

ARTICLE IV. - WATER CONSERVATION FOR LANDSCAPE IRRIGATION ¹

Section 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.

(Ordinance No. 09-13, Section 1, 5-19-2009)

Section 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.

Nonresidential landscape irrigation means the irrigation of landscape not included within the definition of "residential landscape irrigation," such as that associated with public, commercial and industrial property, including commercial or transient housing units, hotel and motel units, and public medians and rights-of-way.

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

Residential landscape irrigation means the irrigation of landscape associated with any housing unit having sanitary and kitchen facilities designed to accommodate one or more residents, including multiple housing units and mobile homes.

SJRWMD means the St. Johns River Water Management District.

SWFWMD means the Southwest Florida Water Management District.

(Ordinance No. 09-13, Section 1, 5-19-2009)

Section 19-223. - Landscape irrigation schedule.

- (a) When Daylight Savings Time is in effect, landscape irrigation shall occur only in accordance with the following irrigation schedule:

¹ **Editor's note**— Ordinance No. 09-13, Section 1, adopted May 19, 2009, repealed the former Article IV, Sections 19-221—19-229, and enacted a new Article IV as set out herein. The former Article IV pertained to water conservation for landscape irrigation and derived from Ordinance No. 08-09, Sections 1—9, 4-1-08.

- (1) Residential landscape irrigation at odd numbered addresses may only occur on Wednesday and Saturday and must not occur between 10:00 a.m. and 4:00 p.m. daily.
 - (2) Residential landscape irrigation at even numbered addresses or no address may only occur on Thursday and Sunday and must not occur between 10:00 a.m. and 4:00 p.m. daily.
 - (3) Nonresidential landscape irrigation may occur only on Tuesday and Friday and shall not occur between 10:00 a.m. and 4:00 p.m.; and
 - (4) No more than three-fourths ($\frac{3}{4}$) inch of water may be applied per irrigation zone on each day that irrigation occurs, and in no event shall irrigation occur for more than one hour per irrigation zone on each day that irrigation occurs.
- (b) When Eastern Standard Time is in effect, landscape irrigation shall occur only in accordance with the following irrigation schedule:
- (1) Residential landscape irrigation at odd numbered addresses or no address may occur only on Saturday and shall not occur between 10:00 a.m. and 4:00 p.m.; and
 - (2) Residential landscape irrigation at even numbered addresses may occur only on Sunday and shall not occur between 10:00 a.m. and 4:00 p.m.; and
 - (3) Nonresidential landscape irrigation may occur only on Tuesday and shall not occur between 10:00 a.m. and 4:00 p.m.; and
 - (4) No more than three-fourths ($\frac{3}{4}$) inch of water may be applied per irrigation zone on each day that irrigation occurs, and in no event shall irrigation occur for more than one hour per irrigation zone on each day that irrigation occurs.
- (c) All landscape irrigation shall be limited in amount to only that necessary to meet landscape needs.

(Ordinance No. 09-13, Section 1, 5-19-2009)

Section 19-224. - Exceptions to landscape irrigation schedule.

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

- (1) Irrigation using a micro-spray, micro-jet, drip or bubbler 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. Watering in of chemicals shall not exceed one-fourth ($\frac{1}{4}$) inch of water per application except as otherwise required by law, the manufacturer, or best management practices.
- (4) Irrigation systems may be operated anytime for maintenance and repair purposes not to exceed twenty (20) 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 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.

(Ordinance No. 09-13, Section 1, 5-19-2009)

Section 19-225. - Additional requirements.

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

(Ordinance No. 09-13, Section 1, 5-19-2009)

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

- (a) A waiver from the specific irrigation day or days established pursuant to section 19-223 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 two (2) days per week during Daylight Savings and one day per week during Eastern Standard Time. A waiver under this section may not be granted from time to day limitations.
- (b) All waiver requests shall be made to the LDRC, 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.

(Ordinance No. 09-13, Section 1, 5-19-2009)

Section 19-227. - Application of ordinance.

The provisions of this article shall apply to each person located within the unincorporated areas of Marion County, except that unincorporated area lying within The Villages of Marion, FQD. Landscape irrigation within the Villages of Marion, FQD shall comply with the landscape irrigation rules and water shortage rules of the SWFWMD, pursuant to the interagency agreement between the SJRWMD and SWFWMD, dated May 19, 2009

(Ordinance No. 09-13, Section 1, 5-19-2009)

Section 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 the county government, in accordance with state and local law.

(Ordinance No. 09-13, Section 1, 5-19-2009)

Section 19-229. - Penalties.

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

Violation	Penalty
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.

(Ordinance No. 09-13, Section 1, 5-19-2009)

Sections 19-230—19-240. - Reserved.