

ORDINANCE NO. 2673-06

AN ORDINANCE OF THE CITY OF WINTER PARK FLORIDA; PROVIDING FOR LOCAL IMPLEMENTATION OF THE WATER CONSERVATION RULE FOR LANDSCAPE IRRIGATION OF THE ST. JOHNS RIVER WATER MANAGEMENT DISTRICT; PROVIDING DEFINITIONS; PROVIDING THE LANDSCAPE IRRIGATION SCHEDULE; PROVIDING EXCEPTIONS TO THE LANDSCAPE IRRIGATION SCHEDULE; PROVIDING FOR VARIANCES FROM THE SPECIFIC DAY OF THE WEEK LIMITATIONS; PROVIDING FOR APPLICABILITY OF THE ORDINANCE; PROVIDING FOR ENFORCEMENT OF THE ORDINANCE; PROVIDING FOR PENALTIES FOR VIOLATION OF THE ORDINANCE; PROVIDING FOR CODIFICATION; PROVIDING FOR REPEAL OF ALL CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, the St. Johns River Water Management District has responsibility and exclusive authority under Chapter 373, *Florida Statutes*, for regulating the consumptive use of water; and

**WHEREAS**, the St. Johns River Water Management District has amended Rule 40C-2.042, *F.A.C.*, its General Consumptive Use Permit by Rule that regulates small irrigation uses below consumptive use permit thresholds in Rule 40C-2.041(1), *F.A.C.*; and

**WHEREAS**, Rule 40C-2.042(2)(a), *F.A.C.*, grants a general permit to each person located within the District to use, withdraw or divert water for such small landscape irrigation uses, provided the irrigation does not occur more than two days per week and does not occur between the hours of 10:00 a.m. and 4:00 p.m. daily, subject to certain exceptions as set forth in Section 4 below; and

**WHEREAS**, Rule 40C-2.042, *F.A.C.*, applies to landscape irrigation regardless of whether the water comes from ground or surface water, from a private well or pump, or from a public or private utility.

**WHEREAS**, Rule 40C-2.042(2)(b) provides that a local government may adopt an ordinance identifying the specific two days irrigation is allowed; and

**WHEREAS**, Rule 40C-2.042(2)(b) provides that any such ordinance shall include a District-specified irrigation schedule; and

**WHEREAS**, it is the desire of the City Commission of the City of Winter Park to adopt such an ordinance in accordance with 40C-2.042(2)(a) and (b); and

**WHEREAS**, the City Commission of the City of Winter Park hereby finds and declares that the adoption of this ordinance is appropriate, and is in the public interest of the citizens of this community.

**NOW, THEREFORE, BE IT ENACTED** by the City Commission of the City of Winter Park, Florida as follows:

**Section** \_\_. Sections \_\_ through \_\_, of the Code of Ordinances of the City of Winter Park are hereby created to read:

### **WATER CONSERVATION ORDINANCE FOR LANDSCAPE IRRIGATION**

#### **Section 1. Intent and Purpose**

It is the intent and purpose of this Ordinance to implement procedures that promote water conservation through the more efficient use of landscape irrigation.

#### **Section 2. Definitions**

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

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

(b) **"District"** means the St. Johns River Water Management District.

(c) **"Person"** means any person, firm, partnership, association, corporation, company, or organization of any kind.

(d) **"Landscape irrigation"** means the outside watering of plants in a landscape such as shrubbery, trees, lawns, grass, ground covers, plants, vines, gardens and other such flora that are situated in such diverse locations as residential areas, cemeteries, public, commercial, and industrial establishments, and public medians and rights of way. "Landscape irrigation" does not include golf course greens, tees, fairways, primary roughs, and vegetation associated with intensive recreational areas such as, but not limited to, playgrounds, and football, baseball and soccer fields.

### **Section 3. Landscape Irrigation Schedule**

1. Landscape irrigation at odd numbered addresses must only occur on Wednesday and Saturday and must not occur between 10:00 a.m. and 4:00 p.m. daily.
2. Landscape irrigation at even numbered addresses or no address must only occur on Thursday and Sunday and must not occur between 10:00 a.m. and 4:00 p.m. daily.

### **Section 4. Exceptions to Landscape Irrigation Schedule**

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

1. Irrigation using a micro-irrigation system is allowed anytime.
2. 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.
3. Watering in of chemicals, including insecticides, pesticides, fertilizers, fungicides, and herbicides when required by law, the manufacturer, or best management practices is allowed anytime within 24 hours of application.
4. Irrigation systems may be operated anytime for maintenance and repair purposes not to exceed 10 minutes per hour per zone.
5. Irrigation using a hand-held hose equipped with an automatic shut-off nozzle is allowed anytime.
6. Discharge of water from a water-to-air air-conditioning unit or other water-dependent cooling system is not limited.

7. The use of water from a reclaimed water system is allowed anytime. For the purpose of this paragraph, 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.

8. 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.

#### **Section 5. Variance from Specific Day of the Week Limitations**

A variance from the Section 3 Landscape Irrigation Schedule above may be granted if strict application of that schedule would lead to unreasonable or unfair results in particular instances, provided that the applicant demonstrates with particularity that compliance with the schedule will result in a substantial economic, health or other hardship on the applicant requesting the variance or those served by the applicant. Where a contiguous property is divided into different zones, a variance may be granted hereunder so that each zone may be irrigated on different days than other zones of the property. However, no single zone may be irrigated more than 2 days a week.

#### **Section 6. Application of Ordinance**

The provisions of this Ordinance shall apply to each person located within the District.

#### **Section 7. Enforcement Officials**

Law enforcement officials having jurisdiction in the area governed by this ordinance are hereby authorized to enforce the provisions of this ordinance. In addition, the City Manager may also delegate enforcement responsibility for this ordinance to division of Code Enforcement.

#### **Section 8. Penalties**

Violation of any provision of this Ordinance shall be subject to the following penalties:

First violation	Written Warning
Second violation	\$50.00
Subsequent violations	fine not to exceed \$500

Each day in violation of this ordinance shall constitute a separate offense. Enforcement officials shall provide violators with no more than one written warning. In addition to the civil sanctions contained herein, the City of Winter Park may take any other appropriate legal action, including, but not limited to, injunctive action to enforce the provisions of this Article.

**Section 9. Codification**

Codification of this Ordinance is hereby directed and authorized.

**Section 10. ORDINANCES REPEALED**

The local government should list here any previous ordinances pertaining to landscape irrigation, the water shortage, or other water use that conflicts with this Ordinance, District rules or Part II, Chapter 373, Florida Statutes.

Sections \_\_ through \_\_, Code of Ordinances, are hereby repealed.

**Section 11. SEVERABILITY**

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


**Section 12. EFFECTIVE DATE**

This Ordinance shall take effect immediately upon adoption.

**PASSED AND DULY ADOPTED** by the City Commission of City of Winter Park, Florida this 12<sup>th</sup> day of June, 2006.

**ATTEST:**

  
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Mayor David C. Strong

  
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Cynthia S. Bonham, City Clerk