



FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

April 30, 2015

Honorable Dwight E. Brock
Clerk of the Circuit Court
Collier County
Post Office Box 413044
Naples, Florida 34101-3044

Attention: Ann P. Jennejohn, Deputy Clerk

Dear Mr. Brock:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Collier County Ordinance No. 2015-27, which was filed in this office on April 30, 2015.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb

ORDINANCE NO. 2015- 27

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA; PROVIDING FOR LOCAL IMPLEMENTATION OF THE WATER CONSERVATION RULE FOR LANDSCAPE IRRIGATION OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT; PROVIDING FOR INTENT AND PURPOSE; PROVIDING DEFINITIONS; PROVIDING FOR YEAR-ROUND LANDSCAPE IRRIGATION RESTRICTIONS; PROVIDING FOR DECLARATION OF WATER SHORTAGE OR WATER SHORTAGE EMERGENCY; PROVIDING FOR VARIANCES; PROVIDING FOR APPLICATION OF ORDINANCE; PROVIDING FOR ENFORCEMENT OFFICIALS; PROVIDING FOR PENALTIES; PROVIDING FOR REPEAL OF ORDINANCE NUMBERS 2002-17 AND 2000-61, AS AMENDED; PROVIDING FOR CONFLICT AND SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the South Florida Water Management District has responsibility and exclusive authority under Chapter 373, Florida Statutes, for regulating the consumptive use of water; and

WHEREAS, the South Florida Water Management District has amended Chapter 40E-24, F.A.C., requiring year-round water conservation for landscape irrigation; and

WHEREAS, Chapter 40E-24, F.A.C., applies to all users as defined in Subsection 40E-24.101(14), F.A.C., including permitted and exempt users under Chapters 40E-2, F.A.C.; and

WHEREAS, Chapter 40E-24, F.A.C., applies to all 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; and

WHEREAS, Rule 40E-24.301, F.A.C. provides that a local government may adopt an ordinance to locally enforce the year-round landscape irrigation water conservation measures;

WHEREAS, it is the desire of the the Collier County Board of County Commissioners to adopt such an ordinance in accordance with Rule 40E-24.201, F.A.C.; and

WHEREAS, the the Collier County Board of County Commissioners hereby finds and declares that the adoption of this ordinance is appropriate, and in the public interest of this community.

NOW, THEREFORE, BE IT ORDAINED BY THE Collier County Board of County Commissioners of Collier County, Florida that this Ordinance is hereby created to read as follows:

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" (a numeric or alphanumeric designation) that, together with the street name, describes the 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. If a lot number in a mobile home park or similar residential community is not used by the U.S. Postal Service (e.g., the park manager sorts incoming mail delivered to the community's address), then the community's main address shall be the property's address. If a property has no address it shall be considered "even-numbered."
- (b) "Athletic play area" means all golf course fairways, tees, roughs, and greens, and other athletic play surfaces; including, football, baseball, soccer, polo, tennis, and lawn bowling fields and rodeo, equestrian, and livestock arenas.
- (c) "Consumptive Use Permit (CUP)" means a permit issued pursuant to Chapters 40E-2, F.A.C., authorizing the consumptive use of water.
- (d) "District" means the South Florida Water Management District.
- (e) "Even Numbered Address" means an address, ending in the numbers 0, 2, 4, 6, 8, or rights-of-way or other locations with no address, or the letters A-M.
- (f) "Existing landscaping" means any landscaping which has been planted and in the ground for more than ninety (90) days.
- (g) "Landscaping" means shrubbery, trees, lawns, sod, grass, ground covers, plants, vines, ornamental gardens, and such other flora not intended for resale, which are situated in such diverse locations as residential landscapes, recreation areas, cemeteries, public, commercial, and industrial establishments, public medians, and rights-of-way except athletic play areas as defined in subsection 40E-24.101(6), F.A.C.

- (h) "Low Volume Hand Watering" means the watering of landscape by one person, with one hose, fitted with a self-canceling or automatic shutoff nozzle.
- (i) "Low Volume Irrigation" means the use of equipment and devices specifically designed to allow the volume of water delivered to be limited to a level consistent with the water requirement of the plant being irrigated and to allow that water to be placed with a high degree of efficiency in the root zone of the plant. The term also includes water used in mist houses and similar establishments for plant propagation. Overhead irrigation and flood irrigation are not included.
- (j) "Landscape Irrigation" means the outside watering of shrubbery, trees, lawns, sod, grass, ground covers, plants, vines, ornamental gardens, and such other flora not intended for resale, which are planted and are situated in such diverse locations as residential landscapes, recreation areas, cemeteries, public, commercial, and industrial establishments, public medians, and rights-of-way except athletic play areas as defined in subsection 40E-24.101(9), F.A.C.
- (k) "Micro-irrigation" means the application of small quantities of water on or below the soil surface as drops or tiny streams of spray through emitter or applicators placed along a water delivery line. Micro-irrigation includes a number of methods or concepts such as bubbler, drip, trickle, mist or microspray, and subsurface irrigation.
- (l) "New landscaping" means any landscaping which has been planted and established for ninety (90) days or less.
- (m) "Odd Numbered Address" means an address ending in the numbers 1, 3, 5, 7, 9 or the letters N-Z.
- (n) "Reclaimed Water" or Irrigation Quality (IQ) means wastewater that has received at least secondary treatment and basic disinfection and is reused after flowing out of a wastewater treatment facility as defined by Rule 62-610.200(48), F.A.C.
- (o) "User" means any person, individual, firm, association, organization, partnership, business trust, corporation, company, agent, employee or other legal entity whether natural or artificial, the United States of America, and the State and all political subdivisions, regions, districts, municipalities, and public agencies thereof, which directly or indirectly takes water from the water resource, including uses from private or public utility systems, uses under water use permits issued pursuant to Chapter 40E-2, F.A.C., or uses from individual wells or pumps.
- (p) "Wasteful and unnecessary" means allowing water to be dispersed without any practical purpose to the water use; for example, excessive landscape irrigation, leaving an unattended hose on a driveway with water flowing, allowing water to be dispersed in a grossly inefficient manner, regardless of the type of water use;

for example, allowing landscape irrigation water to unnecessarily fall onto pavement, sidewalks and other impervious surfaces; allowing water flow through a broken or malfunctioning water delivery or landscape irrigation system

- (q) "Water Resources" means any and all water on or beneath the surface of the ground, including, but not limited to, potable water production wells, IQ water, natural or artificial watercourses, lakes, ponds, and artificial water features, and water percolating, standing, or flowing beneath the surface of the ground
- (r) "Water shortage" means when the District has determined there is the possibility that insufficient water will be available to meet the estimated present and anticipated user demands or to protect the water resource from serious harm.
- (r) "Water shortage emergency" means when the District has determined that the provisions listed in Part II of Chapter 40E-21, F.A.C., are not sufficient to protect the public health, safety, or welfare, the health of animals, fish, or aquatic life, a public water supply, or commercial, industrial, agricultural, recreational, or other reasonable-beneficial uses.

Section 3. YEAR-ROUND LANDSCAPE IRRIGATION RESTRICTIONS

- (1) Collier County hereby adopts the rules of the South Florida Water Management District, Chapter 40E-24.201 F.A.C., and any subsequent additions, deletions or corrections thereto; and which are set out as follows:
 - (a) It shall be the duty of each user to keep informed as to the landscape irrigation conservation measures presented within this section, which affect each particular water use.
 - (b) In addition to the specific conservation measures enumerated below, all wasteful and unnecessary water use as defined in Section 2(p), is prohibited.
 - (c) The following requirements or exceptions shall apply to all users unless specified otherwise herein:
 - (1) Landscape irrigation shall be prohibited daily between the hours of 10:00 a.m. and 4:00 p.m., except as otherwise provided herein.
 - (2) Irrigation of new landscaping shall comply with the following provisions:
 - i. On the day the new landscaping is installed, the new landscaping may be irrigated once without regard to the normally allowable watering days and times. Irrigation of the soil immediately prior to the installation of the new

landscaping is also allowable without regard to the normal allowable watering days and times.

- ii. The ninety (90) day period begins the day the new landscaping is installed. The new landscaping shall be installed within a reasonable time from the date of purchase, which may be demonstrated with a dated receipt or invoice.
 - iii. Irrigation of new landscaping which has been in place for thirty (30) days or less may be accomplished on Monday, Tuesday, Wednesday, Thursday, Saturday, and/or Sunday.
 - iv. Irrigation of new landscaping which has been in place for thirty-one (31) to ninety (90) days may be accomplished on Monday, Wednesday, Thursday, and/or Saturday.
 - v. Irrigation of the new landscaping is limited to areas containing the new landscaping only. An entire zone of an irrigation system shall only be utilized for landscape irrigation under this paragraph if the zone in question is for an area that contains at least 50% new landscaping. If a zone contains less than 50% new landscaping, or if the new landscaping is in an area that will not typically be irrigated by an irrigation system, only the individual new plantings are eligible for additional irrigation under this paragraph. Targeted watering may be accomplished by low volume hand watering, or any appropriate method which isolates and waters only the new landscaping.
- (2) Landscape irrigation systems may be operated during restricted days and/or times for cleaning, maintenance, and repair purposes with an attendant on site in the area being tested. Landscape irrigation systems may routinely be operated for such purposes no more than once per week, and the run time for any one test should not exceed 10 minutes per zone.
- (3) Landscape irrigation for the purpose of watering-in fertilizers, insecticides, pesticides, fungicides and herbicides, where such watering-in is recommended by the manufacturer, or by federal, state or local law, or best management practices, shall be allowed under the following conditions:
- (a) Such watering-in shall be limited to one application unless the need for more than one application is stated in the directions for application specified by the manufacturer; and
 - (b) Such watering-in shall be accomplished during normally allowable watering days and times set forth in Paragraphs 1(c)(2), 1(c)(6) of

this Section, unless a professional licensed applicator has posted a temporary sign containing the date of application and the date(s) of needed watering-in activity.

- (4) Any plant material may be watered using low volume irrigation, micro-irrigation, low-volume hand watering methods, and rain barrels, cisterns, or other similar rain-harvesting devices without regard to the watering days or times allowed pursuant to this section.
- (5) Irrigation of existing landscaping shall comply with the following provisions:
 - (a) Even addresses, installations with irrigation systems that irrigate both even and odd addresses within the same zones, such as multi-family units and homeowners' associations, and rights-of-way or other locations with no address as defined in Section 2(e), shall have the opportunity to accomplish necessary landscape irrigation only on Tuesday and/or Thursday and/or Sunday.
 - (b) Odd addresses as defined in Section 2(m), shall have the opportunity to accomplish necessary landscape irrigation only on Monday and/or Wednesday and/or Saturday.
- (6) In the absence of a declaration of a water shortage condition or water shortage emergency within all or any part of Collier County by the Governing Board or Executive Director of the District, the landscape irrigation restrictions or other measures adopted by the District applicable to Collier County or any portion thereof shall be subject to enforcement action pursuant to Section 6 below. Any violation of the provisions of Chapter 40E-24.201, F.A.C. or this Ordinance shall be a violation of this section.

Section 4. DECLARATION OF WATER SHORTAGE OR WATER SHORTAGE EMERGENCY

- (1) Collier County hereby adopts the rules of the South Florida Water Management District, Chapter 40E-21, Florida Administrative Code, and subsequent additions or corrections thereto; and the same are hereby adopted and incorporated as if fully set out at length.

- (2) The declaration of a water shortage condition and/or water shortage emergency within all or partys of Collier County by the Governing Board or Executive Director of the District shall invoke the provisions of this article. Upon such as declaration all water use restrictions or other measures adopted by the District applicable to Collier County, or any portion thereof, shall be subject to enforcement action pursuant to this article. Any violation of the provisions of Chapter 40E-21, F.A.C., or any order issued pursuant thereto, shall be a violation of this article.

Section 5. VARIANCES

- (1) A variance from specific days or days identified in Section 3 above may be granted if strict application of the restrictions would lead to unreasonable or unfair result in particular instances, provided that the applicant demonstrates with particularity that compliance with the schedule will result in substantial economic, health, or other hardship on the applicant requiring a 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 days different than other zones of the property. However, no single zone may be irrigated more than three days per week.
- (2) Collier County hereby recognizes any and all variances issued by the South Florida Water Management District to those users who operate and maintain smart irrigation systems which meet the requirements of Section 373.62(7), Fla. Stat.
- (3) Applications for a variance shall be in accordance with the instructions included at Appendix A.

Section 6. APPLICATION OF ORDINANCE

The provisions of this Ordinance shall apply to each user within the boundaries of the unincorporated areas of Collier County, Florida, and applies to all water resources as defined herein, unless otherwise specifically addressed through an agreement or issuance of a variance.

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 Collier County Manager may delegate enforcement responsibility for this ordinance to agencies and departments of Collier County government.

Section 8. PENALTIES

- (1) Violations of any provision of this article may be punished pursuant to Section 162.21, Florida Statutes, as amended, as a civil infraction with a maximum civil penalty not to

exceed \$500. Any person violates any provision of this Ordinance shall also be subject to the County's remedies as authorized by F.S. § 125.69, Chapter 1, Section 1-6 of the Code of Laws and Ordinances of Collier County, Florida, or as otherwise then allowed by law, as may be amended from time to time.

Section 9. REPEAL OF ORDINANCE NUMBERS 2002-17 AND 2000-61, AS AMENDED

Ordinance Numbers 2002-17 and 2000-61, as amended, and codified in the Collier County Code of Laws and Ordinances, is hereby repealed in their entirety.

Section 10. CONFLICT AND SEVERABILITY

The provisions of this Ordinance shall be liberally construed to effectively carry out its purposes in the interest of public health and protect the water resources of Collier County. If any section, phrase, sentence, or portion of the Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.

Section 11. INCLUSION IN THE CODE OF LAWS AND ORDINANCES

The provisions of this Ordinance shall become and be made a part of the Code of Laws and Ordinances of Collier County, Florida. The sections of the Ordinances may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word. Those provisions of State law incorporated by general reference herein shall be as they now exist and as they may be amended from time to time. To the extent that the provisions of this Ordinance is more stringent than those of State law, the more stringent provisions shall apply.

Section 12. EFFECTIVE DATE

This Ordinance shall become effective upon filing with the Florida Department of State.



PASSED AND DULY ADOPTED by the Board of County Commissioners of Collier County, Florida, this 29th day of April, 2015.

ATTEST:
DWIGHT E. BROCK, Clerk

**BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA**

By: *Dwight E. Brock*
Deputy Clerk
Attest as to Chairman's
signature only.

By: *T. Nance*
TIM NANCE, CHAIRMAN

Approved as to form and legality:

Scott R. Teach
Scott R. Teach
Deputy County Attorney

This ordinance filed with the Secretary of State's Office the 30th day of April, 2015 and acknowledgement of that filing received this 30th day of April, 2015.
By: *Dwight E. Brock*
Deputy Clerk

COLLIER COUNTY WATER SEWER DISTRICT
WATER CONSERVATION ORDINANCE FOR LANDSCAPE IRRIGATION
APPENDIX A – VARIANCES

Applications for a variance in accordance with Section 5 of this ordinance, where strict compliance with the schedule in Section 3, would lead to an unreasonable or unfair result, shall be submitted in writing, and include the following:

- (1) Name of Property Owner
- (2) Property Owner's Agent (if applicable)
- (3) Water Resource
- (4) Utilities Account No. (if applicable)
- (5) Service Address
- (6) Contact Details
- (7) Reason for Request
- (8) Description of the particularity of compliance with the schedule that cannot be met
- (9) Description of the substantial economic, health, or other hardship that would be incurred

Applications for a variance shall be submitted for the attention of:

Water Department Director
3339 Tamiami Trail E, Suite 301
Naples FL 34112

The Water Department Director's decision with respect to granting, or not granting a variance will be final. Applicants will be notified in writing of the Water Department Director's decision.

MEMORANDUM

Date: April 30, 2015

To: Peter Lund, Revenue Manager
Utilities Finance Operations

From: Ann Jennejohn, Deputy Clerk
Minutes & Records Department

Re: **Ordinance 2015-27: An Ordinance providing for local implementation of water conservation landscape irrigation rules that are followed by the South Florida Water Management District**

Attached for your records is a copy of the Ordinance referenced above, **(Item #17C)** adopted by the Board of County Commissioners on **Tuesday, April 28, 2015**.

I have also included a copy of the letter that was received by our office from **Florida Department of State** that officially acknowledges their electronic receipt of the Ordinance and confirmation it has indeed been filed with that office.

If you have any questions, please contact me at 252-8406.

Thank you.

Attachment

**ORIGINAL DOCUMENTS CHECKLIST & ROUTING SLIP
TO ACCOMPANY ALL ORIGINAL DOCUMENTS SENT TO
THE BOARD OF COUNTY COMMISSIONERS OFFICE FOR SIGNATURE**

Print on pink paper. Attach to original document. The completed routing slip and original documents are to be forwarded to the County Attorney Office at the time the item is placed on the agenda. All completed routing slips and original documents must be received in the County Attorney Office no later than Monday preceding the Board meeting.

Complete routing lines #1 through #2 as appropriate for additional signatures, dates, and/or information needed. If the document is already complete with the exception of the Chairman's signature, draw a line through routing lines #1 through #2, complete the checklist, and forward to the County Attorney Office.

Route to Addressee(s) (List in routing order)	Office	Initials	Date
1.			
2.			
3. County Attorney Office	County Attorney Office	SRT by W/S	4/28/15
4. BCC Office	Board of County Commissioners	TC by W/S	4/30/15
5. Minutes and Records	Clerk of Court's Office	TC	4/30/15

10:15 am

PRIMARY CONTACT INFORMATION

Normally the primary contact is the person who created/prepared the Executive Summary. Primary contact information is needed in the event one of the addressees above, may need to contact staff for additional or missing information.

Name of Primary Staff Contact / Department	Peter Lund, Customer Service and Utilities Education and Compliance	Phone Number	252-2357
Agenda Date Item was Approved by the BCC	4/28/15 ✓	Agenda Item Number	17-C ✓
Type of Document Attached	Ordinance - Landscape Irrigation 2015-29	Number of Original Documents Attached	One
PO number or account number if document is to be recorded	n/a		

INSTRUCTIONS & CHECKLIST

	Initial the Yes column or mark "N/A" in the Not Applicable column, whichever is appropriate.	Yes (Initial)	N/A (Not Applicable)
1.	Does the document require the chairman's original signature? STAMP OK		SRT
2.	Does the document need to be sent to another agency for additional signatures? If yes, provide the Contact Information (Name; Agency; Address; Phone) on an attached sheet.		SRT
3.	Original document has been signed/initialed for legal sufficiency. (All documents to be signed by the Chairman, with the exception of most letters, must be reviewed and signed by the Office of the County Attorney.	SRT	
4.	All handwritten strike-through and revisions have been initialed by the County Attorney's Office and all other parties except the BCC Chairman and the Clerk to the Board		SRT
5.	The Chairman's signature line date has been entered as the date of BCC approval of the document or the final negotiated contract date whichever is applicable.	SRT	
6.	"Sign here" tabs are placed on the appropriate pages indicating where the Chairman's signature and initials are required.	SRT	
7.	In most cases (some contracts are an exception), the original document and this routing slip should be provided to the County Attorney Office at the time the item is input into SIRE. Some documents are time sensitive and require forwarding to Tallahassee within a certain time frame or the BCC's actions are nullified. Be aware of your deadlines!	SRT	
8.	The document was approved by the BCC on 4/28/15 and all changes made during the meeting have been incorporated in the attached document. The County Attorney's Office has reviewed the changes, if applicable.	SRT	
9.	Initials of attorney verifying that the attached document is the version approved by the BCC, all changes directed by the BCC have been made, and the document is ready for the Chairman's signature.	SRT	

Printed from SIRE