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## **Sarasota County Resolutions and Ordinances**

Below is a summary of selected Sarasota County Resolutions and Ordinances relating to Water Conservation. These actions reflect the historical commitments to water conservation by Sarasota County, as well as increasing activities and public interest in water conservation programs.

Sarasota County Board Records has the complete documents.

### **Resolution No. 82-200**

Requires Water Conservation Program to reduce demand in connection with the acquisition of the Carlton Reserve and establishment of a water production program.

### **Ordinance No. 90-58**

Prohibits outdoor watering during certain declared water shortages and provides for penalties. May be amended to impose more stringent watering hours during severe water shortage requirements or conditions.

### **Resolution No. 90-252**

Outdoor Water Conservation Task Force, ad hoc group formed to discuss conservation, urges conservation and citizen involvement outdoors.

### **Ordinance No. 90-38**

Amends Building & Plumbing Codes to require ultra-low flow plumbing fixtures in construction.

### **Resolution No. 90-294**

The Retrofit Committee, a pro-conservation citizens ad-hoc committee, urges studies of water conservation techniques relating to indoor plumbing.

### **Resolution No. 90-36**

Establishes a Water Budget for managing growth of the Sarasota County Utilities Department and related franchise demands.

### **Ordinance No. 90-37**

Establishes Franchise Connection Requirements for Impact Fees.

### **Resolution No. 91-239**

Establishes Water Conservation Rates, Fees, and Charges for the Sarasota County Utilities Department.

### **Ordinance 94-001**

Requires low-volume plumbing fixtures in all new construction. This includes low-flow toilets with no more than 1.6 gallons per flush, low-flow showerheads, and

faucet aerators. It also required the installation of automatic rain shut-off devices on new automatic irrigation systems.

**Ordinance No. 96-021**

Requires all automatic irrigation systems to have an automatic rain shut-off device. This ordinance was retroactive to include all automatic systems.

**Ordinance No. 2000-15**

Permanently increased the penalties for water restriction violations to:

Warning notice – no civil penalty

First offense - \$100

Second offense - \$300

Third offense - \$500

It also requires any person who owns and operates an automatic lawn sprinkler/irrigation system to have an automatic rain sensor device or switch in operational condition at all times.

**Ordinance No. 2001-081**

This ordinance focuses on two elements: (1) irrigation system efficiency and (2) limiting plants requiring the most supplemental irrigation.

It applies only to landscape areas irrigated by a permanent in-ground system. Some highlights are grass and annual flowers are limited to 50 percent or less of the irrigated area, separate irrigation zones are required for grass and tree/shrub/groundcover beds, and no plant root balls or spray irrigation is permitted under roof overhangs.

## **SUMMARY OF THE WATER CONSERVATION ORDINANCE**

### **Impetus for the Ordinance**

- \*BCC Interest and Direction
- \*Florida Legislation (SB 1132)
  - Requires local governments to consider Xeriscape ordinance
  - WMD Incentive Program & Model Codes (provision specifies that limits on percentages of turf and impervious surfaces allowed)
  - Deed restrictions cannot prohibit Xeriscape
- \*Prolonged Water Shortage Situation (SWUCA - Water Restrictions since 1987)

### **How the Ordinance Was Developed**

- \*Multidisciplinary, Multibusiness Center Team - DSBC, ESBC, CSBC
- \*Input from HBA, landscape contractors, irrigation contractors, other professionals
- \*Press coverage

### **Ordinance Applies to:**

- \*New site and development plans
- \*New single family and multifamily structures
- \*Landscapes for new subdivisions and commercial/institutional sites
- \*New landscaping for renovations exceeding 50% of the value of the structure or dimensions of the horizontal footprint where horizontal footprint is altered.
- \*In all common areas in new subdivisions and commercial building sites

### **Exempt from Ordinance**

- \*Landscaping with no in-ground irrigation system
- \*Agriculture activities
- \*Athletic fields
- \*Golf Course play areas
- \*Grass in stormwater management areas
- \*Grass in public rights-of-way
- \*Cemeteries
- \*Plans/permits approved prior to effective date of new ordinance
- \*Community Play Areas

### **Highlights of Proposed Water-Saving Features**

Practical, Simple, Not overly onerous, enforceable

- \*Grass/annual flowers <50% of irrigated vegetated area (FL Green Building Coalition Standards Schedule A)
- \*Separate irrigation zones for grass and tree/shrub/groundcover beds
- \*Micro-irrigation for tree/shrub/groundcover beds
- \*Organic mulch 3" thick
- \*No plants planted or irrigation spray applied under roof overhangs
- \*Lawn spray patterns must overlap 75-100%
- \*No popup spray heads and rotors mixed in same zone
- \*Plants will not interfere with spray coverage
- \*No excessive water sprayed onto paved surfaces
- \*Reclaimed water used for irrigation if available
- \*Maintenance checklist provided for property owner and covers: checking/repair of irrigation, setting controller to season, checking rain shutoff, cleaning filters, pruning grass and plants away from irrigation emitters, replenishing organic mulch
- \*As built drawing of irrigation system for owner
- \*Info on current water restrictions for owner

### **Enforcement and Effective Date**

\*Certificate of Compliance executed by licensed contractor or landscape architect

\*Effective Date is January 13, 2002

### **Economic Analysis**

Enhanced economics expected for: Irrigation contractors, landscape contractors, nurserygrowers, mulch producers, retail garden centers (except sod & annual flowers), builders/developers (thru long-term stability)

Public benefits: water conservation, enhanced water quality thru less use of fertilizers and pesticides, lower long-term landscape maintenance costs, added value to property

Declining economics possible for: sodgrowers, mow and blow landscape maintenance, retail sales of lawn fertilizers and pesticides, retail garden centers sales of sod and annual flowers, less income from water sales to utilities

Other costs: Permitting fees, commercial inspection fees, initial costs of landscapes higher, developer common areas possibly higher cost to install.

# SARASOTA COUNTY

## Landscape Compliance Certification and Checklist Chapter XXII, Article VI Of Sarasota County Code Ordinance Number 2001-081

(Each item must be filled in or checked and contractor signature and date is required)

Development \_\_\_\_\_ Specific Address \_\_\_\_\_  
\_\_\_\_\_ Permit Number \_\_\_\_\_

\_\_\_ Turfgrass, annual flowers and vegetable garden do not exceed 50% of irrigated area; Section 22-154(a)(2)

\_\_\_ Impervious surfaces in planted area are 10% or less of landscaped area; Section 22-154(a)(4)

\_\_\_ Organic mulch is at least 3 inches deep; Section 22-154(a)(1)

\_\_\_ No grass is planted in strips narrower than 4 feet (except next to contiguous properties)  
Section 22-154(a)(5)

\_\_\_ No plants planted or spray irrigation applied under roof overhangs; Section 22-154(a)(1)

\_\_\_ Micro-irrigation is used for all tree/shrub/groundcover beds and a filter is installed at  
the head end of the system; Section 22-154(b)(4)

\_\_\_ Where multiple lawn spray heads are used, spray patterns overlap 75%-100%; Section 22-154(b)(4)

\_\_\_ Pop-up spray heads and rotors are not mixed in the same lawn irrigation zone; Section 22-154(a)(1)

\_\_\_ Plants are installed so they do not interfere with irrigation spray coverage; Section 22-154(b)(2)

\_\_\_ Turfgrass, annual flowers and vegetable gardens are on separate irrigation zones from tree, shrub and  
groundcover beds; Section 22-154(b)(1)

\_\_\_ Sprinklers do not spray excessive water unto paved surfaces; Section 22-154(b)(2)

\_\_\_ A functioning rain shutoff device is evident and exposed to unobstructed rainfall; Section 22-154(b)(5)

\_\_\_ Reclaimed or non-potable is used for irrigation if available (NA if not available); Section 22-154(b)(3)

\_\_\_ A landscape maintenance checklist and information package produced by the County is provided for the  
property owner; Section 22-154(b)(1)

\_\_\_ An as-built drawing of the irrigation system is provided for property owner; Section 22-155(a)

\_\_\_\_\_  
Contractor (Print Name)

\_\_\_\_\_  
License Number

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

## **Landscape Inspection Report**

1. Landscape Plans provided are according to provision of County Water Efficient Landscape Ordinance?  
Yes  
No
2. Irrigation Plans provided are according to provision of County Water Efficient Landscape Ordinance?  
Yes  
No
3. Do impervious surfaces within the landscape exceed 10% of landscaped area?  
Yes  
No
4. Do turfgrass, annual flowers or vegetables exceed 40% of landscaped area?  
Yes  
No
5. Are plants planted under roof overhangs?  
Yes  
No
6. Is irrigation water applied under roof overhangs?  
Yes  
No
7. Are soil and understory plants beneath the dripline of retained trees undisturbed?  
Yes  
No
8. Was soil test accomplished?  
Yes  
No
9. Have invasive plant species prohibited by Sarasota County been removed?  
Yes  
No
10. Is grass planted in strips narrower than four (4) feet or on a slopes greater than 4:1?  
Yes  
No



11. Are turfgrass and annual flowerbeds on separate irrigation zones from tree, shrub, and groundcover beds?  
 Yes  
 No
11. Do sprinklers spray water onto paved surfaces?  
 Yes  
 No
12. Do sprinkler coverages overlap?  
 Yes  
 No
13. Is water pressure of the irrigation system within +/- 10% of the designed pressure?  
 Yes  
 No
14. Are there any micro-irrigation emitters that exceed 5 gallons per hour output?  
 Yes  
 No
15. Is a functioning rain shut off device evident and is it exposed to natural rainfall?  
 Yes  
 No
16. Do irrigation design, materials, and installation meet Florida Irrigation Society standards?  
 Yes  
 No

A Landscape Maintenance Schedule is provided and covers:

- |           |          |  |
|-----------|----------|--|
| Yes _____ | No _____ | adjusting and repair of irrigation components                    |
| Yes _____ | No _____ | resetting the controller according to season                     |
| Yes _____ | No _____ | replenishing organic mulch                                       |
| Yes _____ | No _____ | checking the functioning of the rain shut-off device             |
| Yes _____ | No _____ | pruning plants to minimize interference with irrigation emitters |

## **Landscape Inspection Report**

Date of Inspection: \_\_\_\_\_ Inspector: \_\_\_\_\_

Results:

Passed \_\_\_\_\_ Failed \_\_\_\_\_ Exceeds \_\_\_\_\_

If failed, a list of discrepancies that must be corrected:

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If substantially exceeds the water conservation principles and standards of this Ordinance, identify areas of merit:

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## **SARASOTA COUNTY FLORIDA PASSES UNIQUE LANDSCAPE WATER CONSERVATION ORDINANCE**

By Michael J. Holsinger

Coastal communities throughout the United States are facing increasing challenges in coping with limited water resources. Sarasota County, on Florida's gulf coast, is using a combination of public education and regulation in addressing the need to conserve water.

Southwest Florida has experienced significant drought in the past two years. That, coupled with continued growth has put serious pressure on water resources. Sarasota County has used high water rates to discourage water waste. In addition it features a unique demonstration education facility, the Florida House Learning Center which shows citizens how to conserve water and other resources in their own home and yard.

However, the Florida Legislature in 2001 amended statutes to require that all counties and municipalities examine the feasibility of establishing water-conserving ordinances. The Sarasota County Commission directed staff to draft a document and it was passed in November 2001 and became effective January 13, 2002 for all new development and significant renovations to existing development.

The ordinance was not developed by County Staff working in a vacuum, but in conjunction with customers such as the local homebuilders association. What came out of the effort is a "self-regulating" ordinance that Sarasota County believes will be both simple and positively impacting. The ordinance does not impose fees. It does not require plan reviews or inspections. Instead, it relies on a Compliance Certification Checklist, which is completed by licensed builders, landscape and irrigation contractors confirming that the landscape plant and irrigation installation follows ordinance stipulations.

The new ordinance focuses on two elements: (1) irrigation system efficiency and (2) limiting plants requiring the most supplemental irrigation.

Highlights of the Sarasota County Ordinance include:

- \*It applies only to landscape areas irrigated by a permanent in-ground system
- \*Grass and annual flowers are limited to 50% or less of the irrigated area
- \*Separate irrigation zones are required for grass and tree/shrub/groundcover beds
- \*Low volume micro-irrigation is required for plant beds along with a filter
- \*No plant rootballs or spray irrigation is permitted under roof overhangs
- \*No popup spray heads and rotors can be mixed in the same zone
- \*Lawn spray patterns must overlap 75-100%
- \*Plants will not interfere with spray coverage
- \*Impervious surfaces in the planted area are limited to 10% or less
- \*No grass will be planted in strips narrower than 4 feet except next to contiguous properties
- \*Reclaimed water will be used for irrigation if available

\*The building contractor will leave an as-built drawing of the irrigation system for the homebuyer

\*The contractor will also leave a maintenance checklist produced by the County for the homebuyer

The maintenance checklist is a key element to get the homebuyer started in conserving landscape maintenance practices. To satisfy this requirement a unique checklist and calendar was produced cooperatively by the County Extension Service, and Environmental Services in full color laminated 11"x14" format so it can be kept next to the irrigation controller in the garage for easy reference. Included in this article, this product is designed for the Central and Southwest Florida climate zone. Adaptation to other areas of the Country would require some revisions.

Exempt from the ordinance are landscaping with no in-ground irrigation system, athletic fields and golf course play areas, grass in stormwater management areas and public rights-of-way, cemeteries, agricultural production operations, and community play areas.

Since the ordinance depends on self-regulation, the Extension Service obtained a grant from the Southwest Florida Water Management District to fund a professional to work in the field with contractors to help them become familiar with correct installation practices.

This will include developing Best Management Practice information in both written and electronic form, touch-screen computer kiosks, exhibits and displays, model landscapes, and "friendly informal inspections" of landscape and irrigation installations.

*(Michael J. Holsinger is Extension Agent and Director of the Sarasota County Extension Service, of the Institute of Food and Agricultural Sciences, University of Florida)*

APR 22 1 17 PM '96

AN ORDINANCE OF SARASOTA COUNTY, FLORIDA, RELATING TO THE MAINTENANCE OF WATER RESOURCES WITHIN SARASOTA COUNTY; PROVIDING FINDINGS OF FACT; PROVIDING DEFINITIONS; PROVIDING FOR APPLICABILITY; PROVIDING FOR ADOPTION OF ADMINISTRATIVE CODE; PROVIDING FOR AUTOMATIC LAWN SPRINKLER/IRRIGATION SYSTEMS; PROVIDING FOR INVOCATION OF ORDINANCE WATER SHORTAGE CONDITION; PROVIDING FOR IMMUNITY FROM TRESPASS; PROVIDING FOR VIOLATIONS; PROVIDING PROCEEDINGS FOR VIOLATIONS FOR WARNING NOTICES AND CITATIONS; PROVIDING PENALTIES; PROVIDING FOR ENFORCEMENT; PROVIDING FOR SEPARATE VIOLATIONS; PROVIDING FOR CONFLICT WITH STATE LAW; PROVIDING FOR THE RESCISSION OF SARASOTA COUNTY ORDINANCE 90-58; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

BOARD RECORDS  
FILED

96 APR 10 PM 4:23

CLERK OF CIRCUIT COURT  
SARASOTA COUNTY  
FLORIDA

DEPARTMENT OF STATE  
TALLAHASSEE  
FLORIDA

96 APR 16 PM 4:02

FILED

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SARASOTA COUNTY, FLORIDA:

SECTION 1. FINDINGS OF FACT

The Board of County Commissioners of Sarasota County, Florida hereby makes the following findings of fact:

- a. As a result of the increased population growth in Sarasota County in recent years, there has been an increased demand for water resources.
- b. Due to natural conditions, the capacities of water resources fluctuate. During drought conditions, the quantities of water available to County users could be greatly reduced.
- c. At times, due to natural conditions and user demand, a temporary reduction in total water use within the County may be necessary to protect and preserve water resources.
- d. The maintenance of adequate water resources will promote the health, safety, and welfare of the citizens of Sarasota County.
- e. The Water Shortage Plan of the Southwest Florida Water Management District, Section 40D-21.601(2), Florida Administrative Code, prohibits all wasteful and unnecessary water use, regardless of the phase of water shortage.

- f. The Water Shortage Plan of the Southwest Florida Water Management District, Chapter 40-D21, Florida Administrative Code, grants the Board of County Commissioners the authority to further restrict the irrigation of established lawns and landscaping.

**SECTION 2.            DEFINITIONS**

As used in this Ordinance, the following words and phrases shall have the following meanings, unless the context clearly indicates otherwise:

- a. "Automatic Lawn Sprinkler/Irrigation System" means the use of automatic equipment and devices to deliver water under pressure and through the air to the level of the vegetation being irrigated.
- b. "Automatic Rain Sensor Device or Switch" means an automatic device which will override the irrigation cycle of an Automatic Lawn Sprinkler/Irrigation System when adequate rainfall has occurred.
- a:c. "Board" means the Board of County Commissioners of Sarasota County.
- b:d. "Citation" means the notice summons issued by a Code Enforcement Officer and shall be in a form prescribed by the County and shall contain:
1. The date and time of issuance.
  2. The name and address of the Person to whom the Citation is issued.
  3. The date and time the civil infraction was committed.
  4. The facts constituting reasonable cause.
  5. The number or section of the code or ordinance violated.
  6. The name and title of the Code Enforcement Officer.
  7. The procedure for the Person to follow in order to pay the civil penalty or to contest the Citation.
  8. The applicable civil penalty if the Person elects to contest the Citation.
  9. The applicable civil penalty if the Person elects not to contest the Citation.
  10. A conspicuous statement that if the Person fails to pay the civil penalty within the time allowed, or fails to appear in court to contest the Citation, he shall be deemed to have waived his right to contest the Citation and

that, in such case, judgment may be entered against the Person for an amount up to the maximum civil penalty.

- c.e. "Code Enforcement Officer" or "Officer" means any designated employee or agent of Sarasota County whose duty it is to enforce codes and ordinances enacted by Sarasota County ~~or any law enforcement officer as defined in Section 943.10, Florida Statutes.~~
- d.f. "County" means Sarasota County, Florida.
- e.g. "Director" means Director of Utilities Department or his designee.
- f.h. "District" means the Southwest Florida Water Management District.
- g.i. "Person" means any person individual, firm, partnership, association, corporation, company, organization, or legal entity of any kind.
- j. "Warning" or "Warning Notice" means a Notice of Mandatory Water Conservation form provided by Southwest Florida Water Management District and issued by a Code Enforcement Officer which shall contain:
1. The date and time of issuance.
  2. The name and address of the Person to whom the Warning Notice is issued.
  3. The activities observed in conflict with mandatory water conservation restrictions.
  4. Name and authority of the Code Enforcement Officer.
  5. Action required to avoid a Citation and civil penalty.
  6. Summary of Water Shortage Restrictions.
- k. "Water Conservation Revenues" means monies which are collected by the Clerk of the Court for payment of civil penalties assessed for violation of this Ordinance.
- h.l. "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.
- i.m. "Water shortage condition" means a determination by the District that sufficient water is not available to meet present or anticipated needs of persons using the water resource, or when that conditions are such as to require temporary reduction

in total water usage within a particular area to protect the water resource from serious harm.

- j.n. "Water Shortage Plan" means Chapter 40D-21, Florida Administrative Code, the codification of the Water Shortage Plan adopted and published by the Southwest Florida Water Management District, or any modification or derivative of Chapter 40D-21 which may be current at the time a water shortage or water shortage emergency is declared.

### SECTION 3. APPLICABILITY

The provisions of this Ordinance shall apply to all persons using water resources residing in the unincorporated area of Sarasota County who use water resources, whether from public or privately owned water utility systems, private wells, or private connections with surface water bodies. ~~This Ordinance shall not apply to persons using treated effluent or saltwater.~~

### SECTION 4. ADOPTION OF ADMINISTRATIVE CODE

a. The provisions of Chapter 40D-21, Florida Administrative Code, as the same may be amended from time to time, are hereby adopted by reference in this Ordinance. A copy of Chapter 40D-21, Florida Administrative Code is attached to this Ordinance and is available for inspection in the office of the ~~County Clerk~~ Clerk of the Court.

- b. ~~It is a violation of this Ordinance for any person to commit an act, or cause an act to be committed, in violation of any water use restrictions or other measures imposed by the District pursuant to Chapter 40D-21, Florida Administrative Code, as the same may be amended from time to time.~~

### SECTION 5. AUTOMATIC LAWN SPRINKLER/IRRIGATION SYSTEMS

- a. Any person who owns or operates an Automatic Lawn Sprinkler/Irrigation System installed in unincorporated Sarasota County, prior to May 1, 1991, shall install an Automatic Rain Sensor Device or Switch on the system within one (1) year from the effective date of this Ordinance.
- b. Any person who owns and operates an Automatic Lawn Sprinkler/Irrigation System installed after May 1, 1991 shall have an Automatic Rain Sensor Device or Switch installed pursuant to Section 373.62, Florida Statutes.
- c. Any person who owns or operates an Automatic Lawn Sprinkler/Irrigation System shall maintain the Automatic Rain Sensor Device or Switch in operational condition at all times.

### SECTION 5-6. INVOCATION OF ORDINANCE WATER SHORTAGE CONDITION



- a. Subject to subsection 6(b) below, the a declaration by the Governing Board or the Executive Director of the District that of a Water Shortage Condition affecting exists which affects all or any part of unincorporated Sarasota County by the Governing Board or the Executive Director of the District shall invoke the provisions of this Ordinance. Upon such declaration, all water use restrictions or other measures imposed by the District pursuant to Chapter 40D-21, Florida Administrative Code, which are applicable to unincorporated Sarasota County or any portion thereof, shall be subject to enforcement action pursuant to this Ordinance. Any violation of the provisions of Chapter 40D-21, Florida Administrative Code, or any order issued pursuant thereto, shall be a violation of this ordinance.
- b. Prior to invoking the provisions of this Ordinance, any water use restrictions or other measures imposed by the District, shall be published once a week for two consecutive weeks in a newspaper of general circulation in Sarasota County.
- c. The rescinding of a declaration of a Water Shortage Condition shall not affect the liability of any person issued a Citation during a prior Water Shortage Condition.
- d. The District has sole authority to rescind a Water Shortage Condition.

**SECTION 6.7. IMMUNITY FROM TRESPASS**

For purposes of discharging the duties imposed by this Ordinance, including investigation of possible violations and for enforcing its provisions enforcement, an officer a Code Enforcement Officer is empowered to enter without authority of any court of competent jurisdiction upon any private property, not including any other than a dwelling house unit, structure, or a fenced enclosure. Officers shall be immune from prosecution for reasonable, good faith trespass upon private property, as provided in Section 810.12(5), Florida Statutes.

**SECTION 8. VIOLATIONS**

- a. It is a violation of this Ordinance for any person to commit an act, or cause an act to be committed, in violation of any water use restrictions or other measures imposed by the District pursuant to Chapter 40D-21, Florida Administrative Code, as the same may be amended from time to time.
- ✓ b. It is a violation of this Ordinance for any person to irrigate or cause to be irrigated lawns and landscaping by any method during or immediately following rainfall.
- c. Subject to Section 5(a) herein, it is a violation of this Ordinance for any person to operate an Automatic Lawn Sprinkler/Irrigation System without an operational Automatic Rain Sensor Device or Switch.
- d. It is a violation of this Ordinance for any person to fail to maintain an Automatic

Rain Sensor Device or Switch connected to an Automatic Lawn Sprinkler/Irrigation System in operational condition.

**SECTION 7.9. PROCEEDINGS FOR VIOLATIONS WARNING NOTICES AND CITATIONS**

- b.a. ~~Prior to issuing a Citation, a Code Enforcement Officer shall may provide notice a Warning Notice to the Person. that the person has committed a violation of a code or ordinance and shall establish a reasonable time period within which the person must correct the violation. Such time period shall be no more than 30 days. The Warning Notice shall specify that the Person has committed a violation of this Ordinance and must correct the violation immediately. If, upon personal investigation, a Code Enforcement Officer finds that the Person has not corrected the violation within the time period, the Code Enforcement Officer may shall issue a Citation to the Person who has committed the violation. If the person has been previously issued a Warning Notice or Citation for the same prohibited activity or if the Person commits a violation of Section 8(b) herein, the Code Enforcement Officer may immediately issue a Citation. A code enforcement officer does not have to provide the person with a reasonable time period to correct the violation prior to issuing a citation and may immediately issue a citation if the code enforcement officer has reason to believe that the violation presents a serious threat to the public health, safety, or welfare, or if the violation is irreparable or irreversible.~~
- a.b. A Code Enforcement Officer is authorized to issue a Citation to a Person when, based upon personal investigation, the Officer has reasonable cause to believe that the Person has committed a civil infraction in violation of violated this Ordinance.
- c. After issuing a Citation to an alleged violator, an officer the Code Enforcement Officer shall deposit the original Citation and one copy of the Citation with the Clerk of the Circuit Court.
- d. ~~A citation may be contested in the County Court: The Person issued the Citation may contest the Citation by contacting the Clerk of the Court within thirty (30) calendar days of the date of the Citation and requesting a hearing. The Clerk shall then schedule a hearing in the County Court and shall provide written notice of the hearing to the Person and to the Code Enforcement Officer.~~
- e. If the Person issued the Citation elects not to contest the Citation, he shall pay the applicable civil penalty to the Clerk of the Circuit Court within thirty (30) days after issuance of the Citation.
- f. ~~If the person elects to contest the citation, he shall request a hearing through the Clerk of the County Court within thirty (30) days after the issuance of the citation. The clerk shall schedule a hearing in the County Court and shall provide written notice of the hearing to the person and the officer.~~

- ~~g.f.~~ If the Person issued the Citation neither fails to pay pays the civil penalty within the time allowed nor requests a hearing or fails to appear in court to contest the Citation, he shall be deemed to have waived his right to contest the Citation and, ~~in such case,~~ judgment may be entered against the person for an amount up to the maximum civil penalty.
- ~~h.g.~~ Any person who ~~willfully refuses~~ Willful refusal to sign and accept a Citation issued by a Code Enforcement Officer by the Person issued the Citation shall be guilty treated of a ~~as a~~ misdemeanor of the second degree, punishable as provided by Section 775.082 - .083, or ~~Section 775.084~~ Florida Statutes.

#### SECTION 8:10. PENALTIES

- a. A violation of this Ordinance is a civil infraction.
- b. The maximum civil penalty for a civil infraction shall not exceed \$500.00 per violation.
- ~~c. If a Person who has committed a civil infraction does not contest the Citation, the civil penalty shall not exceed the maximum civil penalty.~~
- ~~d.c.~~ By resolution, the Board shall establish the amount of any civil penalty for a civil infraction.
- ~~e.d.~~ Court costs may be imposed as provided by law.
- ~~fe.~~ To the extent permitted by law, all civil fines and penalties shall be deposited in the a separate revenue code named Water Conservation Fund Revenues.

#### SECTION 9:11. ENFORCEMENT

- a. This Ordinance shall be enforced by the Director of the Utilities Department or and such other persons as designated by the County Administrator.
- b. In addition to the enforcement procedures provided herein, the Board may enforce this Ordinance by any other means provided by law, and may further enforce this Ordinance by actions at law and in equity, including actions for injunctive relief, and, if the County prevails in any such action, the County shall be entitled to its costs and reasonable attorneys fees incurred in such action.

#### SECTION 10:12. SEPARATE VIOLATIONS

Each day or fraction thereof the that each violation set forth in Section 8 herein continues shall be considered a separate violation.

**SECTION 11:13. CONFLICT WITH STATE LAW**

In the event of a conflict between this Ordinance and Part 2 of Chapter 162, Florida Statutes, said statute shall prevail.

**SECTION 14. RECISION**

The following Ordinance is hereby rescinded:

- a. Sarasota County Ordinance No. 90-58.

**SECTION 12:15. SEVERABILITY**

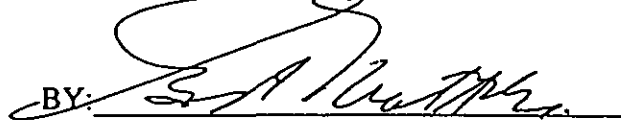
In the event any portion of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.

**SECTION 13:16. EFFECTIVE DATE**

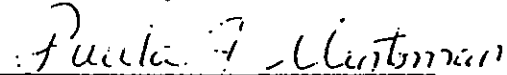
This Ordinance shall take effect immediately upon receipt of official acknowledgment from the office of the Secretary of State of Florida that this Ordinance has been filed with said office.

**PASSED AND DULY ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SARASOTA COUNTY, FLORIDA, this 9th day of April, 1996.**

BOARD OF COUNTY COMMISSIONERS OF  
SARASOTA COUNTY, FLORIDA

BY:   
Chairman

ATTEST:  
KAREN E. RUSHING, Clerk of the  
Circuit Court and Ex-Officio Clerk  
of the Board of County Commissioners  
of Sarasota County, Florida

BY:   
Deputy Clerk

ORDINANCE NO. 2000-015

AN ORDINANCE OF SARASOTA COUNTY, FLORIDA, RELATING TO THE MAINTENANCE OF WATER RESOURCES WITHIN SARASOTA COUNTY; AMENDING AND RESTATING ORDINANCE 96-021; AMENDING AND RESTATING SECTION 1. RELATING TO FINDING OF FACT; AMENDING AND RESTATING SECTION 2. RELATING TO DEFINITIONS; AMENDING AND RESTATING SECTION 3. RELATING TO APPLICABILITY; AMENDING AND RESTATING SECTION 4. RELATING TO ADOPTION OF ADMINISTRATIVE CODE; AMENDING AND RESTATING SECTION 5. RELATING TO AUTOMATIC LAWN SPRINKLER/ IRRIGATION SYSTEMS; AMENDING AND RESTATING SECTION 6. RELATING TO WATER SHORTAGE CONDITION; PROVIDING OF IRRIGATION HOURS FOR LAWNS AND LANDSCAPES UNDER DROUGHT; PROVIDING FOR VARIANCES; RESTATING SECTION 7. RELATING TO IMMUNITY FROM TRESPASS; AMENDING AND RESTATING SECTION 8. RELATING TO VIOLATIONS; AMENDING AND RESTATING SECTION 9. RELATING TO WARNING NOTICES AND CITATIONS; AMENDING AND RESTATING SECTION 10. RELATING TO PENALTIES, AMENDING AND RESTATING SECTION 11. RELATING TO ENFORCEMENT; RESTATING SECTION 12. RELATING TO SEPARATE VIOLATIONS; AMENDING AND RESTATING SECTION 13. RELATING TO CONFLICT WITH STATE LAW; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE

**WHEREAS** the Board of County Commissioners Sarasota County, Florida (the Board) has determined that, due to continuing drought conditions, there is a need to restrict water use and to protect Sarasota County's water resources; and

**WHEREAS**, the Board adopted Ordinance 96-021 on April 9, 1996, which established water use restrictions and enforcement; and

**WHEREAS**, Sarasota County Ordinance 96-054 provides that Ordinance No. 96-021 shall be automatically repealed unless the Board adopts an ordinance either ratifying or amending Ordinance No. 96-021; and

**WHEREAS**, the regulatory provisions of Ordinance No. 96-021 are necessary to protect the health, safety and welfare of the citizens of Sarasota County, and

**WHEREAS**, it is in the best interests of the citizens of Sarasota County that Ordinance No. 96-021 be amended to provide for irrigation hours for lawns and landscape under drought, to provide for variances, and to provide for penalties.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SARASOTA COUNTY, FLORIDA;

A. Section 1. of Ordinance 96-021 is hereby amended and restated as follows:

## SECTION 1. FINDINGS OF FACT

The Board of County Commissioners of Sarasota County, Florida hereby makes the following findings of fact:

- a. As a result of the increased population growth in Sarasota County in recent years, there has been an increased demand for water resources.
- b. Due to natural conditions, the capacities of water resources fluctuate. During drought conditions, the quantities of water available to County users could be greatly reduced.
- c. At times, due to natural conditions and user demand, a temporary reduction in total water use within the County may be necessary to protect and preserve water resources.
- d. The maintenance of adequate water resources will promote the health, safety and welfare of the citizens of Sarasota County.
- e. The Water Shortage Plan of the Southwest Florida Water Management District, Section 40D-21.601 (2), Florida Administrative Code prohibits all wasteful and unnecessary water use, regardless of the phase of water shortage.
- f. The Water Shortage Plan of the Southwest Florida Water Management District Chapter 40-D-21, Florida Administrative Code grants the Board of County Commissioners the authority to further restrict the irrigation of established lawns and landscaping.

B. Section 2. of Ordinance 96-021 is hereby amended and restated as follows:

## SECTION 2 DEFINITIONS

As used in this Ordinance, the following words and phrases shall have the following meanings, unless the context clearly indicates otherwise:

- a. "Automatic Lawn Sprinkler/Irrigation System" means the use of automatic equipment and devices to deliver water under pressure and through the air to the level of the vegetation being irrigated.
- b. "Automatic Rain Sensor Device or Switch" means an automatic device which will override the irrigation cycle of an Automatic Lawn Sprinkler/Irrigation System when adequate rainfall has occurred.
- c. "Board" means the Board of County Commissioners of Sarasota County.
- d. "Citation" means the summons issued by a Code Enforcement Officer and shall be in a form prescribed by the County and contain:
  1. The date and time of issuance.

2. The name, if available, and address of the Person to whom the Citation is issued.
  3. The date and time the civil infraction was committed.
  4. The facts constituting reasonable cause.
  5. The number or section of the code or ordinance violated.
  6. The name and title of the Code Enforcement Officer.
  7. The procedure for the Person to follow in order to pay the civil penalty or to contest the Citation.
  8. The applicable civil penalty if the Person elects to contest the Citation.
  9. The applicable civil penalty if the Person elects not to contest the Citation.
  10. A conspicuous statement that if the Person fails to pay the civil penalty within 30 days, or fails to appear in court to contest the Citation, that Person shall be deemed to have waived their right to contest the Citation and that, in such case, judgment shall be entered against the Person for the amount of the Citation, plus court cost, recording fees, and any other charges required by this ordinance.
- e. "Code Enforcement Officer" or "Officer" means any designated employee or agent of Sarasota County whose duty it is to enforce codes and ordinances enacted by Sarasota County.
  - f. "County" means Sarasota County, Florida.
  - g. "Director" means Executive Director of the Environmental Services Business Center or designee.
  - h. "District" means the Southwest Florida Water Management District.
  - i. "Person" means any individual, firm, partnership, association, corporation, company, organization or legal entity of any kind.
  - j. "Warning" or "Warning Notice" means a Notice of Mandatory Water Conservation form provided by Southwest Florida Water Management District and issued by a Code Enforcement Officer which shall contain:
    1. The date and time of issuance.

2. The name, if available, and address of the Person to whom the Warning Notice is issued.
  3. The activities observed in conflict with mandatory conservation restrictions.
  4. Name and authority of the Code Enforcement Officer
  5. Action required to avoid a Citation and civil penalty.
  6. Summary of Water Shortage Restrictions
- k. "Water Conservation Revenues" means monies which are collected by the Clerk of the Court for payment of civil penalties assessed for violation of this Ordinance.
  - l. "Water Resource" means any and all water on or beneath the surface of the ground, including natural or artificial water sources, lakes, ponds or diffused surface water, and water percolating, standing or flowing beneath the surface of the ground.
  - m. "Water Shortage Condition" means a determination by the District that sufficient water is not available to meet present or anticipated needs of Persons using the water resource, or that conditions are such as to require temporary reduction in total water usage within a particular area to protect the water resource from serious harm.
  - n. "Water Shortage Plan" means Chapter 40D-21, Florida Administrative Code, the codification of the Water Shortage Plan adopted and published by the District, or any modification or derivative of Chapter 40D-21, which may be current at the time a water shortage or water shortage emergency is declared.

Section 3. of Ordinance 96-021 is hereby amended and restated as follows:

### SECTION 3. APPLICABILITY

The provisions of this Ordinance shall apply to all Persons residing in the unincorporated area of Sarasota County who use water resources, whether from public or privately owned water utility systems, private wells or private connections with surface water bodies. This Ordinance shall not apply to Persons using treated effluent or saltwater.

Section 4. of Ordinance 96-021 is hereby amended and restated as follows:

### SECTION 4. ADOPTION OF ADMINISTRATIVE CODE

The provision of Chapter 40D-21, Florida Administrative Code as the same may be amended from time to time, are hereby adopted by reference in this Ordinance. A copy of Chapter 40D-21, Florida Administrative Code is attached to this Ordinance and is available for inspection in the office of the Clerk of the Court.



Section 5. of Ordinance 96-021 is hereby amended and restated as follows:

**SECTION 5. AUTOMATIC LAWN SPRINKLER/IRRIGATION SYSTEMS**

- a. Any Person who owns and operates an Automatic Lawn Sprinkler/Irrigation System shall have an Automatic Rain Sensor Device or Switch installed pursuant to Section 373.62 Florida Statutes.
- b. Any Person who owns or operates an Automatic Lawn Sprinkler/Irrigation System shall maintain the Automatic Rain Sensor Device or Switch in operational condition at all times.

Section 6. of Ordinance 96-021 is hereby amended, renumbered and restated as follows:

**SECTION 6. WATER SHORTAGE CONDITION**

- a. Subject to subsection 6(d) below, the declaration by the Governing Board or the Executive Director of the District that a Water Shortage Condition exists which affects all or any part of unincorporated Sarasota County shall invoke the provisions of this Ordinance. Upon such declaration, all water use restrictions or other measures imposed by the District pursuant to Chapter 40D-21, Florida Administrative Code which are applicable to unincorporated Sarasota County shall be subject to enforcement pursuant to this Ordinance.
- b. This ordinance establishes separate irrigation hours for Lawns and Landscaping from those listed in 40D-21. Effective December 1, 2000 Irrigation of Lawns and Landscape are as follows:
  - (1) (i) Irrigation for sites with addresses that end in even numbers or the letters A through M may occur only on Tuesday and/or Saturday.
  - (ii) Irrigation for sites with addresses that end in odd numbers or the letters N through Z may occur only on Wednesday and/or Sunday
  - (iii) Irrigation is allowed only between the hours of 3:00 a.m. to 9:00 a.m. and 5:00 p.m. to 11:00 p.m.
- (2) Beginning the first day in December and ending the last day in February, each address shall irrigate only one day per week between 3:00 a.m. and 9:00 a.m. and 5:00 p.m. to 11:00 p.m. on the scheduled day. The following schedule shall apply:
  - Even addresses, letters A through M on Saturdays,
  - Odd addresses, letters N through Z on Sundays
- c. This ordinance establishes the issuance of variances as follows:

- (i) Variance. The restrictions in Section 6 apply, unless a variance has been granted by the Executive Director of the Environmental Services Business Center or his/her designee, when the applicant has demonstrated undue hardship and met the following criteria:
  - 1. The minimum water necessary per week to keep the lawn and landscaping alive and healthy has been determined, and a demonstration that such amount shall not be exceeded in any given week, and
  - 2. No malfunction and/or deficiency in the mechanical system exists, and
  - 3. Multi-zone systems and other delivery systems are demonstrated to most efficiently utilize the water available under criterion number 1.

Such criteria may be demonstrated through an audit provided by USDA Natural Resources Conservation Service, or by any comparable method that at least meets the standards used by this Service.

The applicant may appeal the Executive Director's determination as to a variance to the Board of County Commissioners and obtain an evidentiary hearing on the matter.

- (ii) Implementation Schedule: Applicants for variances shall be subject to Section 6 until a variance has been approved. Following approval the applicant shall have ten (10) working days to come into compliance with the terms of the variance.
- d. Prior to invoking the provisions of this Ordinance, any water use restrictions or other measures imposed by the District shall be published once a week for two (2) consecutive weeks in a newspaper of general circulation in Sarasota County.
- e. The rescinding of a declaration of a Water Shortage Condition shall not affect the liability of any Person issued a Citation during a prior Water Shortage Condition.
- f. The District has sole authority to rescind a Water Shortage Condition.

Section 7. of Ordinance 96-021 is hereby amended and restated as follows:

**SECTION 7. IMMUNITY FROM TRESPASS**

For purposes of discharging the duties imposed by this Ordinance, including investigation of possible violations and enforcement, a Code Enforcement Officer is empowered to enter without authority of any court of competent jurisdiction upon any private property, other than a dwelling unit, structure or a fenced enclosure. Officers shall be immune from prosecution for reasonable, good faith trespass upon private property, as provided in Section 810.12(5), Florida Statutes.

Section 8. of Ordinance 96-021 is hereby amended, renumbered and restated as follows:

## SECTION 8. VIOLATIONS

- a. It is a violation of this Ordinance for any Person to commit an act, or cause an act to be committed, in violation of any water use restrictions or other measures imposed by the District pursuant to Chapter 40D-21, Florida Administrative Code, as the same may be amended from time to time.
- b. It is a violation of this Ordinance for any Person to allow water to be dispersed in a grossly inefficient manner, regardless of the type of water use.
- c. It is a violation of this Ordinance for any Person to irrigate or cause to be irrigated lawns and landscaping by any method during or within one hour after a rainfall.
- d. It is a violation of this Ordinance for any Person to operate an Automatic Lawn Sprinkler/Irrigation System without an operational Automatic Rain Sensor Device or Switch.
- e. It is a violation of this Ordinance for any Person to fail to maintain an Automatic Rain Sensor Device or Switch connected to an Automatic Lawn Sprinkler/Irrigation System in operational condition.

Section 9 of Ordinance 96-021 is hereby amended and restated as follows:

## SECTION 9. WARNING NOTICES AND CITATIONS

- a. Prior to issuing a Citation, a Code Enforcement Officer may provide a Warning Notice to the Person. The Warning Notice shall specify that the Person has committed a violation of this Ordinance and must correct the violation immediately. If, upon Personal investigation, a Code Enforcement Officer finds that the Person has not corrected the violation, the Code Enforcement Officer shall issue a Citation to the Person who has committed the violation. If the Person has been previously issued a Warning Notice or Citation for the same prohibited activity or if the Person commits a violation of Section 8 (c) herein, the Code Enforcement Officer may immediately issue a Citation.
- b. A Code Enforcement Officer is authorized to issue a Citation to a Person when, based upon Personal investigation, the Officer has reasonable cause to believe that the Person has violated this Ordinance.
- c. After issuing a Citation to an alleged violator, the Code Enforcement Officer shall deposit the original Citation and one copy of the Citation with the Clerk of Court.
- d. The Person issued the Citation may contest the Citation by contacting the Clerk of the Court within thirty (30) calendar days of the Citation date and requesting a hearing. The Clerk shall then schedule a hearing in the County Court and shall provide written notice of the hearing to the Person and to the Code Enforcement Officer.

- e. If the Person issued the Citation elects not to contest the Citation, the person shall pay the applicable civil penalty to the Clerk of Court within thirty (30) days after issuance of the Citation.
- f. If the Person issued the Citation neither pays the civil penalty within the time allowed nor requests a hearing to contest the Citation, the person shall be deemed to have waived their right to contest the Citation and judgement may be entered against the Person for an amount up to the maximum civil penalty.
- g. Willful refusal to sign and accept a Citation issued by a Code Enforcement Officer by the cited Person issued the Citation shall be treated as a misdemeanor of the second degree, punishable as provided by Section 775.082 – 083, Florida Statutes.

Section 10 of Ordinance 96-021 is hereby amended and restated as follows:

**SECTION 10. PENALTIES**

- a. A violation of this Ordinance or any standard adopted herein is a civil infraction.
- b. The civil penalty for a civil infraction shall not exceed \$500.00 per violation.
- c. The following civil penalties are hereby established for violation of this Ordinance.

1.	Warning Notice	No civil penalty
	First Offense	\$100.00
	Second Offense *	\$300.00
	Third Offense **	\$500.00

\* within 12 months from date of first offense.

\*\* within 12 months from date of second offense.

- 2. An additional \$100.00 fine, per occurrence, will be charged for failure to operate an Automatic Lawn Sprinkler/Irrigation System with a functional Automatic Rain Sensor Device or Switch.
- d. Court costs may be imposed as provided by law.
- e. If, within thirty (30) days after issuance of the citation, the Person neither pays the civil penalty nor contests the citation, the Person shall be deemed to have waived his right to contest the citation and, in such case, the county court shall enter a judgment against the Person in the amount of the citation, plus court cost, recording fees and all surcharges required by this ordinance. Additionally, the court may issue an order to show cause upon the request of the County requiring such person to appear before the court to explain why action on the citation has not been taken. The court may hold in contempt any person who is issued such order and fails to appear in response to the court's directive.

- f. To the extent permitted by law, all civil fines and penalties shall be deposited in a separate revenue account named Water Conservation Revenues.

Section 11. of Ordinance 96-021 is hereby amended and restated as follows:

**SECTION 11. ENFORCEMENT**

- a. This Ordinance shall be enforced by the Executive Director of the Environmental Services Business Center or such other Persons as designated by the Executive Director or by the County Administrator.
- b. In addition to the enforcement procedures provided herein, the County may enforce this Ordinance by any other means provided by law and may further enforce this Ordinance by actions at law and in equity, including actions for injunctive relief, and if the County prevails in any such action, the County shall be entitled to its costs and reasonable attorneys fees incurred in such action.

Section 12. of Ordinance 96-021 is hereby amended and restated as follows:

**SECTION 12. SEPARATE VIOLATIONS**

Each day or fraction thereof that each violation set forth in Section 8 herein continues shall be considered a separate violation.

Section 13. of Ordinance 96-021 is hereby amended and restated as follows:

**SECTION 13. CONFLICT WITH STATE LAW**

In the event of a conflict between this Ordinance and Part II of Chapter 162, Florida Statutes, said statute shall prevail.

Section 14. of Ordinance 96-021 is hereby amended, renumbered and restated as follows:

**SECTION 14. SEVERABILITY**

In the event any portion of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portion of this Ordinance.

**SECTION 15. EFFECTIVE DATE**

This Ordinance shall take effect immediately upon receipt of official acknowledgment from the office of the Secretary of State of Florida that this Ordinance has been filed with said office.

PASSED AND DULY ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SARASOTA COUNTY, FLORIDA, this \_\_\_\_\_ day of \_\_\_\_\_, 2000.

BOARD OF COUNTY COMMISSIONER OF  
SARASOTA COUNTY, FLORIDA

BY: \_\_\_\_\_  
Chairman

ATTEST:  
KAREN E. RUSHING, Clerk of the  
Circuit Court and Ex-Officio Clerk  
Of the Board of County Commissioners  
Of Sarasota County, Florida

By: \_\_\_\_\_  
Deputy Clerk

ORDINANCE NO. 2001-081

AN ORDINANCE OF THE COUNTY OF SARASOTA AMENDING CHAPTER XXII OF THE SARASOTA COUNTY CODE TO ADD ARTICLE VI, WATER EFFICIENT LANDSCAPING REGULATIONS; BY PROVIDING FOR CONSISTENCY WITH STATE LAW AND THE COUNTY OF SARASOTA COMPREHENSIVE PLAN; PROVIDING FOR A SHORT TITLE; PROVIDING FOR AUTHORITY; PROVIDING FOR ADMINISTRATIVE STANDARDS; PROVIDING FOR PURPOSE AND INTENT; PROVIDING FOR DEFINITIONS; PROVIDING FOR GENERAL PROVISIONS AND DESIGN STANDARDS; PROVIDING FOR EDUCATION; PROVIDING FOR ENFORCEMENT; PROVIDING FOR VIOLATIONS AND PENALTIES; PROVIDING FOR VARIANCES; PROVIDING FOR CONFLICTS AND RELATIONSHIPS TO OTHER LAWS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AMENDMENT OF EXISTING REGULATIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR APPLICABILITY AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Sarasota County recognizes the need for and the protection of water as a natural resource through the application of enhanced landscape practices; and

WHEREAS, local governments are required by Sections 125.568 and 166.048, Florida Statutes (F.S.), to consider the adoption of water-efficient Landscaping Standards and further required by Section 376.62, F.S., to regulate the installation of rain sensor devices on automatic lawn sprinkler systems; and

WHEREAS, water-efficient landscaping maximizes the conservation of water by the use of site adapted plants and efficient watering methods; and

WHEREAS, water-efficient landscaping reduces energy expenditures in the individual landscape, directly impacting community energy expenditures via water pumping and treatment, manufacture and shipping of fertilizers, insecticide, and other gardening chemicals; and

WHEREAS, community-wide landscape water conservation efforts can save significant amounts of water; and

WHEREAS, the Board of County Commissioners, sitting as the Sarasota County Land Development Regulation Commission, has reviewed the Ordinance and found it to be consistent with the Sarasota County Comprehensive Plan.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS, SARASOTA COUNTY, FLORIDA:

Sections 22-151 through 22-161 of the Sarasota County Code are hereby created as Article VI of Chapter XXII to read as follows:

## ARTICLE VI

### Section 22-151. Short Title

This article shall be known and may be cited as the Sarasota County Water-Efficient Landscaping Regulations.

### Section 22-152. Purpose and Intent

It is the intent of this article to require resourceful landscape planning and installation, and water efficient irrigation, and to encourage appropriate maintenance measures to promote conservation of water resources.

### Section 22-153. Definitions

For the purpose of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section.

All words used in the present tense include the future; all words in the singular number include the plural and the plural the singular; the word "structure" includes the word "building;" the word "shall" is mandatory. The word "used" shall be deemed to include the words "arranged," "designed," or "intended to be used." Any word or term not interpreted or defined by this section shall be used with a common dictionary meaning of common or standard utilization.

*Assessed Value.* The value as published by Sarasota County's Property Appraiser's office.

*Automatic Controller.* A mechanical or electronic timer, capable of operating valve stations to set the days and length of time of a water application.

*Code Enforcement Officer.* Code Enforcement Officer as defined in Section 2-344.

*Constant Pressure/Flow Control.* A device that prevents continual cycling of irrigation pumps caused by low volume water use.

*Community Play Areas.* Common use areas composed of predominantly turfgrass used for functions such as picnics, outdoor games, and gatherings.

*Emitter.* Devices that are used to control the applications of irrigation water.

*Filter.* An inline device in irrigation distribution systems that filters out sediment or other foreign matter which could clog emitters.

*Ground Cover.* Plants, other than turfgrass, annual flowers and vegetables normally reaching an average maximum height of not more than twenty-four (24) inches at maturity.

*Hardscape.* Non-planted areas outside the building footprint, such as patios, decks, pools, driveways, walkways and the like.

*Irrigation System.* A permanent, supplemental electrically operated watering system designed to transport and distribute water to plants.

*Landscaped Area.* The entire parcel less the building footprint, driveways, non-irrigated portions of parking lots, hardscapes such as decks and patios, and other non-planted areas. Water features are included in the calculation of the landscaped area. This landscaped area includes Xeriscape as defined in 373.185(1)(b), F.S.



*Landscaping.* Any combination of living plants (such as grass, ground cover, flowers, shrubs, vines, hedges, or trees) and non-living landscape material (such as walkways, rocks, pebbles, sand, mulch, walls, fences, or decorative paving materials).

*Micro-irrigation.* The frequent application of small quantities of water directly on or below the soil surface through emitters placed along the water delivery tubes (laterals).

*Mulch.* Non-living, organic or synthetic materials used in landscape design to cover the ground surface, retard erosion and retain moisture.

*Pervious Paving Materials.* A porous asphaltic, concrete or brick surface.

*Plant Bed.* A grouping of trees, shrubs, and or ground covers growing together in a defined area devoid of turfgrass, normally using mulch around the plants.

*Pop-up Sprinklers.* Spray heads in lawns that pop up with water pressure and provide a continuous spray pattern throughout a given arc of operation.

*Pressure Tank.* A pressurized holding tank for irrigation water coming from wells to minimize cycling of the water pump.

*Pump Cycling.* Irrigation pump coming on and shutting off frequently during operation of irrigation systems.

*Rain Sensing Shutoff Device.* A component placed in the circuitry of an automatic lawn irrigation system which is designed to shutoff automatically a sprinkler controller when precipitation has reached a pre-set quantity.

*Repeat Violation.* A Repeat Violation as defined in Section 2-344.

*Rotor Sprinklers.* Sprinkler heads in lawn areas that provide water as they rotate through a set arc of operation.

*Runoff.* Water that is not absorbed by the soil or landscape to which it is applied and therefore flows from the area.

*Turf and/or Turfgrass.* Continuous plant coverage consisting of grass species that is mowed to maintain an established height.

*Valve.* A device used to control the flow of water in the irrigation system.

*Violator.* A Violator as defined in Section 2-344.

*Water Use Zone.* A grouping of sprays, sprinklers, or micro-irrigation emitters that can be operated simultaneously by the control of one valve according to the water requirements of the plants used.

## **Section 22-154. General Provisions and Design Standards**

The provisions of this article shall be applied to: 1) site and development plans reviewed under Article III of Chapter 74, including amendments to existing site and development plans for redevelopment, reconstruction, or expansion; 2) all new single and multi-family residential structures; and 3) any horizontal addition to a residential building, unless the applicant demonstrates that the value of the addition is less than 50% of the assessed value of the existing building or the addition is less than 50% of the footprint of the existing building.

Exempted from the provisions of this article include the following:

- Landscaping having no supplemental irrigation through a permanent in-ground system;
- Bonafide agricultural activities;
- Athletic fields;

- Golf Course play areas;
- Any development approved by a valid site development plan or a valid building permit prior to the effective date of this article;
- Grass in stormwater management areas;
- Grass in public rights-of-way;
- Community play areas; and
- Cemeteries.

(a) Landscape Planning and Installation

- (1) Plants with similar water requirements shall be irrigated on the same zone. Installed trees and other vegetation shall be spaced and located to accommodate their mature size on the site and not interfere with irrigation spray patterns of coverage. No plants shall be planted under roof overhangs. When utilizing organic mulch a minimum depth of 3" shall be applied in plant beds and around individual trees and palms.
- (2) High Irrigated Water Use Zone - An area of the site that shall be limited to a maximum of fifty (50) percent of the total irrigated landscape vegetated area. Plants and turf within this area require supplemental water throughout the year in addition to natural rainfall to survive or grow. This zone consists of turfgrass varieties, annual flowers, and residential vegetable gardens.
- (3) Low Irrigated Water Use Zone – An area of the site containing plants that require supplemental water only during seasonal dry periods.
- (4) Impervious surfaces and materials within the planted portion of the landscaped area shall be limited to borders, walkways, stepping stones, and other similar materials, and shall not exceed 10 % of the landscaped area.
- (5) The type, location, and shape of turf areas shall be determined in the same manner as with all the other plantings. Turf shall be placed so that it can be irrigated separately. Turf areas shall be no narrower than four (4) feet except when next to landscaping on contiguous properties.

(b) Efficient Irrigation

- (1) Irrigation systems shall be designed and installed for efficient and effective use of water to the landscaped area. Irrigation systems shall have separate High and Low Water Use Zones for independent operation. Turfgrass areas, annual flowerbeds and vegetable gardens shall be irrigated on separate irrigation zones from tree, shrub, and groundcover beds. No water spray from irrigation systems shall be applied under roof overhangs.
- (2) Sprinklers and rotors for turf areas shall be installed so as to minimize overspray onto paved surfaces, structures, and non-vegetated areas; minimize runoff of irrigation water; and operate at their designed overlap pattern of 75%-100% (A

pattern of 100% overlap would represent head-to-head coverage). Pop-up sprinklers and rotors will not be mixed in the same zone.

- (3) Reclaimed or other non-potable water source shall be used for irrigation if available. If the water supply for the irrigation system is from a well, a constant pressure flow control device or pressure tank with adequate capacity shall be required to minimize pump "cycling".
- (4) Micro-irrigation systems that have low volume emitters shall be required for tree, shrub and ground cover beds if permanent irrigation is provided for these areas. A "Y" type filter shall be installed at the head end of such systems. In-line pressure regulators to reduce pressure to no more than 15 P.S. I. shall also be utilized.
- (5) A rain sensing shutoff device shall be required on automatic irrigation systems to avoid irrigation during periods of sufficient rainfall. Said equipment shall consist of an automatic sensing device or switch which will override the irrigation cycle of the sprinkler system when adequate rainfall has occurred. It must be placed where it is exposed to unobstructed natural rainfall.

(c) Maintenance Schedule

- (1) A landscape maintenance checklist shall be provided to the property owner by the builder in a format prepared by the County. It shall include, but not be limited to, adjusting and repairing irrigation distribution equipment; calibrating the irrigation system; resetting the automatic controller; cleaning irrigation filters; checking the rain shut off device; replenishing mulch; and pruning plants and cutting grass around sprinkler heads. Further, the builder shall inform the owner of the current irrigation restrictions adopted by the Southwest Florida Water Management District and Sarasota County.
- (5) The builder shall provide the property owner with all warranty information for the irrigation system.
- (3) The information required above shall be provided to the owner by posting or hanging it next to the irrigation controls.

**Section 22-155. Enforcement**

(a) Certification

The builder, landscape architect, irrigation contractor or landscape contractor licensed, registered, or certified by the State of Florida or Sarasota County shall conduct a final field inspection. A certificate of compliance with the article and an as built drawing of the irrigation system shall be provided to the County and property owner prior to obtaining a certificate of occupancy. If the landscaping is installed by the property owner, the owner shall act as certifying agent.

(b) Inspections

- (1) The Code Enforcement Officer or designated inspectors shall be authorized and empowered to make inspections at reasonable hours of all land uses or activities regulated by this article in order to insure compliance with the provisions of the article.
- (2) For purposes of discharging the duties imposed by this article, including investigation of possible violations and enforcement, a code enforcement officer is empowered to enter without authority of any court competent jurisdiction upon any private property other than a dwelling unit, structure, or fenced enclosure. Officers shall be immune from prosecution for reasonable, good faith trespass upon private property as provided in Section 810.12(5), F.S.

**Section 22-156. Enforcement by Other Means.**

The requirements adopted herein are enforceable through the processes provided in Article VIII of Chapter 2. In addition, the County may enforce this article by any other means provided by law, and may further enforce this article by actions at law and in equity, including actions for injunctive relief, and if the County prevails in any such action, the County shall be entitled to its costs and reasonable attorney fees incurred in such action.

It shall be the duty of all law enforcement officers to assist in making inspections when the Code Enforcement Officer or inspector requests such assistance.

**Section 22-157. Variances and Appeals**

Under the process for building code variances and appeals provided in Section 22-34, the Board of Building Code Board of Adjustments and Appeals is hereby authorized to hear appeals of administrative determinations and grant variances in accordance with stated provisions and can attach conditions to variances granted.

**Section 22-158. Conflicts and Relationships to Other Laws**

Whenever regulations or restrictions imposed by this article conflict with other ordinances or regulations, the regulations, rules or restrictions which are more restrictive or which impose the highest standards or requirements shall govern. Where any provision refers to another provision, code, statute, regulation, or other document, it refers to most current version in effect, incorporating any subsequent amendments.

**Section 22-159. Severability**

This article and the various parts, sections, subsections and clauses thereof, are hereby declared to be severable. If any part, sentence, paragraph, subsection, section or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of the article shall not be affected thereby. If any part, sentence, paragraph, subsection, section or clause be adjudged unconstitutional or invalid as applied to a particular property, building, or other structure, it is

hereby provided that the application of such portion of the article to other property, buildings or structures shall not be affected thereby.

**Section 22-160. Applicability**

The provisions of this article shall apply throughout the unincorporated area of Sarasota County.

**Section 22-161. Sunset Provision**

This article shall be automatically repealed on October 1, 2008, unless otherwise amended or ratified by the Board of County Commissioners.

This ordinance shall take effect sixty days after adoption.

PASSED AND DULY ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SARASOTA COUNTY, FLORIDA, this 13<sup>th</sup> day of November, 2001.

BOARD OF COUNTY COMMISSIONERS  
OF SARASOTA COUNTY, FLORIDA

By: [Signature]  
Chairman

ATTEST:  
KAREN B. RUSHING, Clerk of  
the Circuit Court and  
Ex-Officio Clerk of the Board  
of County Commissioners of  
Sarasota County, Florida.

By: [Signature]  
Deputy Clerk

STATE OF FLORIDA  
COUNTY OF SARASOTA  
I HEREBY CERTIFY THAT THE FOREGOING IS A  
TRUE AND CORRECT COPY OF THE ORIGINAL FILES  
IN THIS OFFICE WITNESS MY HAND AND OFFICIAL

SEAL THIS DATE 11/27/01  
KAREN B. RUSHING, CLERK OF THE CIRCUIT COURT  
EX-OFFICIO CLERK TO THE BOARD OF COUNTY  
COMMISSIONERS, SARASOTA COUNTY, FLORIDA  
BY: [Signature]  
DEPUTY CLERK