

ARTICLE IV. WATER CONSERVATION FOR LANDSCAPE IRRIGATION

Sec. 19-221. Intent and purpose.

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

(Ord. No. 08-09, § 1, 4-1-08)

Sec. 19-222. 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.

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.

Board means Marion County Board of County Commissioners.

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.

Micro-irrigation means an irrigation method that involves the application of small quantities of water directly on or below the soil surface, usually as discrete drops, tiny streams, misters, or miniature sprays through emitters placed along the water delivery lines (typically half-inch flexible tubing). Micro-irrigation encompasses a number of methods or concepts including drip, subsurface, micro-bubbler, and micro-spray irrigation, previously referred to as trickle irrigation, low volume, or low flow irrigation.

Person means any person, firm, partnership, association, corporation, company, or organization of any kind.

SJRWMD means the St. Johns River Water Management District.

SWFWMD means the Southwest Florida Water Management District.

(Ord. No. 08-09, § 2, 4-1-08)

Sec. 19-223. Landscape irrigation schedule.

(a) 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.

(b) 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.

(Ord. No. 08-09, § 3, 4-1-08)

Sec. 19-224. 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 thirty (30) days and every other day for the next thirty (30) days for a total of one sixty-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 twenty-four (24) hours of application. However, users are strongly encouraged to limit water application to no more than one-quarter (1/4) inch, unless otherwise specified by the manufacturer, and all chemical treatment advisory markers shall be posted and dated.

(4) Irrigation systems may be operated anytime for maintenance and repair purposes not to exceed ten (10) minutes per hour per zone.

(5) Irrigation using a hand-held hose equipped with an automatic shut-off nozzle is allowed anytime. The use of a hose-end sprinkler is not considered hand watering.

(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 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.

(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.

(Ord. No. 08-09, § 4, 4-1-08)

Sec. 19-225. Water shortage orders and water shortage emergency orders.

In the event SWFWMD issues a water shortage order or water shortage emergency order pursuant to Rule 40D-21, F.A.C., within the jurisdictional boundaries of Marion County, the applicable provisions referenced or modified by that water shortage order or water shortage emergency order, shall supersede any conflicting provisions in this article until such time as the water shortage order or water shortage emergency order is rescinded, whereupon all the provisions of this ordinance shall again resume in full force and effect. The county administrator will notify the board and the board will review water shortage orders.

(Ord. No. 08-09, § 5, 4-1-08)

Sec. 19-226. Waiver from specific day of the week limitations.

(a) A waiver from the day of week limitations established pursuant to section 19-223 or section 19-225, as applicable, may be recommended by the development review committee (DRC) 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 waiver or those served by the applicant. Where a contiguous property is divided into different zones, a waiver may be granted hereunder so that each zone may be irrigated on different days than other zones of the property. However, no waiver may allow any single zone to be irrigated more than: a) two (2) days per week during times when no water shortage order is in effect, or b) one day per week or less, as applicable, when a water shortage order is in effect. A waiver under this section may not be granted from time of day limitations.

(b) All waiver requests shall be made to the DRC, using a waiver request form provided by the county. All waiver requests will be submitted to the board with a recommendation by the DRC for approval, denial or renewal. Any waiver that has been granted shall be subject to annual review and renewal by the board. Renewal of a waiver may only be granted if the unreasonable or unfair circumstances are determined to still exist.

(Ord. No. 08-09, § 6, 4-1-08)

Sec. 19-227. Application of ordinance.

The provisions of this article shall apply to each person located within the unincorporated areas of Marion County.

(Ord. No. 08-09, § 7, 4-1-08)

Sec. 19-228. Enforcement.

Every code enforcement officer shall, in connection with all other duties imposed by law, be authorized to enforce the provisions of this article. In addition, the county administrator may also delegate enforcement responsibility for this article to agencies and departments of Marion County government, in accordance with state and local law.

(Ord. No. 08-09, § 8, 4-1-08)

Sec. 19-229. Penalties.

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

TABLE INSET:

a) First violation:	Written notification and education.
b) Second violation:	Fifty dollars (\$50.00).
c) Third violation:	One hundred dollars (\$100.00).
d) Fourth and subsequent violation(s):	Two hundred fifty dollars (\$250.00).

Each day in violation of this article within a three hundred sixty-five-day period, beginning the date of the first violation, shall constitute a separate offense. The board may take any other appropriate legal action, including but not limited to emergency injunctive action, to enforce the provisions of this article. Violations of this article during the first twelve (12) months after adoption (Apr. 1, 2008) will be subject to written notification and education without imposition of fines.

(Ord. No. 08-09, § 9, 4-1-08)

Secs. 19-230--19-240. Reserved.