

**ORDINANCE NO. 2022-007**

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA; REPEALING CHAPTER 27, ARTICLE VI, SECTIONS 27-111 THROUGH 27-117 OF THE PALM BEACH COUNTY CODE (ORDINANCE NO. 93-3) IN ITS ENTIRETY AND REPLACING IT WITH THE PALM BEACH COUNTY MANDATORY YEAR-ROUND LANDSCAPE IRRIGATION CONSERVATION MEASURES ORDINANCE; PROVIDING FOR A TITLE; PROVIDING FOR APPLICABILITY; PROVIDING FOR DEFINITIONS; PROVIDING FOR YEAR-ROUND LANDSCAPE IRRIGATION CONSERVATION MEASURES; PROVIDING FOR EXCEPTIONS TO THE LANDSCAPE IRRIGATION SCHEDULES; PROVIDING FOR VARIANCES; PROVIDING FOR ENFORCEMENT; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; PROVIDING FOR CAPTIONS; PROVIDING FOR SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

1           **WHEREAS**, the South Florida Water Management District (District) has the  
2 responsibility and exclusive authority under Chapter 373, Florida Statutes (F.S.), for  
3 regulating the consumptive use of water; and

4           **WHEREAS**, the District has promulgated Chapter 40E-2, Florida Administrative  
5 Code (F.A.C.), for the consumptive use of water which includes Rule 40E-2.061, F.A.C.,  
6 General Permits by Rule, regulating landscape irrigation at a single family dwelling or  
7 duplex, and Rule 40E-2.071, F.A.C., Noticed General and Individual Permits, regulating  
8 larger landscape irrigation users; and

9           **WHEREAS**, the District promulgated and amended Chapter 40E-24, F.A.C.,  
10 requiring year-round landscape irrigation conservation measures within the boundaries of  
11 the District; and

12           **WHEREAS**, Chapter 40E-24, F.A.C., applies to all users as defined in Rule 40E-  
13 24.101(14), F.A.C., including permitted and exempt users under Chapter 40E-2, F.A.C.,  
14 unless indicated otherwise therein; and

15           **WHEREAS**, Rule 40E-24.501, F.A.C., provides that local governments that have  
16 adopted an ordinance incorporating the provisions set forth in Rule 40E-24.201, F.A.C.,  
17 may grant variances from the specific day or days for landscape irrigation identified in the  
18 ordinance provided that the applicant demonstrates with particularity that compliance with

1 the schedule of days for landscape irrigation in the ordinance will result in a substantial  
2 hardship on the applicant requesting the variance or those served by the applicant; and

3 **WHEREAS**, Rule 40E-24.401, F.A.C. strongly encourages local governments to  
4 enforce mandatory year-round landscape irrigation conservation measures within their  
5 jurisdictions through adoption of an ordinance that incorporates the provisions set forth in  
6 Rule 40E-24.201, F.A.C.; and

7 **WHEREAS**, Chapter 125, F.S. authorizes the Board of County Commissioners of  
8 Palm Beach County (County) to adopt ordinances as necessary for the health, safety and  
9 welfare of the residents of Palm Beach County; and

10 **WHEREAS**, it is the intent and policy of the Board of County Commissioners to  
11 conserve and protect its valuable and critical water resources and ensure the continued  
12 health, safety, welfare, and quality of life for existing and future residents of and visitors  
13 to Palm Beach County by assisting in the conservation of its water resources; and

14 **WHEREAS**, on January 19, 1993, the Board of County Commissioners adopted  
15 Ordinance No. 93-3 (which repealed and replaced Ordinance No. 91-52), a countywide  
16 ordinance imposing permanent restrictions on landscape irrigation and establishing a  
17 regulatory framework and guidance document which intended to help ensure that water  
18 and landscape irrigation conservation was consistent throughout Palm Beach County; and

19 **WHEREAS**, the Board of County Commissioners finds that the adoption of this  
20 Ordinance is appropriate, in the public interest and necessary for the public health, safety,  
21 and welfare of the residents of Palm Beach County by promoting water conservation  
22 through the efficient use of landscape irrigation; and

23 **WHEREAS**, the Board of County Commissioners has conducted a duly noticed  
24 public hearing to consider this Ordinance in accordance with Section 125.66, F.S.; and

25 **WHEREAS**, the Board of County Commissioners, pursuant to its authority under  
26 the Florida Constitution, Article VIII, Chapter 125, F.S., and the Palm Beach County  
27 Charter, hereby adopts the Palm Beach County Mandatory Year-Round Landscape  
28 Irrigation Conservation Measures Ordinance.

29 **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY**  
30 **COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA**, that:

1 Chapter 27, Article VI of the Palm Beach County Code (Ordinance No. 93-3) is hereby  
2 repealed and replaced with the following:

3

4 **SECTION 1. TITLE**

5 This Ordinance shall be titled the “Palm Beach County Mandatory Year-Round Landscape  
6 Irrigation Conservation Measures Ordinance.”

7

8 **SECTION 2. APPLICABILITY**

9 The provisions of this Ordinance shall apply to all Users providing Landscape Irrigation  
10 from all Water Resources within the boundaries of unincorporated Palm Beach County  
11 with the following exceptions:

- 12 (a) The use of Reclaimed Water, which may or may not be supplemented from  
13 another source; and
- 14 (b) Irrigation for Agriculture; and
- 15 (c) Irrigation at Athletic Play Areas.

16 Unless otherwise provided, nothing in this Ordinance shall be construed to relieve any  
17 person from compliance with any applicable County or municipal regulations.

18

19 **SECTION 3. DEFINITIONS**

20 For the purpose of this Ordinance, the following terms, phrases, words and their derivatives  
21 shall have the meanings ascribed to them unless the text requires or specifies a different  
22 meaning:

- 23 i. ***Address*** means the “house number” (a numeric or alphanumeric designation)  
24 that, together with the street name, describes the physical location of a specific  
25 property. This includes “rural route” numbers, but excludes post office box  
26 numbers. If a lot number in a mobile home park or similar community is used  
27 by the U.S. Postal Service to determine a delivery location, the lot number shall  
28 be the property’s Address. If a lot number in a mobile home park or similar  
29 residential community is not used by the U.S. Postal Service (e.g., the park  
30 manager sorts incoming mail delivered to the community’s Address), then the  
31 community’s main Address shall be the property’s Address. If a property has no  
32 Address, it shall be considered an “Even Numbered Address.”

33

- 1        ii.    **Agriculture** means the growing of farm products including, but not limited to,
- 2            sugar cane, vegetables, citrus and other fruits, pasture land, sod or nursery stock
- 3            including, but not limited to, ornamental foliage and greenhouse plants.
- 4
- 5        iii.    **Athletic Play Area** means all golf course fairways, tees, roughs, greens, and
- 6            other athletic play surfaces; including, football, baseball, soccer, polo, tennis,
- 7            and lawn bowling fields, and rodeo, equestrian, and livestock arenas.
- 8
- 9        iv.     **Code Enforcement Officer** means any authorized agent or employee of the
- 10           County whose duty is to ensure compliance with the provisions of this
- 11           Ordinance, including, but not limited to, law enforcement officers, code
- 12           inspectors and designated employees of the County.
- 13
- 14       v.      **Consumptive Use Permit** means a permit issued pursuant to Chapter 40E-2,
- 15           F.A.C., authorizing the consumptive use of water.
- 16
- 17       vi.     **District** means the South Florida Water Management District, a government
- 18           entity created under Chapter 373, F.S.
- 19
- 20       vii.    **Even Numbered Address** means an Address ending in the numbers 0, 2, 4, 6, 8,
- 21           the letters A-M, or rights-of-way or other locations with no Address.
- 22
- 23       viii.   **Existing Landscaping** means any Landscaping which has been planted and in
- 24           the ground for more than ninety (90) days.
- 25
- 26       ix.     **Irreparable or Irreversible** means a violation of this Ordinance that is not able
- 27           to be undone. For example, the unauthorized use of irrigation in excess of the
- 28           days permitted by this Ordinance, during hours prohibited by this Ordinance, or
- 29           on a day not allowed under this Ordinance is irreparable or irreversible in nature.
- 30
- 31       x.      **Landscaping** means shrubbery, trees, lawns, sod, grass, ground covers, plants,
- 32           vines, ornamental gardens, and such other flora not intended for resale, which
- 33           are situated in such diverse locations as residential landscapes, recreation areas,
- 34           cemeteries, public, commercial, and industrial establishments, public medians,
- 35           and rights-of-way, except Athletic Play Areas.
- 36
- 37       xi.     **Landscape Irrigation** means the outside watering of shrubbery, trees, lawns,
- 38           sod, grass, ground covers, plants, vines, ornamental gardens, and such other flora
- 39           not intended for resale, which are planted and situated in such diverse locations
- 40           as residential landscapes, recreation areas, cemeteries, public, commercial, and
- 41           industrial establishments, public medians, and rights-of-way, except Athletic
- 42           Play Areas.
- 43
- 44       xii.    **Low Volume Hand Watering** means the watering of landscape by one (1)
- 45           person, with one (1) hose, fitted with a self-cancelling or automatic shutoff
- 46           nozzle.

- 1       xiii.   **Low Volume Irrigation** means the use of equipment and devices specifically  
2       designed to allow the volume of water delivered to be limited to a level  
3       consistent with the water requirement of the plant being irrigated and to allow  
4       that water to be placed with a high degree of efficiency in the root zone of the  
5       plant. The term also includes water used in mist houses and similar  
6       establishments for plant propagation. Overhead irrigation and flood irrigation  
7       are not included.  
8
- 9       xiv.   **Micro-irrigation** means the application of small quantities of water on or below  
10      the soil surface as drops or tiny streams of spray through emitter or applicators  
11      placed along a water delivery line. Micro-irrigation includes a number of  
12      methods or concepts such as bubbler, drip, trickle, mist or microspray, and  
13      subsurface irrigation.  
14
- 15      xv.   **New Landscaping** means any Landscaping which has been planted and in the  
16      ground for ninety (90) days or less.  
17
- 18      xvi.   **Odd Numbered Address** means an Address ending in the numbers 1, 3, 5, 7, 9  
19      or the letters N-Z.  
20
- 21      xvii.  **Reclaimed Water** means wastewater that has received at least secondary  
22      treatment and basic disinfection and is reused after flowing out of a wastewater  
23      treatment facility as defined by Rule 62-40.210, F.A.C.  
24
- 25      xviii. **User** means any person, individual, firm, association, organization, partnership,  
26      business trust, corporation, company, agent, employee, or other legal entity  
27      whether natural or artificial, the United States of America, and the State and all  
28      political subdivisions, regions, districts, municipalities, and public agencies  
29      thereof, which directly or indirectly takes water from the Water Resource,  
30      including uses from private or public utility systems, uses under water use  
31      permits issued pursuant to Chapter 40E-2, F.A.C., or uses from individual wells  
32      or pumps.  
33
- 34      xix.   **Wasteful and Unnecessary** means allowing water to be dispersed without any  
35      practical purpose to the water use; for example, excessive Landscape Irrigation,  
36      leaving an unattended hose on a driveway with water flowing, allowing water to  
37      be dispersed in a grossly inefficient manner regardless of the type of water use;  
38      for example, allowing Landscape Irrigation water to unnecessarily fall onto  
39      pavement, sidewalks, and other impervious surfaces; or allowing water flow  
40      through a broken or malfunctioning water delivery or Landscape Irrigation  
41      system.  
42
- 43      xx.   **Water Resource** means any and all water on or beneath the surface of the ground,  
44      including natural or artificial water courses, lakes, ponds, or diffused surface  
45      water and water percolating, standing, or flowing beneath the surface of the  
46      ground.

1       xxi.    ***Water Shortage*** means that situation within all or part of the District when  
2                   insufficient water is available to meet the present and anticipated needs of the  
3                   Users, or when conditions are such as to require temporary reduction in total use  
4                   within a particular area to protect Water Resources from serious harm. A Water  
5                   Shortage usually occurs due to drought.  
6

7       xxii.   ***Water Shortage Emergency*** means that situation when the powers which can be  
8                   exercised under Chapter 40E-21, part II, F.A.C., are not sufficient to protect the  
9                   public health, safety, or welfare, or the health of animals, fish, or aquatic life, or  
10                  a public water supply, or commercial, industrial, agricultural, recreational, or  
11                  other reasonable uses.  
12

13    **SECTION 4. YEAR-ROUND LANDSCAPE IRRIGATION CONSERVATION**

14    **MEASURES**

15           (a)    Palm Beach County adopts the rules of the District, listed in Rule 40E-  
16                   24.201(1)-(5) and (7), F.A.C., which are set out as follows:

17                   (1)   The year-round Landscape Irrigation conservation measures  
18                   contained in this Ordinance are applicable to all Users including  
19                   permitted and exempt Users under Chapter 40E-2, F.A.C., unless  
20                   otherwise indicated. These conservation measures apply to all water  
21                   sources, unless otherwise indicated. In addition to the requirements of  
22                   this Section, all permitted Users under Chapter 40E-2, F.A.C., are  
23                   required to maintain compliance with all Consumptive Use Permit  
24                   conditions and terms, including those designed to require the  
25                   implementation of water conservation practices.

26                   (2)   It shall be the duty of each User to keep informed as to the Landscape  
27                   Irrigation conservation measures within this Ordinance, which affect  
28                   each particular water use.

29                   (3)   In addition to the specific conservation measures enumerated below,  
30                   all Wasteful and Unnecessary water use is prohibited.

31                   (4)   The following requirements shall apply to all Users, unless otherwise  
32                   specified herein.

33                   i.    Landscape Irrigation shall be prohibited between the hours of  
34                   10:00 a.m. and 4:00 p.m., except as otherwise provided herein.

- 1                   ii. Irrigation of Existing Landscaping shall comply with the  
2 following provisions:
- 3                   a. Even Numbered Addresses, installations with irrigation  
4 systems that irrigate both Even Numbered and Odd  
5 Numbered Addresses within the same zones, such as multi-  
6 family units and homeowners' associations, and rights-of-  
7 way or other locations with no Address shall have the  
8 opportunity to accomplish necessary Landscape Irrigation  
9 three (3) days a week, only on Tuesday, Thursday and  
10 Sunday.
- 11                  b. Odd Numbered Addresses shall have the opportunity to  
12 accomplish necessary Landscape Irrigation three (3) days a  
13 week, only on Monday, Wednesday, and Saturday.
- 14                  iii. Irrigation of New Landscaping shall comply with the following  
15 provisions:
- 16                  a. New Landscaping may be irrigated once on the day it is  
17 installed without regard to the normally allowable watering  
18 days and times. Irrigation of the soil immediately prior to the  
19 installation of the New Landscaping is also allowed without  
20 regard to the normally allowable watering days and times.
- 21                  b. A ninety (90) day establishment period begins on the day the  
22 New Landscaping is installed. The New Landscaping shall  
23 be installed within a reasonable time from the date of  
24 purchase, which may be demonstrated with a dated receipt  
25 or invoice.
- 26                  c. Irrigation of New Landscaping which has been in place for  
27 thirty (30) days or less may be accomplished on Monday,  
28 Tuesday, Wednesday, Thursday, Saturday, and Sunday.
- 29                  d. Irrigation of New Landscaping which has been in place for  
30 thirty-one (31) to ninety (90) days may be accomplished on  
31 Monday, Wednesday, Thursday, and Saturday.

1 e. Irrigation of New Landscaping is limited to areas containing  
2 the New Landscaping only. An entire zone of an irrigation  
3 system shall only be utilized for Landscape Irrigation under  
4 this Subsection if the zone in question is for an area that  
5 contains at least 50% New Landscaping. If a zone contains  
6 less than 50% New Landscaping, or if the New Landscaping  
7 is in an area that will not typically be irrigated by an  
8 irrigation system, only the individual new plantings are  
9 eligible for additional irrigation under this Subsection.  
10 Targeted watering may be accomplished by Low Volume  
11 Hand Watering or any appropriate method which isolates  
12 and waters only the New Landscaping.

13 (b) Any User who purchases and installs an automatic Landscape Irrigation  
14 system must properly install, maintain, and operate technology that inhibits  
15 or interrupts operation of the system during periods of sufficient moisture  
16 in accordance with Section 373.62, F.S.

17

18 **SECTION 5. EXCEPTIONS TO THE LANDSCAPE IRRIGATION SCHEDULES**

19 Landscape Irrigation scheduling shall be subject to the following exceptions in accordance  
20 with Rule 40E-24.201, F.A.C.:

21 (a) Landscape Irrigation systems may be operated during restricted days and/or  
22 times for cleaning, maintenance, and repair purposes with an attendant on  
23 site in the area being tested. Landscape Irrigation systems may routinely be  
24 operated for such purposes no more than once per week, and the run time  
25 for any one (1) test should not exceed ten (10) minutes per zone.

26 (b) Landscape Irrigation for the purpose of watering-in fertilizers, insecticides,  
27 pesticides, fungicides and herbicides, where such watering-in is  
28 recommended by the manufacturer, or by federal, state or local law, or best  
29 management practices, shall be allowed under the following conditions:

- 1 (1) Such watering-in shall be limited to one (1) application unless the  
2 need for more than one (1) application is stated in the directions for  
3 application specified by the manufacturer; and
- 4 (2) Such watering-in shall be accomplished during normally allowable  
5 watering days and times set forth in Subsection 4(a)(4)i. and ii. unless  
6 a professional licensed applicator has posted a temporary sign  
7 containing the date of application and the date(s) of needed watering-  
8 in activity.
- 9 (c) Any plant material may be watered using Low Volume Irrigation, Micro-  
10 irrigation, Low Volume Hand Watering, rain barrels, cisterns, or other  
11 similar rain-harvesting devices without regard to the watering days or times  
12 allowed pursuant to this Ordinance.

13

14 **SECTION 6. VARIANCES**

- 15 (a) Any User may request relief from the provisions of Subsection 4(a)(4)ii. for  
16 Landscape Irrigation within unincorporated areas of Palm Beach County by  
17 filing a petition for variance with the Director of the Palm Beach County  
18 Water Utilities Department.
- 19 (b) Petitions may request a variance from the specific day or days for  
20 Landscape Irrigation identified in Subsection 4(a)(4)ii. and must  
21 demonstrate with particularity that compliance with the schedule of days for  
22 Landscape Irrigation will result in a substantial hardship on the petitioner  
23 requesting the variance or those served by the petitioner. The following are  
24 examples of circumstances that may be candidates for the issuance of a  
25 variance:
- 26 (1) Two or more properties which share a common source of water; or  
27 (2) A public or private water system experiencing, or anticipating  
28 distribution problems that cannot otherwise be addressed; or  
29 (3) User maintains an irrigation system that uses soil moisture sensors  
30 with remote monitoring and adjustment capabilities that satisfies the  
31 requirements set forth in Section 373.62(7), F.S.

- 1 (c) Each variance granted shall include a requirement for the petitioner to post  
2 a notice at each parcel to which the variance pertains providing that the  
3 parcel is subject to a variance for Landscape Irrigation issued pursuant to  
4 this Ordinance and the days on which irrigation of the parcel is authorized  
5 by the variance.
- 6 (d) A variance under this Section is invalid if it has expired or if its terms are  
7 violated by the User or any officer or agent of the User.
- 8 (e) A petition must contain the following information and shall be submitted  
9 on a form provided by the Palm Beach County Water Utilities Department:
- 10 (1) A caption including "Petition for Variance from Chapter 27, Article  
11 VI of the Palm Beach County Code (Landscape Irrigation  
12 Conservation Measures)"; and
- 13 (2) The name, address, telephone number, electronic mail address and any  
14 facsimile number of the petitioner and any attorney or qualified  
15 representative of the petitioner; and
- 16 (3) The specific day or days for Landscape Irrigation that pose a  
17 substantial hardship to comply with, and the alternative day or days  
18 during which the petitioner can comply without such hardship; and
- 19 (4) The specific facts that demonstrate with particularity that compliance  
20 with the schedule of days for Landscape Irrigation will result in a  
21 substantial hardship on the petitioner or those served by the petitioner;  
22 and
- 23 (5) The reason why the variance requested would be consistent with the  
24 general intent and purpose of this Ordinance; and
- 25 (6) A statement of whether the variance requested is permanent or  
26 temporary. If the variance is temporary, the petition shall include the  
27 dates during which the petitioner requests the variance to be in effect;  
28 and
- 29 (7) The address, parcel control number, and a map or survey of each  
30 parcel affected by the requested variance.

1 (f) The decision of the Director of the Palm Beach County Water Utilities  
2 Department to approve or deny a variance shall be final.

3 (g) Palm Beach County recognizes all irrigation variances or waivers issued by  
4 the District under Rule 40E-24.501, F.A.C.

5

6 **SECTION 7. ENFORCEMENT**

7 (a) Any restrictions or other measures declared pursuant to Chapter 40E-21,  
8 F.A.C., or related District Governing Board or Executive Director orders,  
9 such as a Water Shortage or Water Shortage Emergency, issued for all or  
10 parts of unincorporated Palm Beach County, which are more restrictive than  
11 a measure contained within Chapter 40E-24, F.A.C., or within this  
12 Ordinance, shall supersede this Ordinance in the affected areas for the  
13 duration of the applicable restriction, declaration, or order.

14 (b) Code Enforcement Officers and any other enforcement personnel as  
15 authorized by the County Administrator are authorized to enforce the  
16 provisions of this Ordinance.

17 (c) Code Enforcement Officers and other authorized enforcement personnel do  
18 not have to provide a reasonable time period to correct the violation prior to  
19 issuing a citation or notice of violation and may immediately issue a citation  
20 or notice of violation if a repeat violation is found or if the code enforcement  
21 officer has reason to believe that the violation presents a serious threat to  
22 the public health, safety, or welfare, or if the violation is irreparable or  
23 irreversible.

24 (d) The violation of any provision of this Ordinance may be enforced pursuant  
25 to terms and procedures in Chapter 162, F.S., Local Government Code  
26 Enforcement Boards Act, and Article 10 of the Palm Beach County Unified  
27 Land Development Code, all as may be amended or recodified from time to  
28 time. Pursuant to Section 162.09(2)(d), F.S., the Palm Beach County  
29 Special Master may impose fines that shall not exceed one thousand dollars  
30 (\$1,000.00) per day per violation for a first violation, five thousand dollars  
31 (\$5,000.00) per day per violation for a repeat violation, and up to fifteen

1 thousand dollars (\$15,000.00) per violation if the Palm Beach County  
2 Special Master finds the violation to be irreparable or irreversible in nature.  
3 In determining the amount of the fine, the Palm Beach County Special  
4 Master shall consider:

- 5 (1) The gravity of the violation; and
- 6 (2) Any actions taken by the violator to correct the violation; and
- 7 (3) Any previous violations committed by the violator.

8 (e) The violation of any provision of this Ordinance may also be enforced  
9 pursuant to the procedures and penalties of Chapter 162, F.S., Supplemental  
10 County or Municipal Code or Ordinance Enforcement Procedures as may  
11 be amended or recodified from time to time, as follows:

- 12 (1) The County court shall have jurisdiction over all civil citations  
13 issued pursuant to this Ordinance.
- 14 (2) The County shall maintain a system by which violators are given  
15 written notice of all violations.
- 16 (3) Code Enforcement Officers and other authorized enforcement  
17 personnel who have reasonable cause to believe that a person has  
18 committed an act in violation of this Ordinance, shall issue civil  
19 citations in the amount of one hundred dollars (\$100.00) for the first  
20 violation, two hundred and fifty dollars (\$250.00) for a second  
21 violation, and five hundred dollars (\$500.00) for each additional  
22 violation. If the person who has committed the violation does not  
23 contest the citation, the fines shall not exceed fifty dollars (\$50.00)  
24 for the first violation, one hundred and twenty-five dollars for a  
25 second violation (\$125.00), and two hundred fifty dollars (\$250.00)  
26 for each additional violation.
- 27 (4) Payment shall be made, either by mail or in person, to the location  
28 and within the time specified upon the citation. If such person  
29 follows this procedure, the person shall be deemed to have admitted  
30 to the infraction and to have waived the right to a hearing on the  
31 issue of the commission of the infraction.

- 1 (5) Funds generated by penalties imposed under Subsection 4(a) shall  
2 be paid into the Palm Beach County Pollution Trust Fund or such  
3 other place as may be designated by Resolution of the Board of  
4 County Commissioners. Funds generated by penalties imposed under  
5 Subsection 4(b) shall be used by the County for the administration and  
6 enforcement of this Ordinance and to further water conservation  
7 activities.
- 8 (6) Any person who fails to make payment within the time period  
9 specified on the citation shall be deemed to have waived the right to  
10 pay the civil penalty as set forth in the citation and shall appear  
11 before the County court.
- 12 (7) Any person who elects to appear before the court to contest the  
13 citation shall be deemed to waive the right to pay the civil penalty.  
14 The court, after a hearing, shall make a finding as to whether a  
15 violation has occurred and may impose a civil penalty not to exceed  
16 five hundred dollars (\$500.00) plus court costs.
- 17 (8) If a person fails to pay the civil penalty or fails to appear in court to  
18 contest the citation, he shall be deemed to have waived his right to  
19 contest the citation and, in such case, a default judgment shall be  
20 entered and the judge may impose a penalty up to the maximum civil  
21 penalty of five hundred dollars (\$500.00) plus court costs.
- 22 (9) Any person who refuses to sign and accept a citation issued pursuant  
23 to this Section shall be guilty of a misdemeanor of the second degree,  
24 punishable as provided by Sections 775.082 or 775.083, F.S.
- 25 (f) The violation of any provision of this Ordinance may be enforced pursuant  
26 to Section 125.69, F.S., as may be amended or recodified from time to time,  
27 and upon conviction shall be punished by a fine not to exceed five hundred  
28 dollars (\$500.00) or by imprisonment in the County jail not to exceed sixty  
29 (60) days or by both such fine and imprisonment. If the County is the  
30 prevailing party, the County may recover the court fees and costs paid by it

1 and the fees and expenses paid to court-appointed counsel as part of its  
2 judgment.

3 (g) In addition to the sanctions contained herein, the County may take any other  
4 appropriate legal action to enforce the provisions of this Ordinance,  
5 including, but not limited to, cease and desist orders, instituting civil action,  
6 and requesting temporary and permanent injunctions.

7 (h) It is the purpose of this Ordinance to provide additional cumulative  
8 remedies.

9 (i) Each day in violation of the provisions of this Ordinance shall constitute a  
10 separate violation or offense and be punishable as such.

11

12 **SECTION 8. REPEAL OF LAWS IN CONFLICT**

13 All local laws and ordinances in conflict with any provision of this Ordinance are hereby  
14 repealed to the extent of such conflict.

15

16 **SECTION 9. SEVERABILITY**

17 If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any  
18 reason held by a Court of competent jurisdiction to be unconstitutional, inoperative, or  
19 void, such holding shall not affect the remainder of this Ordinance.

20

21 **SECTION 10. INCLUSION IN THE CODE OF LAWS AND ORDINANCES**

22 The provisions of this Ordinance shall become and be made a part of the Palm Beach  
23 County Code. The sections of this Ordinance may be renumbered or relettered to  
24 accomplish such, and the word Ordinance may be changed to section, article, or other  
25 appropriate word.

26

27 **SECTION 11. CAPTIONS**

28 The captions, section headings, and section designations used in this Ordinance are for  
29 convenience only and shall have no effect on the interpretation of the provisions of this  
30 Ordinance.

1 **SECTION 12. SAVINGS CLAUSE**

2 Notwithstanding anything to the contrary, all provisions of Palm Beach County Ordinance  
3 No. 93-3, which were previously codified in Chapter 27, Article VI of the Palm Beach  
4 County Code, are specifically preserved and remain in full force and effect for the limited  
5 purpose of enforcing any alleged violations of said Code which occurred prior to its repeal  
6 or amendment.

7

8 **SECTION 13. EFFECTIVE DATE**

9 This Ordinance shall become effective upon filing with the Secretary of State.

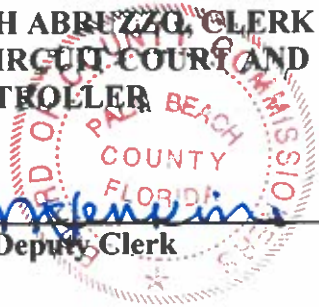
10

11 **APPROVED and ADOPTED** by the Board of County Commissioners of Palm  
12 Beach County, Florida, on this the 24th day of February, 2022.

13

14 **JOSEPH ABRUZZO, CLERK OF  
15 THE CIRCUIT COURT AND  
16 COMPTROLLER**

17  
18  
19 By:   
20 Deputy Clerk



**PALM BEACH COUNTY, FLORIDA,  
BY ITS BOARD OF COUNTY  
COMMISSIONERS**

21  
22  
23  
24  
25  
26  
27  
28 By:   
29 Robert S. Weinroth, Mayor  
30

**APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY**

31  
32 By:   
County Attorney

**EFFECTIVE DATE: Filed with the Department of State on the 1st day of**

March, 2022.



**FLORIDA DEPARTMENT *of* STATE**

**RON DESANTIS**  
Governor

**LAUREL M. LEE**  
Secretary of State

March 1, 2022

Honorable Joseph Abruzzo  
Clerk of the Circuit Court and Comptroller  
Palm Beach County  
301 North Olive Avenue  
West Palm Beach, Florida 33401

Attn: Yadzia Roa

Dear Mr. Abruzzo:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Palm Beach County Ordinance No 2022-007, which was filed in this office on March 1, 2022.

Sincerely,

Anya Owens  
Program Administrator

AO/lb