



ORDINANCE NO. 2002- 17

**WATER IRRIGATION ORDINANCE OF COLLIER COUNTY; RESTRICTING THE HOURS OF WATER IRRIGATION IN UNINCORPORATED COLLIER COUNTY; PROVIDING TITLE AND APPLICABILITY; PROVIDING FINDINGS, PURPOSE, AND DEFINITIONS; PROVIDING IRRIGATION HOURS AND OPERATIONAL REQUIREMENTS; PROVIDING EXEMPTIONS AND VARIANCE PROCEDURES; PROVIDING PENALTIES; PROVIDING FOR CONFLICT AND SEVERABILITY; PROVIDING FOR INCLUSION INTO THE COUNTY'S CODE OF LAWS AND ORDINANCES; PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, Chapter 125, Florida Statutes, authorizes Boards of County Commissioners to enact ordinances deemed by the respective Board to be necessary to protect the health, safety, and welfare of the residents, citizens, or visitors of the respective County, and

**WHEREAS**, the Board of County Commissioners of Collier County has determined that the protection of water resources is in the best interest of and for the long-term protection of the health, safety, and welfare of the residents, citizens, and visitors to Collier County, and

**WHEREAS**, the Board of County Commissioners of Collier County has also determined that water conservation is an integral part of protecting current and future water resources, and

**WHEREAS**, the Board of County Commissioners has deemed that placing certain restrictions on the use of water for irrigation is an effective means of conserving water.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA, that:**

**SECTION ONE: TITLE.**

1.1 This Ordinance shall be called "The Collier County Water Irrigation Ordinance."

**SECTION TWO: FINDINGS.**

- 2.1 Irrigation places a significant demand on water resources of Collier County, including the potable water supply system.
- 2.2 That adopting this Ordinance to limit allowable hours of irrigation is to promote conservation, to protect water resources, and to reduce demand upon all water sources, including sources of water that can be treated to become potable water.
- 2.3 That restricting allowable hours of irrigation pursuant to this Ordinance will not create undue hardship on the users of water from the affected water sources.

**SECTION THREE: PURPOSE AND APPLICABILITY.**

- 3.1 The primary purpose of this Ordinance is to provide the regulatory framework to assist in conservation of water resources through consistent and uniform application of restrictions on use of water for irrigation in unincorporated Collier County.
- 3.2 This Ordinance shall be applicable notwithstanding any other Collier County Ordinance.

**SECTION FOUR: DEFINITIONS**

The following definitions apply throughout this Ordinance:

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- 4.1 “**County**” means Collier County, a political subdivision of the State of Florida, by and through its Board of County Commissioners and as Ex-Officio the Governing Board of the Collier County Water-Sewer District and Goodland Water District.
- 4.2 “**Code Enforcement Officer**” means any authorized agent or employee of the County whose duty it is to enforce the County’s codes.
- 4.3 “**Impervious Surfaces**” means surfaces that do not allow penetration of water, including, but not limited to, paved or concrete roads, paved or concrete sidewalks, paved or concrete driveways, paved or concrete parking lots, or highly compacted areas including shell or clay.
- 4.4 “**Irrigation**” means the application of water by means other than natural precipitation.
- 4.5 “**Irrigation Systems**” means equipment and/or devices which deliver water to landscaping being irrigated including, but not limited to, pumping stations and controls, control structures, ditches, public or private wells, piping, valves, fittings, and emitters.
- 4.6 “**Landscaping**” means all residential, commercial, institutional, industrial, and governmental areas which are considered as lawns or ornamentally planted, including, but not limited to, sod, grasses, turf, ground covers, flowers, shrubs, trees, mulch, hedges, and other similar plant materials.
- 4.7 “**Low Volume Irrigation Systems**” means equipment and devices specifically designed to deliver a volume of water consistent with the water requirement of the plant being irrigated and which delivers the water with a high degree of efficiency directly to the root zone of the plant.
- 4.8 “**Low Volume Hand Watering**” means watering attended by one person with one hose equipped with a self-canceling or automatic shutoff nozzle.
- 4.9 “**Low Volume Mobile Equipment Washing**” means the washing of mobile equipment with a bucket and sponge, a single hose with a self-canceling or automatic shutoff nozzle, low volume pressure cleaning equipment, or any combination of the preceding methods of washing.
- 4.10 “**Low Volume Pressure Cleaning**” means pressure cleaning by means of equipment that is specifically designed to reduce the volume of water used as accepted by industry standards.
- 4.11 “**Pervious Surface**” means every improved or unimproved surface that allows water to readily soak into, or recharge, the water aquifer under such surface.
- 4.12 “**Water Resources**” means any and all water on or beneath the surface of the ground, including, but not limited to, natural or artificial watercourses, lakes, ponds, and artificial water features, and water percolating, standing, or flowing beneath the surface of the ground.

**SECTION FIVE: IRRIGATION HOURS; OPERATIONAL REQUIREMENTS**

- 5.1 All water irrigation activities within the specified geographic area(s) and within the boundaries as designated in Section Six, and which are not exempted by Section Seven, shall be restricted to the days and hours as specified in Table 1.

<b>Table 1. Collier County Water Irrigation Restrictions</b>	
<b>Landscaping Irrigation – Established</b>	
ODD Numbered Addresses	3 days each week; Monday, Wednesday, Saturday; 12:01 AM to 8:00 AM for all types of irrigation; 5:00 PM to 7:00 PM for Low Volume Hand Watering.
EVEN Numbered Addresses	3 days each week; Tuesday, Thursday, Sunday, 12:01 AM to 8:00 AM for all types of irrigation; 5:00 PM to 7:00 PM for Low Volume Hand Watering.
<b>Landscaping Irrigation – New (in place less than 60 days)</b>	
ALL Addresses	5 days each week; Monday through Friday, 12:01 AM to 8:00 AM for all types of irrigation; Low Volume Hand Watering allowed anytime.
<b>Irrigation System Maintenance</b>	
Existing Systems	10 minutes per zone per week; person must be present in zone and working on the system during each such operation.
New Systems	30 minutes per zone, one time only; person must be present in zone and working on the system during such operation.
<b>Pesticide, Fungicide, Herbicide, Fertilizer Application</b>	
ALL Addresses	Application shall be coordinated with the scheduled day/time for Landscaping Irrigation; if applied outside of the allowed hours, and “watering in” is specified by the manufacturer of the applied material, a licensed application technician must be on the premises.
<b>Other Outdoor Water Uses</b>	
ALL Other Outdoor Water Uses	Other outdoor water uses, including car, truck, and boat washing and the washing of exterior home surfaces and roofs, shall be allowed anytime with the use of Low Volume Pressure Cleaning Equipment, Low Volume Mobile Equipment Washing and/or water hose equipped with an automatic self-canceling or automatic shutoff nozzle; in all cases, the water used must drain to a pervious surface or to a water recycling/reuse system.

- 5.2 All water irrigation activities must and shall be operated in an efficient manner so as to not allow water to be applied to any impervious surface.
- 5.3 All water irrigation systems shall be equipped with a properly installed rain sensor switch.
  - 5.3.1 A rain sensor switch shall be required on all new installations of irrigation systems.
  - 5.3.2 A rain sensor switch shall be retrofitted on existing systems within one (1) year of the effective date of this Ordinance.
  - 5.3.3 The rain sensor switch shall be maintained in fully operational condition at all times by the owner/operator of the irrigation system.
- 5.4 All water irrigation activities prohibited or restricted from time-to-time by any Water Shortage Emergency Order declared by the South Florida Water Management District and published in a newspaper of general circulation in Collier County pursuant to Section 373.175, Florida Statutes, shall automatically be incorporated into and be enforceable by application of this Ordinance. Each such Order shall apply to such geographic areas in Collier County as is specified in the respective Order, or if not specified, as otherwise then provided by law. Each Order shall be subject only to such exceptions as are specified in the respective Order, and if not specified therein, as otherwise then provided by law.

**SECTION SIX: IRRIGATION RESTRICTION AFFECTED AREAS**

- 6.1 The provisions of this Ordinance shall apply only in the unincorporated geographic areas in Collier County.

**SECTION SEVEN: EXEMPTIONS; VARIANCES**

- 7.1 The following are exempt from all provisions of this Ordinance:
- 7.1.1 Landscaping irrigation from which the source of the water is 100% reclaimed water.
  - 7.1.2 Landscaping irrigation from which the source of the water is 100% saltwater.
  - 7.1.3 Irrigation wholly from a Low Volume Irrigation System.
  - 7.1.4 Use of Low Volume Mobile Equipment Washing provided all unused water drains into only a pervious ground surface.
  - 7.1.5 Water use to the extent authorized by a specific Consumptive Use Permit, or similar permit, issued to the respective water user by the South Florida Water Management District.
- 7.2 Any individual's or entity's irrigation that is affected by this Ordinance may make application to the County Water Department Director to request a variance if strict compliance with the restrictions of this Ordinance will impose a unique, unnecessary and inequitable hardship on such irrigation. Variance relief may be granted only upon a written application applying for the variance, which application contains proof that the irrigation hardship is peculiar to that individual, entity, or that affected property; that the hardship is not self-imposed; that the granting of the variance would be consistent with the general intent and purpose of this Ordinance; that the variance is necessary to eliminate an inequitable irrigation hardship; and that each variance shall vary the irrigation restrictions only to the minimum extent required to resolve the unreasonableness of the irrigation hardship that would exist but for the variance. No variance shall be granted unless the applicant is able to persuade the Director or his designee of the necessity for the variance. If the initial decision is made by the Director's designee, the only appeal shall be to the Director, and the Director's decision upon appeal to grant or deny the requested variance shall be further reviewable only as specified in subsection 7.2.1, below.
- 7.2.1 The County's Water Director, or individual designated by the Water Director, shall be the only individual(s) authorized to grant or deny these variances. A decision to grant or deny the variance should be made within ten (10) days after actual receipt of a complete application for the variance. Denial of a variance request may be appealed to the Public Utilities Division Administrator not later than ten (10) days of actual receipt by the applicant of the decision on the initial request. The Division Administrator's decision upon appeal shall be final.
  - 7.2.2 An application for variance, and/or the granting of a variance, shall operate prospectively and shall not affect any then pending enforcement action pursuant to this Ordinance, or otherwise.

**SECTION EIGHT: PENALTIES**

- 8.1 Each violator of this Ordinance shall be issued a citation that specifies a fine of seventy-five dollars (\$75.00), plus any then applicable costs as specified in the citation issued pursuant to procedures of the Collier County's Citation Ordinance. The applicable fine shall be \$75.00 notwithstanding that said Ordinance specifies fines that always exceed \$75.00. Persons who commit repeat violations may also be punished pursuant to §162.21, Florida Statutes, as a civil infraction with a maximum civil penalty not to exceed five hundred dollars (\$500.00). Any person who violates any provision of this Ordinance shall also be subject to the County's remedies as authorized by §125.69, Florida Statutes, Section 1- 6 of the County's Code of Laws and Ordinances, or as otherwise then allowed by law. The applicable penalties shall be determined by the forum selected to enforce the violation.

8.1.1 Each day, or part thereof commencing at noon of the respective day, that a violation of this Ordinance occurs by the same individual or entity may be deemed by the finder of fact to constitute a separate violation.

8.1.2 All monies collected pursuant to this Ordinance shall be used by the Code Enforcement Department to fund continued and enhanced enforcement of this Ordinance and/or other County Ordinances then under its jurisdiction.

**SECTION NINE: 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 to protect the water resources of Collier County. If any section, phrase, sentence, or portion of this 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 TEN: INCLUSION IN THE CODE OF LAWS AND ORDINANCES**

The provisions of this Ordinance shall become and be made 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.

**SECTION ELEVEN: 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 9<sup>th</sup> day of APRIL, 2002.

ATTEST:  
DWIGHT E. BROCK, Clerk  
Attest as to Chairman's signature only.

By: Dere Michael, DC  
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS  
COLLIER COUNTY, FLORIDA

By: [Signature]  
JAMES N. COLETTA, Chairman

Approved as to form and legal sufficiency

[Signature]  
Thomas C. Palmer,  
Assistant County Attorney

This ordinance filed with the Secretary of State's Office the 16<sup>th</sup> day of April, 2002 and acknowledgement of that filing received this 19<sup>th</sup> day of April, 2002

By: [Signature]  
Deputy Clerk

STATE OF FLORIDA)

COUNTY OF COLLIER)

I, DWIGHT E. BROCK, Clerk of Courts in and for the Twentieth Judicial Circuit, Collier County, Florida, do hereby certify that the foregoing is a true copy of:

ORDINANCE NO. 2002-17

Which was adopted by the Board of County Commissioners on the 9th day of April, 2002, during Regular Session.

WITNESS my hand and the official seal of the Board of County Commissioners of Collier County, Florida, this 10th day of April, 2002.

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DEPARTMENT OF STATE  
TALLAHASSEE, FLORIDA

FILED

DWIGHT E. BROCK  
Clerk of Courts and Clerk  
Ex-officio to Board of  
County Commissioners

*Teri Michaels*  
By: Teri Michaels  
Deputy Clerk

