

ORDINANCE NO.: 2010-15

FILED
2010 JUL 30 AM 11:00
TALLAHASSEE, FLORIDA
CLERK OF STATE

1 AN ORDINANCE TO AMEND PROVISIONS OF THE HERNANDO
2 COUNTY CODE OF ORDINANCES RELATING TO WATERING
3 RESTRICTIONS; AMENDING CODE SECTION 28-164 TO DELETE
4 REFERENCES TO NON-EMERGENCY WATER CONSERVATION
5 MEASURES; CREATING A NEW ARTICLE ADOPTING YEAR-ROUND
6 WATERING RESTRICTIONS; PROVIDING FOR SEVERABILITY AND
7 INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE
8 DATE.
9

10 BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
11 HERNANDO COUNTY, FLORIDA:
12

13 **Section 1. Amendment of Hernando County Code § 28-164.**

14 Hernando County Code § 28-164 is hereby amended to read as follows, with underlined
15 matter added and struck-through matter deleted:
16

17 Sec. 28-164. Declaration of water shortage; water shortage emergency.

18 ~~(a) The declaration of a water shortage or water shortage emergency within all or~~
19 ~~any part of Hernando County by the governing board or the executive director of the~~
20 ~~district shall invoke the provisions of this article. Upon such declaration, all water~~
21 ~~use restrictions or other measures adopted by the district pursuant to Chapter 40D-21,~~
22 ~~Florida Administrative Code, applicable to Hernando County, or any portion there,~~
23 ~~shall be subject to enforcement action pursuant to section 28-165. Any violation of~~
24 ~~the provisions of Chapter 40D-21, Florida Administrative Code, or any order issued~~
25 ~~pursuant thereto shall be a violation of this article.~~

26 In the event that the governing board or the executive director of the district declares
27 that a water shortage or water shortage emergency exists within Hernando County.

1 all water use restrictions or other measures adopted by the district pursuant to
2 Chapter 40D-21, Florida Administrative Code, shall be subject to enforcement
3 pursuant to section 28-165. Any violation of the provisions of Chapter 40D-21,
4 Florida Administrative Code, or any order issued pursuant thereto, shall be a
5 violation of this article.

6 ~~(b) If no declaration of a water shortage or water shortage emergency is in effect~~
7 ~~pursuant to subsection (1), Chapter 40D-22, Florida Administrative Code, as~~
8 ~~amended or renumbered from time to time, be enforced as a criminal offense~~
9 ~~pursuant to specific district request or as a civil infraction punishable as other~~
10 ~~violations of the Hernando County Code of Ordinances pursuant to Chapter 2, Article~~
11 ~~III of the Code.~~

12 **Section 2. Year-Round Water Conservation Measures.**

13 A new article to be included in Hernando County Code Chapter 22 is hereby created to read
14 as follows:

15 LEGISLATIVE INTENT

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

1 (2) This Ordinance applies to all water sources as provided herein and all water
2 users as defined herein engaged in irrigation, including those not subject to
3 permitting.

4 DEFINITIONS.

5 When used in this ordinance:

6 (1) "Address" means the "house number" (a numeric or alphanumeric
7 designation) that, together with the street name, describes the physical location of a
8 specific property. This includes "rural route" numbers but excludes post office box
9 numbers. If a lot number in a mobile home park or similar community is used by the
10 U.S. Postal Service to determine a delivery location, the lot number shall be the
11 property's address. If a lot number in a mobile home park or similar residential
12 community is not used by the U.S. Postal Service (e.g., the park manager sorts
13 incoming mail delivered to the community's address), then the community's main
14 address shall be the property's address.

15 (2) "Agriculture" means the science and art of production of plants and animals
16 useful to humans, including to a variable extent the preparation of these products for
17 human use and their disposal by marketing or otherwise, and includes aquaculture,
18 horticulture, floriculture, zoological and botanical specimen exhibits, viticulture,
19 forestry, dairy, livestock, pasture, poultry, bees, and any and all forms of farm
20 products and farm production. Plant nurseries and Turfgrass production ("sod
21 farming") are agriculture; however, the care of new or Existing Lawns, non-edible
22 Landscapes, Cemeteries, Golf Courses and Athletic Play Areas are not classified as

1 Agriculture for the purpose of this chapter.

2 (3) "Athletic Play Area" means all golf course fairways, tees, and greens, and
3 other athletic play surfaces; for example, football, baseball, soccer, polo, tennis and
4 lawn bowling fields, and rodeo, equestrian and livestock arenas. A turfgrass area in
5 a public park, when used for a festival or other scheduled event that includes heavy
6 foot traffic, is also considered an athletic play area for a period ending two weeks
7 after the event.

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

14 (5) "Domestic" and "Other Sanitary Uses" means the use of water for the
15 individual personal household purposes of drinking, bathing, cooking, laundry,
16 household cleaning, or other sanitation. Other uses often associated with domestic
17 activities, such as Lawn Irrigation are classified elsewhere in this chapter within
18 appropriate use classes.

19 (6) "Driving Range" is the turfgrass at a practice or instructional facility that
20 provides a simulated golf fairway, simulated golf tee and simulated golf green. The
21 simulated golf green associated with a simulated golf fairway is primarily a visual
22 target instead of a regulated play surface, and so does not receive the foot traffic and

1 related turfgrass damage normally associated with an actual golf green.

2 (7) “Even Numbered Address” means an Address, ending in the numbers 0, 2,
3 4, 6, 8 or the letters A--M.

4 (8) “Existing” means any Lawn or Landscape, or portion thereof, which has been
5 in existence in the same location for a period of 60 days or more.

6 (9) “Frost/Freeze” or “Heat Stress” means the symptoms caused to plants or
7 crops by extreme cold or hot weather unless an irrigation event occurs; for example,
8 permanent wilt damage, yield reductions and/or plant death.

9 (10) “Golf Course” means an area of land laid out for the express purpose of
10 playing golf, including all greens, tees, fairways, and roughs.

11 (11) “Hand Watering” means watering plants or crops with one hand held hose,
12 fitted with a self-canceling or automatic shutoff nozzle, or a watering can or pail.

13 (12) “Irrigation” means the application of water to plants for the purpose of
14 sustaining plant life, promoting plant growth or to facilitate crop production.

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

18 (14) “Landscape Use” means the application of water to Lawns and associated
19 Landscape surrounding homes, commercial or industrial buildings, government or
20 other non-commercial buildings, parks, recreational areas, Cemeteries, non-play areas
21 of Golf Courses, public and private right-of-ways and medians but excluding Athletic
22 Play Areas.

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

6 (16) "Low-Volume Irrigation" means the use of Hand Watering, Micro-irrigation
7 or other equipment and devices specifically designed to allow the volume of water
8 delivered to be limited to a level consistent with the water requirement of the plant
9 being irrigated and designed to allow that water to be placed with a high degree of
10 efficiency within the root zone of the plant.

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

18 (18) "New Plant Material" means any Lawn or Landscape, or portion thereof,
19 which has been in existence in the same location for less than 60 days.

20 (19) "Odd Numbered Address" means an Address ending in the numbers 1, 3, 5,
21 7, 9 or the letters N--Z.

22 (20) "Reclaimed Water" means water that has received at least secondary

1 treatment and basic disinfection and is reused after flowing out of a wastewater
2 treatment facility.

3 (21) "Spot Treatment" is the Hand Watering of isolated areas of turfgrass or other
4 plant material, such as golf course greens, in order to efficiently deliver water needed
5 to provide uniform moisture content. This practice is a water-conserving means of
6 compensating for differences in sun exposure, sprinkler coverage, and other
7 site-specific factors.

8 (22) "Sprigged turf area" means a turf area being established vegetatively by
9 placing Sprigs in furrows or small holes.

10 (23) "Sprigs" means individual stems of grass with one to four nodes (joints) from
11 which roots can develop. Sprigs may also be called runners, rhizomes, or stolons.
12 Sprigs are a means of vegetative propagation that is sometimes used to produce Golf
13 Course greens, Golf Course fairways, other Athletic Play Areas, and Lawns.
14 Bermuda grass is the most common type of turfgrass propagated in this manner.

15 (24) "Syringing" is the watering of turfgrass or other plant material in order to
16 lower the air temperature around the leaf surfaces. This generally involves the use
17 of Hand Watering or "fogging" irrigation equipment. The purpose of the special
18 watering technique is to cool-off the leaf tissue, not to wet the soil.

19 (25) "Turfgrass" means a dense growth of grass (any of numerous plants of the
20 botanical family Gramineae) being used as a ground cover to provide one or more of
21 the following benefits: erosion control, dust reduction, beautification, or as a playing
22 surface for sports or recreation. Common turfgrasses in Florida include, but are not

1 limited to: Bahia grass, Bermuda grass, and St. Augustine grass.

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

8 (27) "Vertical Mowing" means a form of thatch removal involving the use of
9 special equipment that makes multiple vertical cuts into the Lawn or other turfgrass.
10 Vertical Mowing may also be referred to as verticutting.

11 (28) "Water resource" means any and all water on or beneath the surface of the
12 ground, including natural or artificial water courses, lakes, ponds, or diffused surface
13 water and water percolating, standing, or flowing beneath the surface of the ground,
14 specifically including water withdrawn from wells, but excluding seawater.

15 (29) "Water shortage" or "water shortage emergency" means that situation within
16 all or part of Hernando County when the Governing Board or Executive Director of
17 the Southwest Water Management District has declared a water shortage pursuant to
18 Section 373.175 or 373.246, F.S., or Chapter 40D-21, F.A.C.

19 (30) "Water Use Permit" (WUP) means a permit issued by the Southwest Water
20 Management District pursuant to Chapter 40D-2, F.A.C., authorizing the use of
21 water.

1 YEAR-ROUND WATER CONSERVATION MEASURES.

2 (1) General Requirements. The year-round water conservation measures
3 contained in this ordinance section are applicable to all water users, including end
4 users served by public or private water systems. The water conservation measures
5 contained herein shall be effective throughout unincorporated Hernando County.

6 (2) Rule 40D-22.201, Florida Administrative Code, as may be amended, is
7 hereby adopted and incorporated herein as fully as if set forth *in haec verba* and from
8 the date upon which this ordinance shall take effect, the provisions thereof, except
9 as otherwise provided herein, shall be controlling within the unincorporated areas of
10 the county. A copy of Rule 40D-22.201, Florida Administrative Code, is attached
11 hereto as Exhibit "A."

12 (3) Wasteful and Unnecessary - In addition to the specific restrictions enumerated
13 below, the following wasteful and unnecessary water uses are prohibited:

14 (a) Allowing water to flow from an unattended hose, unless that water is
15 discharge from a functional water-to-air air conditioning unit, residential reverse
16 osmosis treatment system, or similar device.

17 (b) Hand watering a lawn on an otherwise restricted day or more than
18 once a day, except when used for spot treatment or other practices specified in this
19 ordinance.

20 (c) Hosing-down a driveway or other impervious surface to remove grass
21 clippings or other debris that can be removed with a broom or other dry methods.
22

1 (d) Hosing-down a building or other structure to remove cobwebs or other
2 material that can be removed with a broom or other dry methods.

3 (e) Allowing water to flow from a broken sprinkler head, outdoor faucet,
4 or other malfunctioning plumbing or irrigation system component.

5 (4) Irrigation Uses - The following requirements shall apply to all lawn and
6 landscape irrigation.

7 (a) The irrigation of established lawns and landscaping is allowed only
8 as follows: properties under two acres may water from 12:01 a.m. to 8:00 a.m. or
9 after 6:00 p.m. to 11:59 p.m.; properties with two acres and greater may water from
10 12:01 a.m. to 10:00 a.m. or after 4:00 p.m. to 11:50 p.m. on each allowable watering
11 day. A user may irrigate established lawns and landscaping during only one of the
12 specified time periods on any allowable watering day.

13 (b) Irrigation of established lawns and landscaping shall be limited to
14 once per week as follows: at addresses ending in the number 0 or 1 only on
15 Mondays; at addresses ending in the number 2 or 3, only on Tuesdays; at addresses
16 ending in the number 4 or 5, only on Wednesdays; at addresses ending in 6 or 7, only
17 on Thursdays; at addresses ending in the number 8 or 9 or locations with no
18 addresses, only on Fridays. Users are prohibited from irrigating established laws and
19 landscaping when rain has occurred on the applicable property within the last 24
20 hours.

21 (c) Irrigation systems may be operated during restricted days and/or times
22 for cleaning and maintenance purposes with an attendant on site in the area being

1 tested. Irrigation systems may routinely be operated for such purposes no more than
2 once per week, and the total run time for each zone shall not exceed 10 minutes
3 during the test.

4 (d) Irrigation for the purpose of watering in insecticides, fungicides, and
5 herbicides is restricted to designated days and times for that address, except for
6 applications by a professional who is in the business of applying such products for
7 remuneration, so long as a chemical advisory marker containing the day, month and
8 year of application is posted on the landscape, and where such watering is required
9 by the manufacturers or by federal, state, or local law; however, such watering shall
10 be limited to the minimum necessary and shall only be accomplished during the
11 hours allowed above unless immediate watering is required by the manufacturer.

12 (e) Low volume micro-irrigation (i.e., drip irrigation, misters, soaker
13 hoses) or hand watering (using a hose with a self-canceling or shut-off nozzle, or
14 both) of trees, shrubs, landscaping beds, flower beds, vegetable gardens and other
15 non-lawn plant material shall not be restricted by days of the week; however, such
16 low volume micro-irrigation or hand watering shall be limited to the minimum
17 necessary and only during the hours allowed above.

18 (f) Lawns may be spot treated without regard to the normally allowable
19 watering days or times. Lawns may only be spot treated by hand-watering or other
20 targeted, manual means.

1 (g) In order to promote necessary rhizome repair, extra watering of
2 turfgrass may occur on any day of the week for a 14-day period after vertical mowing
3 has occurred. An entire zone of an irrigation system may only be used for extra
4 rhizome repair watering if the zone in question is for an area that contains at least
5 50% turfgrass recovering from vertical mowing. If a zone contains less than 50%
6 recovering turfgrass, or if the recovering turfgrass area is typically not watered by an
7 Irrigation system, only the recovering turfgrass is eligible for this 14-day exemption.
8 Targeted watering may be accomplished by hand watering, or any appropriate
9 method which isolates and waters only the recovering turfgrass.

10 (h) New turf grass (sod, plugs, and sprigs) and new landscaping are
11 exempt from day of the week restrictions for the first 60 days after installation; days
12 1-30 may water daily. From day 31 through day 60 of this establishment period,
13 irrigation is limited to one application on each of three specified days, except as
14 otherwise provided herein. The three allowable days shall be as follows: Even
15 Numbered Addresses may provide establishment period irrigation on Tuesday,
16 Thursday and Sunday and Odd Numbered Addresses may provide establishment
17 period irrigation on Monday, Wednesday and Saturday however, such watering shall
18 be limited to the minimum necessary, shall only be accomplished during the hours
19 allowed above, and is limited to only new Turfgrass and new landscaping. Users
20 shall curtail irrigation when rain has occurred in the past 12 hours. New plant
21 material shall only be irrigated as follows:

1 (5) The rules, regulations, and orders promulgated from time to time by the
2 Southwest Florida Water Management District which are more stringent than the
3 provisions of this ordinance are hereby adopted by reference and made part hereof
4 and shall be subject to the same enforcement and penalty provisions of this
5 ordinance. In the case of the more stringent rules, a petition for variance shall be
6 filed with the Southwest Florida Water Management District.

7 (6) The Utilities Director shall have the authority to promulgate rules and
8 regulations pertaining to water use restrictions not less restrictive than those
9 promulgated by the Southwest Florida Water Management District. Any user who
10 violates such rules or regulations or who refuses to comply with a directive from an
11 officer enforcing such rules and regulations shall be deemed to have violated this
12 section.

13 VARIANCES FROM WATER USE RESTRICTIONS.

14 (1) These provisions shall apply to petitions for variances filed with the County.

15 (2) Criteria for issuance. No petition for variance shall be granted unless the
16 petitioner affirmatively demonstrates that one (1) or more of the following
17 circumstances exists:

18 a. The variance is essential to protect public health or safety;

19 b. Compliance with this section will require measures which, because
20 their extent or cost impose undue hardship, cannot be accomplished
21 within the anticipated duration of the shortage or will not ensure
22 equitable distribution;

1 c. Alternative restrictions, which achieve the same level of demand
2 reduction as the restrictions from which a variance is sought, are
3 available and are binding and enforceable.

4 1. These alternative restrictions shall be summarized within a
5 short-term water reduction plan, prepared by the petitioner, to
6 be submitted to the County for consideration.

7 2. Any user who has submitted a short-term water reduction plan
8 in compliance with the County's rules and regulations shall,
9 upon approval, be bound by such plan unless good cause
10 exists for changes to such plan and the plan is amended
11 accordingly.

12 (3) Petitions for variance. The petition shall contain the following:

13 a. The petitioner's name, address and telephone number;

14 b. The specific section of the Code, ordinance, rules or regulations from
15 which the petitioner is requesting relief;

16 c. A detailed statement of the facts which the petitioner believes
17 demonstrates that the request qualifies for a variance, which may
18 include reports by qualified technical experts;

19 d. A description of the relief desired;

20 e. The period of time for which the variance is sought, including the
21 reasons and facts in support thereof;

22

- 1 f. The damage or harm resulting or which may result to petitioner from
2 compliance with the Code, ordinance, rules or regulations;
- 3 g. The restrictions which petitioner can meet and the date when
4 petitioner can comply with such restrictions;
- 5 h. A short-term water use reduction plan, describing any and all
6 alternative reductions implemented in lieu of the restrictions for
7 which variance is sought, if applicable;
- 8 I. The steps the petitioner is taking to meet the Code, ordinance, rules,
9 regulations or specific restrictions from which the variance is sought
10 and when compliance will be achieved; and
- 11 j. Any other information the petitioner believes is material.

12 (4) Administrative variances. The Utilities Director shall have the authority to
13 grant a variance when the terms of this ordinance are met. When the terms
14 of the ordinance are not met, the Utilities Director shall deny the request, at
15 which time the petitioner shall have all rights of appeal as set forth in this
16 ordinance.

17 (5) Application for variance appeal. The governing body shall hear and decide
18 appeals from the Utilities Director's decision to either approve or deny a
19 variance. The application for the appeal shall be in the form prescribed by
20 the governing body and shall be filed within 30 days of rendition of the order
21 to be reviewed. The individual filing an appeal shall include any additional
22 data supporting the appeal at the time of filing.

1 **Section 3. Severability.**

2 It is declared to be the intent of the Board of County Commissioners that if any section,
3 subsection, clause, sentence, phrase, or provision of this ordinance is for any reason held
4 unconstitutional or invalid, the invalidity thereof shall not affect the validity of the remaining
5 portions of this ordinance.

6 **Section 4. Repeal of Conflicting Ordinances.**

7 The provisions of any other Hernando County ordinance that are inconsistent or in conflict
8 with the provisions of this Ordinance are repealed to the extent of such inconsistency or conflict.

9 **Section 5. Inclusion in the Code.**

10 It is the intention of the Board of County Commissioners of Hernando County, Florida, and
11 it is hereby provided, that the provisions of this Ordinance shall become and be made a part of the
12 Code of Ordinances of Hernando County, Florida. To this end, any section or subsection of this
13 Ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance"
14 may be changed to "section," "article," or other appropriate designation. It is the further intention of
15 the Board of County Commissioners that subsections (4), (5),(6), and (7) of Section 40D-22.201,
16 F.A.C., a copy of which is attached hereto as Exhibit "A," shall be included in the Code of
17 Ordinances of Hernando County, Florida, and shall be codified therein.

18 **Section 6. Effective Date.**

19 This ordinance shall take effect immediately upon filing with the Department of State.
20

1 BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
2 HERNANDO COUNTY in Regular Session this 27th day of July, 2010.

3
4 BOARD OF COUNTY COMMISSIONERS
5 HERNANDO COUNTY, FLORIDA
6

7
8 Attest: *Jenine E. Nimer, Deputy*
9 KAREN NICOLAI
10 CLERK

By: *John Druzbeck*
11 JOHN DRUZBECK
12 CHAIRMAN



13 Approved as to Form and Legal Sufficiency
14
15
16 By: *[Signature]*
17 Assistant County Attorney
18
19
20

C

West's Florida Administrative Code Currentness

Title 40. Water Management Districts

Subtitle 40D. Southwest Florida Water Management District

Chapter 40D-22. Year-Round Water Conservation Measures

→ 40D-22.201. Year-Round Water Conservation Measures.

(1) **General Requirements** - The year-round water conservation measures contained in this section are applicable to all water Users, including end Users served by public or private water systems. The water conservation measures contained herein shall be effective throughout all geographical areas within the District. Any restrictions or other measures declared pursuant to Chapter 40D-21, F.A.C., or any Board or Executive Director order that is more restrictive than a water conservation measure contained within this chapter shall supersede the water conservation measure for the duration of the applicable water shortage declaration.

(2) **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) Handwatering a Lawn on an otherwise restricted day or more than once a day, except when used for Spot Treatment or other practices specified in this rule.

(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, after receiving verbal or written notice of the malfunction from the District, water utility, or local government.

(3) **Irrigation Uses** - The following requirements shall apply to all Irrigation except Agriculture, for example: Lawns, Landscapes, Golf Courses, and other Athletic Play Areas.

(a) Irrigation shall be prohibited daily between the hours of 10:00 a.m. and 4:00 p.m., except as otherwise

Fla. Admin. Code r. 40D-22.201

provided herein.

(b) 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.

(c) Irrigation for the purpose of chemigation, fertigation or watering-in of applied fertilizers, insecticides, fungicides and herbicides, where such watering-in is required by the manufacturer, or by federal, state or local law, or by applicable best management practices shall not be restricted, with two exceptions when associated with a lawn or landscape. In the absence of specific alternative instructions from the manufacturer, such watering-in shall be limited to one application of one-quarter inches within 24 hours of the application; and, such watering-in 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 watering-in activity and has also provided instructions listing the chemicals used and stating that the watering-in must occur immediately rather than during allowable watering hours.

(d) Landscape may be watered using Low-Volume Irrigation methods on an as-needed basis instead of being restricted to certain days or times.

(e) Lawns may be Spot Treated without regard to the normally allowable watering days or times. Lawns may only be Spot Treated by Hand-Watering or other targeted, manual means.

(f) In order to promote necessary rhizome repair, extra watering of turfgrass may occur on any day of the week for a 14-day period after Vertical Mowing has occurred. An entire zone of an Irrigation system, may only be used for extra rhizome repair watering if the zone in question is for an area that contains at least 50% Turfgrass recovering from 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. Targeted watering may be accomplished by Hand Watering, or any appropriate method which isolates and waters only the recovering Turfgrass.

(g) New Plant Material shall only be irrigated as follows:

1. Any new plant material may be irrigated, for the purpose of maintaining plant health and encouraging root grow-in, during a 60-day establishment period. 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.

Fla. Admin. Code r. 40D-22.201

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.

2. This establishment period begins the day the New Plant Material is installed, and is limited to areas containing New Plant Materials only. An entire zone of an 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 be typically not be watered by an Irrigation system, only the New Plant Material is eligible for this 60-day exemption. Targeted watering may be accomplished by Hand Watering, or any appropriate method which isolates and waters only the New Plant Material.

3. 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.

4. Irrigation of Sprigged turfgrass areas is allowable without regard to the normally allowable watering times for the entire 60-day establishment period.

5. 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.

6. 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 40D-22.201(1)(d), F.A.C.

7. Except as otherwise provided herein, all other such establishment period watering shall occur during normally allowable watering times.

(h) Irrigation using Reclaimed Water shall not be restricted except as further restricted by a local government or other Reclaimed Water provider, as necessary, to promote conservation of this alternative water source. However, all properties should voluntarily conserve Reclaimed Water by not irrigating between the hours of 10:00 a.m. and 4 p.m. In addition, if Irrigation is done with a source that contains a blend of Reclaimed Water and potable water, ground water, pond water or some other supply, the use of this blended water shall be subject to the restrictions that apply to that other supply, except for the following circumstances:

1. The other supply is incidental stormwater runoff that enters a Reclaimed Water storage pond;

Fla. Admin. Code r. 40D-22.201

2. The other supply is a withdrawal regulated by a District Water Use Permit, provided that the quantity being blended with the Reclaimed Water is specifically authorized for blending purposes. For example, this other supply may be withdrawals from an un-augmented stormwater system or water recovered from a permitted ASR well that stores seasonal diversions from a surface water body, including ASR well testing authorized in preparation for permit issuance;
 3. The other supply is water recovered from a Reclaimed Water ASR well permitted by the Florida Department of Environmental Protection, including Reclaimed Water ASR well testing authorized in preparation for permit issuance; or
 4. The applicable Reclaimed Water provider is implementing a District-authorized variance from the provisions of Rule 40D-22.201, F.A.C., which addresses use of the reclaimed water blend.
 - (i) 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.
 - (j) Irrigation of established Turfgrass and Landscape 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 days and times, except that Irrigation of Turfgrass by this method is limited to a maximum of two applications of 3/4 inches of water in any seven-day period after conclusion of the establishment period exemption specified above.
- (4) Lawn and Landscape Use - The following additional requirements or exceptions to subsections 40D-22.201(1)-(3), F.A.C., shall apply to the Irrigation of Lawns and Landscape.
- (a) Except as otherwise specified in this chapter, Even Numbered Addresses may accomplish necessary lawn and landscape Irrigation on only Thursday and/or Sunday.
 - (b) Except as otherwise specified in this chapter, Odd Numbered Addresses may accomplish necessary lawn and landscape Irrigation on only Wednesday and/or Saturday.
 - (c) Except as otherwise specified in this chapter, all properties not included in paragraphs (4)(a) and (b) above, including rights-of-way and common areas not associated with a specific property and other locations without any discernable address, may accomplish necessary lawn and landscape irrigation on only Tuesday and/or Friday.
 - (d) Cemeteries and other Users irrigating property two acres or greater may water one-half of the property on the days allowed for Even Numbered Addresses and may water the remaining one-half on the days allowed for Odd Numbered Addresses. Each such User is required to maintain a map or sketch on site that indicates which days each part of the property will be watered, and the District or applicable local government

Fla. Admin. Code r. 40D-22.201

may require that a copy of this same map or sketch be provided for verification or enforcement purposes. If a specific property is unable to comply with this schedule, the variance process may be used to register an alternative schedule acceptable to the District.

(e) 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 during periods of sufficient moisture. Examples of such technology include a rain sensor, a soil moisture sensor or an ET-based controller with local weather station.

(5) Golf Courses - The following additional requirements or exceptions to subsections 40D-22.201(1)-(3), F.A.C., shall apply to Golf Course Irrigation as appropriate:

(a) Users whose uses require and are authorized by a WUP have been evaluated by the District and required to maintain compliance with all WUP conditions and terms, including those designed to require the utilization of water conserving practices. Compliance with all WUP conditions and terms shall constitute compliance in lieu of other measures specified in subsections 40D-22.201(2)-(5), F.A.C.

(b) Except as excluded by paragraph 40D-22.201(5)(a), F.A.C., all individual Users for Golf Course Irrigation shall use:

1. Best Management Practices for Florida Golf Courses, University of Florida, Institute of Food and Agricultural Sciences, Cooperative Extension Service, Department of Environmental Horticulture, 1993, as amended; or

2. The following measures:

a. Irrigation shall be limited to the times specified in subsection 40D-22.201(3), F.A.C.

b. Fairways, roughs and Driving Ranges, shall be watered no more than two times per week.

c. Tees and greens shall be watered no more than three times per week.

d. The Irrigation of tees and greens shall not be restricted when such Irrigation is for plant protection, including Frost/Freeze or Heat Stress, except as limited by subsection 40D-22.201(2), F.A.C.

e. Spot Treatment and Syringing are not restricted.

f. Irrigation related to overseeding that is a component of a fall transition program shall not be restricted to a certain number of applications each week.

Fla. Admin. Code r. 40D-22.201

(6) Other Athletic Play Area Irrigation - The following additional requirements or exceptions to subsections 40D-22.201(1)-(3), F.A.C., shall apply to the play areas of Athletic Play Areas:

(a) Operation of an Irrigation system for plant protection of Athletic Play Areas turfgrass fields, including Frost/Freeze or Heat Stress prevention, shall not be restricted, except in accordance with subsection 40D-22.201(2), F.A.C.

(b) The wetting of clay tennis courts, baseball/softball infields, livestock or rodeo areas and other non-turf grass Athletic Play Areas immediately prior to play is allowable to ensure athlete/animal safety, comply with sport standards and control dust.

(c) Baseball, softball, football, soccer, polo and other similar turfgrass playing field surfaces may receive one extra Irrigation application immediately after heavy league play if necessary to encourage turf repair needed to maintain safe play conditions.

(d) Spot Treatment and Syringing are not restricted.

(e) One-half of Athletic Play Areas may be irrigated on Mondays and/or Thursdays; the other half may be irrigated on Tuesdays and/or Fridays for the purpose of meeting normal supplemental Irrigation needs. A map or sketch shall be maintained on site that indicates which days each part of the property will be watered, and the District or applicable local government may require that a copy of this same map or sketch be provided for verification or enforcement purposes. If a specific property is unable to comply with this schedule, the variance process may be used to register an alternative schedule acceptable to the District.

(7) Agriculture - The following additional requirements or exceptions to subsection 40D-22.201(1), F.A.C., shall apply to Agriculture as appropriate:

(a) Users whose uses require and are authorized by a WUP have been evaluated by the District and required to maintain compliance with all WUP conditions and terms, including those designed to require the utilization of water conserving practices. Compliance with all WUP conditions and terms shall constitute compliance in lieu of other measures specified in subsections 40D-22.201(1)-(2) and (7), F.A.C.

(b) Except as excluded by paragraph 40D-22.201(7)(a), F.A.C., all individual Users for Agricultural Irrigation shall follow these measures:

1. Use of Micro-irrigation and other Low-Volume Irrigation methods shall not be restricted.

2. Operation of an Irrigation system for plant protection, including Frost/Freeze or Heat Stress prevention, shall not be restricted.

Fla. Admin. Code r. 40D-22.201

3. Irrigation for the purpose of watering-in fertilizers, insecticides, fungicides and herbicides, where such watering-in is required by the manufacturer, or by federal, state or local law, shall not be restricted.
4. All other Irrigation shall be prohibited daily between the hours of 10:00 a.m. and 4:00 p.m.
5. The variance process may be used to register an alternative Irrigation program acceptable to the District, such as the ability to irrigate in accordance with a published document detailing Best Management Practices for the applicable crop or commodity.

Adopted Mar. 15, 1992; Amended Sept. 15, 2003; Amended Nov. 5, 2009.

AUTHORITY: 373.044, 373.113, 373.171 FS. Law Implemented 373.171, 373.223 FS.

Rule 40D-22.201, F.A.C., 40 FL ADC 40D-22.201

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