

2009-01

AN ORDINANCE OF OAKLAND, FLORIDA; AMENDING THE WATER IRRIGATION CONSERVATION RULE FOR LANDSCAPE IRRIGATION; AMENDING THE TITLE; ADDING DEFINITION OF MICROIRRIGATION; AMENDING LANDSCAPE IRRIGATION ZONES AND SCHEDULES TO INCLUDE ONCE PER WEEK WATERING DURING EASTERN STANDARD TIME, AND AMENDING ZONE 1 AND 2; ADDING TOTAL AMOUNT AND TIME TO WATER; AMENDING LANGUAGE TO EXCEPTIONS TO THE LANDSCAPE IRRIGATION SCHEDULE; AMENDING THE ENFORCEMENT AND APPEAL OF THE ORDINANCE; PROVIDING FOR CODIFICATION; SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, Rule 40C-2.042(2)(a), F.A.C., grants a general permit to each person located within the St. Johns River Water Management District to use, withdraw or divert water for small landscape irrigation uses, provided that irrigation occurs in accordance with Chapter 34 of the Town of Oakland Code; and

WHEREAS, Rule 40C-2.042(2), F.A.C., applies to landscape irrigation regardless of whether the water comes from ground or surface water, from a private well or pump, or from a public or private utility; and

WHEREAS, the Town Commission of Oakland, FL adopted an ordinance to limit irrigation to two days a week in accordance with 40C-2.042(2)(a) and (b) FAC; and

WHEREAS, the pattern of consumption may cause exceedance of the permitted water consumption figures as allowed by the St. Johns River Water Management District through the approved Consumptive Use Permit; and

WHEREAS, the Town Commission finds it necessary to impose additional restrictions on irrigation in order to protect the health, safety and welfare of its citizens; and

WHEREAS, Chapter 162, F.S., provides authority for a local government to impose administrative fines, allowing for due process and an appeal process.

WHEREAS, it is the desire of the Town Commission of the Town of Oakland to adopt such an ordinance whose intent is in accordance with 40C-2.042(2)(a) and (b), F.A.C and the Towns CPP conservation policies.; and

WHEREAS, the Town Commission of Oakland, FL hereby finds and declares that the adoption of this ordinance is appropriate, and in the public interest of the citizens of this community.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF OAKLAND, FLORIDA: Article V, Sections 34-140 through 34-148, Code of Ordinances, is hereby amended to read:

SECTION I. ORDINANCES ADDED AND AMENDED

Chapter 34, Code of Ordinances, is hereby amended by deleting strikethroughs and adding underlines as follows:

ARTICLE V: ST. JOHNS RIVER WATER MANAGEMENT DISTRICT WATER CONSERVATION FOR LANDSCAPE IRRIGATION

Sec. 34-141. Definitions.

(3) Micro-irrigation means the application of small quantities of water directly on or below the soil surface, usually as discrete drops, tiny streams, or miniature sprays through emitters placed along the water delivery pipes (laterals). Microirrigation encompasses a number of methods or concepts including drip, subsurface, microbubbler, microjet, and microspray irrigation, previously referred to as trickle irrigation, low volume, or low flow irrigation.

Sec. 34-142. Landscape irrigation zones, and schedules.

(a) Landscape irrigation at all addresses ~~must~~ shall only occur between 12:01 a.m. to 10:00 a.m. and 4:00 p.m. to midnight on watering days as indicated in 34-142(b) and Exhibit A.

(c) When Daylight Savings Time is in effect (second Sunday in March to first Sunday in November), landscape irrigation shall occur only in accordance with the water days as set in subsection (b).

(d) When Eastern Standard Time is in effect (first Sunday in November to second Sunday in March), landscape irrigation shall occur only on the first day of the address's irrigation zone as set in subsection (b).

(e) No more than $\frac{3}{4}$ inch of water may be applied per irrigation zone on each day that irrigation occurs, and in no event shall irrigation occur for more than 1 hour per irrigation zone on each day that irrigation occurs.

(f) All landscape irrigation shall be limited in amount to only that necessary to meet landscape needs.

(g) Any person who irrigates landscaping with an automatic lawn sprinkler system installed after May 1, 1991, shall install, maintain and operate a rain sensor device, or switch that overrides the irrigation system when adequate rainfall has occurred.

Sec. 34-143. Exceptions to landscape irrigation schedule.

The following exceptions to the twice weekly irrigation schedule stipulated in section 34-142 are permitted:

(3) Watering in of chemicals, including insecticides, pesticides, fertilizers, fungicides, and herbicides, when required by law, the manufacturer, or best management practices, is allowed at any time of day on any day within 24 hours of application. Watering in of chemicals shall not exceed $\frac{1}{4}$ inch of water per application except as otherwise required by law, the manufacturer, or best management practices.

4. Irrigation systems may be operated at any time of day on any day for maintenance and repair purposes not to exceed 20 minutes per hour per zone.

5. Irrigation using a hand-held hose equipped with an automatic shut-off nozzle is allowed at any time of day on any day.

6. Discharge of water from a water-to-air air-conditioning unit or other water- dependent cooling system is not limited.

7. The use of water from a reclaimed water system is allowed anytime. For the purpose of this paragraph, a reclaimed water system includes systems in which the primary source is reclaimed water, which may or may not be supplemented from another source during peak demand periods.

8. The use of recycled water from wet detention treatment ponds for irrigation is allowed anytime provided the ponds are not augmented from any ground or off-site surface water, or public supply sources.

Sec. 34-146. Enforcement officials.

The Town Manager may delegate enforcement responsibility for this article to any department of Oakland government. Department employees delegated enforcement responsibilities through the Town Manager are hereby authorized to enforce the provisions of this article first through a non-mandatory verbal warnings to violators and then through a formal written violation notice per the Town's code enforcement procedure.

~~Notice of any warnings shall be transmitted~~ Town enforcement employees shall transmit all violations to the town's water utility department for recording and further enforcement, if necessary.

(Ord. No. 2006-08, § I, 7-11-06)

Sec. 34-147. Penalties.

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

First violation: Written warning notice.

Second violation: \$50.00.

Subsequent repeat violations: Fine not to exceed \$500.00.

(Ord. No. 2006-08, § I, 7-11-06; Ord. No. 2007-18, § I, 11-13-07)

Sec. 34-148. Enforcement and appeals.

(a) Second violations and all subsequent violations shall be brought ~~forward~~ to the Code Enforcement Board for hearing after following due process, and a finding of violation even if the violation has been resolved and if the testimony and evidence confirm. Fines for first appearances before the board shall be a mandatory \$50.00 fine.

(b) Appeals of the code enforcement board shall be to county court.

Section II. CODIFICATION

Codification of this Ordinance is hereby directed and authorized to be made a part of the Town of Oakland's Code of Ordinances.

Section III. SEVERABILITY

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The Town Commission declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, despite the fact that any one or more of section, subsection, sentence, clause, phrase or portion would be declared invalid or unconstitutional.

Section IV. EFFECTIVE DATE

This Ordinance shall take effect immediately upon adoption.

SECTION V. CONFLICTS.

All Ordinances or parts of Ordinances in conflict with any of the provisions of this Ordinance are hereby repealed.

PASSED AND DULY ADOPTED by the Town Commission of Oakland, Florida this 9th day of June, 2009.

FIRST READING AND PUBLIC HEARING: May 26, 2009

SECOND READING AND PUBLIC HEARING: June 9, 2009

ATTESTED:

TOWN OF OAKLAND

Linda Balsavage, Town Clerk

Kathy Stark, Mayor

This instrument prepared by:
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