

Water Conservation and Irrigation Ordinance (Ord. 91-52)

Sec. 27-111. Short title; applicability; authority.

(a) This article shall be known as the Palm Beach County Water and Irrigation Conservation ordinance."

(b) All provisions of this article shall be effective within the unincorporated areas of the county as well as those incorporated areas not subject to municipal regulation in this area, and shall set restrictions, constraints and prohibitions to enhance the county's water resources and provide a permanent water conservation measure. Unless otherwise provided, nothing in this article shall be construed to relieve any person from compliance with any applicable regulations enacted by the county or any municipality, district, or political subdivision of the state.

(c) This article is adopted under the authority of chapter 125, Florida Statutes and the Palm Beach County Charter.

(Ord. No. 91-52, § 1, 12-17-91; Ord. No. 93-3, § 1, 1-19-93)

Sec. 27-112. Purpose.

The purpose of this article is to establish a regulatory framework and guidance document which will help ensure that water and landscape irrigation conservation will be consistent throughout the county.

(Ord. No. 91-52, § 2, 12-17-91; Ord. No. 93-3, § 2, 1-19-93)

Sec. 27-113. Definitions.

The following definitions shall apply within this article:

(a) *Agriculture*: The growing of farm products, including but not limited to sugar cane, vegetables, citrus and other fruits, pasture land, sod or nursery stock, including but not limited to ornamental foliage and greenhouse plants.

(b) *Code Enforcement Officer/Code Inspector*: Any authorized agent or employee of the county whose duty is to ensure compliance with the provisions of this article, including but not limited to law enforcement officers and designated employees of the department of environmental resources management, cable television, water utilities and planning, zoning and building.

(c) *Impervious*: Land surfaces which do not allow the penetration of water, including paved roads, sidewalks, driveways, parking lots and highly compacted areas including shell or clay.

(d) *Irrigation*: The direct application of water by means other than precipitation.

(e) *Irrigation Systems*: Equipment and devices which deliver water to plants being irrigated, including but not limited to pipelines, control structures, pipes and ditches, pumping stations, emitters, valves and fittings. This does not include the transfer of water through water management systems from one location to another.

(f) *Person*: Includes any natural person, individual, public or private corporation, firm, association, joint venture, partnership, municipality, governmental agency, political subdivision, public officer or any other entity whatsoever, or any combination of such, jointly or severally.

(Ord. No. 91-52, § 3, 12-17-91; Ord. No. 93-3, § 3, 1-19-93)

Sec. 27-114. Restrictions.

(a) Irrigation of any residential, commercial, institutional, governmental or industrial landscape areas shall be restricted to the hours of 5:00 p.m. to 9:00 a.m.

(b) It shall be unlawful to operate or cause the operation of any irrigation system or device in a manner causing water to be wasted, including but not limited to unnecessary watering of impervious areas, other than that which may occur incidental to the proper operation of the primary irrigation system.

(c) Upon the effective date of this article [December 27, 1991], new installations of automatic irrigation systems shall be equipped with a water-sensing device which will automatically discontinue irrigation during periods of rainfall.

(Ord. No. 91-52, § 4, 12-17-91; Ord. No. 93-3, § 4, 1-19-93)

Sec. 27-115. Exemptions.

The following activities shall be exempt from the provisions of this article:

(1) Landscape irrigation by hand watering using a self-canceling nozzle.

(2) Landscape irrigation by systems from which the sole source is treated wastewater effluent.

(3) The operation of irrigation systems for system repair and maintenance.

(4) Flushing of water mains required for normal water main clearance and maintenance and for maintenance of water quality; however, where practical, contractors and utilities shall direct flushed water into pervious areas, flush at the minimum rate necessary for cleaning, and disperse the water in such a manner to benefit local vegetation.

(5) Landscape irrigation for purposes of watering in fungicides, insecticides and herbicides as required by the manufacturer or by federal or state laws; however, this exemption applies only to licensed pest control operators and shall be limited to manufacturer's recommendations.

(6) Landscape irrigation for the purpose of watering in newly planted grass and foliage for the first forty-five (45) days after initial installation.

(7) Irrigation activity for dust emissions required by court or administrative action.

(8) Agricultural irrigation where the use of water is permitted by a consumptive or water use permit issued by the South Florida Water Management District.

(Ord. No. 91-52, § 5, 12-17-91; Ord. No. 93-3, § 5, 1-19-93)

Sec. 27-116. Enforcement.

- (a) Failure to comply with the requirements of this article shall constitute a violation of a county ordinance, and may be punished as provided by section 125.69(1), Florida Statutes.
 - (b) Violations of the provisions of this article may also be punished, pursuant to section 162.21, Florida Statutes, as a civil infraction with a maximum civil penalty not to exceed five hundred dollars (\$500.00), as set forth in Ordinance Number 90-45, as amended the Code Enforcement Citation System Ordinance. [section 8.5-21 et seq.].
 - (c) Each day in violation of the provisions of this article shall constitute a separate offense.
 - (d) In addition to the sanctions contained herein, the county may take appropriate action, including but not limited to administrative action and requests for temporary and permanent injunctions, to enforce the provisions of this article.
 - (e) All monies collected pursuant to this article shall be deposited in the county pollution trust fund or such other place as may be designated by resolution of the board of county commissioners.
- (Ord. No. 91-52, § 6, 12-17-91; Ord. No. 93-3, § 6, 1-19-93)

Sec. 27-117. Variance relief.

- (a) Any person affected by the provisions of this article may make application to the county administrator, or his designee, for a variance if compliance would impose a unique, unnecessary and inequitable hardship on such person. Relief may be granted only upon a demonstration that such hardship is peculiar to the person or the affected property and is not self-imposed, and that the grant of the variance will be consistent with the general intent and purpose of this article. Any application for variance or appeal shall be sent by certified mail, return receipt requested.
- (b) Upon receiving an application for variance, the county administrator or his designee shall render a decision on the variance within ten (10) working days. Denials of variance relief may be appealed to the environmental ordinance appeals board within twenty (20) days of such person's receipt of the notice of denial.
- (c) An application for a variance, and/or the granting of a variance, shall operate prospectively, and shall not affect any pending enforcement action against the property owner pursuant to the provisions of this article.

(Ord. No. 91-52, § 7, 12-17-91)
Secs. 27-118--27-130. Reserved.