

ORDINANCE NO. 2020-____

AN ORDINANCE OF CITRUS COUNTY, FLORIDA, AMENDING THE CITRUS COUNTY CODE PERTAINING TO NATURAL RESOURCES, ADDING SECTION 66-35 ENTITLED "LEGISLATIVE INTENT"; AMENDING SECTION 66-36 ENTITLED "WATER RESTRICTIONS"; AMENDING SECTION 66-37 ENTITLED "YEAR-ROUND WATER CONSERVATION MEASURES"; ADDING SECTION 66-41 ENTITLED "VARIANCES FROM WATER USE CONSERVATION MEASURES AND RESTRICTIONS"; PROVIDING FOR MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF CITRUS COUNTY, AS FOLLOWS:

SECTION I.

Article I, Section 66-35 of the Citrus County Code is hereby amended by adding the following:

Sec. 66-35. – Legislative Intent.

- a) It is the policy of Citrus County to promote and require water conservation during times of average and above average rainfall as well as during declared water shortages. To that end, the purpose of this article is to promote long-term sustainability of the water supplies of Citrus County through water use efficiency during times when no water shortage has been declared. The measures contained in this article are intended to reduce wasteful irrigation practices and to encourage lawn and landscape drought conditioning.

- b) This article applies to all water sources as provided herein and all water users as defined herein engaged in irrigation, including those not subject to permitting.

SECTION II.

Article II, Division 1, Section 66-36 of the Citrus County Code is hereby amended by replacing such with the following:

Sec. 66-36. - Water restrictions.

- (a) Definitions. The following words and phrases, when used in this section, shall have the meanings ascribed to them in this subsection except where the context otherwise requires:

Address means the numeric or alphanumeric designation assigned to a house,

building or plot of land by the U.S. Postal Service or, if none, by the County, 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 park manager sorts incoming mail delivered to the community’s address), then the community’s main address shall be the property’s address, unless otherwise designated by the County.

Agriculture shall mean as that term is defined in Section 570.02(1), F.S. Plant nurseries and Turfgrass production (“sod farming”) are agriculture. The care of new or Existing Lawns, non-edible Landscapes, Cemeteries, Golf Courses and Athletic Play Areas are not classified as Agriculture for the purpose of this article.

Athletic play area means all golf course fairways, tees, and greens, and other athletic play surfaces including, but not limited to, football, baseball, soccer, polo, tennis and lawn bowling fields, and rodeo, equestrian and livestock arenas. A turfgrass area in a public park, when used for a festival or other scheduled event that includes heavy foot traffic, is also considered an athletic play area for a period ending two weeks after the event.

Cemetery means a place dedicated to and used or intended to be used for the permanent interment of human or pet remains. A Cemetery may contain land or earth interment; mausoleum, vault, or crypt interment; a columbarium, ossuary, scattering garden, or other structure or place used or intended to be used for the interment or disposition of cremated human or pet remains; or any combination of one or more of such structures or places.

Core aerification means the process of mechanically removing cores or plugs of soil to relieve soil compaction and allowing oxygen, water and nutrients to enter the ground.

Domestic use shall mean as that term is defined in Section 373.019(6), F.S. All other uses shall not be considered Domestic.

Even numbered address means an Address, ending in the numbers 0, 2, 4, 6, 8 or the letters A-M.

Existing means any Lawn or Landscape, or portion thereof, which has been in existence in the same location for a period of 60 days or more.

Frost/freeze or heat stress means the symptoms caused to plants by extreme cold or hot weather unless an irrigation event occurs; for example, permanent wilt damage, yield reductions and/or plant death.

Hand watering means watering plants with one hand held hose, fitted with a self-canceling or automatic shutoff nozzle, or a watering can or pail.

Irrigation means the application of water to plants for the purpose of sustaining

plant life, promoting plant growth or to facilitate crop production.

Landscape means a section of ground adorned or improved by flowering plants (whether annual or perennial), vines, shrubs, palms, trees, ferns, ornamental grasses and groundcover other than Lawn.

Landscape use means the application of water to Lawns and associated Landscape surrounding homes, commercial or industrial buildings, government or other non-commercial buildings, parks, recreational areas, Cemeteries, non-play areas of Golf Courses, public and private right-of-ways and medians but excluding Athletic Play Areas.

Lawn means a plot of Turfgrass, usually tended or mowed, surrounding homes, commercial or industrial buildings, government or other non-commercial buildings, parks, recreational areas, Cemeteries, and public or private right-of-ways and medians, but excludes Athletic Play Areas, whether such areas are free-standing or within a park or other setting.

Low-volume Irrigation means the use of Hand Watering, Micro-irrigation or other 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 designed to allow that water to be placed with a high degree of efficiency within the root zone of the plant.

Micro-irrigation means any Irrigation device that distributes water near or within the root zone through low flow rate and emitters. Examples of Micro-irrigation devices include drip, line source, microspray, microsprinkler, bubbler and similar types of systems. The term specifically includes propagation mist heads, capillary mats and soaker hoses. The term also includes water use in Mist Houses and similar establishments for plant propagation and production, but excludes any form of turf irrigation other than in a sod production ("turf farming") setting.

New plant material means any Lawn or Landscape, or portion thereof, which has been in existence in the same location for less than 60 days.

Odd numbered address means an Address ending in the numbers 1, 3, 5, 7, 9 or the letters N-Z.

Rain or moisture sensing device means an automatic mechanical or electronic sensing device or switch that will override the irrigation cycle of an automatic irrigation system when precipitation has reached a pre-set quantity.

Reclaimed water shall mean as that term is defined in Section 373.019(17), F.S.

Spot treatment is the Hand Watering of isolated areas of Turfgrass or other plant material in order to efficiently deliver water needed to provide uniform moisture content as a water-conserving means of compensating for differences in sun exposure, sprinkler coverage, and other site-specific factors.

Sprigged turf Area means a turf area being established vegetatively by placing Sprigs in furrows or small holes.

Sprigs means individual stems of grass with one to four nodes (joints) from which roots can develop. Sprigs may also be called runners, rhizomes, or stolons. Sprigs are a means of vegetative propagation that is sometimes used to produce Golf Course greens, Golf Course fairways, other Athletic Play Areas, and Lawns.

Syringing is the watering of turfgrass or other plant material in order to lower the air temperature around the leaf surfaces, generally involving the use of Hand Watering or “fogging” irrigation equipment, for the purpose of cooling off the leaf tissue, not to wet the soil.

Turfgrass means a dense growth of grass (any of numerous plants of the botanical family Gramineae) being used as a ground cover to provide one or more of the following benefits: erosion control, dust reduction, beautification, or as a playing surface for sports or recreation.

User means any person, individual, firm, association, organization, partnership, business trust, corporation, company, agent, employee or other legal entity, the United States of America, and the State and all political subdivisions, regions, districts, municipalities, and public agencies thereof, which directly or indirectly takes water from the water resource, including but not limited to uses from groundwater wells and private or public utility systems.

Vertical mowing means a form of thatch removal involving the use of special equipment that makes multiple vertical cuts into the Lawn or other turfgrass. Vertical Mowing may also be referred to as verticutting.

Water resource means any and all water on or beneath the surface of the ground, including natural or artificial watercourses, lakes, ponds or diffused surface water, and water percolating, standing or flowing beneath the surface of the ground, specifically including water withdrawn from wells but excluding seawater.

Water shortage means a drought or other situation within all or part of Citrus County, for which the the Southwest Florida Water Management District or the board of county commissioners has determined that there is insufficient water to meet the present and anticipated needs of users, or conditions are such that there is a need to require temporary reduction in water use within a particular area to protect one or more Source Class or the water resource from serious harm.

Water shortage emergency means a Water Shortage for which a determination has been made that the powers exercised under F.A.C. Ch. 40D-21 Part II are not sufficient to protect the public health, safety, or welfare; the health of livestock and other animals, fish or aquatic life; or other Essential Uses.

Water shortage plan means F.A.C. Ch. 40D-21, as amended from time to time, the codification of the water shortage plan adopted and published by the Southwest Florida Water Management District, or any modification or derivative of F.A.C. Ch. 40D-21, as amended from time to time, which may be current at the time a water shortage or water shortage emergency is declared.

Water use permit (WUP) means a permit issued by the Southwest Water Management District, as defined in subsection F.A.C. Ch. 40D-2.021(15).

Year-round water conservation measures means those measures established by the board of county commissioners to promote water conservation established by FAC 40D-22, as modified by Section 66-37, Citrus County Code.

SECTION III.

Article II, Division 1, Section 66-37 of the Citrus County Code is hereby amended by replacing such with the following:

Sec. 66-37. – Year-round water conservation measures.

- a) General Requirements. The board of county commissioners promotes and requires water conservation during times of average and above average rainfall, as well as during declared water shortages. To that end, the purpose of this section is to promote long-term sustainability of the water supplies of Citrus County through water-use efficiency at all times.
 - 1) The provisions of this section shall apply to all persons using a water resource, whether from a public or privately-owned water utility system, private wells or private connections with surface water bodies in the unincorporated areas of the county. The provisions of this section shall not apply to persons using treated effluent or salt water. The county will recognize variances from the irrigation schedules for properties that have been granted variances by the Southwest Florida Water Management District in accordance with its powers under F.A.C. Ch. 40D-1.1002, as such may be amended from time to time.
 - 2) The Year-round water conservation measures and restrictions contained herein shall be effective throughout unincorporated Citrus County. These measures are intended to be in addition to, and not in lieu of, any water conservation measure(s), restriction(s) or order(s) of the Southwest Florida Water Management District, including those provisions set forth in F.A.C. Ch. 40D-21 and Ch. 40D-22, as such provisions may be amended or renumbered from time to time. The more restrictive provisions adopted by the board of county commissioners or the Southwest Florida Water Management District shall apply.
 - 3) *Wasteful and unnecessary.* In addition to the specific restrictions enumerated below, the following wasteful and unnecessary water uses are prohibited:
 - a. Allowing water to flow from an unattended hose, unless that water is discharge from a functional water-to-air air-conditioning unit, residential reverse osmosis treatment system, or similar device.
 - b. Hand watering a lawn on an otherwise restricted day, or more than once per day, except when used for spot treatment or other practices specified in this article.

- c. Hosing down a driveway or other impervious surface to remove grass clippings or other debris that can be removed with a broom or other dry methods.
 - d. Hosing down a building or other structure to remove cobwebs or other material that can be removed with a broom or other dry methods.
 - e. Allowing water to flow from a broken sprinkler head, outdoor faucet, or other malfunctioning plumbing or irrigation system component.
 - f. Irrigating established lawns and landscaping when greater than $\frac{3}{4}$ inches of rain has occurred on the applicable property within the last twelve (12) hours.
 - g. Delivering more than one complete irrigation application to any established lawn or landscape area on its allowable watering day.
- 4) *Irrigation uses.* The following year-round requirements shall apply to all lawn and landscape irrigation:
- a. *Times.* Established lawns and landscapes may be watered from 12:00 a.m. to 10:00 a.m. or 4:00 p.m. to 11:59 p.m. A user may irrigate established lawns and landscaping during only one (1) of the specified time periods on the allowable watering day.
 - b. *Days.* Established lawns and landscapes shall be limited to once per week watering as follows:
 - addresses ending in the number zero (0) or one (1) - Mondays
 - addresses ending in the number two (2) or three (3) - Tuesdays
 - addresses ending in the number four (4) or five (5) - Wednesdays
 - addresses ending in six (6) or seven (7) - Thursdays
 - addresses ending in the number eight (8) or nine (9) and locations with a mix of addresses, or for which an address cannot be determined (such as common areas associated with a subdivision) - Fridays.
 - c. Irrigation systems may be operated during restricted days and/or times for cleaning and maintenance purposes with an attendant on site in the area being tested. Irrigation systems may routinely be operated for such purposes no more than once per week, and the total run time for each zone shall not exceed 10 minutes during the test.
 - d. Irrigation for the purpose of chemigation, fertigation or watering-in of applied fertilizers, insecticides, fungicides and herbicides, where such irrigation is required by the manufacturer or by federal, state or local law or by applicable best management practices shall not be restricted. In the absence of specific alternative instructions from the manufacturer, such Irrigation shall be limited to one application of one-quarter inches within 24 hours of the application; and, such Irrigation shall be accomplished during allowable watering hours unless a professional applicator has posted a temporary sign containing the date of application and the date(s) of needed Irrigation and has also provided instructions listing the

chemicals used and stating that the Irrigation must occur immediately rather than during allowable watering hours.

- e. Landscape may be watered using Low-Volume Irrigation methods on an as-needed basis instead of being restricted to certain days or times.
 - f. Lawns may be Irrigated by Spot Treatment without regard to the normally allowable watering days. Lawns may only be irrigated by Spot Treatment by Hand-Watering. Spot Treatment shall only be accomplished during allowable watering hours.
 - g. In order to promote necessary rhizome repair, extra watering of Turfgrass may occur, with receipt for service, on any day of the week for a 14-day period after Core Aerification or Vertical Mowing has occurred. An entire zone of an Irrigation system, may only be used for rhizome repair watering if the zone in question is for an area that contains at least 50% Turfgrass recovering from Core Aerification or Vertical Mowing. If a zone contains less than 50% recovering Turfgrass, or if the recovering Turfgrass area is typically not watered by an Irrigation system, only the recovering Turfgrass is eligible for this 14-day exemption. Spot-Treatment, Hand Watering, or any appropriate method which isolates and waters only the recovering Turfgrass may be used.
- 5) *Rain shut off.* Any automatic irrigation system in use must include a properly installed, maintained and operating device or system that inhibits or interrupts operation of the irrigation system within 12 hours of receiving greater than $\frac{3}{4}$ " of rainfall or during periods of sufficient moisture, in accordance with § 373.62, F.S.
- a. A licensed contractor who installs or performs work on an automatic landscape irrigation system must test for the correct operation of each inhibiting or interrupting device or switch on that system. If such devices or switches are not installed in the system, are not placed in an open area to prevent incorrect readings, or are not in proper operating condition, the contractor must install new ones, or repair or move the existing ones and confirm that each device or switch is in proper operating condition before completing other work on the system, in accordance with § 373.62, F.S.
 - b. Any person who purchases and installs an automatic landscape irrigation system must properly install, maintain, and operate technology that inhibits or interrupts operation of the system during periods of sufficient moisture.
- 6) New Plant Material shall only be irrigated as follows:
- a. Any New Plant Material may be irrigated during a 60-day establishment period for the purpose of maintaining plant health and encouraging root growth. From day 1 through day 30 of this establishment period, irrigation may occur on any day of the week. From day 31 through day 60 of this establishment period, irrigation is limited to one application on

each of three specified days, except as otherwise provided herein. The three allowable days shall be as follows: Even Numbered Addresses may provide establishment period irrigation on Tuesday, Thursday and Sunday and Odd Numbered Addresses may provide establishment period irrigation on Monday, Wednesday and Saturday. Cemeteries and other properties two acres or greater are permitted to use an alternative schedule to provide three days of establishment irrigation per week from day 31 through day 60 so long as a written schedule of establishment period watering is maintained at the property. From day 31 through day 60, properties with no discernable address, such as common areas and rights of way, are permitted to provide establishment period irrigation on Tuesday, Friday and Sunday.

- b. This establishment period begins the day the New Plant Material is installed, and is limited to areas containing New Plant Material only. An entire zone of an automatic Irrigation system may only be used for establishment period watering if the zone in question is for an area that contains at least 50% New Plant Material. If a zone contains less than 50% New Plant Material, or if the New Plant Material is in an area that will typically not be watered by an Irrigation system, only the New Plant Material is eligible for this 60-day exemption. Spot Treatment, Hand Watering, or any appropriate method which isolates and waters only the New Plant Material may be used.
 - c. On the day any New Plant Material is installed, it may be irrigated once without regard to the normally allowable watering times. Irrigation of the soil immediately prior to the installation of New Plant Material is also allowable without regard to the normally allowable watering times.
 - d. Irrigation of Sprigged turf area, with receipt for service, is allowable without regard to the normally allowable watering times for the entire 60-day establishment period.
 - e. Irrigation of new Turfgrass areas or other New Plant Material associated with a public works project, when and where conducted using tanker trucks or other vehicles, is allowable without regard to the normally allowable watering times for the entire 60 day establishment period.
 - f. Landscape may continue to be irrigated on an as-needed basis without regard to the normally allowable watering days or times after the establishment period ends if Low-Volume Irrigation technology is used, pursuant to paragraph F.A.C. Ch. 40D-22.201(3)(d).
 - g. Except as otherwise provided herein, all other establishment period watering shall occur during normally allowable watering times.
- 7) Irrigation using Reclaimed Water may be accomplished any day of the week during allowable hours.
 - 8) The operation of an Irrigation system for the discharge of water from a water-to-air air conditioning unit or other water-dependent cooling system

shall not be subject to the provisions of this rule.

- 9) One extra irrigation application may occur within 72 hours of the conclusion of a named tropical storm or hurricane warning, if needed, to flush salt from plant material that was inundated or subjected to spray from saltwater or brackish water.
 - 10) Golf Course Use – shall follow all water use restrictions or other measures imposed by the Southwest Florida Water Management District, pursuant to F.A.C. Ch. 40D-21 and Ch. 40D-22, as amended from time to time.
 - 11) Athletic Play Area Irrigation – shall follow all water use restrictions or other measures imposed by the Southwest Florida Water Management District, pursuant to F.A.C. Ch. 40D-21 and Ch. 40D-22, as amended from time to time.
 - 12) Agriculture Use – shall follow all water use restrictions or other measures imposed by the Southwest Florida Water Management District, pursuant to F.A.C. Ch. 40D-21 and Ch. 40D-22, as amended from time to time.
 - 13) The rules, regulations, and orders promulgated from time to time by the Southwest Florida Water Management District which are more stringent than the provisions of this article are hereby adopted by reference and made part hereof and shall be subject to the same enforcement and penalty provisions of this article. In the case of the more stringent rules, if filing for a variance from the more stringent rules, the petition for variance shall be filed with the Southwest Florida Water Management District.
- b) *Water Shortage.* The board of county commissioners finds that a water shortage condition exists when a water shortage or water shortage emergency, more restrictive than Year-round water conservation measures, and affecting all or any part of the county is declared by the board of county commissioners or the Southwest Florida Water Management District. The board of county commissioners does hereby adopt as water use restrictions and other conservation measures, by reference, the provisions of F.A.C. Ch. 40D-21 and Ch. 40D-22, as amended from time to time, and made a part of this section . When a water shortage or water emergency is declared by the board of county commissioners or the Southwest Florida Water Management District that is more restrictive than the Year-round water conservation measures, the lawn and landscape watering restrictions for Citrus County shall be those set by the most restrictive declaration.

SECTION IV.

Article II, Division 1, Section 66-41 of the Citrus County Code is hereby amended by adding the following:

Sec. 66-41 Variances from water use conservation measures and restrictions.

- a) *Application of provisions.* These provisions shall apply to petitions for variances filed with the county.
- b) *Criteria for issuance upon petition by a water user.* No petition for variance shall be granted unless the petitioner affirmatively demonstrates that one (1) or more of the following circumstances exists:
- 1) The variance is essential to protect public health or safety;
 - 2) Compliance with this section will require measures which, because their extent or cost, impose undue hardship, cannot be accomplished within the anticipated duration of the shortage or will not ensure equitable distribution;
 - 3) Alternative restrictions, which achieve the same level of demand reduction as the restrictions from which a variance is sought, are available and are binding and enforceable.
 - a. These alternative restrictions shall be summarized within a short-term water reduction plan, prepared by the petitioner, to be submitted to the county for consideration.
 - b. Any user who has submitted a short-term water reduction plan in compliance with the county's rules and regulations shall, upon approval, be bound by such plan unless good cause exists for changes to such plan and the plan is amended accordingly.
- c) *Petitions for variance submitted by a water user - contents.* The petition shall contain the following:
- 1) The petitioner's name, address and telephone number;
 - 2) The specific section of the Code, ordinance, rules or regulations from which the petitioner is requesting relief;
 - 3) A detailed statement of the facts which the petitioner believes demonstrates that the request qualifies for a variance, which may include reports by qualified technical experts;
 - 4) A description of the relief desired;
 - 5) The period of time for which the variance is sought, including the reasons and facts in support thereof;
 - 6) The damage or harm resulting or which may result to petitioner from compliance with the Code, ordinance, rules or regulations;
 - 7) The restrictions which petitioner can meet and the date when petitioner can comply with such restrictions;
 - 8) A short-term water use reduction plan, describing any and all alternative reductions implemented in lieu of the restrictions for which variance is sought, if applicable;

- 9) The steps the petitioner is taking to meet the Code, ordinance, rules, regulations or specific restrictions from which the variance is sought and when compliance will be achieved; and
 - 10) Any other information the petitioner believes is material.
- d) *Administrative variances upon petition by a water user.* The water resources department director shall have the authority to grant a variance when the terms of this section are met.

SECTION V. MODIFICATIONS

The provisions of this Ordinance may be modified as a result of considerations that may arise during public hearings. Such modifications shall be incorporated into the final version of the ordinance adopted by the Board and filed with the Clerk.

SECTION VI. SEVERABILITY

It is declared to be the intent of the Board of County Commissioners that the provisions of this ordinance are severable, and if any sentence, section, or other part of this ordinance should be found to be invalid, such invalidity shall not affect the remaining provisions and the remaining provisions shall remain in full force and effect.

SECTION VII. INCLUSION IN THE CODE

It is the intention of the Board of County Commissioners of Citrus County, Florida, and it is hereby provided, that the provisions of this ordinance shall become and be made a part of the Code of Ordinances of Citrus County, Florida. To this end, the sections of this ordinance may be renumbered or relettered to accomplish such intention, and that the word "ordinance" may be changed to "section," "article," or other appropriate designation.

SECTION VIII. EFFECTIVE DATE

This ordinance shall take effect as provided by law.

DONE AND ADOPTED in Regular Session this 23rd day of June, 2020.

BOARD OF COUNTY COMMISSIONERS
OF CITRUS COUNTY, FLORIDA

ATTEST:

ANGELA VICK, CLERK

BY: _____
BRIAN J. COLEMAN, CHAIRMAN

APPROVED AS TO FORM
AND CORRECTNESS:

DENISE A. DYMOND LYN, COUNTY ATTORNEY