



**NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF OVIEDO, FLORIDA, AS FOLLOWS:**

**SECTION 1. LEGISLATIVE INTENT AND PURPOSE.**

(a) The recitals to this Ordinance (Whereas clauses) are hereby adopted by the City Council of the City of Oviedo as the legislative intent and purpose of this Ordinance.

(b) It is the intent and purpose of this Ordinance to implement provisions, processes and procedures that promote water conservation through the more efficient use of landscape irrigation within the City of Oviedo.

(c) The City Manager may delegate decision making authority hereunder to a person or City staff whom the City Manager deems appropriate.

**SECTION 2. DEFINITIONS.** For the purpose of this Ordinance and the administrative actions of the City, the following terms, phrases, words and their derivatives shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural include the singular, and words in the singular include the plural. The following words shall be defined as follows:

(a) "Address" means the house number of a physical location of a specific property. This includes "rural route" numbers but excludes post office box numbers. If a lot number in a mobile home park or similar community is used by the U.S. Postal Service to determine a delivery location, the lot number shall be the property's address. An "even numbered address" means an address ending in the numbers 0, 2, 4, 6, 8 or the letters A-M. An "odd numbered address" means an address ending in the numbers 1, 3, 5, 7, 9 or the letters N-Z.

(b) "District" means the St. Johns River Water Management District.

(c) "Person" means any person, firm, partnership, association, corporation, company, or organization of any kind.

(d) "Landscape irrigation" means the outside watering of plants in a landscape such as shrubbery, trees, lawns, grass, ground covers, plants, vines, gardens and other such flora that are situated in such diverse locations as residential areas, cemeteries, public, commercial, and industrial establishments, and public medians and rights of way. "Landscape irrigation" does not include golf course greens, tees, fairways, primary roughs, and vegetation associated with intensive recreational areas such as, but not limited to, playgrounds, and football, baseball and soccer fields.

**SECTION 3. IRRIGATION SCHEDULES.**

(a) Landscape irrigation at odd numbered addresses may only occur on Wednesdays and Saturdays and must not occur between 10:00 a.m. and 4:00 p.m. on the days specified.

(b) Landscape irrigation at even numbered addresses or no numbered addresses may only occur on Thursdays and Sundays and must not occur between 10:00 a.m. and 4:00 p.m. on the days specified.

(c) No landscape irrigation shall occur on Mondays, Tuesdays or Fridays unless a written variance has been previously granted by the City or is otherwise excepted pursuant to Section 4 below.

NOTE: Subject to the exceptions listed in Section 4 below, it is prohibited and unlawful to irrigate landscaping inconsistent with the provisions of this Section.

**SECTION 4. EXCEPTIONS TO LANDSCAPE IRRIGATION SCHEDULE.**

Landscape irrigation shall be subject to the following irrigation schedule exceptions:

- (a) Irrigation using a micro-irrigation system is allowed at anytime.
- (b) Irrigation of new landscape is allowed at any time of day on any day for the initial 30 days and every other day for the next 30 days for a total of one 60-day period, provided that the irrigation is limited to the minimum amount necessary for such landscape establishment. Receipts and/or documentation may be required for proof of new landscape materials purchased
- (c) Watering in of chemicals including, insecticides, pesticides, fertilizers, fungicides, and herbicides when required by law, the manufacturer or best management practices is allowed at anytime within twenty-four (24) hours of application.
- (d) Irrigation systems may be operated anytime for maintenance and repair purposes not to exceed ten (10) minutes per hour per zone.
- (e) Irrigation using a hand-held hose equipped with an automatic shut-off nozzle is allowed at anytime.
- (f) Discharge of water from a water-to-air air conditioning unit or other water dependent cooling system is not limited.
- (g) For reclaimed water customers of the City, the use of water from a reclaimed water system for landscape irrigation is allowed only in accordance with the landscape irrigation schedule and the exceptions thereto. For users of reclaimed water who are not customers of the City, the use of water from a reclaimed water system is allowed anytime. For the purpose of this paragraph, a reclaimed water system includes systems in which the primary source is reclaimed water, which may or may not be supplemented from another source during peak demand periods.
- (h) The use of recycled water from wet detention treatment ponds for irrigation is allowed anytime provided the ponds are not augmented from any ground or off-site surface water, or public supply sources.

**SECTION 5. RELIEF FROM SPECIFIC DAY OF THE WEEK LIMITATIONS.**

(a) A Variance from the Section 3 landscape irrigation schedule of this Ordinance above may be granted by the City Manager only if strict application of that schedule would lead to unreasonable or unfair results in particular instances, provided that the applicant demonstrates, with particularity to the City Manager, that compliance with the schedule will result in a substantial economic, health or other hardship on the applicant requesting the variance or those served by the applicant.

(b) Where a contiguous property is divided into different zones, a variance may be granted hereunder in order that each zone may be irrigated on different days than other zones on the property; provided, however, that no single zone may be irrigated more than two (2) days a week.

**SECTION 6. APPEALS.** Decisions of the Enforcement Official may be appealed in writing to the Public Works Director or his/her designee within ten (10) days of the Enforcement Official's decision.

**SECTION 7. ENFORCEMENT OFFICIALS.** The City Manager may delegate enforcement responsibility relating to this Ordinance to such personnel and departments of the City as deemed appropriate.

**SECTION 8. FEES.**

(a) First time violation of the above shall result in a written warning notice to user either by door hanger, fax, mail, and/or hand delivery.

(b) Second time violation of the above shall result in a \$75.00 water service penalty imposed on the water service portion of the utility bill and a written notice.

(c) Third and all additional violations of the above shall result in a \$150.00 water service penalty imposed on the water service portion of the utility bill and a written notice.

(d) Violators with greater than three (3) violations shall have water service disconnected until all water service penalties have been paid.

**SECTION 9. PENALTIES.** Any person violating any of the provisions of this Ordinance shall be punished to the maximum extent as provided in State law. The City may engage in any code enforcement activities and processes, as it deems appropriate under the circumstances.

**SECTION 10. CODIFICATION.** It is the intent of the City Council of the City of Oviedo that the provisions of this Ordinance shall become and be made a part of the *Code of Ordinances of the City of Oviedo* and that the provisions of this Ordinance may be renumbered or relettered; provided, however, that the provisions of Sections 11, 12, and 13 shall not be codified. When

appropriate word and such other organizational words and phrases may be, likewise, altered. The Code codifier is hereby granted broad and liberal authority to codify the provisions of this Ordinance.

**SECTION 11. SEVERABILITY.** The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses or phrases of this Ordinance, but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part; provided, however, that this Ordinance shall be construed in a manner that protects the property rights of the City of Oviedo.

**SECTION 12. CONFLICTS.** All ordinances or part of ordinances in conflict with this Ordinance are hereby repealed.

**SECTION 13. EFFECTIVE DATE.** This Ordinance shall become effective upon enactment by the City Council.

FIRST READING: April 2, 2007  
SECOND READING: May 7, 2007  
PASSED AND ADOPTED THIS 7th day of May A.D., 2007.



**THOMAS G. WALTERS**  
MAYOR of the City of Oviedo, Florida

ATTEST:



**BARBARA J. BARBOUR**  
CITY CLERK

