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2009 MAR 24 AM 11:24
DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

ORDINANCE NO. 09- 13

AN ORDINANCE OF PINELLAS COUNTY PROVIDING THAT THE PINELLAS COUNTY CODE BE AMENDED BY ADDING A NEW SECTION 82-3 TO CHAPTER 82 OF THE PINELLAS COUNTY CODE; PROVIDING DEFINITIONS; PROVIDING FOR SEASONAL IMPLEMENTATION OF RESTRICTIONS ON THE USAGE OF RECLAIMED WATER; PROVIDING FOR A USAGE SCHEDULE BASED UPON TIME OF YEAR, DAYS PER WEEK AND TIME DURING DAY; PROVIDING FURTHER USAGE RESTRICTION BASED UPON ADDRESS; PROVIDING FOR VARIANCES; PROVIDING PENALTIES FOR NON-COMPLIANCE; PROVIDING FOR APPEALS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AUTHORIZATION TO INCLUDE IN CODE; PROVIDING FOR FILING; PROVIDING FOR AN EFFECTIVE DATE AND PROVIDING FOR OTHER MODIFICATIONS THAT MAY ARISE FROM REVIEW OF THE ORDINANCE AT THE PUBLIC HEARINGS AND WITH RESPONSIBLE AUTHORITIES.

WHEREAS, the COUNTY OF PINELLAS, Florida, hereinafter referred to as COUNTY, recognizes that highly treated reclaimed water from Pinellas County water reclamation facilities is an environmentally beneficial resource; and

WHEREAS, use of reclaimed water for irrigation saves potable water which maximizes society's goal of saving precious natural resources; and

WHEREAS, potable water is a valuable resource which should be conserved, particularly in coastal communities and in communities which do not have their own potable water resources; and

WHEREAS, the COUNTY recognizes that one of the most viable and effective potable water conservation alternatives available is reclaimed water; and

WHEREAS, the COUNTY recognizes that reclaimed water is an alternate water source for irrigation that has been exempt from watering restrictions even under drought conditions; and

WHEREAS, reclaimed water is provided at a lower cost to consumers than irrigating with potable water which reduces potable water bills; and

WHEREAS, reclaimed water beautifies communities by enhancing the appearance of lawns and landscaping; and

WHEREAS, reclaimed water is safe when used as intended; and

WHEREAS, reclaimed water increases the value of private property by providing an additional useful utility to preserve and enhance the asset; and

WHEREAS, the COUNTY has made reclaimed water available for reuse in its retail water service area in an effort to further conserve its potable water resources; and

WHEREAS, the COUNTY financed the construction of the distribution portion of the reclaimed water system through application of an availability charge to properties within its reclaimed water use service area, which properties receive the benefit of distribution mains constructed to the property to provide service; and

WHEREAS, the COUNTY owns, operates and maintains the reclaimed water system in a reliable and professional manner; and

WHEREAS, the University of Florida Institute of Food and Agricultural Sciences (IFAS) has determined through research that in all but the most severe drought conditions, irrigation two to three days a week is sufficient for maintaining healthy lawns and landscapes; and

WHEREAS, the COUNTY has found that many reclaimed water customers irrigate more than necessary to maintain healthy lawns and landscapes and may be damaging their lawns and landscapes by overwatering; and

WHEREAS, during the dry months of the year, overuse of reclaimed water causes significantly reduced pressures and volume of flow to many reclaimed water customers and may require the interruption of service until overuse subsides in order to avoid damage to pumping equipment at the water reclamation facilities.

NOW, THEREFORE, be it ordained by the Board of County Commissioners of Pinellas County, Florida:

Section 1. The Pinellas County Code is amended by adding a new Section 82-3 to Chapter 82 of the Pinellas County Code entitled “County Reclaimed Water Shortage Conservation Measures” which provides:

Sec. 82.3 County Reclaimed Water Shortage Conservation Measures.

(a) *Definitions.* Terms used but not otherwise defined in this section shall be defined as in Rule 40D-22, Florida Administrative Code (F.A.C.).

- **Director:** The Director of the Utilities Department or his designee.
- **Low volume irrigation:** The use of equipment and devices specifically designed to both limit the volume of water being applied and efficiently deliver that water within the root zone of the plant. Examples of low-volume irrigation include hand watering, microirrigation (emitters and drip tubes) and soaker hoses.
- **Overhead irrigation:** The use of equipment and devices, which deliver water under pressure, through the air, above the level of the plant being irrigated.
- **Reclaimed water:** Water that has received at least secondary treatment with high level disinfection pursuant to Chapter 62-610, F.A.C.
- **Reclaimed water system:** The network of pipes, pumps and other appurtenances, as described in Article III of Section 126 of the Pinellas County Code, and which

transports reclaimed water from a water reclamation facility and delivers it to the reclaimed water user.

- **Reclaimed water user:** The owner of the real property on which reclaimed water application is occurring, a tenant with current right to occupancy of the real property on which reclaimed water application is occurring, the local management person in control of the day to day activities on real property on which reclaimed water application occurring, or the county utilities account holder for the real property on which reclaimed water application is occurring.
- **Retail service:** Each account to which reclaimed water is provided in relatively small quantities for irrigation, primarily single family residential, commercial or industrial customers, for which a periodic billing is made at the retail billing rate adopted by the Board of County Commissioners.
- **Sanitary sewer collection system:** A network of pipes that receives the wastewater from a community and conveys it to a water reclamation facility for treatment.
- **Wastewater:** The spent water from a community, previously used for cooking, bathing, toilet flush, etc. that is discharged to a sanitary sewer collection system.
- **Water reclamation facility:** A system of tanks that clean wastewater through a series of processes to remove organics, solids and other deleterious material and/or compounds from the waste stream and disinfects the treated water so as to render it of such quality as to be able to apply it to public access areas and residential lawns and landscapes.

(b) *Violation of year-round conservation measures.* Any violation of the Southwest Florida Water Management District Chapter 40D-22 F.A.C. Year-Round Water Conservation Measures that pertains to usage of reclaimed water shall be a violation of this section.

(c) *Additional restrictions.* Overhead irrigation of established lawns and landscaping by reclaimed water supplied directly from the COUNTY reclaimed water system to a reclaimed water user is further restricted as follows:

(1) Low volume irrigation of landscaping and lawns shall not be further restricted except in accordance with Rule 40D-22, F.A.C.

(2) Annually during two separate periods of the year, from April 1 to June 30 and from October 1 to November 30, unless excepted herein, permitted overhead irrigation of established lawns and landscaping by reclaimed water shall be limited to three days per week as follows:

- a. At addresses ending in 1, 3, 5 ,7 ,9 (“house numbers”), or a mix of addresses, or for which an address can not be determined, such as common areas associated with a residential subdivision, on Wednesday, Friday and Sunday;
- b. At addresses ending in the numbers 0, 2, 4, 6, 8 (“house numbers”) on Tuesday, Thursday and Saturday;
- c. Overhead irrigation is prohibited between the hours of 10:00 a.m. to 4:00 p.m. on permitted days and is prohibited at all times on Mondays;
- d. Overhead irrigation of properties at any other time, or any other day, is unlawful and a violation of this section; and

- e. Establishment period watering for lawn and landscaping and irrigation for the purpose of watering in fertilizers, insecticides, fungicides, and herbicides is in accordance with 40D-22 F.A.C.
- f. The Director may suspend implementation of limitations on reclaimed water usage based upon consideration of the following factors:
 - 1. Excess reclaimed water in the storage facilities at the water reclamation facilities; or
 - 2. Extended period of seasonal rainfall

(3) In accordance with Section 126-511 of the Pinellas County Code: “The Director shall have the authority to establish schedules which restrict the use of the reclaimed water system at certain times in order to reduce maximum pressure demands on the system and to regulate usage during periods of limited reclaimed water availability”.

(d) Penalties. Violations of this section are punishable as provided in Section 1-8 of The Pinellas County Code. More than three violations in any one calendar year may result in reclaimed water service being terminated.

e) Area embraced. All territory within the legal boundaries of Pinellas County, Florida, that are served directly by the COUNTY reclaimed water system as retail service, are subject to this section.

(f) Variances.

(1) *Authority.* The County Administrator or his designee may grant a variance from the terms of this section when such variance will not be contrary to the public interest and where, owing to special conditions, a literal enforcement of the provisions of this section would result in hardship, irrigation system limitations, religious convictions or the health and safety of

the applicant. Such variance shall not be granted by the County Administrator or his designee unless or until a written application for a variance shall be submitted to the County Utilities Department demonstrating that:

- a. The variance shall not be in conflict with any other applicable ordinance or state law.
- b. The variance will not adversely affect the reclaimed water supply.
- c. The variance will not violate the general spirit and intent of this section nor will it be inconsistent with the County Comprehensive Plan.

(2) *Approval by the County Administrator.* The County Administrator or his designee shall consider a variance from the terms of this section as soon as possible after submittal of the written application heretofore. In granting any variance, the County Administrator or his designee may prescribe appropriate conditions and safeguards to assure conformance with the criteria listed in subsection (f) (1) of this section. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this section.

(3) *Appeal.* The applicant for a variance may appeal the denial of a variance by requesting a hearing before the Board of County Commissioners. The applicant shall have 15 days from receipt of notice of denial of the variance to request a hearing. The hearing shall occur as soon as reasonably practicable, but in no event later than 35 days after receipt of the request for the hearing. The hearing shall provide for adequate due process as constitutionally required in any quasijudicial proceeding. The Board of County Commissioners may uphold the denial of the variance, grant the variance, or grant a variance with such terms and conditions as it deems necessary to assure conformance with the criteria listed in subsection (f)(1) of this section.

Section 2. If any section, subsection, sentence, clause, phrase, or provision of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not be construed to render the remaining provisions of this ordinance invalid or unconstitutional.

Section 3. The provisions of this ordinance shall be included and incorporated in the Pinellas County Code as an addition or amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Pinellas County Code.

Section 4. Pursuant to Section 125.66, Florida Statutes, a certified copy of this ordinance shall be filed with the Department of State by the Clerk of the Board of County Commissioners within ten (10) days after enactment by the Board of County Commissioners. This ordinance shall become effective upon filing of the ordinance with the Department of State.

APPROVED AS TO FORM.

By Joseph A. Moriney
County Attorney

STATE OF FLORIDA

COUNTY OF PINELLAS

I, KEN BURKE, Clerk of the Circuit Court and Ex-officio Clerk to the Board of County Commissioners, in and for the State and County aforesaid, DO HEREBY CERTIFY that the foregoing is a true and correct copy of an Ordinance adopted by the Board of County Commissioners of Pinellas County, Florida, on March 17, 2009 relative to:

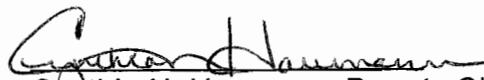
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IN WITNESS WHEREOF, I hereunto set my hand and official seal this March 20, 2009.

KEN BURKE
Clerk of the Circuit Court
and Ex-officio Clerk to the
Board of County Commissioners

By:


Cythia N. Haumann, Deputy Clerk

