



Office of
**INDIAN RIVER COUNTY
ATTORNEY**

Dylan Reingold, County Attorney
William K. DeBral, Deputy County Attorney
Susan J. Prado, Assistant County Attorney

MEMORANDUM

TO: Board of County Commissioners
FROM: Dylan Reingold, County Attorney
DATE: May 11, 2022
SUBJECT: Irrigation Ordinance

BACKGROUND.

On February 15, 2022, the Indian River County Board of County Commissioners (“Board”) voted to support adopting a local irrigation ordinance based upon the St. Johns River Water Management District model ordinance, which is attached. The model ordinance includes landscape irrigation schedule requirements for hours and applications amounts for both daylight savings time and standard time and for residential and non-residential landscapes. The model ordinance includes exceptions and waivers in certain circumstances.

The model ordinance contained recommendations for enforcement and penalties, noting that local governments could remove or modify these provisions. The Board further directed the County Attorney’s Office to draft the ordinance, which would apply in the unincorporated areas of Indian River County, with an enforcement structure with a written warning for the first violation, a \$50 fine for the second violation and a \$100 fine for subsequent violations.

On May 3, 2022, the Board conducted a public hearing on the ordinance. The Board presented two changes to the model ordinance language. The first would be to change daylight savings/standard time designations to month designations. The second was to define “new landscaping”. As these are changes to the model ordinance language, the Board continued the public hearing until May 17th to give time for the County Attorney’s Office to communicate with the St. Johns River Water Management District concerning the two changes. The Board further discussed a change to the penalties provision, which would allow a second violation to be extinguished, assuming there are no further violations, after a year and a subsequent violation to extinguish two years after the first violation, assuming there are no violations during that two year period.

St. Johns River Water Management District staff has examined the issue and due to the St. Johns River Water Management District rule is unable to support either modification from the model ordinance at this time. Thus, the County Attorney’s Office has modified the draft ordinance only to reflect the changes to the penalties provision.

FUNDING.

The cost associated with this item was the cost of publication of the notice of public hearing in the amount of \$160.74 which is paid from the County Attorney's Budget/Legal Ads; Account No. 00110214-034910.

RECOMMENDATION.

The County Attorney's Office recommends the Indian River County Board of County Commissioners open the public hearing, take any public input, close the public hearing and vote to approve the revised draft ordinance.

ATTACHMENT.

St. Johns River Water Management District Model Ordinance
Revised Draft Ordinance