chapter 8 of this Code.

16
17 **Section 21 – 175. Penalties**

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19 It shall be unlawful for any person to violate any provision of this Article, or any provision of any
20 resolution enacted pursuant to the authority of this Article. Violations of this Article shall
21 include, but not be limited to, failure to properly maintain irrigation system equipment or
22 adhere to irrigation restrictions, as set forth in this Article. Any violation of this Article related
23 to irrigation restrictions concerning days or time shall be considered to be irreparable or
24 irreversible in nature, and subject to the penalty procedure specified in Chapter 8, of this Code.
25 Each day in violation of this article within a three hundred and sixty-five (365) day period,
26 beginning the date of the first violation, shall constitute a separate offense.

27
28 Violation of any provisions of this Article shall be subject to the following recommended
29 penalties:

30
31 TABLE INSET:

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| | |
|-----------------------|---|
| First Violation | Written Warning |
| Subsequent Violations | Minimum of \$50 for the second violation, doubling for each subsequent violation to a maximum of \$1000 for each violation. |

33
34 In no way shall these recommended penalties be deemed to limit the authority of the Code
35 Enforcement Special Master. The Special Master may increase or decrease fines for violations
36 of this Article by taking into account the particular facts of each case and any special
37 circumstances.

38
39 In addition to the enforcement provisions provided, the County may avail itself of any other
40 legal or equitable remedy available to it including, without limitation, injunctive relief, in the

1 enforcement of any provision of this Article or any provision of any resolution enacted pursuant
2 to the authority of this Article. Any person violating this Article shall be held liable for all costs
3 incurred by the County in connection with enforcing this Article, or any resolution enacted
4 pursuant to the authority of this Article.

5
6 **SECTION THREE. Inclusion in Code.** It is the intent of the Board of County Commissioners that
7 the provisions of this Ordinance shall become and be made a part of the Lake County Code and
8 that the sections of this Ordinance may be renumbered or relettered and the word "ordinance"
9 may be changed to "section", "article", or such other appropriate word or phrase in order to
10 accomplish such intentions.

11
12 **SECTION FOUR. Severability.** If any section, sentence, clause or phrase of this Ordinance is
13 held to be invalid or unconstitutional by any Court of competent jurisdiction, then said holding
14 shall in no way affect the validity of the remaining portions of this Ordinance.

15
16 **SECTION FIVE. Effective Date.** This Ordinance shall become effective as provided for by law.

17
18 **SECTION SIX. Filing with the Department of State.** The Clerk is hereby directed to send a
19 certified copy of this ordinance forthwith to the Secretary of State for the State of Florida.

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21
22 Enacted this 7th day of April, 2009.

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24 Filed with the Secretary of State April 20, 2009.

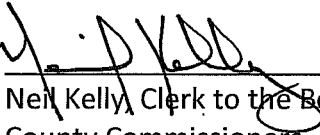
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26 Effective April 20, 2009.

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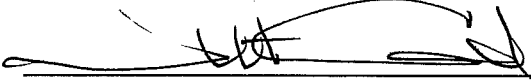
Landscape Irrigation Ordinance No. 2009-17

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF LAKE COUNTY, FLORIDA

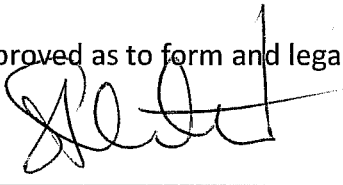


Neil Kelly, Clerk to the Board of
County Commissioners, Lake County, FL



Welton G. Cadwell, Chairman
This 13th day of April, 2009.

Approved as to form and legality:



Sanford A. Minkoff
County Attorney