

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
MARTIN COUNTY, FLORIDA**

ORDINANCE NO. 1173

AN ORDINANCE OF MARTIN COUNTY, FLORIDA; PROVIDING FOR LOCAL IMPLEMENTATION OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT'S RULE FOR MANDATORY YEAR-ROUND LANDSCAPE IRRIGATION CONSERVATION MEASURES (40E-24, FLORIDA ADMINISTRATIVE CODE); PROVIDING DEFINITIONS; PROVIDING FOR THE APPLICABILITY OF THE ORDINANCE; PROVIDING THE LANDSCAPE IRRIGATION SCHEDULE; PROVIDING EXCEPTIONS TO THE LANDSCAPE IRRIGATION SCHEDULE; PROVIDING FOR ADMINISTRATIVE VARIANCES FROM THE SPECIFIC DAY OF THE WEEK LIMITATIONS; PROVIDING FOR ENFORCEMENT OF THE ORDINANCE; PROVIDING FOR THE DECLARATION OF A WATER SHORTAGE OR WATER SHORTAGE EMERGENCY; PROVIDING FOR APPLICABILITY, CONFLICTING PROVISIONS, SEVERABILITY, FILING WITH THE DEPARTMENT OF STATE, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, Martin County through its Board of County Commissioners desires its businesses, residences and public places to conserve water resources on a year-round basis; and

WHEREAS, Martin County recognizes that the South Florida Water Management District ("District") has amended Chapter 40E-24, Florida Administrative Code ("F.A.C.") to implement the Rule for Mandatory Year-Round Landscape Irrigation Conservation Measures (the "Rule"); and

WHEREAS, the District is encouraging local governments within the District's sixteen county region to adopt year-round irrigation conservation ordinances for landscape irrigation pursuant to the Rule; and

WHEREAS, Martin County desires to adopt this Ordinance applicable to landscape irrigation, as an effective way to conserve water resources and to comply with the Rule; and

WHEREAS, Martin County finds and declares that the adoption of this Ordinance is appropriate, and in the public interest.

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NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MARTIN COUNTY, FLORIDA THAT:

PART I.

CHAPTER 159 – WATER AND SEWER, Code of Ordinances, is amended as set forth below.

ARTICLE 5. – WATER CONSERVATION

~~Sec. 159.131. Intent.~~

~~The intent of this article is to set forth uniform County-wide water conservation principles in order to provide for the safe and prudent use of a scarce and valuable resource.~~

~~Sec. 159.132. Definitions.~~

~~For purposes of this article the following words shall be defined as follows:~~

~~*Agricultural irrigation* means the use of equipment and devices specifically designed to provide water to the surface area or root zone of vegetation being grown for harvesting for commercial purposes.~~

~~*Freeze protection* means the use of water to protect vegetation from freeze damage in situations in which official weather forecasting services predict temperatures likely to cause permanent damage to vegetation.~~

~~*Irrigation* means the use of equipment and devices to provide water to the surface area or root zone of vegetation.~~

~~*Irrigation quality (IQ) water* means tertiary treated wastewater effluent under a DER permit.~~

~~*Hand watering* means irrigating by one hose attended by one person.~~

~~*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 vegetation being irrigated and to allow that water to be placed with a high degree of efficiency in the root zone of the vegetation.~~

~~*Person* means any person, natural or artificial, individual, firm, association, organization, partnership, business trust, corporation, company, agent, employee, or any other legal entity, the United States of America, and the State and all political subdivisions, regions, districts, municipalities, and public agencies.~~

~~*Syringing* means wetting down golf course greens by hand watering or sprinkling with water that is at air temperature.~~

~~*Vegetation* means any living plant, shrub, or tree material.~~

~~*Water resource* means any and all water on or beneath the surface of the ground, including but not limited to natural or artificial watercourses, lakes, ponds, or diffused surface water and water percolating, standing, or flowing beneath the ground.~~

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~~Sec. 159.133.— Prohibitions.~~

~~No person shall irrigate or cause to be irrigated vegetation, whether from public or private water resources, between the hours of 9:00 a.m. and 5:00 p.m.~~

~~Sec. 159.134.— Exemptions.~~

~~Notwithstanding the general prohibition in section 159.133, vegetation may be irrigated between the hours of 9:00 a.m. and 5:00 p.m. under the following conditions:~~

~~159.134.A. If the vegetation is irrigated using a low volume irrigation system.~~

~~159.134.B. If the vegetation is irrigated using hand watering.~~

~~159.134.C. If the vegetation is irrigated for freeze protection.~~

~~159.134.D. If the water resource is used for agricultural irrigation.~~

~~159.134.E. If the irrigation system is operated for cleaning or maintenance purposes.~~

~~However, such operation shall be limited to the minimum time necessary to perform the cleaning or maintenance operation. Maintenance includes syringing on golf courses.~~

~~159.134.F. If the irrigation system's sole source is IQ water.~~

~~159.134.G. If the water resource is used to irrigate the lawns and landscaping for a first-time wet-down.~~

~~Sec. 159.135.— Penalties.~~

~~Persons who violate this article may be subject to a civil penalty, in addition to any other penalty allowed by law, not to exceed \$500.00 per violation, as set by the Board of County Commissioners by resolution.~~

~~Secs. 159.136-159.160.— Reserved.~~

Sec. 159.131. - Intent and Purpose

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

Sec. 159.132. - Definitions

A. The following terms and phrases when used in this ordinance, whether in the singular or plural or if the first letter is capitalized or in lower case, shall have the meanings ascribed to them in this section, except when the context clearly indicates a different meaning:

1. “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

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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 an even numbered address.

2. "Adequate Water Supply" refers to the irrigation systems water source (potable or nonpotable) capacity to supply enough water volume and pressure to operate each zone within the water demand requirements its Nozzles or emitters.
3. "Application Uniformity" means how evenly water is distributed within an irrigation zone (also known as distribution uniformity or matched precipitation rate).
4. "Athletic Play Area" means areas used for athletic activities that require irrigation, including but not limited to golf courses, such as the fairways, greens, roughs, tee boxes, and putting greens, golf driving ranges, and fields used for baseball, cricket, croquet, football, frisbee golf, lacrosse, lawn bowling, pickle ball, polo, soccer, softball, tennis, volleyball, and equestrian, livestock, or rodeo arenas.
5. "Automatic Shutoff Valve" (or master valve) is used to protect the landscape from flooding in case of a ruptured main or malfunctioning downstream valve. The Automatic Shutoff Valve is installed on the main line after the backflow preventer (in some systems) and before the control or zone valves.
6. "Automatic Control Valve" means a valve in a Sprinkler system which is activated by an automatic controller by way of hydraulic or electrical control lines and controls a single device or multiple devices.
7. "County" or "Martin County" means Martin County, a political subdivision of the State of Florida, including its Board of County Commissioners.
8. "County Administrator" means the County Administrator for Martin County or the County Administrator's designee.
9. "Day" means a calendar day unless noted otherwise.
10. "District" means the South Florida Water Management District.
11. "Low Quatered Distribution Uniformity Test" is the average discharge of 25% of sampled emitters (in a Zone) with the least discharge (volume) divided by the average discharge of all sampled emitters. Also known as Low Quarter Distribuion Uniformity used in irrigation efficiency audits.
12. "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.
13. "Existing Landscaping" means any Landscaping which has been planted and in the ground for more than ninety (90) days.

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14. “F.A.C.” means the Florida Administrative Code.
15. “Farmer’s Market” means an establishment providing for the retail sale of agricultural products, primarily involving the sale of fresh produce, such as fruits and vegetables, but also including such products and services that are customarily provided in rural or agricultural areas.
16. “Flea Market” means any premises where the principal use is the sale of new and used household goods, personal effects, tools, art work, small household appliances, and similar merchandise, objects, or equipment, in small quantities, in broken lots, not in bulk, for use or consumption by the immediate purchaser, in open air or partly enclosed booths or stalls which may or may not be within a wholly enclosed building.
17. “Flow Rate” means rate of flow or volume per unit period of time.
18. “Friction Pressure Loss” is a pressure loss caused by water flow and turbulence created as water moves thru pipes, fittings and irrigation components.
19. “Hydraulic Function” for irrigation purposes means pressurized water flow not to exceed a Velocity of 5’ per second to minimize the effect of Friction Pressure Loss and to uniformly apply water to its intended root zone objective.
20. “Hydrozoning” is the practice of clustering together plants (shrubs, turf grasses or crops) with similar root zone watering requirements in an effort to conserve water. Landscape Irrigation design, when applying hydrozone guidelines, uniformly provides water with different root zone water requirements on separate watering zones designated for each hydrozone area as needed.
21. “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 this ordinance
22. “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 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.
23. “Lateral Pipeline” means the water delivery pipeline that supplies water to the emitters or Sprinklers from a manifold or header pipeline downstream of the control valve.
24. “Licensed Contractor” means an individual who is duly licensed in irrigation systems contracting by the State of Florida or local government, including but not limited to,

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engineers, landscape architects, and plumbers.

25. “Low Volume Hand Watering” means the watering of landscape by one (1) person, with one (1) hose, fitted with a self-canceling or automatic shutoff Nozzle.
26. “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.
27. “Mainline” means a pipeline which carries water from the water source or the control station to submains or to manifolds or header pipelines of the water distribution system.
28. “Matched Precipitation Rate” means an equal distribution of water over a given area or zone.
29. “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.
30. “New Landscaping” means any Landscaping which has been planted in the ground for ninety (90) days or less.
31. “Nozzle” is a part of a Sprinkler Head, usually interchangeable, engineered to apply water in a specific pattern, distances and volume at a specific working pressure.
32. “Odd Numbered Address” means an address ending in the numbers 1, 3, 5, 7, 9, or the letters N-Z.
33. “Place of Worship” means any structure used on a regular basis by a group of individuals who assemble for religious worship, including but not limited to a church, mosque, synagoge, or temple. As used herein, Place of Worship does not mean a residential property, including but not limited to a single family home, town home or house, or an apartment or condominium building.
34. “Pressure Regulation” means the control of excessive and varying inlet pressures of an irrigation system to achieve a constant outlet pressure to improve application uniformity.
35. “Reclaimed Water” also known as Irrigation Quality (IQ) Water 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 62-40.210, F.A.C. As used in this ordinance, Reclaimed Water used for Landscape Irrigation cannot include more than 10% from secondary sources absent an administrative variance granted as provided in this

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ordinance.

36. “Soil Absorption Rate” means the rate in minutes or hours that water is absorbed by or passes through a soil during least favorable climatic conditions when soils are at or near capacity.
37. “Sprinkler” or “Sprinkler Head” means a device that distributes water under pressure through the air or above ground, usually through a replaceable or adjustable Nozzle, and also called a bubbler head, head, rotor head, or spray head.
38. “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 of Florida and all its 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.
39. “Velocity” means, for irrigation purposes, the average speed computed as Flow Rate per unit area of a pipe, that is, the speed at which water moves through the irrigation systems piping, and is not to exceed 5 feet per second.
40. “Water Resource” means any and all water on or beneath the surface of the ground, including but limited to natural or artificial watercourses, lakes, ponds, or diffused surface water, and well water, water percolating, standing, or flowing beneath the surface of the ground.
41. “Year” means 365 calendar days.
42. “Zone” means a section of an irrigation system served by a single control valve.

B. As used in this ordinance, the conjunctive “and” includes the disjunctive “or” and vice versa. Where “and/or” is used, that term is intended to convey the same meaning. Further, the singular shall include the plural and vice versa.

C. If a deadline imposed by this ordinance falls on a Saturday, Sunday, or legal holiday, the deadline shall extend to the next day that is not a Saturday, Sunday, or legal holiday. This provision does not apply to the days of the week specified or allowed for irrigation.

Sec. 159.133. – Applicability and Exceptions

A. The provisions of this article shall apply to each User providing Landscape Irrigation from all Water Resources within the boundaries of unincorporated Martin County with the following exceptions:

1. The use of Reclaimed Water:

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2. Irrigation at agricultural and nursery operations: and

3. Irrigation of Athletic Play Areas.

Sec. 159.134. – Variances

1. Purpose. The purpose of this variance is to promote irrigation systems that properly apply all components within the system to achieve the highest possible efficiency of water distribution.

2. An administrative variance from the specific day or days identified in this ordinance may be granted by the County Administrator if the following requirements are met:

a. Hardship. The applicant demonstrates with particularity that compliance with the schedule will result in substantial economic, health, or other hardship on the applicant or those served by the applicant.

b. Advanced or Smart Irrigation System. The applicant has an advanced or smart irrigation system, that is, a properly operating evapotranspiration-based or moisture sensing controlled irrigation system that meets the Environmental Protection Agency’s WaterSense® specification for weather-based controllers, the requirements of the Irrigation Association for climate-based controllers or moisture sensor-based controllers, the requirements of Section 373.62, Fla. Stat., or some comparable and applicable industry standard as determined by the County in its sole discretion.

i. Installation. The irrigation system shall also be designed, installed, and or modified to operate with irrigation design and efficiency standards that include, but are not limited to, Adequate Water Supply, Application Uniformity, Hydrozoning, Hydraulic Function, and Pressure Regulation. The irrigation system shall include an Automatic Shutoff Valve and an Automatic Control Valve.

ii. Water Source. The water source shall be adequate from the standpoint of volume, Flow Rate, pressure, and quality to meet the irrigation requirements of the area to be irrigated, as well as other demands, if any, both at the time the system is designed and for the expected life of the system.

iii. System zoning. The irrigation system shall be divided into zones based on the best Hydrozoning practices for the applicant’s property. Factors to be considered include but are not limited to:

1. Available Flow Rate;

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2. Type of vegetation irrigated, i.e., turf, shrubs, native plants, etc.
 3. Type of Sprinkler, i.e., Sprinklers with the proper Matched Precipitation Rate.
 4. Soil characteristics, Soil Absorption Rate, and slope.
 5. Sun and shade exposure.
- iv. Design. Sprinkler irrigation systems should be designed with the appropriate uniformity for the type of plants being grown and the type of soil found in that area. The general watering of different types of plants as one group without regard to their individual water requirements is to be avoided.
1. In inspecting the sprinkler irrigation system design, the system shall comport with the Low Quarted Distribution Uniformity Test.
 2. Sprinkler Heads shall operate within 20% of the optimum operating pressure but not more than the maximum or less than the minimum guidelines as specified by the manufacturer.
- v. Florida Building Code. The irrigation system shall comply with the most recent version of the Florida Building Code, Plumbing, Appendix F (or the applicable Florida Building Code provisions at the time of the application), including but not limited to Appendix F's requirements for Sprinkler/emitting spacing and selection, pipelines, and control valves.
- vi. Record drawing. The applicant shall submit a record drawing of the irrigation system and shall contain the following information:
1. Location, type, pressure, and maximum flow available of all water sources.
 2. Location, type and size of all components including but not limited to backflow devices, controllers, flow meters, the Lateral Pipelines, the Mainline, micro irrigation, moisture sensors, pumps, pump start relays, rain sensors, Sprinklers, valves, water source, wells, or any other irrigation components.
 3. The Flow Rate, application rate (inches per hour), and the operating pressure for the Sprinklers and micro irrigation (within each zone as applicable).

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4. An irrigation schedule for each zone for the dry season and the wet season respectively. The schedule should indicate the frequency and duration each zone should operate to meet the plant water requirements without rainfall and stay within the hydraulic capacities of the Sprinkler system installed.
 5. The professional license or certification number of the installation contractor and contact information for the contractor.
 6. Date of installation or renovation.
- vii. An applicant shall provide an irrigation maintenance schedule performed by a Licensed Contractor. At a minimum, the maintenance schedule shall include a routine visual inspection at regular intervals at least once a year.
- viii. An applicant who receives a variance for having an evapotranspiration-based or moisture sensing controlled irrigation system must maintain and operate the system within the 70% efficiency minimum standard of the Low Quarted Distribution Uniformity Test as well as in accordance with manufacturer specifications at all times, including technology that inhibits or interrupts operation of the system during periods of sufficient moisture.
- ix. An applicant who receives a variance for having a evapotranspiration-based or moisture sensing controlled irrigation system is subject to an inspection by the County to ensure ongoing compliance. If the system is found to be not in compliance after an inspection, the variance is revoked until applicant comes into compliance no later than 30 days after a notice of non-compliance; for purposes of this subsection, the County's notice may be by email, certified mail, hand-delivery, or notice posted on the premises. Unless applicant comes into compliance after 30 days, applicant is required reapply for the variance as required by this section.
- x. The County shall maintain a database of all properties which have installed and maintained irrigation systems that qualify for a variance in accordance with the requirements of this subsection.
- xi. Duration. If a variance for having a evapotranspiration-based or moisture sensing controlled irrigation system is granted, the term of the variance is five (5) years from the date of the granting of the variance. Within one hundred and eighty (180) days before the expiration of the variance, but not later than thirty (30) days before the variance's

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expiration, applicant shall submit to the County's Department of Utilities and Solid Waste for that Department's review proof of an inspection by a Licensed Contractor showing the system is in compliance, and such proof shall be verified by the Licensed Contractor who performed the inspection. If the system is in compliance, the variance shall be extended another five (5) years from the variance's expiration date. If no such proof of an inspection is submitted timely, the variance shall expire on the expiration date, and a new application will be required. At any time if the system is determined not to be in compliance, applicant shall have thirty (30) days, or up to the expiration date, to come into compliance whichever is shorter; if the system is not brought into compliance, the variance shall be revoked at the expiration of the thirty (30) days, or shall expire on the expiration date, whichever is shorter, and a new variance application will be required.

- c. Contiguous Properties. Where a contiguous property is divided into different watering zones, an administrative variance may be granted hereunder so that each zone shall be irrigated on days different than other zones of the property. However, no zone may be irrigated more than two (2) days per week.
 - d. Farmer's Market or Flea Market. If User maintains, manages, or owns a Farmer's Market or Flea Market and the primary day of operation coincides with the prescribed watering day or days for the address, an administrative variance may be granted hereunder so that each zone shall be irrigated on days different than other zones of the property. However, no zone may be irrigated more than two (2) days per week.
 - e. Place of Worship. If user maintains, manages, or owns a Place of Worship and the primary day of attendance coincides with the prescribed watering day or days for the address, an administrative variance may be granted hereunder so that each zone shall be irrigated on days different than other zones of the property. However, no zone may be irrigated more than two (2) days per week.
3. Administrative variance procedure. An applicant for an administrative variance shall submit the application to the County's Department of Utilities and Solid Waste (the "Department"). The applicant shall use the form or forms required by the Department and pay an application fee based upon a reasonable estimate of the cost to the Department to review the application.
- a. An application for a variance based on an advanced or smart irrigation system pursuant to Section 159.134.2.b. must be verified by a Licensed Contractor.
4. A variance granted does not relieve a property owner from complying with irrigation restrictions contained in a water shortage order or water emergency declaration issued

by the South Florida Water Management District, the County, or any other governmental entity having jurisdiction.

5. Any User issued an administrative variance by the County or the District must post notice of the variance or waiver in a conspicuous place to which the variance or waiver pertains.
6. Time Extensions. The County Administrator may allow time extensions in the County Administrator's sole discretion from any deadline prescribed by this ordinance, including but not limited to time extensions warranted because of major storm events such as a hurricane.

Sec. 159.135. – Year-round Landscape Irrigation conservation measures

A. The following requirements shall apply to all Users and all Water Resources unless specified otherwise in this ordinance:

1. Landscape Irrigation shall be prohibited between the hours of 10:00 a.m. and 4:00 p.m., except as otherwise provided.
2. Irrigation of Existing Landscaping shall comply with the following provisions:
 - a. Even numbered addresses, as defined in Sec. 159.132, 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 shall have the opportunity to accomplish necessary Landscape Irrigation two (2) days a week, only on Thursday and/or Sunday.
 - b. Odd numbered addresses, as defined in Sec. 159.132, shall have the opportunity to accomplish necessary Landscape Irrigation two (2) days a week, only on Wednesday and/or Saturday.
3. Irrigation of New Landscaping shall comply with the following provisions:
 - a. New Landscaping may be irrigated once on the day it is installed without regard to the listed watering days and times. Irrigation of the soil immediately prior to the installation of the New Landscaping is allowed without regard to the normal watering days and times.
 - b. A ninety (90) day establishment period begins on 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.
 - c. Irrigation of New Landscaping which has been in place for thirty (30) days or less may be accomplished on Monday, Tuesday, Wednesday, Thursday, Saturday, or Sunday.

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- d. Irrigation of New Landscaping which has been in place for thirty-one (31) to ninety (90) days may be accomplished on Monday, Wednesday, Thursday, or Saturday.
- e. Irrigation of New Landscaping is limited to areas only containing the New Landscaping. An entire zone of an irrigation system shall only be utilized for Landscape Irrigation under this Subsection if the zone 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. Targeted watering may be accomplished by Low Volume Hand Watering or any appropriate method which isolates and waters only the New Landscaping.

B. The following exceptions shall apply to all Users and all Water Resources unless specified otherwise in this ordinance:

- 1. Landscape Irrigation systems may be operated during restricted days 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 (1) test should not exceed ten (10) minutes per zone.
- 2. 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 (1) application, unless the need for more than one (1) 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 this ordinance, unless a professional licensed applicator has posted a temporary sign containing the date of application and the date(s) of needed watering-in activity. The temporary sign shall comply with the Martin County Sign Ordinance, Land Development Regulations, Article 4, Division 16, Section 4.691 et seq., as amended, or as otherwise required by law.
 - c. Any plant bed or garden material may be watered using Low Volume Irrigation, Micro-irrigation, Low Volume Hand Watering, rain barrels, cisterns, or other similar rain-harvesting devices without regard to the watering days or times allowed pursuant to this ordinance.
- 3. Wasteful and unnecessary use prohibited. In addition to the specific conservation measures in this ordinance, intentionally or knowingly using water for Landscape Irrigation in a wasteful and unnecessary manner is prohibited, specifically, allowing water to be dispersed without any practical purpose to the water use or in a grossly inefficient manner regardless

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of the type of water use, including but not limited to:

- a. Excessive Landscape Irrigation;
- b. Leaving an unattended hose on a driveway with water flowing;
- c. Allowing Landscape Irrigation water to unnecessarily fall onto pavement, sidewalks, and other impervious surfaces; or
- d. Allowing water flow through a broken or malfunctioning water delivery or Landscape Irrigation system.

Section 159.136. – Declaration of a Water Shortage or Water Shortage Emergency.

1. As used in this section:

- a. “Water Shortage” means when the District determines there is the possibility that insufficient water will be available to meet the present and anticipated needs of the users, or when conditions are such as to require a temporary reduction in total use within a particular area to protect Water Resources from serious harm.
- b. “Water Shortage Emergency” means when the District determines the provisions of this ordinance 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.

2. Declaration of a Water Shortage or Water Shortage Emergency within all or parts of the unincorporated portions of the County shall supersede this ordinance for the duration of the declaration.

Sec. 159.137. – Enforcement

1. The County may enforce this ordinance through the County’s Code Enforcement established pursuant to Chapter 162 Fla. Stat. and Martin County Code of Ordinances, Section 1.91 et seq., as amended, or by an action at law or in equity in the Circuit Court, including but not limited to an action seeking injunctive relief.
2. The County may also request the Martin County Sheriff or any other law enforcement agency having jurisdiction to enforce this ordinance.
3. Nothing in this ordinance shall bar, preclude, prevent, or supersede the County’s right to seek its remedies at law or in equity in connection with water use.

Sec. 159.138. - Penalties

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

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- a. First violation, \$25.00;
 - b. Second violation, \$50.00;
 - c. Third and subsequent violations, \$100.00 for each violation.
 - i. If the User has no violations of this ordinance continuously during the two (2) years after the last violation, the User shall not be deemed to have prior violations for the purpose of counting the number of violations.
2. Each day in violation of this article shall constitute a separate violation or offense.
3. Code enforcement or law enforcement may provide Users who are in violation with no more than one (1) written warning every two (2) years. In providing a warning, code enforcement or law enforcement may provide the user with informational and educational material by written or electronic media.

Secs. 159.139 – 159.160. – Reserved.

PART II. CONFLICTING PROVISIONS.

Special acts of the Florida Legislature applicable only to unincorporated areas of Martin County, Martin County ordinances, County resolutions, or parts thereof, in conflict with this ordinance are hereby superseded by this ordinance to the extent of such conflict except for ordinances concerning either adoption or amendment of the Comprehensive Plan or as otherwise provided in this ordinance.

PART III. SEVERABILITY.

If any portion of this ordinance is for any reason held or declared to be unconstitutional, inoperative or void by a court of competent jurisdiction, such holding shall not affect the remaining portions of this ordinance. If the ordinance or any provision thereof shall be held to be inapplicable to any person, property or circumstance by a court of competent jurisdiction, such holding shall not affect its applicability to any other person, property or circumstance.

PART IV. APPLICABILITY OF ORDINANCE.

This Ordinance shall be applicable throughout the unincorporated area of Martin County.

PART V. FILING WITH DEPARTMENT OF STATE.

The Clerk shall be and is hereby directed forthwith to scan this ordinance in accordance with Rule 1B-26.003, F.A.C., and file same with the Florida Department of State via electronic transmission.

Added language is underlined; deleted language is ~~struckthrough~~

PART VI. EFFECTIVE DATE.

This ordinance shall take effect 180 calendar days after the date the Martin County Board of County Commissioners approves this ordinance.

PART VII. CODIFICATION.

Provisions of this ordinance shall be incorporated into the General Ordinances, Martin County Code, except that Parts 2 through 7 shall not be codified. The word "ordinance" may be changed to "article," "section," or other word, and the sections of this ordinance may be renumbered or re-lettered.

DULY PASSED AND ADOPTED THIS 14TH DAY OF DECEMBER, 2021.


ATTEST:

**BOARD OF COUNTY COMMISSIONERS
MARTIN COUNTY, FLORIDA**

 BY: 
**CAROLYN TIMMANN
CLERK OF THE CIRCUIT
COURT AND COMPTROLLER**

BY: 
DOUG SMITH, CHAIRMAN

**APPROVED AS TO FORM
& LEGAL SUFFICIENCY:**

BY: 
**SARAH W. WOODS
COUNTY ATTORNEY**



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

December 20, 2021

Ms. Carolyn Timmann
Clerk of the Circuit Court
Martin County
Post Office Box 9016
Stuart, Florida 34995

Attention: Layla Ponders

Dear Ms. Timmann:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Martin County Ordinance No. 1173, which was filed in this office on December 20, 2021.

Sincerely,

Anya Owens
Program Administrator

AO/lb



Public Notices

as Clerk of the Circuit Court of
Martin County, Florida

By: DEPUTY CLERK
Pub: Dec 2, & Dec 9, 2021
TCN5005697

NOTICE OF PUBLIC HEARING

The Board of County Commissioners of Martin County will conduct a public hearing on December 14, 2021, beginning at 9:00 A.M., or as soon thereafter as the item may be heard, to review the following item:

AN ORDINANCE OF MARTIN COUNTY, FLORIDA; PROVIDING FOR LOCAL IMPLEMENTATION OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT'S RULE FOR MANDATORY YEAR-ROUND LANDSCAPE IRRIGATION CONSERVATION MEASURES (40 E-24, FLORIDA ADMINISTRATIVE CODE); PROVIDING DEFINITIONS; PROVIDING FOR THE APPLICABILITY OF THE ORDINANCE; PROVIDING THE LANDSCAPE IRRIGATION SCHEDULE; PROVIDING EXCEPTIONS TO THE LANDSCAPE IRRIGATION SCHEDULE; PROVIDING FOR ADMINISTRATIVE VARIANCES FROM THE SPECIFIC DAY OF THE WEEK LIMITATIONS; PROVIDING FOR ENFORCEMENT OF THE ORDINANCE; PROVIDING FOR THE DECLARATION OF A WATER SHORTAGE OR WATER SHORTAGE EMERGENCY; PROVIDING FOR APPLICABILITY, CONFLICTING PROVISIONS, SEVERABILITY, FILING WITH THE DEPARTMENT OF STATE, CODIFICATION, AND AN EFFECTIVE DATE.

All interested persons are invited to attend and be heard. The meeting will be held in the Commission Chambers on the first floor of the Martin County Administrative Center, 2401 S.E. Monterey Road, Stuart, Florida. Written comments may be mailed to: David Arthur, County Attorney's Office, 2401 S.E. Monterey Road, Stuart, Florida 34996. Copies of the item will be available from the County Attorney's Office. For more information, contact David Arthur, Senior Assistant County Attorney at (772) 288-5441.

Persons with disabilities who need an accommodation in order to participate in this proceeding are entitled, at no cost, to the provision of certain assistance. This does not include transportation to and from the meeting. Please contact the Office of the ADA Coordinator at (772) 320-3131, or the Office of the County Administrator at (772) 288-5400, or in writing to 2401 SE Monterey Road, Stuart, FL, 34996, no later than three days before the hearing date. Persons using a TTY device, please call 711 Florida Relay Services.

If any person decides to appeal any decision made with respect to any matter considered at the meetings or hearings of any board, committee, agency, council, or advisory group, that person will need a record of the proceedings and, for such purpose, may need to insure that a verbatim record of the proceedings is made, which record should include the testimony and evidence upon which the appeal is to be based.

Publish: December 2, 2021
TCN5008851